

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

**PLANNING COMMISSION
MEETING MINUTES
7:30 PM
OCTOBER 12, 2010**

A Regular Meeting of the Planning Commission of the Township of Salisbury was held at the Township Municipal Building located at 2900 South Pike Avenue, Allentown, Lehigh County, Pennsylvania. Present were Commissioners Miller, Licht, Schreiter, Hebelka, Hassick and Beck. Also present were Mr. Tettermer, Township Engineer; Attorney Ashley, Township Solicitor and Ms. Sopka, Director of Planning & Zoning. Mr. Soriano, Township Manager and Commissioner McKitish (excused absence) were not present.

CALL TO ORDER

Mr. Beck called the meeting to order.

APPROVAL OF THE MINUTES

On motion of Mr. Miller, seconded by Mr. Hassick, the Planning Commission voted 6-0 to approve the September 14, 2010 Planning Commission Meeting Minutes, there were no objectors.

1600 Riverside Drive – Conditional Use Application and Land Development Plan Review

The County of Lehigh has submitted plans to address both the requirements of the Conditional Use Application and the Land Development of the proposed Lehigh County Medical Detoxification Facility to be co-located in the (I) Industrial Zoning District adjacent to the existing Lehigh County Treatment Center/Work Release Program. In accordance with Salisbury Township Zoning Ordinance 27-119, certain uses such as “Treatment Center” requires review by the Planning Commission and the Board of Commissioners; concurrently the Applicant, Lehigh County, is proceeding with the Land Development in accordance with Salisbury Township SALDO Chapter 22 Part 5 Preliminary Plan for Land Development.

Present were Edward J. Andres, Esquire, Lehigh County Assistant Solicitor; Amit Mukherjee of Base Engineering; Ms. Darby George, Lehigh County Drug Alcohol Administrator; Glenn Solt, Lehigh County Director of Capital Projects; Jan Creedon, Director of Human Services and Dominic Marfisi of White Deer Run .

Mr. Tettermer highlighted the Township Engineer’s review letter dated October 6, 2010 and stated that this Use requires Conditional Use approval, and that the existing Conditional Use approval for the site is restricted to residents of Lehigh and Northampton Counties. He stated that the Chief of Police will need to comment on a few items, such as the upgrade of the gravel road, accessibility for police vehicles and the removal of one 12 foot high security fence.

Mr. Tettermer reviewed additional requirements of lighting, submission of the Plan to emergency service personnel and the City of Bethlehem for review, traffic studies, and the required waivers. He stated that the project is located within the Catasauqua Creek Act 167 Plan and is listed as a conditional no-detention area. Mr. Tettermer addressed the SALDO requirements of basin bottom slopes, infiltration/testing, the post-watersheds, post-development, grading, watersheds and existing sanitary sewer line relocation from proposed basin and from underneath the proposed building.

Mr. Tetterer concluded that approval would not be recommended until all of the items are addressed for this Land Development Plan.

Ms. Sopka highlighted her review letter dated October 4, 2010 and concurred with the recommendations of the Township Engineer, except Item #9. She stated that since many items need to be addressed and resolved it will alter the submitted Site Plan; therefore, it is recommended that the Site Plan be evaluated as a Preliminary Land Development Plan.

Attorney Andres responded to Ms. Sopka's review comments, referencing Item #3, indicating the private road being owned by the County and Harris Rebar since 1996, and the criteria for the public street would not apply because the Plan was not submitted with respect to Riverside Drive being a public street. Mr. Tetterer responded indicating Norfolk Southern owes the property and there are agreements for accesses, and although Norfolk Southern owns this private road, they have no authority to offer it for dedication to the Township to become a public road; therefore, it will remain as it is.

Attorney Andres indicated Items #4 and Item #5 were addressed with the Zoning Hearing Board and the Conditional Use process currently is being undertaken.

Mr. Beck stated that the Salisbury Police Department takes care of that area and they should have knowledge of what is taking place at the Correctional Center/proposed Treatment Facility, and knowledge of each individual that will be serviced at this proposed facility.

Attorney Andres stated that the conditions imposed by the Board of Commissioners on December 22, 2009 addressed individuals that were sentenced to the Correctional Facility, but the proposed detox facility has a broader catchment area and is not limited to the Lehigh/Northampton Counties. He indicated State Privacy Rules restricts disclosure of the names of each individual and indicated they will provide the Township with a description of the type of patients that are being treated and the types of services provided. He believes that this information will be satisfactory for Section 402.C.C.C of the Zoning Ordinance.

Mr. Dominic Marfisi of White Deer Run stated that under the Department of Human Services, the County of Lehigh has the need to provide these services for this area. Although the County currently does provide services to its residents, depending on the type of treatment, they are required to send individuals to out-of-county facilities at a greater cost to the taxpayers. He stated that with this proposed facility, there will be a significant cost savings to Lehigh County, as well as a better treatment component and employment for surrounding individuals.

Mr. Schreiter stated that his concern is importing individuals from surrounding states. Attorney Andres stated that these individuals would be transported on a secondary basis and upon availability. Mr. Marfisi stated the primary individuals are from Lehigh County and the secondary are contiguous Counties to Lehigh. Mr. Hebelka corrected Mr. Marfisi, stating that according to the program description, the primary catchment area is Lehigh County and surrounding Counties, secondary catchment area is the entire state of Pennsylvania and all States contiguous. Attorney Andres concurred with Mr. Hebelka.

Mr. Schreiter continued, stating that if individuals from surrounding States are transferred here, a profit will be made from those States; therefore, changing the entire picture of what is proposed. Ms. Darby George, Lehigh County Drug and Alcohol Administrator, stated that when the number of beds were determined, they took the average number of the base service dollar funded clients (taxpayer clients) verses the number of Medical Assistance eligible clients for this program. She stated that the individuals transferred from surrounding areas would be because of the "worst state of economy" and if there is astronomical number of beds available, they must be filled to support this program. Mr. Schreiter stated

that the Township is small and continues to provide for non-taxpaying facilities. Attorney Andres stated that it is a non-profit program. Discussion continued regarding White Deer Run status as profit or non-profit.

Mr. Schreiter stated the number one goal is to service the people from Lehigh/Northampton counties. Mr. Solt stated that the cost for the specific number of beds is based on the minimum dollar amount required to run a facility which is zero profit. Mr. Beck stated he believes that the Township should be compensated from this proposed facility because the Township/Salisbury Police are taking care of that area with resident's tax dollars. Ms. George stated that each County gives an allocation for Drug and Alcohol Services.

Mr. Hebelka inquired as to the type of patients treated and would they have a criminal offense. Ms. George stated that individuals with any criminal background would have already been sentenced, served their time and could then access treatment as a result of serving their time and/or completing a probation.

Mr. Hebelka inquired if they could convey other facilities ratio's as far as the reasons individuals are being treated and which treatment phases are taken. Ms. George stated that alcohol treatment is the same for each individual and voluntary. There are two phases of treatment, the detox phase and the rehab phase. These individuals reside there and do not leave the premises, however they are allowed scheduled visitation on specific days.

Mr. Miller inquired what the percentage rate is for the number of primary catchments verses secondary. Mr. Solt stated that approximately 70 % of the patients in a County are directly from that County. A few examples were verbally given to the Planning Commission. A small discussion continued regarding the facilities 24-hour supervision that is required per the Department of Licensing.

Attorney Andres continued to address Item #6 stating that there will be approximately 9.5 additional parking spaces than what is required, and as they proceed through the review process and finalize the Plan, they will address items regarding the parking spaces and lighting information, and recreation area.

Mr. Tettermer asked that he be provided a traffic generation report because the entire facility (both buildings) will generate more traffic; therefore, it needs to be determined if further traffic studies will be required.

Mr. Mukherjee addressed Item #23 and stated that the site is in the 100 year flood plain but the buildings will be placed above the 100 year flood plain. Identified on the Plan submitted are two wetland areas, one on the southern portion and one on the northern portion of the property. A copy of the 2009 report was provided. Although the area does qualify as a wetland, he believes these are stormwater management related and provided an example.

Ms. Sopka stated that she did not have a copy of the 2009 formal wetlands report. She indicated that she visited the site on October 6, 2010 to confirm if the parking area at the entrance of the facility was paved, and noticed the water was very high towards the rear of the property and stated that if it is a wetland it requires a 50 foot easement per SALDO requirements. A small discussion continued regarding the testing and identification of the wetlands. Mr. Tettermer stated that it needs to be clarified that all wetlands determined by the consultant are shown on the Plan.

There was discussion about Item #25 referencing the two access roads of Harris Rebar. Mr. Solt stated that at the September 1, 2010 meeting with the Chief of Police, they discussed and agreed that the connecting road would only be used by the Police Department for an emergency situation. Mr. Solt noted that the facility is designed to stand alone without the additional access road.

Mr. Mukherjee referenced the stormwater in Item #24C and believes it would not be necessary because the low point of the property is on the northern part, not requiring detention or stormwater infiltration and this would be specified after the NPDES permit process is completed.

Mr. Mukherjee discussed the security fencing. There are two 12 foot high barbwire fencing around the property, and proposes the removal of the outer fence and the inner fence barbwire and relocate the fence to have a physical separation between facilities.

Ms. Sopka inquired if there will be any fencing around the perimeter of the proposed facility. Mr. Solt stated there is no fencing; however, they do not allow any patients to walk off the property, they are escorted for departure. He provided verbal examples and discussion continued. Mr. Hebelka inquired if other facilities in Pennsylvania are similar to this, and if there are instances where the local police need to be utilized and how often. Mr. Solt provided an instance and stated on average, including all types of emergency and false alarms, emergency personnel would be contacted twice a month.

Mr. Beck made the request of Ms. Sopka to read the statement of Mr. McKitish dated October 10, 2010 relative to 1600 Riverside Drive which addresses his concerns and additional questions regarding compatibility with the surrounding zones and the assurance of safety.

Mr. Schreiter stated that his concern is, if they get conditional approval, that they will submit another application to increase the size of the facility allowing more individuals from out of state. This facility was to be a temporary site when first approved and it is growing. Attorney Ashley reviewed the conditional approval process and stated that the Township can impose reasonable conditions in any approval.

Mr. Miller stated that he reviewed the Site Plan and noticed there are two monitoring wells on the property and two monitoring wells off the property. Mr. Miller inquired why the wells are there and if this is a contaminated area. Mr. Mukherjee stated that he believes they existed because they were not placed by the County, however they will look into this.

Mr. Licht stated that he was interested on how they determined the 31 bed request based on experiential data, and inquired if that data could be provided for review because he would like to know how many individuals are in need of this type of service. Ms. George stated the numbers have been received from their primary assessment site, Lehigh Assessment Intake Unit. She reviewed the data from the last three years, explained the process of placement, and offered how frustrating it is when rehab bed placement is unavailable in their County; therefore, the individual is transferred out of their local area for service and misses the family component part of the program.

Mr. Beck inquired about the White Deer Run Organization. Mr. Solt stated that White Deer Run is involved because they are providing service, personnel and the expertise that the County cannot provide. It is his understanding that there has been great success with them.

Mr. Beck opened the floor **for public comment**.

Ms. Janet Keim, resident, stated that regional planning is what should be reviewed. She expressed her concern that the existing and future building is located in Walking Purchase Park. She stated that next to industry, tourism is the second income producing activity that any Municipality/Government can have. This park is a historic area and was the beginning of Lehigh Valley. She inquired about the Comprehensive Plan and this being dedicated for open space. She stated to consider using smart growth

and inquired why the already existing closed Allentown State Hospital can't be used for their facility. Ms. Keim did express her thankfulness to the County for having a beautiful park in that area.

Ms. Keim inquired about the increasing Lehigh County tax, the Capital Budget for this facility, where the money is coming from, and if ever considered, would this building be able for resale to a private corporation after development.

Ms. Keim concluded with her interpretation of out of County residents. She inquired if an individual is sent out of County for services we the residents of that County pay for them, but if a resident from another location is placed to this County, the insurance company pays? She asked for clarification.

Mr. Solt responded and advised Ms. Keim that the money for the \$2.7 - \$3 million dollar facility is State money. Ms. Creedon stated that it is funded with reinvestment dollars coming from the State and explained how the monies are obtained and applied from Health Choice for all Counties. She also stated that if there is money remaining, it is reinvested into Capital Projects.

Ms. Creedon referred to Walking Purchase Park and Ms. George offered a list of CRC Health facilities across the Country that are located next to beaches, public mountains, deserts and state farm land.

Mr. Solt stated that every County is given an amount of State/Federal money to treat drug and alcohol consumers. He explained insurance rates, how the rates are based on a market value per day and how this amount is used for the stay of the individual. There are four funding elements for these individuals, either by Lehigh County, Managed Medicaid, commercial insurance or out-of-pocket.

Mr. Beck expressed his concern about the Township and taxpayers dollars used for this facility with no compensation from the County. Ms. Keim stated that originally when the Correction Facility was opened the County gave the Township one paid Police Officer but that has since changed.

Mr. Beck expressed his concerns about not having any information on these individuals. Mr. Solt addressed the confidentiality of each individual is required but if a crime has been committed, he will assist the Police Department with any information required.

Attorney Andres stated that per the Township Engineer's letter, they acknowledge that an additional Conditional Use needs to be approved and will address the changes and add an additional exterior fire hydrant. However, they disagree with Mr. Tettemer's review letter regarding reservation of parking was not required in the most recent Land Development approval for the Treatment Center. The approval was a reduction without a reservation of additional spaces and the plan submitted for recording reflects this. At the appropriate time they will address the parking for the new facility as noted in the Zoning Officer's review letter as they are proposing 43 spaces for the facility.

Mr. Tettemer referenced the developers September 1, 2010 meeting with the Chief of Police. He stated that record needs to be made that the Chief of Police and emergency personnel are accepting the developer comments before the plan is approved.

Mr. Licht inquired about the imperial basin verses the permeating basin for the water and asked for the concept proposed to address this matter. Mr. Mukherjee explained the storm water management feature proposed is to the northwest corner of the property. It will be a combination of a stormwater detention and an infiltration basin. A waiver will be requested assuming all requirements are satisfied.

Mr. Licht referred to the primary and secondary catchment areas and stated that the next proposal should have specific information pertaining to that area for better understanding.

Mr. Hebelka inquired about the depth of the sanitary line buried in the proposed stormwater basin. Mr. Mukherjee stated that the sewer line will be relocated and would not affect the infiltration basin. A small discussion continued. Mr. Hebelka stated that this area is a Karst area (limestone). Mr. Mukherjee stated that they soil descriptions verses what actually exists aren't entirely accurate.

Ms. Sopka stated that the expiration date for the Conditional Use is November 22, 2010. Mr. Andres stated a letter will be provided to extend to the end of December 2010.

A motion was made by Mr. Schreiter, seconded by Mr. Hassick, the Planning Commission voted 6-0 to table the review of the Conditional Use Land Development. All in favor.

OTHER BUSINESS

None

ADJOURNMENT

On motion of Mr. Hebelka, seconded by Mr. Hassick, the Planning Commission voted to adjourn the meeting. Meeting adjourned.