

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

**PLANNING COMMISSION
MEETING MINUTES**

**7:30 PM
August 14, 2012**

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, Hassick, McKitish and Beck. Also present were Attorney Ashley, Township Solicitor; Mr. Tetteimer, Township Engineer; Ms. Sopka, Director of Planning & Zoning and Mr. Soriano, Township Manager. Commissioner Hebelka was not present (excused).

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 5-0 to approve the July 10, 2012 Planning Commission Meeting Minutes as submitted. All in favor.

3117 LEHIGH ST – KOST TIRE & AUTO SERVICE

Review proposed Land Development and Preliminary/Final Plan for Kost Tire and Auto Service; review proposed Minor-Lot Subdivision from 2200 31st Street SW, Allentown, owned by Marse Associates, equal to 8,931 S.F. and Lot Consolidation to 3117 Lehigh Street that will collectively equal at 34,308 S.F. parcel.

Present were Mr. James Preston, Esq., Counsel, and Ms. Anna Martins, Project Manager and Engineer from Van Cleef Engineering Associates.

Mr. Tetteimer highlighted the Township Engineer's review letter dated August 8, 2012. Mr. Tetteimer reviewed the items that need to be addressed and the required waivers. Mr. Tetteimer concluded that until all items are satisfactory addressed he cannot recommend engineering approval to this Preliminary/Final Plan.

Attorney Preston and Ms. Martins reviewed and addressed each waiver request.

Attorney Preston stated that they are requesting waivers for street trees because there are sanitary sewer lines that front the property. Street trees may not be standard in this area because of the underground sewer lines. They would like to prevent sewer line damage from tree routes, in that, they introduced landscaping back beyond where street trees would be planted. This landscaping helps with visual appearance and visual barriers.

Secondly a waiver is being requested for signage. Ms. Martins stated there are utility poles and an overhead lane control sign when approaching 31st Street SW. Her concern is that any tree planted in that area would damage the existing utilities and obscure the approaching sign.

Sidewalks were addressed and noted that there are no sidewalks along Lehigh Street. Ms. Martins is requesting a waiver or a deferred waiver for no installations of sidewalks until required by the Township.

Ms. Martins addressed the waiver request of the man-made features within 100 feet of the property line. The plan shows the 100 foot overlap around the property boundary as it is relative to the minor subdivision that occurs with the Marse property. However, the request is to not go 100 feet beyond the Marse property boundaries in areas where it is not adjacent to this property.

Attorney Preston addressed the off street loading area. Ms. Martins provided an overview. The seven bay auto service facilities has been designed in a manner that all maneuvering will happen on site to eliminate the need to back up onto Lehigh Street. In front of the bay there is a 23' wide and 100' long area for the intent of a "box" truck

to pull in off Lehigh Street, unload, turn around and leave the site. The truck delivers to this facility about two times a week and delivery times can be coordinated.

The Planning Commission discussed the waivers. Mr. Tettemer stated they can make all required adjustments to the plans and next month, if ready, they can request preliminary/final plan at the September meeting.

On motion by Mr. Schreiter, seconded by Dr. Licht, the Planning Commission voted 5-0 to grant a waiver for SALDO Section 503.4.C location of existing and man-made features on the site and within 100 feet of the site being subdivided or developed. All in favor.

On motion by Dr. Licht, seconded by Mr. Schreiter, the Planning Commission voted 5-0 to accept and amend the request of SALDO Section 10.12.A. to a deferral for the requirements of sidewalks. All in favor.

On motion by Mr. McKitish, seconded by Mr. Hassick, the Planning Commission voted 5-0 to grant a requested deferral to planting trees in accordance with SALDO 10.16.C street trees and to strike the recommended tree as listed in the request and work with the Planning Commission the approved trees listed in SALDO for planting.

On motion by Mr. McKitish, seconded by Dr. Licht, the Planning Commission voted 5-0 to table the Preliminary/Final Plan and or off street loading not allowing delivery trucks in excess of 30 feet. All in favor.

URDC REVIEW OF AMENDED/REVISED ZONING ORDINANCE

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

Mr. Schmehl provided the latest draft of the **Comprehensive Plan** to the Planning Commissioners. Mr. Schmehl stated that the Township Board of Commissioners can adopt the Plan once they are comfortable and satisfied with the revisions.

He provided a brief presentation of the plans most recent changes. Mr. Schmehl stated that the Commissioners do not want to be as specific in the plan regarding the hospital. This section shows a change involving the wording being more generalized for the HealthCare Overlay District. Additionally, per the request of Mr. Glenn Miller, also Chair of the Environmental Advisory Council, to reincorporate the wording from Wildlands Conservancy into the draft.

Mr. Schmehl did advise the Planning Commission that URDC is currently working with the staff on a new revision to the Healthcare Overlay based upon the Board of Commissioners discussion and review at the July 26, 2012 public meeting. One of the major changes was the Transitional Overlay District. It has been extended to all the land that is within 500 feet of the residential homes. The hospital representatives and neighboring residents were in agreement with this change.

Mr. Schmehl reviewed the latest changes of the draft **Zoning Ordinance**.

Mr. Schmehl referred to Article 5 Environmental, seeps and springs. Ms. Sopka stated ground water seeps are normally the beginning of head waters or a natural course. She stated that these are source water protection initiatives. She believes that Salisbury has a very unique environment.

There is no proposed slope regulations at this time, notations should be made if any changes are necessary.

Mr. Schmehl inquired if changes need to be addressed to tree harvesting provisions. Ms. Sopka stated that changes will need to be made as the slopes within the Township both on South Mountain and Lehigh Mountain, are considered part of the Pennsylvania Highlands. It is federally mandated that the Highlands be protected. There was a long discussion on the Pennsylvania Highlands and the protection it entails. The Highlands Conservation Act

signed in 2004 was designed to assist several states in conserving land and natural resources through federal assistance. Mr. Schmehl stated a setback can also be put in place for commercial forestry and to research if any good model provisions coming out of the Highlands.

Mr. Schmehl also inquired if the Planners would like to put a penalty on any tree removal without a permit. Mr. Beck inquired if a picture of the tree can be submitted with the permit prior to its removal. Mr. Schmehl reviewed the provisions and one is noted in the plan is that if the tree is a danger to the property the resident can remove it. Mr. Schmehl stated that the Township's approved and non-approved tree lists have been added to the plan. He concluded stating to review what has been provided and at the next meeting forestry and tree cutting can be discussed.

Groundwater or spring water withdraw was discussed. The Delaware River Basin Commission (DRBC) regulates water withdrawals at about 100,000 gallons per day in this area. In other parts of Pennsylvania, where water shortages occur, about 10,000 gallons of water is withdrawn per day. There are huge water withdrawals, millions of gallons a day, basically for water bottling companies. Mr. Schmehl stated that they are trying to set up a public review process allowing the Township to review the studies and conditions are able to be put in place. This is listed as a Conditional Use.

Mr. Schmehl addressed gas wells under Act 13 that was passed earlier this year. Municipal regulation of the gas well industry is limited. Zoning is preempted to a certain extent because the state wants uniform regulations of the gas well industry throughout the state. This law has been overturned by the Commonwealth Court and is now going to Supreme Court at the state level. However, the zoning portion of that law is not in affect.

Floodplains were discussed. The Township has a 100 foot setback from the primary bank of the Lehigh River, Little Lehigh Creek, Trout Creek, and Cedar Creek. The setback states cannot use the floodplain area for parking, building or storage. Ms. Sopka stated pool is not listed. Discussion ensued in regards to above-ground pools, in-ground pools and sheds. She stated that it is important that this be added.

Mr. Schmehl stated that the SALDO needs to be worked on and a complete draft written to Lehigh County by years end.

Mr. Schmehl stated at the next meeting revisions will be reviewed in regards to the items discussed today. He also stated that the Subdivision Ordinance should be discussed.

REVIEW THE REQUEST OF KIDSPeACE TO ADJUST ZONING LANGUAGE RELATIVE TO THE CAMPUS LOCATED ON BROADWAY STREET.

Present was Mr. Patrick Slattery, Director of Development and Mr. Jason Savinelli, Director of Outpatient Program of KidsPeace.

Mr. Slattery provided a brief history of KidsPeace. Their focus has been working with children from birth to the age of 21. Their level of care depends on each child. The outpatient program can start as young as five years of age.

Mr. Slattery stated that recently they have had adults requesting care that have never been in the care of KidsPeace. Mr. Slattery stated that they must turn these adults away because KidsPeace is restricted to working with adults that are related to the children that they currently serve. They are interested in offering additional services at the campus.

He presented his proposal requesting that the Township adjust the zoning language relative to KidsPeace Broadway Campus. They are requesting to continue the services they have always provided but would like to elevate the need for the adult clients that are treated to have to be related to the children they serve.

They would like to accommodate the community and to be permitted to offer outpatient counseling and treatment services to adults who are not related to youths 18 and under and those over 18 who are clients.

Mr. Savinelli reviewed the KidsPeace outpatient program, day programs and in home services.

Mr. Beck inquired as to what takes place on the campus. Mr. Slattery provided maps to the Planning Commission which depicted the main buildings and what services are provided at each. Mr. Slattery stated that all the residential children have been relocated to the Orchard Hills Campus. The KidsPeace Campus has no residents on site and is now known as their family center. All services provide are outpatient basis.

Discussion ensued in regards to KidsPeace request. There were many thoughts and concerns to allowing adult services. Mr. Schmehl stated to offer what is and what is not allowed on this location. Mr. Tetterer expressed his concern in regards to the traffic flow with any change of use.

Mr. McKitish inquired if once the child reaches the age of 18 is there another KidsPeace facility they can continue treatment. Mr. Slattery stated that they can be treated at Green Street Campus on an outpatient basis; however, proximity is important.

Mr. McKitish stated that he would like a written narrative describing the services KidPeace provides. He stated that the Planning Commission needs to see a strategic plan to review, especially for the future. Ms. Sopka believed this proposal is geared more towards behavioral comparison then the other campus. Mr. Slattery explained the differences in patients that are considered a “mental health” patient.

Mr. Slattery inquired if this specific Ordinance was written specifically for KidsPeace. Mr. Tetterer stated that it probably was written for KidsPeace; however, as soon as you take the children out, anyone could follow in their footsteps. This concerns the Planning Commission with any future owners wanting to make more changes, using this Ordinance for adults specifically. In the changing of this Ordinance, KidsPeace is now putting them in a broader category. Mr. Tetterer stated that they must protect the surrounding neighbors and residents of Salisbury Township appropriately. Ms. Sopka stated that they will consider their request but need the proper guidance.

OTHER BUSINESS

None

ADJOURNMENT

The Planning Commission voted to adjourn the meeting. Meeting adjourned.