

MINUTES

Upper Saucon Township Board of Supervisors
Regular Meeting
Monday, April 23, 2018 – 6:30 P.M.
Township Municipal Building

Members Present: Dennis E. Benner, Chairman
Brian J. Farrell, Vice Chairman
Kimberly Stehlik

Members Absent: Philip W. Spaeth
Stephen Wagner

Staff Attending: Thomas F. Beil, Township Manager
Joseph Geib, Assistant Township Manager
Jeffrey Dimmich, Township Solicitor
Charles Unangst, P.E., Township Engineer

CALL TO ORDER

Mr. Benner called the meeting to order at 6:30 p.m., in the Public Meeting Room of the Upper Saucon Township Municipal Building, 5500 Camp Meeting Road, Upper Saucon Township, Lehigh County, PA.

PLEDGE OF ALLEGIANCE

Mr. Benner asked all in attendance to stand and recite the “Pledge of Allegiance.”

Mr. Benner noted Phil Armstrong, Lehigh County Executive, was present at the meeting. Mr. Armstrong introduced himself to the Board. He said he is visiting all the municipalities in Lehigh County because he recognizes how important it is for the County to have a good working relationship with the municipalities. He wanted the Board to know his door is always open and the Board should let him know if there is anything the County can do to help.

Mr. Benner thanked Mr. Armstrong.

NOTIFICATION

Mr. Benner announced that all public sessions of the Upper Saucon Township Board of Supervisors are electronically recorded. The recordings are maintained as part of the record of the meeting until the minutes are transcribed and approved by the Board.

PUBLIC COMMENT

None

PRESENTATION BY DORIS CLEGG OF ENVIRONMENTAL ADVISORY COUNCIL – ANNUAL REPORT OF COUNCIL ACTIVITIES FOR THE CALENDAR YEAR 2017

Doris Clegg, Vice Chairwoman of the Environmental Advisory Council, presented the Annual Report of the Council's activities for calendar year 2017. The presentation highlighted the Council's accomplishments during 2017 and outlined its goals for 2018.

PRESENTATION BY CRAIG ROTH OF PARK & RECREATION COMMISSION – ANNUAL REPORT OF COMMISSION ACTIVITIES FOR THE CALENDAR YEAR 2017

Craig Roth, Chairman of the Park and Recreation Commission, presented the Annual Report of the Commission's activities for calendar year 2017. The presentation highlighted the Commission's accomplishments during 2017 and outlined its goals for 2018.

SUBDIVISIONS & LAND DEVELOPMENTS

None

MINUTES

Regular Meeting of March 12, 2018

Motion made by Mr. Farrell and seconded by Ms. Stehlik to approve the minutes of the regular meeting of March 12, 2018 as originally submitted.

The motion was approved by a vote of 3 to 0.

ORDINANCES

None

RESOLUTIONS

Resolution No. 2018-22 – Permit Revision For Golf Cart Crossing Flashing Warning Devices on Limeport Pike

Motion made by Mr. Farrell and seconded by Ms. Stehlik to adopt Resolution No. 2018-22 approving a modification to the previously approved PennDOT permit for the Golf Cart Crossing Flashing Warning Devices on Limeport Pike in order to add additional signage along Limeport Pike to heighten driver awareness of the existing Golf Cart Crossing associated with the Wedgewood Golf Course.

The motion was approved by a vote of 3 to 0.

MOTIONS

None

CORRESPONDENCE & INFORMATION ITEMS

None

DIRECTION/DISCUSSION ITEMS

Review Agenda for Zoning Hearing Board meeting on May 7, 2018

Mr. Beil reviewed the two appeals on the docket for the May 7, 2018 Zoning Hearing Board meeting. It was determined both appeals involve routine matters that can be handled by the Zoning Hearing Board without input from the Board of Supervisors.

COMMITTEE ASSIGNMENTS

Chairman Benner announced the following committee assignments for the remainder of 2018:

Planning and Zoning Committee

Dennis Benner, Chair
Stephen Wagner

Public Works and Transportation Committee

Brian Farrell, Chair
Kimberly Stehlik

Administration and Finance Committee

Philip Spaeth, Chair
Brian Farrell

Emergency Services Committee

Stephen Wagner, Chair
Dennis Benner

Parks/Recreation and Open Space Committee

Kimberly Stehlik, Chair
Philip Spaeth

Appointments Review Committee

Brian Farrell, Chair
Kimberly Stehlik

Special Committee To Review Fireworks Ordinance
Dennis Benner, Chair
Brian Farrell

BILLS, PAYROLL, AND COMMISSIONS

Motion made by Ms. Stehlik and seconded by Mr. Farrell to authorize payment of the Prepaid Invoice List and Warrant List #04232018 dated 04/20/2018.

The motion was approved by a vote of 3 to 0.

PUBLIC HEARING TO CONSIDER REQUEST BY RESULTS HOMEBUYERS, INC., FOR AN EXEMPTION FROM THE WELL ISOLATION DISTANCE REQUIREMENT OF 25 PA CODE 73.13 AND FOR A WAIVER FROM THE GROUNDWATER STUDY REQUIREMENT OF 25 PA CODE 72.33(C)(1)

Chairman Benner opened the hearing and asked Solicitor Dimmich to handle the proceedings.

Solicitor Dimmich briefly summarized the reason for the hearing.

Solicitor Dimmich introduced the following exhibits into the record:

- Exhibit A – Complete copy of application submitted by Results Homebuyers, Inc.
- Exhibit B – Copy of Public Notice that ran in The Morning Call on Thursday, April 12, 2018
- Exhibit C – Photographs of the Public Notice posted on the property at 7602 Carlton Road, Coopersburg, PA
- Exhibit D – Figure showing minimum isolation distances
- Exhibit E – Photo copy of 25 Pa. Code 73.13 titled “Minimum Horizontal Isolation Distance”
- Exhibit F – Photo copy of 25 Pa. Code 73.33 titled “Well Isolation Distance Exemption”
- Exhibit G – Photo copy of 25 Pa. Code 73.3(b) relating to well isolation distance exemptions

- Exhibit H – Letter from Christopher Taylor of Hanover Engineering to the Board of Supervisors regarding well isolation distance exemption request for 7602 Carlton Road
- Exhibit I – Sewage system design plan prepared by VW Consultants, LLC
- Exhibit J – On-lot sewage disposal design specifications prepared by VW Consultants, LLC
- Exhibit K – Copy of Public Notice mailed to interested parties

Exhibits A through K were entered into the record without objection.

Thomas Rummel, Joseph Valentine, and Joseph Christ were sworn in.

Mr. Rummel identified himself as the president of Results Homebuyers, Inc., which currently owns the property at 7602 Carlton Road. He said the existing on-lot sewage disposal system on this property is malfunctioning and needs to be replaced. Finding a suitable location for the replacement on-lot sewage disposal system has been extremely challenging due to the small lot size, steep slopes, and location of the existing dwelling and driveway. He asked the Board to consider approving his request for an exemption from the well isolation distance requirement of 25 Pa. Code 73.13 in order to locate the proposed replacement system 27 feet from the existing well on the Results Homebuyers property and 56 feet from the existing well on the adjacent property located at 2402 Forest Drive owned by Joseph Christ. The Pennsylvania Department of Environmental Protection has established, through regulations found at 25 Pa. Code 73.13, that an on-lot sewage disposal system cannot be located closer than 100 feet to a private well. Mr. Rummel provided testimony and evidence in support of his request for an exemption from the well separation distance requirement.

Mr. Rummel also asked the Board to consider approving his request for a waiver from the groundwater study requirement of 25 Pa. Code 72.33(c)(1). He provided testimony in support of this request.

Attorney Dimmich asked Mr. Christ if he wished to comment on this matter.

Mr. Christ recognized the need to fix the malfunctioning sewage system on the property at 7602 Carlton Road. He said he was willing to support the requested well separation distance exemption, provided Results Homebuyers installs an ultraviolet disinfection system on his well.

Mr. Rummel agreed to pay for and install an appropriate ultraviolet disinfection system on Mr. Christ's well. In addition, he said he would provide Mr. Christ with one replacement bulb for the new disinfection system.

Mr. Valentine of VW Consultants, LLC said he designed the proposed replacement on-lot sewage disposal system for the property at 7602 Carlton Road. He spoke in support of the

requested well isolation distance exemption. He also spoke in support of the requested groundwater study waiver saying it would serve no purpose to require Results Homebuyers to perform a groundwater study in this particular instance.

Messrs. Rummel and Valentine responded to questions from Ms. Stehlik.

Solicitor Dimmich asked if anyone from the public wished to comment. There was no response.

Solicitor Dimmich closed the hearing.

Board Action On Request For Waiver From Groundwater Study Requirement

Motion made by Mr. Farrell and seconded by Ms. Stehlik to approve the request of Results Homebuyers, Inc., for a waiver from the requirement of 25 Pa. Code 72.33 (c)(1) in order to forgo the submission of an appropriate groundwater study in connection with the request for a well isolation distance exemption.

The motion was approved by a vote of 3 to 0.

Board Action On Request For Exemption From Well Isolation Distance Requirement

Motion made by Mr. Farrell and seconded by Ms. Stehlik to approve the request of Results Homebuyers, Inc., for an exemption from the 100 foot minimum distance requirement set forth in 25 Pa. Code 73.13 in order to allow a replacement on-site sewage disposal system on the property at 7602 Carlton Road to be located approximately 27 feet from an existing well on the same property and approximately 56 feet from an existing well on the neighboring property at 2402 Forest Drive, subject to the following conditions:

1. Appropriate ultraviolet light disinfection systems shall be installed on the private wells at 7602 Carlton Road and 2402 Forest Drive prior to the issuance of the Certificate of Occupancy for the property at 7602 Carlton Road. The cost to install the disinfection systems shall be borne by Results Homebuyers.
2. Results Homebuyers shall provide the current owner of the property at 2402 Forest Drive with a spare bulb for the ultraviolet light disinfection system.
3. Results Homebuyers shall provide the future owner of the property at 7602 Charlton Road with a spare bulb for the ultraviolet light disinfection system.

The motion was approved by a vote of 3 to 0.

PUBLIC HEARING TO CONSIDER REQUEST BY JOSEPH KUNKLER FOR AN EXEMPTION FROM THE WELL ISOLATION DISTANCE REQUIREMENT OF 25 PA CODE 73.13 AND FOR A WAIVER FROM THE GROUNDWATER STUDY REQUIREMENT OF 25 PA CODE 72.33(C)(1)

Chairman Benner opened the hearing and asked Solicitor Dimmich to handle the proceedings.

Solicitor Dimmich briefly summarized the reason for the hearing.

Solicitor Dimmich introduced the following exhibits into the record:

- Exhibit A – Complete copy of application submitted by Joseph Kunkler
- Exhibit B – Copy of Public Notice that ran in The Morning Call on Thursday, April 12, 2018
- Exhibit C – Photographs of the Public Notice posted on the property at 6928 Wimmer Road, Bethlehem, PA
- Exhibit D – Figure showing minimum isolation distances
- Exhibit E – Photo copy of 25 Pa. Code 73.13 titled “Minimum Horizontal Isolation Distance”
- Exhibit F – Photo copy of 25 Pa. Code 73.33 titled “Well Isolation Distance Exemption”
- Exhibit G – Photo copy of 25 Pa. Code 73.3(b) relating to well isolation distance exemptions
- Exhibit H – Letter from Christopher Taylor of Hanover Engineering to Board of Supervisors regarding well isolation distance exemption request for 6928 Wimmer Road
- Exhibit I – Drip dispersal system design plan prepared by Penn’s Trail Environmental LLC
- Exhibit J – Copy of Public Notice mailed to interested parties

Exhibits A through J were entered into the record without objection.

Joseph Kunkler and Paul Golrick were sworn in.

Mr. Kunkler said he needs to replace the existing on-lot sewage disposal system on the property he owns at 6928 Wimmer Road. He explained that due to the odd lot configuration, presence of a large pond and poor soil conditions, it is not possible to maintain the required 100 foot isolation distance between the existing well and the perimeter of the proposed sewage disposal system. The Pennsylvania Department of Environmental Protection has established, through regulations found at 25 Pa. Code 73.13, that an on-lot sewage disposal system cannot be located closer than 100 feet to a private well. He asked the Board to consider approving his request for an exemption from the well isolation distance requirement of 25 Pa. Code 73.13 in order to locate the proposed replacement on-lot sewage disposal system approximately 26 feet from the existing well on his property at 6928 Wimmer Road. Mr. Kunkler provided testimony and evidence in support of his request for an exemption from the well separation distance requirement.

Mr. Kunkler also asked the Board to consider approving his request for a waiver from the groundwater study requirement of 25 Pa. Code 72.33(c)(1).

Paul Golrick, a soil scientist with Penn's Trail Environmental, designed the replacement on-lot sewage disposal system proposed for the Kunkler property. He explained how the proposed disposal system will work and said there is an extremely low risk of groundwater contamination.

Ms. Stehlik and Solicitor Dimmich asked several questions. Mr. Golrick responded to the questions.

Solicitor Dimmich asked if anyone from the public wished to comment. There was no response.

Solicitor Dimmich closed the hearing.

Board Action On Request For Waiver From Groundwater Study Requirement

Motion made by Mr. Farrell and seconded by Ms. Stehlik to approve the request of Joseph Kunkler for a waiver from the requirement of 25 PA Code 72.33 (c)(1) in order to forgo the submission of an appropriate groundwater study in connection with the request for a well isolation distance exemption.

The motion was approved by a vote of 3 to 0.

Board Action On Request For Exemption From Well Isolation Distance Requirement

Motion made by Mr. Farrell and seconded by Ms. Stehlik to approve the request of Joseph Kunkler for an exemption from the 100 foot minimum distance requirement set forth in 25 PA Code 73.13 in order to allow a replacement on-site sewage disposal system on the property at 6928 Wimmer Road to be located approximately 26 feet from an existing well on the same property.

The motion was approved by a vote of 3 to 0.

ADDITIONAL BUSINESS

None

COURTESY OF THE FLOOR

None

EXECUTIVE SESSION

None

ADJOURNMENT

Motion made by Mr. Farrell and seconded by Ms. Stehlik to adjourn the meeting.

The motion was approved by a vote of 3 to 0.

The meeting was adjourned at approximately 8:03 p.m.

Secretary

