

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

**PLANNING COMMISSION
MEETING MINUTES**

**7:30 PM
April 9, 2013**

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, McKitish and Beck. Also present were Attorney Ashley, Township Solicitor; Mr. Tetterer, Township Engineer; Ms. Sopka, Director of Planning & Zoning and Mr. Soriano, Township Manager.

CALL TO ORDER

Mr. Beck called the meeting to order.

APPROVAL OF THE MINUTES

On motion of Dr. Licht, seconded by Mr. McKitish, the Planning Commission voted 7-0 to approve the March 12, 2013 Planning Commission Meeting Minutes as submitted. All in favor.

1350 S. Halstead Street and 761 E. Tioga Street – Minor Subdivision Lot Consolidation

Review the submission of the Preliminary/Final Minor Subdivision for properties currently owned by Gary Samson. The proposed lot line adjustments will make both lots less nonconforming. Both properties are currently developed with a residential use and accessory structures.

Present were Mr. Mark Bradbury, Engineer from Martin, Bradbury & Griffith and Mr. Gary Sampson, owner.

Mr. Tetterer highlighted his review letter dated April 3, 2013. He stated that both lots are non-conforming. A Re-Subdivision is proposed which would make both lots less non-conforming. Both lots are non-conforming in the yard requirements but nothing proposed by this Subdivision will alter the existing yard non-conformance conditions.

Mr. Tetterer stated that a waiver request has been received for the following sections: existing contour lines, slope shading and existing soil types. Considering the extent of this plan he has no engineering objection to granting the waiver requests for these items.

In conclusion, when all items are satisfactorily addressed, engineering approval would be recommended for the Gary Samson Re-Subdivision Plan.

Ms. Sopka highlighted her review letter dated April 4, 2013. She reviewed the section of zoning which is applicable to this Plan, Chapter 27 806.B.3, non-conforming lot can be integrated. The applicant is proposing guidance under the section of non-conforming lots which takes precedence. This would be applicable and no zoning variance would be necessary.

Ms. Sopka concurs with the Township Engineers review letter.

It was noted that each property has individual sewer and water services. Mr. Bradbury stated once Mr. Sampson has the new deeds recorded the individual sewer and water services will be remain.

Attorney Ashley stated that this proposal would be considered a Re-Subdivision as opposed to a Lot-Line Adjustment per Township Ordinance.

On motion of Dr. Licht, seconded by Mr. Miller, the Planning Commission voted 7-0 to accept the waivers as presented. All in favor.

On motion of Mr. McKitish, seconded by Hassick, the Planning Commission voted 7-0 to accept the approved Gary Samson Re-subdivision Plan as presented subject to compliance to with the waivers documentation on the Site Plan, and in accordance with the Local, State and Federal rules and regulations. To be in compliance with the recommendations of the Township Engineers April 3, 2013 letter and the Planning and Zoning Officers April 4, 2013 letter. All in favor.

2051 Bevin Drive – Legacy Place Land Development.

Review the Re-submission of the Preliminary/Final Land Development presented by Posh Properties for the construction of a Personal Care Home often referred to as Assisted Living/Memory Care Facility within the Office-Laboratory (C1) District located along the corner of Bevin Drive and Regent Court. The site incorporates 2.45 acres of vacant land.

Present were Mr. Jeffrey Ott and Mr. Jason Buchta, both of Ott Consulting Engineering.

Mr. Tetteimer highlighted his review letter dated April 3, 2013. Mr. Tetteimer stated that most comments are drafting oriented and engineering items that need to be addressed. He did refer to a few items that are in need for consideration.

Mr. Tetteimer stated that a separate Preliminary/Final Plan submission is required. A waiver to this section has been requested in writing. At this time recommendation is to not take action on this item.

Mr. Tetteimer reviewed his comments and the waiver requests for the following: sidewalks, gravity drains and storage facilities, infiltration basin bottom slopes, underground detention basins, and stormwater.

Until the above items are satisfactorily addressed, he would not recommend engineering approval of this Land Development Plan.

Ms. Sopka highlighted her review letter dated April 4, 2013. The letter is an update to the proposed project. Most items have been addressed. She stated that she did visit the site to identify trees that would need to be removed for development.

Mr. Ott stated that he has been working closely with the Township Engineer and that they take no objection to the comments and recommendations of Mr. Tetteimer's review letter. They will address the items and revise the Plans as necessary.

The Planning Commission began with the discussion of sidewalks. The cross section's existing grade is 8 to 10 percent. Mr. Tetteimer stated that there are no sidewalks in the general vicinity; however, if in the future it is decided to put in sidewalks, it is minor grading. The concern was a busy intersection and individuals walking in that area. Mr. Schreiter stated minimum grading should be done for safety purposes.

Mr. Miller questioned the Hydrogeological Evaluation Report and stated that he would like to discuss the ground water analysis with a geologist. He would like explanation as to the geologist's conclusions.

Discussion ensued in regard to stormwater runoff draining into the Little Lehigh Creek as it is a protected watershed, and the placement of wells at the top of the development site. Mr. Ott stated that the decision was made that a gravity drain was a superior solution in this case. They basically took the infiltration basins and converted them into proposed underground storage facilities. The wells were sited on either end of the storage facilities.

Mr. Hebelka inquired if testing has been completed for the gravity drains and on permit status from the United States Environmental Protection Agency (U.S. EPA). Mr. Ott stated that approval has recently been received by the U.S. EPA and they will now submit the plans to Lehigh County Conservation District

(LCCD) for approval. Once LCCD approves the plan, DEP Wilkes-Barre Office will require an individual permit for the National Pollution Discharge Elimination System.

The stormwater injection wells will discharge the building's roof runoff directly to the aquifer as part of their stormwater control plan. Mr. Tettermer stated that sand will be used to filter the water and to make sure that what is going into the ground is potable water. The maintenance on the filters will require the sand be changed about every two years. Pollution detection methods would require the sand filter be looked at after a couple of storms. If the top layer is heavily concentrated with pollutant and the sand at the bottom has no pollutant, then we know that the filter is working properly and that the top layer will need to be replaced with fresh sand.

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

Ms. Dorothy Cockerell, 3535 Regent Court, expressed her concerns about the Little Lehigh and the possibility that the developer will be injecting "bad stuff" into the ground water. Mr. Tettermer explained the reason for the injection wells which only takes roof water runoff and the filtration system. The maintenance would be done by the owners and a required maintenance record kept.

Mr. Schreiter inquired if there is a chance of failure with the injection system. Mr. Ott stated, per EPA explanation, they will do onsite testing, a mounting analysis and then they add factors of safety on top of their conservative numbers. The gallons of water going into the gravity drains are one gallon per minute. Mr. Schreiter stated that they must look out for the residents and there can be no chance of failure.

Ms. Cockerell continued, stating that they get so much water already, about 20 feet wide of mud in front their driveways that comes from this lot and it happens all the time. Mr. Tettermer stated that the reason there is so much water is because of the vegetation that is on the property. He believes once the site is developed it will help absorb a lot of storm water runoff because a good portion of the water on this site is going to be entering the gravity drains. The infiltration basins double as detention basins. We are working with them to come up with the best design possible.

Mr. Robert Fischer, 3529 Regent Court, believes that it is a little solace that the storm water that floods across his lawn is of high-quality. He believes this property was poorly designed to begin with and it continuously floods. Mr. Tettermer advised that the Township is working closely with the developer in regards to storm water.

Miguel Diaz, 3541 Regent Court, expressed his concern about his privacy. Mr. Ott advised that they are still working on the landscaping between his property and their proposed plans.

Mr. Tettermer recommended discussing the sidewalk installation deferral and grading waiver requests. The rest of the waivers he would like to wait until infiltration review documents are received. Mr. Ott stated that they need to discuss both of these items for Plan revision.

On motion of Dr. Licht, seconded by Mr. McKitish, the Planning Commission voted 6-1 to make recommendation for granting the deferral to the sidewalk installation listed for SALDO 10.1.2.

On motion of Dr. Licht, seconded by Mr. McKitish, the Planning Commission voted 0-7 to make recommendation to accept the grading waiver as requested and amend it to read as a grading deferral to Item #2 of the waiver deferral request letter by the applicant, revised SALDO 10.4.K.2.A the grading of the right-of-way. All denied.

On motion of Mr. McKitish, seconded by Mr. Schreiter, the Planning Commission voted 7-0 to accept the presented request for an extended review period for a 90 day time extension. All in favor.

On motion of Mr. McKitish, seconded by Mr. Schreiter, the Planning Commission voted 7-0 to table the Plan until next month. All in favor.

Review of SALDO amendments Draft 2/2013 and Zoning amendments Draft 2.27.2013 as submitted reflecting changes of 11/2012.

Present was Charlie Schmehl of Urban Research Development Corporation (URDC).

Mr. Schmehl presented copies of SALDO that includes Keystone Consulting Engineers recommended changes, primarily storm water changes, and a recently received memo from Lehigh Valley Health Network with an update of their discussions on zoning issues.

In regard to storm water changes, he was to add a provision about the recording of deeds when it affects Township requirements and to clarify coordination between NPDES approval processes and the Township.

Mr. Schmehl then reviewed the Zoning Ordinance. He reviewed with Ms. Sopka the comments submitted by the Environment Advisory Council (EAC).

Mr. Schmehl stated that there were a few items in question that he and Ms. Sopka discussed.

The first item to be discussed was the provisions of **In Home Pet Daycares**. The Ordinance allows six dogs and cats in every housing unit. **Recommendations are that the animal caretaker must apply to the existing allowed six animal rule.** Mr. Beck stated that a provision should apply. **In regards to the excessive barking they would refer to the Noise Ordinance.** Mr. McKitish would like **the provision to be defined, addressed and give a level of coverage on how this is applied, including proper animal cleanup.** Mr. Schmehl stated that he would incorporate this in the draft. **All members were in agreement of this provision.**

Site capacity calculations were discussed. Mr. Schmehl stated at what point does an individual calculate all the numeric natural features on the site and when does that actually reduce the number of lots that are possible on a piece of land. The EAC recommended that it be applied to every lot in the Township. The previous recommendation applied to one acre of undeveloped land would require calculation and possibly reduce the number of allowed lots. Ms. Sopka referenced her research with other municipalities and they are using the concept of "Smart Growth Conservation Initiatives" which is being advocated by the State at this time which has no acre limit such as Lower Milford Township.

Mr. Schmehl asked if the members want this to apply to small lots or not? Mr. McKitish believes regardless if it is a large or small lot, at the end of the day it is the feature that has the impact, not the lot size. Mr. Schreiter stated that it depends on what areas of land this is relative to, as there is not much developable land left in Salisbury. Mr. McKitish stated he believes they should go with the recommendation of the EAC.

Mr. Schmehl suggested a wording recommendation which would be that the proposal of the site capacity calculations would apply to all lots regardless of size.

The members all agreed to Mr. Schmehl's wording recommendation: that the proposal of the site capacity calculations would apply to all lots regardless of size. All in favor.

Site Plan Review process in zoning was discussed. It involved review by the Planning Commission and Board of Commissioners, and detailed review of small projects. Mr. Schmehl indicated based on previous discussions, the process can be simplified as a review process of the Planning Commission, not an approval. Therefore, the Zoning Officer can decide whether that particular plan needs to go to the Township Engineer and Township Solicitor for further review depending on what the issues arise. It does not automatically go for detailed reviews. In discussion with Ms. Sopka two questions arose: 1. Do we get rid of the site plan process entirely or 2. Narrow it down to only applying to projects of 5,000 square feet or

more of new impervious coverage? Ms. Sopka stated if it is 5,000 square feet or more then it must have a storm water review by the Township Engineer.

Ms. Sopka's concern is who is responsible for the Township Engineer or Township Solicitor's fees? Ms. Sopka stated that some projects require grading and when grading is involved, permits and permit fees are required including a \$1,000 grading escrow fee which is the responsibility of the applicant. These fees cover the cost of the township engineer. If the solicitor is involved his fees would not be covered.

Ms. Sopka stated in her research a majority of the surrounding municipalities do not have this requirement in their Ordinance.

Mr. Tetteimer recommended anything less than 5,000 square feet of earth disturbance or creating new impervious surfaces should fall under a grading plan which requires escrow. The plan can be reviewed to see if there are any SALDO issues. If there are SALDO issues then it would be recommended for review by the Planning Commissioners and Board of Commissioners for waivers for those SALDO's issues.

Mr. Soriano stated that the Township must not incur additional fees from the review by the Township Engineer on an applicant's behalf and favors reimbursement.

Per Mr. Schmehl, the EAC reviewed other Ordinances and provided this list to the Planning Commission for review. Wind turbine Ordinance was a concern. This Ordinance makes it impossible to put in a wind turbine and recommendations are needed.

OTHER BUSINESS

None

ADJOURNMENT

The Planning Commission voted to adjourn the meeting. Meeting adjourned. All in favor.