



# LOWER NAZARETH TOWNSHIP PLANNING COMMISSION

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## Planning Commission

Linda Crook, Chairperson  
Zachariah Cobrinik, Vice Chairperson  
Tara Capecci, Secretary  
Hugh Harris  
Ronald Siedlecki

## Planning Commission Minutes July 19, 2010

Chairperson, Linda Crook, called the meeting to order at 7:00 p.m. Also in attendance: Commission Members Zach Cobrinik, Tara Capecci, Hugh Harris and Ronald Siedlecki; Township Engineer Albert Kortze, and Lori Seese, Planning & Zoning Administrator.

### APPROVAL OF MINUTES

Zach Cobrinik requested a revision to the minutes under Selvaggio Industrial Subdivision – Sketch Plan: 1<sup>st</sup> paragraph, page 2, 5<sup>th</sup> line down, strike “is just a ploy to get what they want” and replace with “was designed”. Motion to approve the minutes of the June 21, 2010 meeting as amended was moved by Zach Cobrinik and seconded by Hugh Harris. The motion carried unanimously.

### CORRESPONDENCE & ANNOUNCEMENTS

No items of discussion.

### SUBDIVISION/LAND DEVELOPMENT

#### Henry Yeska Preliminary/Final Lot Line Adjustment Plan

Present for the Application: Lydia Williams, Applicant; Tim Siegfried, Attorney; and Kenneth Hahn, Surveyor.

Mr. Siegfried stated that they had no issues with neither Mr. Kortze nor Mrs. Seese’s letters, and they would be able to comply. There were no comments from the Commission or the Floor. The motion to recommend approval of the Henry Yeska Preliminary/Final Lot Line Adjustment Plan provided the conditions of Mr. Kortze’s July 12 letter are addressed was moved by Hugh Harris and seconded by Zach Cobrinik. The motion carried unanimously.

#### DHD Ventures Retail Center Conditional Use CU2010-01 and Preliminary/Final Land Development Plan

Present for the Application: Mark Bahnick, Engineer, Van Cleef Engineering Associates; James Preston, Attorney; and representatives from DHD Ventures.

Mr. Kortze reviewed his July 13, 2010 letter. Mark Bahnick indicated the Applicant has filed an application with PADOT for a right-in/right-out access drive along Route 248. If approved, Mr. Bahnick stated it will not affect the current configuration of the parking lot. Nazareth Borough will be reviewing the application at their July 20 meeting. Mrs. Seese reviewed her letter and the parking analysis. Based

upon the parking provided, Mrs. Seese recommended a condition that only one restaurant be permitted in the retail strip. Discussion followed about this recommendation and the parking analysis.

The motion to recommend Conditional Use approval provided Mr. Kortze's letter of July 13, 2010 is addressed and with the recommendation of allowing one restaurant per Mrs. Seese's July 19, 2010 letter, was moved by Hugh Harris and seconded by Tara Capecci. Fore: Hugh Harris, Tara Capecci, Linda Crook, Ron Siedlecki. Against: Zach Cobrinik. The motion carried.

The motion to recommend preliminary/final land development approval provided Mr. Kortze's July 13, 2010 letter and Mrs. Seese's July 19, 2010 letter are addressed was moved by Hugh Harris and seconded by Tara Capecci. The motion carried unanimously.

### **Trio Farms Revised Final Subdivision Plan**

Present for the Application: Richard Brooks, Ashley Development; Mark Bahnick, Van Cleef Engineering Associates.

Mr. Bahnick provided a brief history of the Trio Farms project. Mr. Kortze reviewed his July 14, 2010 letter. Mr. Brooks indicated they received approval to reinstate the Developer Agreement with Nazareth Borough Municipal Authority on July 15. Lori Seese reviewed her July 19, 2010 letter.

Zach requested the applicant provide some type of screening for the owners of 4502, 4508, and 4514 Homestead Drive. The new road, Mulberry Drive will intersect with Gremar Road in the vicinity of their backyards. Zach felt it was appropriate to provide screening from headlights. Richard Brooks asked Zach to get together with these property owners and come up with a proposal. They would try to work something out.

Zach asked for some type of restriction to be added, i.e. deed restriction, to restrict the development of Open Spaces A, B & H, along with Lot 321 in accordance with the restrictions imposed in the Zoning Appeal. Lori Seese suggested that adding the full Order and Opinion from Zoning Appeal ZA2010-01 as requested in her letter will help to satisfy that request.

Lew Lengyel, 685 Daniels Road, cited Section 1404.A.1 of the Zoning Ordinance and stated that this plan will limit his ability to use his property.

David Lilly, 705 Daniels Road, stated that there was a 75-foot buffer along the easterly property line of Trio Farms; however it seems to be removed from this plan. Why was it removed? Mr. Bahnick stated that there has never been a buffer along this property line. Linda Crook recalled when the buffer concept was first discussed prior to the adoption of the ordinance, and thought that these were the types of situations where a buffer would be required; however the language of the Zoning Ordinance does not require a buffer. This seems in contrast to what was intended. Discussion followed about having the Board of Supervisors investigate, thru the Township Solicitor, whether a buffer yard is required along the easterly and westerly property lines.

The motion to recommend approval of the Trio Farms Revised Final Subdivision with the following conditions:

1. The conditions of Mr. Kortze's July 14, 2010 letter and Mrs. Seese's July 19, 2010 letter are satisfied;
2. Recommend the Board of Supervisors verify that whatever notes put on the plan are consistent with the Zoning Appeal;
3. The Developer work with the homeowners of 4502, 4508 & 4514 Homestead to provide screening from headlight glare;

4. Recommend the Board of Supervisors obtain legal advice as to whether a larger buffer is warranted along the easterly property line, and whether the adjoining land owners have any recourse to prevent loss of agricultural uses on their property, and if a buffer is required it should be added to the plan;

was moved by Zach Cobrinik and seconded by Hugh Harris. The motion carried unanimously.

#### **Trio Farms Phase I-1 Revised Final Subdivision Plan**

Present for the Application: Richard Brooks, Ashley Development; Mark Bahnick, Van Cleef Engineering Associates.

Phase I-1 will consist of 43 units. Mr. Kortze reviewed his July 14, 2010 letter. Secondary access from the site was discussed at length (KCE letter Item II.9). A recommendation was made that upon build-out of 70-80% of Phase I, the second road must be constructed. Mrs. Seese reviewed her July 19, 2010 letter.

The motion to recommend revised final subdivision approval for Trio Farms Phase I-1 provided Mr. Kortze's July 14, 2010 letter and Mrs. Seese's July 19, 2010 letter are addressed, and with the recommendation that Mulberry Drive be completed to provide emergency access as directed by the Township Staff was moved by Tara Capecci and seconded by Hugh Harris. The motion carried unanimously.

#### **Buffalo Wild Wings Revised Final Land Development**

Present for the Application: Michael Jeitner and Justin Brown, Bohler Engineering

Mike Jeitner reviewed the differences in the approved plan and the one presently before the Board. Mr. Kortze reviewed his July 15, 2010 letter. Mrs. Seese reviewed her July 19, 2010 letter. There were no comments or questions from the Commission or Floor.

The motion to recommend Revised Final Land Development approval for Buffalo Wild Wings provided Mr. Kortze's July 15, 2010 letter and Mrs. Seese's July 19, 2010 letter are addressed was moved by Zach Cobrinik and seconded by Tara Capecci. The motion carried unanimously.

#### **Atul K. & Patrice Amin Land Development Plan & Conditional Use #CU2010-02**

Present for the Application: Tim Charlesworth, Attorney; Amit Mukherjee, P.E., Base Engineering; and Bob Wilke, CMG of Easton.

Mr. Charlesworth provided an overview of the project which will be a conversion of the existing surgery center to an 18-bed specialized hospital. The hospital would be open 24/7. Patients would stay up to 3 days. Any patients who would need to stay any longer than 3 days would be sent to a larger hospital. The first floor of the building would be for emergency care and the third floor will remain as outpatient care. The second floor will be modified to accommodate the 18 beds for the hospital. An additional elevator will be constructed on the outside of the building.

Mr. Kortze reviewed his July 15, 2010 letter. In response to the comments in Mr. Kortze's letter, Mr. Mukherjee stated a Planning Module must be submitted to DEP, and some landscaping will be removed in order to satisfy fresh air requirements for the hospital.

Mrs. Seese reviewed her July 19, 2010 letter, noting that due to an increase in the use of the Hampton Inn meeting rooms, there is exactly enough parking for this change in use. There is little to no additional parking available for expansion in the future.

Tara Capecci expressed concern for a traffic tie-up at the drop-off point. Presently, she has witnessed this as a problem at this property. She recommended "No Standing" signs be added in the drop-off area.

Discussion followed regarding previous approvals obtained for the 3-story surgery center addition. Bob Wilke stated that there is some discussion about adding on to the building in the future, wrapping the addition around the proposed elevator. Discussion followed about the fact that the surgery center addition is not depicted on this plan, except in the parking table. The footprint of the addition is not depicted on the plan, nor does the Plan Intent note include the addition. Therefore, it is assumed that this plan supersedes the 3-story addition plan. However, Mr. Charlesworth stated his client has not advised him that is the case and he believes that the 3-story addition plan is still valid. Mrs. Seese stated that this matter will be resolved and will most certainly be a condition of the Conditional Use approval.

There was no further discussion.

The motion to recommend conditional use approval of the Atul K. & Patrice Amin Conditional Use provided Mr. Kortze's July 15, 2010 letter and Mrs. Seese's July 19, 2010 letter are addressed was moved by Zach Cobrinik and seconded by Tara Capecci. The motion carried unanimously.

The motion to recommend final land development approval of the Atul K. & Patrice Amin Land Development plan provided Mr. Kortze's July 15, 2010 letter and Mrs. Seese's July 19, 2010 letter are addressed and with the condition that this plan supersedes the 3-story addition plan approval with implementation of this plan, was moved by Zach Cobrinik and seconded by Ronald Siedlecki. The motion carried unanimously.

#### COURTESY OF THE FLOOR

The Planning Commission decided that they would like to be briefed on the traffic impact fee ordinance and traffic issues at the August meeting. If a submission is not made to the Planning Commission, they would still like to meet to discuss traffic issues.

#### ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

  
Lori B. Seese  
Planning & Zoning Administrator