

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA**

**PLANNING COMMISSION  
MEETING MINUTES**

**7:30 PM  
May 14, 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 (late), 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 Mr. McKitish, seconded by Mr. Schreiter, the Planning Commission voted 7-0 to approve the April 9, 2013 Planning Commission Meeting Minutes as submitted. All in favor.

**2051 Bevin Drive – Legacy Place Land Development.**

**Continuation of the review of the Preliminary 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 Buckta, both of Ott Consulting Engineering.

Mr. Tetterer highlighted his review letter dated May 8, 2013. There a few items that require significant information or action by the Planning Commission.

Mr. Tetterer reviewed his comments, recommendations and waiver requests for the following items: areas of earth excavation, horizontal and vertical slopes, basin bottom slopes, infiltration requirements, and basins that shall have an impervious liner when proposed for sinkhole prone soils. Mr. Tetterer stated that he has no engineering objection to granting the requested waivers.

Gravity drains and storage facilities were discussed. Mr. Tetterer stated that this proposed project has a number of gravity drains, also known as, injection wells. Per Mr. Tetterer, he has been working with the developers engineer and together they are trying to design the most economical and effective filter system for the injection wells. Mr. Tetterer stated that he is requesting a minor change to the filter system. The materials he is recommending to use are 9 inches of limestone base AASHTO No. 3 Stone to help remove acidity, 12 inches of Type B Penn DOT Sand and 6 inches of Activated Charcoal to help filter out possible pollutants. They are trying to create three levels of water purification. Testing will be required. Mr. Tetterer is recommending that testing be done to the water, the aquifer and the sand for the first two years, twice a year (every 6 months). After the first two years, the filter system will be re-evaluated. This filter system is designed specifically for roof water run-off only.

In conclusion, when all items are satisfactorily addressed, they would recommend engineering approval of the land development plan.

Mr. Schreiter inquired about the roof water run-off basins and what kind of storm they are designed for. Mr. Tetterer stated that they are design to collect a 100 year storm and will be underground pipe storage.

Dr. Licht stated that it needs to be very clear on the layering of these gravity drains. Mr. Tettemer reviewed the layers for clarification. Mr. Tettemer stated the system will reach a static elevation for the water, there will be three to four feet of water over top of this system and will sit until it drains entirely. It is designed to empty in a 72 hour period. The system does have a relief valve if necessary for the 100 year storm.

Mr. Schreiter inquired on how the infiltration will be kept from freezing. Mr. Tettemer stated that it is below the frost line. The filter will be six feet underground. There will be larger manholes for accessibility to maintain the system.

Mr. Hebelka inquired if these buildings will have roof top HVAC's or any type of mechanical equipment that may contain an oil product that could impact the aquifer. Mr. Ott stated that he does not have a final decision in regards to this but it will be worked on.

There were concerns in regards to this system failing and if a backup system would be in place. Mr. Tettemer stated the recourse would be that the valves at each well head will be shut off if the testing determines that there is a water quality problem affecting the aquifer. Both the United States Environmental Protection Agency (USEPA) and Pennsylvania Department of Protection (PA DEP) must be notified immediately. At that point, pumps will be installed in the system to pump the water into one of the three infiltration beds and from there it will go through the system.

Mr. Schreiter expressed great concern in regards to the injection wells not working properly and affecting the surrounding residents. He stated that the Township must not be liable if they were to fail and damage would occur. Mr. Tettemer stated at that point the developer would be responsible to correct the situation with no expense to the Township.

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

Ms. Dorothy Cockrell, 3533 Regent Court, inquired about a new drawing (to have a visual) of the proposed building that is facing Regent Court with the proposed changes. Unfortunately with the landscaping changes that have been made, they did not have an updated drawing. Mr. Darbin Skeans, representative of Legacy Place, stated that the retain wall is not visible from Regent Court because the wall is against the back of the property.

Mr. Miguel Diaz, 3541 Regent Court, inquired about the noise level from either the HVAC systems and/or generators. Mr. Tettemer advised that there are no exterior generator pad shown on the Plans, so if a generator would be required it must be located inside the building or else revise the Plans accordingly.

**On motion by Mr. McKitish, seconded by Mr. Miller, the Planning Commission voted 7-0 to SALDO Section 10.10.B.2.H a waiver to be requested, as well as for Section 10.10.B.2.I, with respect to a waiver to the Section of the Basins. All in favor.**

**On motion of Mr. McKitish, seconded by Mr. Miller, the Planning Commission voted 7-0 to the make recommendation for approval of the waiver request to SALDO Section 10.4.K.3.D request waiver to plant grass on the slopes flatter than 3:1 slopes, or steeper shall be planted per detail on Sheet C-5.1 landscaping and lightening. All in favor.**

**On motion of Mr. McKitish, seconded by Mr. Schreiter, the Planning Commission voted 7-0 to make recommendation for approval for the Legacy Place Preliminary Plan subject to all the Township Engineers comments and conditions stated May 8, 2013 correspondence letter. The waivers, deferrals and conditions brought forth by the Township Solicitor, as well as compliance with all State, Local and Federal regulations as appropriate. 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 stated that he does not have any new revisions for the SALDO.

Mr. Tetterer reviewed his revision which has to do with injection wells. These wells have recently been brought to his attention with a recently proposed project by Legacy Place. Mr. Tetterer advised that there are less State and Federal regulations on an injection well than there is on discharge to the surface of the ground.

Mr. Tetterer reviewed his recommendations which would be to regulate discharge water qualities to the aquifer, regulate that the only water that can be discharged to the aquifer under this Ordinance is roof water runoff. If it is other than roof water runoff, a waiver will need to be requested to this section to allow additional surface areas to be discharged to an injection well. This will allow the Planning Commission to require additional filtration based on the types of pollutants that are expected. This portion of the SALDO would test for water color and odor, total coliform bacteria and virus, and containments, etc. Mr. Tetterer research water quality discharge from roofs and these are the specifics that were listed for roof water runoff. Mr. Tetterer stated that if a future developer would like to install injection wells and would like to include a parking lot and grass areas then additional testing will be required to include these items.

Mr. Tetterer stated that the injection wells portion shall define the testing, design of the testing, the system maintenance, and if the developer would fail to follow through with the Township's required procedures, then the Township has the authority to do the testing and bill the owner or lien the property.

Mr. McKitish stated that there should be no means of mechanical equipment on the rooftops at the time of development or in the future. This should be specified in this Ordinance. If the building would be in need of mechanical equipment on the rooftop, a waiver would have to be requested.

Mr. Schreiter inquired if we needed specific definition of qualified water testing. Ms. Sopka stated it would be both Pennsylvania Department of Environmental Protection (PA DEP) Certified and Environmental Protection Agency (EPA) Certified Water Quality Testing Facilities.

Mr. Schreiter inquired if we should also add to the parameter list no metal roofs, (i.e, heavy metals and copper are in certain types of shingles, etc). Mr. Hebelka stated that a blanket should be added, to clarify any possible contaminates or parameter suggested by the Engineer.

Water testing was discussed and what would be done if the water testing shows that the injection wells are exceeding the water quality standard. Mr. Tetterer stated that if contaminates arise, the valves to the injection wells would be closed off and the system will be shut down. The roof runoff would be directed into the storage system, at which time, the pump will then pump it into the infiltration area and will go through that system. At this point, this will require PA DEP and EPA notification. Mr. Tetterer stated that if the system would have to be closed down they would be in violation with PA DEP and EPA and they will be required to bring the system up to the compliance.

A base line water testing would be required prior to any discharge to the system. The construction of the injection wells will be a very detailed design. All requirements will be necessary.

Mr. Hebelka inquired if a sample testing will be required after it passes through the pretreatment phase. Mr. Tetterer stated that it could be done during a storm.

Mr. McKitish requested that the Township be provided a chart maintenance record showing all past and present records.

Ms. Sopka inquired about having multiple injection wells in a close proximity. Mr. Tetteimer stated that must be taken into consideration and a record of all injection well locations needs to be kept. If a developer proposes construction for residential homes and requires the same concept in close proximity to an existing injection well, it would be looked at the same way storm water is looked into.

Mr. McKitish stated that he is concerned about the capacity of close injection wells to the existing. Mr. Tetteimer stated that this is where the GeoTech report comes in, but this report is done before the wells are constructed. Also if injection wells are located within a half mile of each other the EPA looks at this differently, it is considered in regards to the water quality. The EPA issues the injection well permits. The Township can add reasonable additional requirements to EPA regulations.

Attorney Ashley stated that the review process needs to be in place and if the Township is going to have regulations we need to have the expertise to implement this properly and enforce them. An Ordinance must be in place, which also allows the Township to fall back on if the proposed system looks as if it may not work and/or showing that it is not compliant with standard regulations. We do not want to do more harm than good. This is the concern because we do not have a standard technology that says this is going to work. This specific item is questionable because inspections need to be done and how often, can we rely on the persons constructing the system, can we rely on that it is working properly and getting the proper testing, and how long will this type of system last.

Mr. Tetteimer referred to the proposed Legacy Place Plans specifically. Legacy Place is the project that has brought injection wells to the Township's attention. He stated that the issue is the Township has no requirements. DEP has no requirements. If nothing is in place, they can install these injection wells which will discharge directly into the aquifer and contaminate our main source of drinking water. The aquifer needs to be protected. However, the Township has no Ordinance and the applicant, in this specific case, is taking the responsibility upon themselves to put our recommendations on their Plans. Mr. Tetteimer stated that he has no authority to enforce those regulations on the developer. The recommendations were made and they voluntarily took them into consideration.

Mr. Tetteimer stated that he provided the best information he could because this is a new type of technology system. He stated that the SALDO needs to be sufficient enough to govern this. We are adding a level of responsibility to the engineer to make sure that the water quality is going to meet DEP requirements.

Mr. Tetteimer stated that other states regulate injection wells; however, the State of Pennsylvania does not have a regulation responsibility.

Mr. McKitish stated that he has done research on injection wells. He reviewed documentation from the State of Massachusetts, Texas and other states that provide specific documentation about roof generated storm water injection wells and the procedures they use to regulate them. He believes the Township needs to take the first step.

Mr. Tetteimer stated that this must be moved on quickly as more developments will be moving in and proposing injection wells. Mr. Tetteimer clarified that the Township is not dealing with potable water, the Township is dealing with storm water discharged. Attorney Ashley will also review as to whether the PA State Law will allow a Township to take authority.

Mr. Schmehl stated that there is a statement of authority in SALDO section under the Planning Code that says the SALDO can include provisions and standards for ensuring that new developments incorporate adequate provisions for a reliable safe and adequate water supply. This is for intended uses in the capacity of available resources. Mr. Hebelka stated that Act 247 Section 5 allows for a municipality to be responsible for protecting water quality.

The members commented and discussed a few of Mr. Tetteimer items. Mr. Hebelka stated that this is actually called a Class 5 Storm Water Injection Well.

Mr. Schmehl provided a revised copy of last month's memo for review. Mr. Soriano has been in communication with Lehigh Valley Health Network (LVHN). LVHN has advised that in the near future they will meet with the Township to go over the conclusions of the neighborhood meetings.

Mr. Schmehl stated that his goal is to have new revised book for the members within a weeks' time so that the members have a few weeks to review prior to next month's meeting. This will have all revised information for Zoning except the Healthcare Overlay. He asked to distribute any comments or concerns by email so they can be addressed at the next meeting.

Mr. Hassick stated that the tree **crimson hawthorns** for the land developments need to be removed.

**OTHER BUSINESS**

None

**ADJOURNMENT**

On motion of Mr. Hassick, seconded by Mr. Miller, the Planning Commission voted to adjourn the meeting. Meeting adjourned. All in favor.

DRAFT