

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA**

**PLANNING COMMISSION  
MEETING MINUTES**

**7:30 PM  
November 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, 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. Commissioners Hassick and Hebelka were not present (excused).

**CALL TO ORDER**

Mr. Beck called the meeting to order.

**APPROVAL OF THE MINUTES**

On motion of Mr. Licht, seconded by Mr. Miller, the Planning Commission voted 5-0 to approve the October 8, 2013 Planning Commission Meeting Minutes as submitted. All in favor.

**Review Zoning/SALDO Amendments**

**Action to be taken regarding recommendation to send the Zoning Ordinance to the Lehigh Valley Planning Commission for review and comment. Evaluate a date for the Zoning Ordinance Public meeting.**

Ms. Sopka stated that they are now working with a red line document which will keep track of any changes to the Zoning Ordinance. Ms. Sopka stated that with the help of the Planning Members, Township staff and Urban Resource Development Corporation (URDC), together they have been evaluating this red line document. She reviewed past memos, recommendations to the consultant and proposals. She stated that if any of the members would like to share information or recommendations, she will input this into this red line document. In this, they will be able to keep track of any changes.

The contents of each section were reviewed. Ms. Sopka stated that the majority of the general provisions are taken from the Municipal Planning Code (MCP) which is standard. She referenced Section 102, the environmental protection, and advised that this Ordinance serves to carry out the purposes and the objections of the Township Comprehensive Plan and the Lehigh Valley Comprehensive Plan. Ms. Sopka stated that she must re-evaluate the Comprehensive Plan to clarify if meets the criteria of the Zoning Ordinance.

Mr. Timothy Siegfried, Lehigh Valley Health Network (LVHN) Counsel, offered that because the Township Comprehensive Plan is defined it must have a date. Secondly, there is no definition of the Lehigh Valley Comprehensive Plan. Mr. Siegfried suggested deleting the Lehigh Valley Comprehensive Plan, because the way the law is set up is if you have a Comprehensive Plan and a Zoning Ordinance then you do not have to follow the Comprehensive Plan where the Zoning Ordinance is implemented by the County or the Lehigh Valley Planning Commission. Basically you are indicating you are serving two **masters** when this is not permitted. **The members were in agreement to delete the Lehigh Valley Comprehensive Plan.**

The following items have been reviewed:

**Section 103** - Mr. McKitish suggests including simple earth movements or alterations of slopes which is included, but not limited to. To reference and include a foot note stating that this is taken from the MCP at a specific date.

**Section 106** - Ms. Sopka stated this change occurred for the benefit of the overlay. If it wasn't added the current Zoning Ordinance wouldn't give the authority for the overlay. **The members were in agreement with the recommended changes in Section 106.**

**Section 107** - The recommended fee that is required for zoning application and review. Attorney Ashley recommended that the review will indicate the reason in writing. **The members were in agreement to have any reasoning stated in writing, not upon request.**

**Section 108** - Permits and certificates. A definition is needed for Grading. Remove: the Township may have its option to issue combined or separate building permits, because this is not done. **The members are in agreement with the discussed changes this section.**

**Item 5B** – Zoning Hearing Board (ZHB) decision interpretations and variances. Ms. Sopka recommended removing the entire section of Section 117 referencing site plan reviews. It is not necessary because if the project is a commercial building that is being expanded they typically have to go for a land development. **The second is the raising of livestock which is considered agriculture.** If there is 2,000 square feet of new impervious or 5,000 square feet of land development/movement than it falls into a Grading permit. The review is done by the Director of Planning and Zoning and the Township Engineer. If it requires stormwater the Township Engineer will only review that portion. Mr. McKitish stated to make notation that Section 117 has been intentionally deleted and marked reserved for future use. **The members are in agreement with the removal of Section 117.**

**Section D** – Non-residential use is provided within 300 feet from a residential lot line. Non-residential use shall provide the Township with a description of use including its hours of operation and trucking activities. **Mr. McKitish recommended changing it to traffic activities** as oppose to trucking activities. Ms. Sopka stated that this was the addition that she added. Ms. Sopka stated that per Attorney Victor Cavacini, Counsel for the ZHB, he stated that it **should remain consistent at the 300 feet.**

**Section F** – Land owner definition. Mr. Schreiter stated that the definition of land owner has been deleted and it states to refer to the MCP. Ms. Sopka stated that the definition of applicant has been removed as well. **The members agree to reinstate both landowner and applicate definitions as long as it is consistent with the MCP.**

**Section 108 OR Section 807** – Temporary permit/structure/use. A Conditional Use is different than a temporary permit. **The members are in agreement that this needs to be reconciled from a temporary permit as stated to a temporary permit for structures or use, defer to Section 807.**

**Item 9B1** – Mr. McKitish does not believe this item reads properly. **This statement will be re-written for better understanding.** The members are in agreement, Ms. Sopka will review the entirety of Item B Parts 1 and 2.

The **Certificate of Occupancy** will be removed, as the Building Code Official takes care of this based upon compliance of meeting all building code. **The members are in agreement to remove this item as it is referenced under the building codes.**

**Section 109, 1 through 5, 5F** – change to the Lehigh Valley Planning Commission from the Joint Planning Commission.

**Item 4** – will be amended by Attorney Ashley regarding substantial change.

**Item 5, C** – adverse effects on adjacent residents should state adjacent properties.

**C810** – the title in the text for traffic impact studies should be changed to traffic studies.

**Section 110** – curative amendments. Ms. Sopka has a fee structure inclusive of this.

**Section 111** – This section will be in compliance with the practice of the Township. Attorney Ashley will look into this Ordinance for recommendation. The Ordinance is defined by the MCP but not limit it too those referenced in this section.

**Section 112** – Wards. The members would like to reinstate this section as originally written, including in the event that there is no eligible candidate within the ward, flexibility is now an option from a different ward. The members stated the main goal is to have representation and a view point of each ward. Ms. Sopka will confirm with the Board of Commissioners regarding this option.

**Item 5** - Special Exception uses for persons with disabilities. Clarify the wording of this portion of the document. Federal Law does take priority for American Disability Act. You must accommodate an individual that is ADA. Mr. Miller will amend this section.

**Item 112** – Time limitation changes. The wording must be clarified and resolved.

**Section 117** – Intentionally deleted. The members are in agreement to delete this section.

**Section 118** – Site Plan.

**Item 14** – official flood plan map is in question, define official flood map, reference as a FEMA map?

Eliminate substantial – unnecessary description.

Easements discussed – need clarification.

Location of alternate drain fields and alternate wells were discussed for consideration. Should this be required? Alternate sites have been set aside in case either fails. This needs clarification were applicable.

#### **OTHER BUSINESS**

None

#### **ADJOURNMENT**

On motion by Mr. Miller, seconded by Mr. McKitish, The Planning Commission voted to adjourn the meeting. All in favor.