

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

**PLANNING COMMISSION
MEETING MINUTES**

7:30 PM

February 12, 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, Hassick, McKitish and Beck. Also present were Attorney Christopher Gittinger, Alternate Township Solicitor; Mr. Tettermer, Township Engineer; Ms. Sopka, Director of Planning & Zoning. Mr. Soriano, Township Manager and Commissioner Hebelka was (excused) not present.

CALL TO ORDER

Mr. Beck called the meeting to order.

APPROVAL OF THE MINUTES

On motion of Mr. McKitish, seconded by Mr. Miller, the Planning Commission voted 6-0 to approve the January 8, 2013 Planning Commission Meeting Minutes as submitted. All in favor.

1815 Black River Road and 1715 Black River Road – Hassick/Parton Minor Subdivision.

Review proposed Minor Lot Subdivision and Lot Consolidation of two adjacent properties located at 1815 Black River Road and 1715 Black River Road. The applicants propose subdividing and conveying 0.402 AC from Ms. Parton's property (Parcel 2) to Mr. Hassick's (Parcel 1). Ms. Parton will consolidate two parcels that were previously subdivided on February 14, 2006 where neither parcel had been conveyed nor transferred.

Present was Jay Musselman, Engineer of Musselman Associates and Mr. Richard Hassick, owner.

Mr. Musselman stated that the intent of the subdivision was a lot line adjustment/lot consolidation with the neighboring Parton property.

Mr. Tettermer highlighted his review letter dated February 6, 2012 and stated that there are a few general comments that need to be discussed. Mr. Tettermer reviewed the SALDO requested waivers for the project to be shown on the plan which includes existing contours on the site and within 100 feet of the site, slope shading, floodplains, existing soil types, wood areas, existing storm sewer lines, existing utility easements, and the depth of the residential lots.

Mr. Tettermer stated that the ultimate right-of-way for the Hassick property should also be included in the plan and the right-of-way along the to be conveyed portion of the Parton property should be as shown on the Petryk Subdivision plan to keep all tracts of land consistent. Considering the intent of the plan he would have no engineering objection to granting these waivers if requested and once these items are satisfactorily addressed he would recommend engineering approval.

Mr. Tettermer stated that since a new lot line is being created, not eliminating lines, lines are being changed between properties; this would be considered a minor subdivision which is to be reviewed by the Planning Commission not the Board of Commissioners. Mr. Tettermer stated it is important to title the plan correctly.

Ms. Sopka concurred with the Township Engineer's letter. Small discussion ensued regarding the measurements of the property acreages. Mr. Beck stated that a notation should be placed on any and all plans allowing the Planning Commission representatives to enter the property if necessary.

A motion was made by Mr. Schreiter, seconded by Dr. Licht, the Planning Commission voted 5-0-1 to grant the following waivers for the Minor-Lot Subdivision/Lot Line Consolidation: SALDO 7.3.C.1 - existing contours on the site and within 100 feet of the site; SALDO 7.3.C. 2 - slope shading, permanent and seasonal water table; water features such as rivers, streams, watercourses, etc.; floodplain; location and extent of soil types; rock outcrops; and wooded areas with significant tree masses; SALDO 7.3.C.6 - existing soil types to be referenced on the plan; SALDO 7.3.C.8 - wooded areas to be shown on the plan; SALDO 7.3.E.5 - existing storm sewer lines within 100 feet of the site to be shown on the plan; SALDO 7.3.E.6 – existing utility easements and restrictive covenants within 100 feet of the site; SALDO 10.6.B – the depth of residential lots should not be less than one or more than two and one-half (2 ½) times their width.

A motion was made by Mr. Schreiter, seconded by Mr. McKitish, the Planning Commission voted 5-0-1 to approve the Minor-Lot Subdivision and Lot Consolidation subject to any conditions stipulated by the Township Engineer’s correspondence of February 6, 2013, the Planning Director’s correspondence of February 4, 2013 and compliance with all required Federal, State and Local regulations.

1436 East Emmaus Avenue and 1632 Ehret Lane – Morrison/Coughlin Minor Subdivision and Lot Consolidation.

Review proposed Minor Lot Subdivision and Lot Consolidation of two adjacent properties located along East Emmaus and Ehret Lane. The applicants proposed subdividing 1436 East Emmaus Avenue from 33,686 SF and conveying 10,000 SF to 1632 Ehret Lane. Both lots will comply with the minimum lot area required in the R-3 zoning district.

Present was Mr. John Coughlin, owner and Robert Piligian, Engineer and Mr. Edward Morrison both of PLS Bascom & Sieger, Inc.

Mr. Tettemer highlighted his review letter dated February 6, 2013. Mr. Tettemer stated that this is a minor subdivision altering a lot line between two existing properties. There are a few items that need to be addressed. Mr. Tettemer reviewed the SALDO requested waivers for the project to be shown on the plan which are existing contours on the site and within 100 feet of the site, slope shading, existing soil types, wood areas, existing man-made features, existing sanitary and water lines, existing storm sewer lines, existing utility easements and restrictive covenants, proposed building setback lines, corner concrete monuments, and depth of residential lots.

Mr. Tettemer stated that considering the intent of the plan he would have no engineering objection to granting these waivers with the condition, in reference to the concrete monuments, that iron pipes are set at all existing unmarked property corners along the existing right-of-way of Emmaus Avenue. Once all items are satisfactorily addressed he would recommend engineering approval of the lot line adjustment plan.

A motion was made by Mr. Schreiter, seconded by Mr. McKitish, the Planning Commission voted 6-0 to approve the conditional approval for the minor lot subdivision and lot consolidation subject to any conditions stipulated by the Township Engineer’s correspondence of February 6, 2013 the Planning Director’s correspondence of February 4, 2013 and compliance with all required Federal, State and Local regulations. All in favor.

A motion was made by Dr. Licht, seconded by Mr. Miller, the Planning Commission voted 6-0 to accept the requested waivers in the January 14, 2013 and revised February 8, 2013 letters from Bascom & Sieger, Inc., for the Minor-Subdivision/Lot Line Adjustment: SALDO 7.3.C.1 - existing contours on the site and within 100 feet of the site; SALDO 7.3.C. 2 - slope shading, permanent and seasonal water table; water features such as rivers, streams, watercourses, etc.; floodplain; location and extent of soil types; rock outcrops; and wooded areas with significant tree masses; SALDO 7.3.C.6 - existing soil types to be referenced on the plan; SALDO 7.3.C.8 - wooded areas to be shown on the plan; SALDO 7.3.E.5 - existing storm sewer lines within 100 feet of the site to be shown on the plan; SALDO 7.3.E.6 – existing utility easements and restrictive covenants within 100 feet of the site;

SALDO 10.6.B – the depth of residential lots should not be less than one or more than two and one-half (2 ½) times their width. All in favor.

A motion was made by Mr. Schreiter, seconded by Dr. Licht, the Planning Commission voted 6-0 to approve the Preliminary-Final Plan for the Minor-lot Subdivision and Lot Consolidation subject to request waivers and compliance with the correspondence of Township Engineer's Director of Planning and Zoning with all required Federal, State and Local regulations. All in favor.

2051 Bevin Drive – Legacy Place Land Development.

Review the proposed 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.

The project submission has been withdrawn.

Review the proposed amendments to Salisbury Township Subdivision and Land Development Ordinance as prepared by Urban Research Development Corporation (URDC).

Mr. Schmehl provided a memo that provides an update on Ordinance issues that are being addressed. Draft copies of the Subdivision Ordinance have also been provided.

Mrs. Sopka reviewed past correspondence from Attorney Ashley and Dave Tettermer to make sure recommendations are being reflected into the revised proposed SALDO.

Mr. Schmehl stated they are still waiting on feedback from the neighborhood meetings with Lehigh Valley Health Network (LVHN) which is the biggest zoning issue. Mr. Beck advised him to contact them to get the information he needs.

Mr. Soriano advised that from a professional prospective he has a grant agreement that must be closed out. LVHN has been given an adequate amount of time to work out comments and concerns with the surrounding neighbors. Mr. Soriano contact LVHN via email and advised them that they have until the March 2013 Planning Meeting to provide information for planning review. If nothing is provided, it will then be up to the Planning Commission to make the decision on how to proceed with the overlay district.

Mr. Schmehl began reviewing outstanding Subdivision Ordinance issues. He stated he would like to also address any other issue that have not be discussed or need a discussion follow up to provide a new draft prior to the March meeting.

Mr. Tettermer has technical comments in regards to storm water. He will provide his recommended changes to Mr. Schmehl and the Planning Members.

The Planning Commission asked that the Police Department and Public Works Department review street design for future street projects. Chief Stiles provided comment. On behalf of Chief Stiles were Sergeant Don Sabo and Sergeant Kevin Soberick of the Salisbury Township Police Department. Mr. Schmehl stated that the minimum standard street width is 30 feet. Sergeant Sabo advised that the 30 foot isn't an issue; however, the present streets are not up to standard. Sergeant Soberick stated that the minimum 30 foot standard for new street/development is acceptable for the Police Department.

Mr. Tettermer stated that the Township roads are quite dense, especially on the east end of the Township. The only way to widen them is if a developer comes in with a large amount to develop, however that is unlikely.

Mr. Tetterer stated that it is to be noted that if the roadway is long enough area for future development, road widening and additional right-of-ways are requested. Mr. Tetterer stated that the Township reserves the road right-of-way so that in the future, if the opportunity arises, the Township needs or decides to widen the street the Township has the opportunity, especially for drainage issues.

Mr. Schmehl highlighted remaining issues regarding the Zoning Ordinance.

The first item of discussion was a Doggy Daycare Center. Mr. McKitish stated that this type of facility is noisy 24/7 and issues would need to be addressed and pertinent at all times, now and in the future, as the facility cannot be just indoors. Mr. Schmehl recommended writing a distinct provision for allowed locations of indoor facilities as opposed to indoor/outdoor facilities.

Natural features were discussed. It has been addressed that locations of natural features are identified and that there are regulations to protect natural features. Mr. Schmehl proposed additional provisions to make sure natural features are addressed on all development plans and identified. He inquired if the members would require less density to be decreased based upon the natural features and discussed site capacity calculations. It was stated that regardless of the acreage size of development, all features need to be addressed on the plan. Mr. Schreiter stated that he would like the plans to address what is on the property line border. Unfortunately, the developer plans do not show what is located 6 inches of the property line. Mr. Schreiter stated that it important item, for example, a natural feature such as a well, seeps or slopes which could end up having a big impact. Ms. Sopka advised that she has been researching other municipalities Zoning and SALDO which include the natural feature aspect and the protective initiatives, where Salisbury's SALDO does not.

High water tables were discussed in residential areas. It is recommended that no foundation would be constructed in a high water table only a slab because from research and instances brought forth by residents that have built on a high water table area now have unhealthy properties, (e.g., wet basements, mildew and mold in their homes). Given this information it is recommended that on site investigations be done on properties that have high water table soils and a determination can be made if a foundation or slab would be required.

The Township's site plan process was discussed. Mrs. Sopka stated it is in the Zoning Ordinance #117. Mr. Schmehl has a process of zoning site plan review. This was written before the SALDO was used to regulate one commercial building. Now you can use the SALDO to regulate one commercial building. Question to think about is does the site plan process need to be changed? Is it excessive for small projects such as conversion of a house to a small business and URDC doesn't believe it should be a BOC approval? There is no process for the BOC to approve a site plan under Zoning; it really should be a review by the Planning Commission backed by the Zoning Officer in whether it meets the ordinance. It is a review process per Ms. Sopka, when it's a review process that goes in front of the Planning Commission and the Township Engineer and Solicitor. Now you incur fees (money) that must be paid for their reviews. It is basically a land development and reviewed to the same extent. That is Ms. Sopka's concern when talking about site plan because things occurred that affected a small project that took on a different magnitude of review. Mr. Schmehl questioned to remove the process of small projects, simplify it and making it clear that it is a review process not an approval process.

Attorney Ashley and Mr. Tetterer both advised what a land development plan is and is not. Attorney Ashley stated that his understanding is anything that is a significant change and in addition probably would be depending on the site of the parking lot is a land development because you are impacting water runoff, impervious coverage and possibly water/sewer, etc. Mr. Schmehl stated he is familiar with the planning code saying a land development is a new building and if it's an addition to a parking lot is there a loop hole. Mr. Tetterer stated that his opinion is if there is earth disturbance than your looking at it being a land

development. He stated that there is a section in the Zoning Ordinance that allows a 25 percent increase in a building before you need to go through the process, so anything above a certain amount, he is not sure what the amount is, if you are looking at the South Mall 25 percent of that would be considerable different than 25 percent of something else. It is not an easy answer to make but if there is alteration of storm sewer, sanitary sewer condition, drainage items, all of those things need to be considered and the Township does have a grading plan which covers these items if necessary.

The Township's site plan process was discussed. Mr. Schmehl inquired if the members thought the site plan process would need to be changed as he believes it is excessive for small projects such as the conversion of a house to a business. He recommended that it be reviewed by the Planning Commission backed by the Zoning Officers whether it is meet the Zoning Ordinance criteria, in that, would not need to be approved by the Board of Commissioners. Ms. Sopka advised it is a review process, which does go to the Planning Commission, Township Engineer and Township Solicitor. However, fees are now incurred for the engineer and solicitor review, which requires escrow and now has the same extent of a land development.

Attorney Ashley and Mr. Tetterer both discussed what land development plans are and what they can entail. Mr. Schmehl referenced the planning code. Mr. Tetterer referenced percentages of building increases and used the South Mall as an example. He also stated that the Township has a grading permit that needs to be completed when necessary. Ms. Sopka stated in the Zoning Ordinance, if adding an additional 2,000 square feet to an institution or commercial facility then it must go for site plan review which is basically a land development. Mr. McKitish stated that the Township must be very careful about this because it cannot be a "free for all". Mr. Tetterer agreed; however, it is Zoning issue not a SALDO which gives you the option of requested waivers and depending on how the provision is written it is still on the Zoning Officer to look at a plan and make a decision within the definitions of the Ordinance. However, there is a little bit of latitude that the Zoning Officer would have and at that point maybe it could be written that if the Zoning Officer would determine that a more detailed review is required based on certain criteria. Ms. Sopka agreed but again if the criteria arises, who is the other review entity because once it is presented to the Planning Commission, it will be expected of the Township Engineer and Solicitor to evaluate and review the plan and is now falls under a fee structure which requires escrow and permit fees, once again becoming a land development plan. Mr. McKitish would like this item to be looked into with our surrounding municipalities. Mr. Schmehl stated the will come up with a proposal to target this Site Plan review to projects that have impacts and try to avoid over regulating routine changes.

Mr. McKitish stated that the key is development that has impact on neighbors. He believes that is the consideration and if a resident is doing something on their own with no impact to the neighbors and public facilities, then that is a different answer. Mr. Hassick stated that we clearly must take into effect any earth disturbance activities on flat land verses other and to make it more descriptive as to where the development would be located. Mr. McKitish believes that could be the judgment call of the Zoning Officer that if certain criteria's are met, it would fall into this process. If its steep slopes, seeps, watercourses, wet soil conditions, etc. it helps trigger something that needs to have closer evaluation. This helps her to use her skills and judgment fairly.

Mr. Hassick inquired about definitions that may be referred to in SALDO, Zoning Ordinance or Storm Water Ordinance. Mr. Schmehl stated that the Ordinance's cross reference each other which allows the Township to not repeat the same definitions.

The last policy Mr. Schmehl discussed was the R4 District in the eastern part of the Township between E. Susquehanna Street and E. Emmaus Avenue. There are many non-conforming houses with relatively small lots. There is difficulty for residents who would like to do home improvements on their lots such as sunrooms or porch enclosures, etc. The suggestion would be to provide more flexibility on undersized lots which allow residents to make home improvements without needing a variance. Ms. Sopka referred to the non-conforming portion of the Zoning Ordinance that addresses a reduction but conflicts with another portion of the Non-Conforming Ordinance that requires applicable setbacks. Rear yard and side yard setbacks were discussed. Mr. Schmehl will look into review this portion and provide recommendation.

Mr. Schmehl stated that they will be working on a new draft for Zoning and SALDO Ordinance and get it to the members and staff prior to the next scheduled meeting. He is hoping to receive hospital input to for discussion prior to next meeting.

OTHER BUSINESS

None

ADJOURNMENT

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