

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

**PLANNING COMMISSION
MEETING MINUTES**

**7:30 PM
October 9, 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, 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. Miller, the Planning Commission voted 7-0 to approve the September 11, 2012 Planning Commission Meeting Minutes as submitted. All in favor.

1930 BEVIN DRIVE – DEVONHOUSE ADDITION

Review proposed Land Development and Preliminary/Final Plan for the expansion of 3,468 SF to the existing building. The Project includes the addition of ten (10) additional beds to be added to the existing Assisted Living Facility.

Present were Jim Gentile, Owner of Devon House Assisted Living Facility and New Star Construction Management, and Adam Smith of Barry Issett and Associates.

Mr. Tetterer highlighted his review letter dated October 3, 2012. Mr. Tetterer stated the following items need to be discussed. These are Items #2, SALDO 3.2.A.3 a separate Preliminary/Final Plan submission are required and a waiver has been requested in writing. Item #3, SALDO 5.3.D.3, location of existing manmade features located within 100 feet of the site shall be shown on the Plan and a waiver has been requested in writing. Item #5, SALDO 10.10.B.1.C, minimum pipe diameter and type of pipe waiver has been requested. Mr. Tetterer stated that the required piping is a corrugated metal pipe or reinforced concrete pipe for the minimum slope of half percent is required and they are proposing HDPE pipe. Mr. Tetterer stated that he would have no engineering objection to granting this waiver. The final Item is SALDO 10.12.A, sidewalks to be provided within any nonresidential development. A deferral to this section has been required in writing. There are no sidewalks in this area and the area is developed; therefore, he would have no engineering objection to granting this deferral.

Mr. Tetterer concluded when all Items are satisfactorily addressed, they would recommend engineering approval of the Preliminary/Final Plan.

Ms. Sopka highlighted her review letter dated October 4, 2012. She evaluated the zoning aspects associated with the proposed land development and concluded that the zoning requirements have been met. She concurs with the Township Engineer's letter.

A minimal discussion ensued and the deferral and waivers were reviewed.

Mr. Robert Eberwine of 1901 Bevin Drive expressed his concern regarding the Devon House expansion. He issued a number of concerns including water runoff from the building, flooding the excessive noise after midnight into the early morning hours, for example, food delivery trucks, trash hauler trucks and the generator that is extremely loud and the alarms go off on a regular basis. He was hoping that with the new facility extension some of these issues would be addressed.

A motion was made by Mr. Licht, seconded by Mr. Hebelka, the Planning Commission voted 7-0 to make recommendation to the Board of Commissioners approval of three waivers, Items #1, #2 and #5 on the request of the applicant dated October 9, 2012. All in favor.

A motion was made by Mr. McKitish, seconded by Mr. Miller, the Planning Commission voted 7-0 to make recommendation to the Board of Commissioners for approval of the deferral for the requirement of sidewalks as stated in 10.12.A. All in favor.

A motion was made by Mr. Schreiter, seconded by Mr. Hebelka, the Planning Commission voted 7-0 to make recommendation to the Board of Commissioners to approve the Preliminary/Final Plan as submitted subject to comments of the Township Engineers, Township Solicitor, Township Zoning Officer, and other federal, state and local regulatory entities. All in favor.

Review the request of KidsPeace to adjust zoning language relative to the campus located on Broadway Street.

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

Mr. Slattery reviewed the information he provided prior to this meeting and stated a few items need to be addressed. He addressed time frame appointments. He stated that an outpatient client normally spends about one hour to 45 minutes on the campus if it is a therapy session; however, if it is a medication check it could take approximately 15 minutes.

Mr. Slattery addressed inquiries of disruption on the campus. He advised that corrections have been made to the original submitted document stating there were about two disruptions a week and since there have not been any clientele residing at the campus for the past few years, there has been a market decrease that only about ten calls were made in the last 13 months.

Mr. Beck inquired about the additional parking lot that was constructed across the street from the main parking lot. Mr. Slattery stated that this parking lot houses some fleet vehicles and remnants from the residential days and transport vehicles.

Mr. Hassick inquired if the clientele is basically from Salisbury Township or other areas. Mr. Slattery stated that patients live in about a 30 mile radius. These patients are the children and some parents of the treating child.

Mr. Hassick inquired if the radius of clientele would remain the same if approved to treat patients over the age of 18 to 21. Mr. Slattery stated that the clientele would be split between the Green Street Campus in Allentown and the Broadway Campus. It would depend on the proximity of where the patient resides or works.

The members continued to discuss the definition of a treatment center. It was expressed that a treatment center already exists on Riverside Drive in Salisbury Township. It was questioned if an additional treatment center is necessary.

Mr. Schmehl provided a definition of a treatment center. He recommended that for this facility specifically, it be primarily 21 years of age and under including their family members. It was considered that the adult outpatient program be listed as an accessory activity because it is not the primary activity on the property. It can be stated that any residents must be 21 years of age and under. Mr. Schmehl stated that in the Zoning Ordinance the Township could list the excluded conditions that would not be allowed on this property.

Mr. McKitish inquired about the programs they have at the Green Street Campus. The reason for his inquiry is he believes it questionable to rezone the KidsPeace Campus if these specific treatments are

available at their other facility, which is in a close range. Mr. Slattery again referenced to the travel proximity of their patients.

A lengthy discussion ensued in regards to the service need of the requested age expansion of KidsPeace which would then require rezoning.

A motion was made by Mr. McKitish, seconded by Dr. Licht, the Planning Commission voted 3-2-2 relative to the definition of the proposed used for prepared treatment facility for use would be redrafted to the current ordinance of 1993.

Representatives of Waldheim Park Association, Inc. are interested in addressing the proposed change of zoning as referenced in the Salisbury Township Comprehensive Plan. Currently the property known as Waldheim Park is currently zoned as R-4 and is recommended to change to R-5.

Waldheim Park is land owned by the Evangelical Congregational Waldheim Park Association. The park has about nine nine year round residents out of the 84 cottages occupied or available for rent or purchase. The Park is an R-4 Zoning District which has been rezoned to an R-5 Zoning District. The zoning change will allow manufactured homes.

Ms. Pamela Varkony, cottage owner, expressed her concern regarding the zoning change. She stated that rezoning the park could have legal implications for Waldheim should a developer try to purchase the park land. She believes it gives them legal standing to place manufactured homes.

Mr. Schmehl stated that private property owners can do what they would like and the Township is not forcing residents to change anything. However, the Township is required to find a place that is physically suitable for manufactured homes. Attorney Ashley stated that the Township must make an allowance someplace in the Township for manufactured homes, however it doesn't mean that they have to go there.

Ms. Varkony stated that they believe the rezoning is a threat to Waldheim Park. Mr. McKitish stated that the Township does not see it this way. However, they are mandated by the state to provide opportunity areas for manufactured homes.

Ms. Jennifer Reidy, cottage owner, addressed her concern that by changing the zoning it would attract the attention of a developer. She would like the park to remain as is.

Continue review of the Salisbury Township Zoning Amendments as prepared by URDC.

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

Mr. Schmehl began with an updated draft for **tree harvesting/forestry** from last month's meeting discussion. Model regulations on tree cutting were discussed including a few court cases to try and streamline the process. Mr. Schmehl stated that the Salisbury Township Ordinance states you can cut three trees down per calendar year otherwise a review is required. He stated a temporary fencing provision was added for the protection of surrounding trees during construction.

He reviewed the Townships clear cutting provision. The Township does not allow any clear cutting.

He reviewed forestry and recommendation was made that the Township has the right to make applicants send the plans to the Conservation District because there has been times when plans were not submitted to them.

It was discussed and decided that property owners need to know where the property lines are prior to forestry. Mr. Schmehl recommended that if the property is over ten acres of forestry that the Township requires a property survey.

The Township has a current provision that there is a 50 foot setback for forestry operations from the property and the street. It was requested that it be increased to 75 feet from the property line or street. In addition to this draft, the setback was increased 100 feet from rivers and creeks. It was noted that forestry cannot be done once.

It was added that adjacent property owners must be notified of submitted forestry operations, when the forestry plan is submitted to the Township and again two days before it is to take place.

Mr. Schmehl advised the members that URDC needs a complete draft of the Subdivision Ordinance by the end of 2012 for the County contract. He will provide the first part of this ordinance for review.

A motion was made by Mr. Miller, seconded by Mr. McKitish, the Planning Commission voted 5-0 to formally request that the Environmental Advisory Committee (EAC) to review the draft environmental portion of the Zoning Ordinance Amendments upon receipt of URDC. Commissioners Schreiter and Hebelka were not present for vote. All in favor.

OTHER BUSINESS

None

ADJOURNMENT

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