

I. OPENING

A. CALL TO ORDER: The Planning Commission of Lower Saucon Township was called to order on Thursday, February 24, 2022 at 7:00 p.m. in Town Hall at 3700 Old Philadelphia Pike, Bethlehem, PA, with John Noble presiding.

B. ROLL CALL: Present: John Noble, Chairman; Hazem Hijazi, Vice Chairman; Sandy Yerger, Tom Carocci, Douglas Woosnam, Craig Kologie and Chris Nagy, Members; Jim Young, Zoning Officer; Linc Treadwell, Solicitor; Kevin Chimics, Engineer.

C. PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

None

III. REORGANIZATION

A. Election of Chair

MOTION BY: Tom Carocci moved to nominate John Noble as Chair.

SECOND BY: Doug Woosnam

ROLL CALL: 7-0

B. Election of Vice Chair

MOTION BY: Tom Carocci moved to nominate Haz Hijazi as Vice Chair.

SECOND BY: Craig Kologie

ROLL CALL: 7-0

C. Election of Secretary

MOTION BY: Tom Carocci moved to nominate Chris Nagy as Secretary.

SECOND BY: Doug Woosnam

ROLL CALL: 7-0

D. Designation of Planning Commission Meeting: Time, Place and Date for 2022

MOTION BY: Sandy Yerger moved to designate the meeting dates for the Planning Commission on the fourth Thursday of each month in 2022 at 7:00 p.m. in Town Hall.

SECOND BY: Doug Woosnam

ROLL CALL: 7-0

IV. BUSINESS ITEMS

**A. CREEKSIDE PUMP STATION CONDITIONAL USE #CU 01-22 – Lower Saucon Authority
– 1817 Leithsville Road – exp. 05/21/22**

Present were Attorney David Backenstoe; J. Bradley Youst, Engineer; and William Ross, Lower Saucon Authority Administrator.

Linc Treadwell asked if there actually a land development application?

David Backenstoe stated there really isn't. It's just the use and the engineer is going to send a stormwater plan for submission and recording at some point.

Linc Treadwell asked do you want to ask for a waiver of the formal land development plan with the condition that you record the site plan with everything that Hanover Engineering needs on it?

David Backenstoe answered absolutely, we would ask for that waiver.

David Backenstoe stated that he is the solicitor for the Authority and Brad Youst, the Authority engineer and Bill Ross, the administer of the Authority are present. We're excited to be hear before the Township with this project. We really are bringing to fruition a project which has been 20 years in the making. Some of you may remember that Ahold Realty came in back in '99 and submitted plans to the Township for the shopping center where currently there's the Giant, Subway and all those things. At the time they came in they really were proposing a substandard waste water treatment facility. It was problematic, it was to small, it wasn't going to function properly and the Authority felt it was fraught with deficiencies. So, the Authority finally reached an agreement with the developer and had the developer pay the Authority an escrow so the Authority could take some time to study and find an exact location, because that's critical for the elevation, and also design the proper system to do no more than improve the temporary system that they put in. The temporary system, if you know, is where 412 runs off with Springtown Hill Road. That is really not what you want and doesn't really serve the system or the community at all. So, we are pleased to be here tonight with the Creekside Pump station which is going to be a beautiful up to date state of the art pump station. And, it's going to be on 1817 Leithsville Road and you know it as the little billboard road there. That's the nature of why we're here.

Everybody wants to know what it's going to look like. Here is a rendering which has been designed to look like an historic barn and it's really a replica of the historic barn which is right across the street. You're going to have this stone bottom with the brown veneer on top and then you're going to have the nice roof. We're actually getting upgraded outside lamps; so, they're not some stock thing that you'll find. This structure is going to house the pump station which is a wet well, a wet well mounted pump and under that of course will be the stormwater infiltration system. The reason that we're before you tonight is the pump station is a public facility and under your ordinance in the Mobile Home district, the pump station and the public utility facility is a conditional use. Therefore, the only time you actually appear before a Board of Supervisors or a Council or City Commission on a zoning matter is when it's a conditional use. Your ordinance also requires that we come before you to tell you a little bit about what we're doing before we actually end up in front of your Council which is going to be a month from now on March 16th.

We have submitted a complete comprehensive package outlining exactly why we meet all the criteria. We do need some zoning relief and the reason we need zoning relief is because we have

somewhat of an undersized lot because it was created in 1957 back when lots of 120 x 40 were permitted. So, we have a lawful non-conforming lot; but, we're going to need some zoning relief and we're actually going to the Zoning Hearing Board on Monday night for some setbacks and things like that. The good news is our good friend, Mr. Wilt, owns the property to the south and to the north of our lot where we intend to put the pump station. Mr. Wilt has completely endorsed the project. In fact he has given us an easement so we can do a nice turn around and then we have easy access to the facility so we can construct it. And, then the minor operation and maintenance which takes place maybe once a month can be facilitated beautifully thanks to Mr. Wilt who is here tonight if anybody would have questions for him, please jump in.

David Backenstoe continued to state so when you have a conditional use, most zoning ordinances, and your Township zoning ordinance is no different, usually has 2 or 3 sets of criteria. They ordinarily have general requirements for a conditional use, they usually have specific standards and then often times, as you do, they have very specific requirements for that particular use.

I'd like to run through those a little bit right now and give you an idea of where we are on them; and, then I'd certainly like to open up the floor for questions. Under your Ordinance Section 180-12.1.C requires first of all that we establish 6 standards. One that this is in accordance with your comprehensive plan; and, I can tell you it certainly is because your Zoning Ordinance permits it as a conditional use and it's in the mobile home park area. It has to be in the best interest of the municipality. No question, that's an easy one. Right now what you have is an undersized ill equipped improper system. We're going to put a system in which doesn't change anything, it doesn't require anybody to be on sewer; however, if some day you would want that, you would have the facility. What it is going to do is upgrade what's right there. Suitable for the property in question, absolutely, it's 120 x 40 foot lot and not much you can do with it but put a system like this in it.

We intend to comply with all Township Ordinances. It's suitable for traffic and there's no traffic issues at all. We anticipate that you may have a truck or two once a month just to do tweaks and tune-ups and of course if there were an issue, the guys from the Authority would come down and take care of it. But, other than that you'll have no traffic. Finally, in accordance with you SALDO, and again, we're submitting each and every document, plan or memorandum which your SALDO requires. So, we completely comply there.

Your Comprehensive Plan, of course, is your umbrella for planning under which all of your zoning is created and your SALDO is enforced. Our engineer really did a very nice job in outlining really the 10 points for which are most important in your comprehensive plan and it talks about being fiscally responsible and an enhancement to the community, important to the community, an asset to the community. And, again all the reasons I stated, this pump station is exactly that.

That's the first set of standards. Your specific standards are found at Section 180-12.1.D. And they really focus on 2 areas. One is provide adequate road access and there is no issue with that. We have a pump station which will be facilitated by this guy's crew maybe once a month after it's constructed. These things really don't have any maintenance. If there is an issue, we're there. Thanks to Mr. Wilt who's allowing us to do a turn around, it's going to be beautiful because you can drive in and there's no issue with backing out onto 412. There's going to be a nice little u-turn, you come right around, drive in and drive out, easy access and there's no site triangle problems, no distance problems or nothing to cause any negative impacts whatsoever.

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Your second criteria under specific was no negative impact in the neighborhood. I think not only is there no negative impact because it's a permitted use, we've also gone out of our way to make it really look aesthetically pleasing, not a concrete box but a barn just like the actual barn right across the street. So, I think we meet that criteria.

And then there's really 3 other specific requirements you have for a public utility. The first one is all equipment must be enclosed in a building. Here's our building and we're proud of it. Number two is the provisions for off street parking. Again, thanks to Mr. Wilt, we don't have an issue with that at all. The last criteria for a public utility is the lot area has to comply with zoning; and, we have what's known as a lawful non-conforming use. That means that the use or the lot existed prior to the adoption of zoning. The lot came into being in 1957 pursuant to the Hellertown park land development which was recorded in '57. Now you require much larger lots; but, back then that was perfectly legal. Because it was there lawfully prior to the adoption of your Zoning Ordinance which was '71 or '72, it's a lawful non-conforming lot. That in a nutshell is the project and we're happy about because we're bringing fruition with what has been worked on for almost 20 years and we want to fix the system that's out there now before something bad happens to it.

Linc Treadwell asked what's your plan for the billboard?

David Backenstoe stated the billboard, we negotiated that with the people who are selling the property and they are going to have a 15 year easement. They're going to be able to keep it for 15 years; but, then it comes down and it's gone forever.

Linc Treadwell asked can we put a note on the plan to that effect?

Brad Youst answered we can certainly add that.

Linc Treadwell stated that just so that everybody knows going forward in the future that when that lease runs out or whatever, it's coming down.

David Backenstoe stated we would have liked sooner; but, it really is the most suitable lot in the whole area because of the elevation of it.

Linc Treadwell asked what's your timetable construction wise?

David Backenstoe stated we're very much hoping to get our approval from Council on March 16th and then there is a 30 day appeal period. Assuming that expires, we're going to close shortly thereafter. The engineer is working to get the NPDES permits that are necessary for the PennDOT permits. Then I will turn it over to Brad for how long would it take to actually construct the facility?

Brad Youst answered there are many other approvals besides those that we need from the Township in order to implement this plan. Ultimately, what this does is this provides the motive for us to move the waste water from this vicinity and Creekside Marketplace and if ever needed the surrounding neighborhood to Lower Saucon Authority's other gravity sewer installation. The closest gravity sewer that we have is in Meadows Road, the last manhole on top of the existing system is right at the driveway to the entrance to the Sportsmans Association. That's where we will be going. We already have a sewer crossing in the creek north of the bridge. A little snag that came up in the last year or two, that bridge is going to be replaced. Our casing and our capped pipe that were installed 23 years ago very likely are in the way and are going to have to be relocated.

We're still working with PennDOT who is involved with the county designers to establish where our crossing will have to be relocated, not sure if it will go to the south side of the bridge or if it will go farther to the north. That's a process that's ahead of us. We're working on that; I just got the authorization to act on behalf of the Authority through PennDOT's electronic system today. We've been talking with the County's engineers for months trying to get to that point. We have a plan prepared for erosion and sedimentation control; but, knowing that the stream crossing work was somewhat in a state of flux, we've not submitted that to the Conservation District yet. We also have to go back to DEP with the full construction permit application for this. There was a permit for construction of the pump station where the existing temporary station is located on the triangle at Springtown Hill and 412; but, since we're proposing at a different location, we have to go in for a fresh construction permit. The planning as David indicated is all the same; the sizing of it is exactly the same as what was approved in 1999; it has the same capacity for future expansion should it ever be needed and approved to be used by the Township. So, it's essentially the same flow capacity; but, it's a different geometry because it's at a lower elevation that works better for the installation of the pump.

Our goal is to try to work through all of the permitting through this year and get into the construction of the pump station and the force main and the connection of the gravity sewers to come down from the current pump station site to this new site about 400 feet away. That construction would be in 2023. Our goal is to be complete before the end of 2023 with the construction. Once this facility is built and the pump station is actually operational, the final step of the contract would be to remove all of the facilities from the temporary pump station site on the triangle, remove the underground tanks that are there, the manhole that the sewage flows into with the small pump station that's there now. The fencing, the water supply, the electrical supply and components, everything on the site, paving and stone driveway and reestablish a meadow mix cover on the site. That'll happen once we know for sure that everything works with the new station. But, that will be part of this contract overall. So, that's our timeline that we have in mind and we're trying to recognize that things will move slowly working with PennDOT and the bridge and the line relocation; and, once that's determined, that needs its own permit through DEP under a different program. There are many pieces in the puzzle that have to each fall in turn and deal with a different group of people and different regulatory environments. That's everything that we have ahead. We've already pre-drilled the entire route of the force main going from here up Meadows Road, we know what our underground conditions are. That was done after Thanksgiving 2020. That was when we finally were able to get paperwork signed between the Authority and the owners of the property so that we could actually plan to move forward and could actually bring a drilling rig onto the site and drill at the site's well. A lot has gone into putting the concept together. The site is small as David indicated, it's only 40 feet wide on the frontage at the highway and 120 feet deep; but, we can place our control building in a way that it meets the side and rear setbacks and meets the front setback as well. We can provide a fence around that facility; and, even though it looks different from our Authority facility on Skibo Road near the Cobble Creek development, the fenced compound is virtually the same size. As David indicated and as our rendering shows, the aesthetic will be much better than Skibo Road. The building itself will actually be concrete; it will be a factory manufactured building but all of the textures and colors will be applied at the factory. So, it will be secure, it will be a long life structure; it's not like a garden shed you can get at Green Acres and come down and stain the T-111 and replace it every 5 years. It's a good solid structure. We will have standby power and that's really what that building is for. There will be a generator inside the building and the fuel supply will be UGI gas. UGI has their line right out in 412. So, we'll have standby power and we won't have to worry about power outages. The electrical panels except for one panel that you have to have safety switches close to the pumps, they will be inside the building. All the transfer gear for the standby system will be inside the building. The wet well

will be exactly like the one at Skibo Road, it's a small green fiberglass enclosure that sits out in the yard right out in front of the building within the fence compound. The pumps are actually located in there directly on top of the 20 foot deep wet well or manhole which the sewage comes to. That hood is made of fiberglass and is sound insulated. So, unless you're standing 2 feet away from it, you can't actually hear the hum of the pumps when they're running. It also provides some thermal insulation; but, there's nothing in there that would freeze. We do keep a heater inside those enclosures just in case, but they're factory fabricated and not something that we have tried to get made for it. That is the standard enclosure for the pumps. It makes the easy to service because you just lift the hood and the pumps are sitting right there. You don't have to drag them out of a wet well and clean the sewage off of them to work on them like the pumps we have at the temporary station at the triangle.

It's workable even though the site is small. The advantage that this site has over Skibo Road is we actually have off street parking with the driveway coming in to the property and the ability to travel through and utilize Mr. Wilt's driveway as the exit, it gives us a means of bringing at least 3 vehicles off the street. And, the worst case scenario the manufacturer's representative and 2 trucks from the Authority can all park off the street. The Skibo Road, thankfully there's not a lot of traffic and there's a wide cartway with curb and we can park on the frontage there. Here we can't.

Tom Carocci asked how are you going to keep the public from making u-turns and using that?

Brad Youst stated if that should become a problem, all we can do is post it like any property owner would. We actually have the posts of the billboard that we can post signs on. Once the billboard would go away, we'd have to use stand alone free standing posts and put a sign for no u-turns. We do intend to have an address identifier sign out front to follow Township emergency address location standards. There will be no other signs other than to say no trespassing on the fence, small signage.

Chris Nagy asked is the easement that Mr. Wilt is providing permanent?

Brad Youst answered yes. He has agreed to allow us to utilize this portion of his driveway and that is essentially part of our compensation. We will be improving his entire driveway to make it more usable. We also negotiated with him for some easement space along the frontage because the gravity line and the force main line will both be in the yard area and not out in the PennDOT paving easement. We'll be bringing in gravity sewer to the pump station and then the portion that will leave and go out Meadows Road will be located off our PennDOT right-of-way in a permanent easement.

Tom Carocci asked if the Authority contacted other residents in the area and there are not complaints?

William Ross stated we have contacted everyone within both a 200 feet radius, 300 feet radius of the property to let them know of our intentions and have received no questions and no concerns.

John Noble stated so the easements that you created with Mr. Wilt, they also described a narrative of compensation or is that a separate document. My concern is only that there's been representations on what you're building, how you're building it, what the conditions are going to be and Mr. Wilt has signed off on that. I just want to make sure that it becomes part of the record that he actually gets exactly what's been discussed.

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David Backenstoe stated actually what I did to protect Mr. Wilt's interest, because we appreciate what he was doing, I created what I call an omnibus agreement and it sets forth all the terms in recordable form and it attaches the two easements to it.

John Noble asked Andy, did you get a chance to look at this document and you're comfortable with it?

Andrew Wilt answered yes.

David Backenstoe stated it's all signed and fully executed. I have a copy here.

Chris Nagy asked for snow removal in the winter, will that be the responsibility of the Township.

Brad Youst stated the Authority would be responsible for taking care of the snow removal. They actually do snow removal to assist the Township.

John Noble asked is that part of the document?

David Backenstoe stated I don't know if we talked about snow removal.

John Noble stated it sounds silly but it's going to be something that you don't want to have become an issue later.

David Backenstoe stated I don't think we really talked about snow removal but we're going to be there because we have to remove the snow so we can access it.

Haz Hijazi asked about the property on the other side? Is that residential, or there any issues with that?

David Backenstoe stated he owns both to the north and the south.

Brad Youst stated Mr. Wilt owns both of the properties.

Haz Hijazi asked are they both occupied?

Andrew Wilt stated the building on the corner of Herbert and 412 is occupied during the day because I run my business out of it. The other one is occupied by a tenant.

Brad Youst stated one other thing that we worked to try to accommodate is Mr. Wilt has a garden pond located here and it's mostly on his property, but, it slightly encroaches onto the rear of the property; and, the Authority intends to allow that to completely remain and the earth grading around the building will not disturb the pond. The contractor will be directed to protect that at all costs so that it can actually remain.

Haz Hijazi asked about any noise concerns or any smell concerns?

Brad Youst stated noise you have three sources, one would be the vehicles coming in and out. The normal scheduled routine, the pumps typically, based on our experience at Skibo Road, need to be visited and have very minor routine operating service done about three times a week. There's a small priming chamber that can get clogged if it's not kept up well. Three times a week might be

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more than you need; but, it is proven to be sufficient to not have the system fail. The Authority could stretch it but they set a routine that gets them on the site every two to three days. So, you have the vehicles coming in and out; you've probably seen the Authority vehicles, a pick up truck or a box truck van like vehicle. They don't have the dump trucks doing most of the routine work. On occasion if somebody has to be doing other work, they might bring a dump truck in. That's less noise and activity than you have on the road at any given point other than in the middle of the night.

The two things on the site that would generate noise, the stand-by power system which is located in the building. That's why we put it in the building. You can get outdoor enclosures like the one that we have at Skibo Road with residential silencing; but, it's even quieter by being placed inside the building. That would only run on two different types of occasions. One would be in the event of a power outage; and, two would be the weekly exercising which is typically done on a week day, Tuesday through Thursday. We pick one as a general routine and it would run the generator for about a half an hour. We can set that time to match anybody's schedule. You might hear a small amount of noise from it; but, it's not going to be like the exhaust noise from a backhoe. Mostly you hear the air that is coming through the louvers into the building for the process of running the generators. You don't hear much from the exhaust; and, the exhaust would be run upward not out to the sides.

The third is the pumps. I mentioned before are located right on top of the pad underneath the fiberglass insulated hood that you literally can't hear them. If you walk past the Skibo Road station in the middle of the night and they're running under the hood, you wouldn't hear them. You'd have to be within the fence and be close enough to actually the motors operating because it's just an electric motor.

Haz Hijazi asked how about odors?

Brad Youst stated generally the odors are contained within the wet well. If the Authority encounters problems with odors, there are multiple systems that they can utilize. You can put a chlorine drip, have a bottle almost like an IV bag drip and it will just drop chlorine or another odor reducing solution right into the well and into the source. They have over most of the 20 years that the facility has been in place and have a facility add on which is smaller than a basket ball that just hangs in the wet well and is called a biofarm and that has bionutrient that is released periodically and lasts for quite a long time. And that helps maintain the viability for pumping the liquid away from the station. Part of the reason for that has been with a supermarket, you do have more food waste than you do from a regular neighborhood with domestic usage. You might have a little bit less human waste than you would from a neighborhood. So you've got a strange mix when it's just a shopping center with the biggest user being the grocery store. The biofarm has done a very good job of maintaining that function and keeping odors to an interceptable level at the temporary station and we would make provisions for being able to utilize that at the new station as well.

William Ross stated that we do have drips set up over by the marketplace in the pipes over there to lessen the impact by the time it gets to the pump station.

John Noble asked Linc to summarize what they are requesting from the Planning Commission.

Linc Treadwell stated the first thing would be a recommendation of conditional use approval as Mr. Backenstoe said they're going to the Council meeting on March 16th for the actual conditional use

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hearing. The first motion would be a recommendation of the approval of the conditional use application.

John Noble stated from my standpoint is one of the conditions is we actually make part of the public record your narrative and the representations that have been made as far as the aesthetics of what you're doing and the operational end of things. I would be looking to include your narrative in the conditional use. Can the agreement you have with Mr. Wilt be part of that?

David Backenstoe stated sure.

John Noble stated also conditionally you're looking from zoning relief, so part of our conditional use would be that you actually get your zoning reliefs that you are requesting.

David Backenstoe stated that is understood and it was nice that Council actually made a recommendation to the Zoning Hearing Board endorsing the project. We'll be there Monday night before the Zoning Hearing Board.

MOTION BY: Haz Hijazi moved to recommend approval of the conditional use application subject to the narrative and the representations that have been made as far as the aesthetics of what the Authority is doing and the operational end of things and the agreement with Mr. Andrew Wilt be made part of the public record.

SECOND BY: Chris Nagy

ROLL CALL: 7-0

Linc Treadwell stated the second issue would be then we had some discussions with the applicant about a land development application; but, I think we're at a point now where we could actually waive the formal land development requirements provided that the applicant submit a plan in recordable form that can be approved by Council after the conditional use hearing on March 16th and signed and recorded and meets with the requirements of Hanover Engineering.

John Noble asked Kevin Chimics, did you do a quick review so there's not much going on here?

Kevin Chimics answered no, we basically just reviewed it against the conditional uses which they pretty much addressed in their narratives.

John Noble asked so you haven't looked at it, is there a stormwater potential?

Kevin Chimics stated they will need to do stormwater and that will be part of their site plan submission.

John Noble asked so there's nothing flagged?

Kevin Chimics answered no, a small amount of impervious cover, they can do a small infiltration underground infiltration bed or something like that to address stormwater.

John Noble asked they have enough land to do that?

Kevin Chimics answered correct. That can even be done under the parking lot or in one of the lawn areas.

Brad Youst stated we have actually designed that and we're waiting for the appropriate time to provide that documentation along the way. So, we do have that. Kevin is exactly right, our plan is to have a catch basin located in the center of the driveway, approximately in the neighborhood of the billboard. So, the driveway instead of being crowned will be dished. That inlet will have a screen in it to try to trap debris so the leaves and the like don't pass through. And underneath the driveway will be an infiltration area. When we did our site investigations, we did look for limiting zone and looked at the soil trench at that time and we have a design prepared for that facility that will be installed underneath the driveway to address the stormwater increase from the impervious cover.

John Noble stated at this point the second motion we're looking for tonight is the waiver of land development and I don't believe there is anything that we have to attach to that except for the review of Hanover Engineering on the stormwater management.

Linc Treadwell stated and just that at the end we have a plan that's recordable.

MOTION BY: Tom Carocci moved to recommend approval of the waiver of a formal land development conditioned upon the stormwater management review by Hanover Engineering and a final plan be submitted that is recordable.

SECOND BY: Haz Hijazi

ROLL CALL: 7-0

V. MICELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – SEPTEMBER 23, 2021

MOTION BY: Doug Woosnam moved to approve the September 23, 2021 Planning Commission minutes.

SECOND BY: Sandy Yerger

ROLL CALL: 7-0

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

None.

VII. ADJOURNMENT

MOTION BY: Tom Carocci moved to adjourn the meeting at 8:59 p.m.

SECOND BY: Craig Kologie

ROLL CALL: 7-0

Submitted by: