



# Allen Township Planning Commission

4714 Indian Trail Road

Northampton, Pennsylvania 18067

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Eugene Clater, Chairman  
Louis Tepes Jr., Vice Chairman  
Gary Behler  
Gary Krill  
Alfred Pierce

Brien Kocher, P.E.  
B. Lincoln Treadwell, Jr., Esq.  
Ilene M. Eckhart, Secretary

**MINUTES**  
**ALLEN TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
**Monday, January 18, 2016**  
**7:00 P.M.**

The regular monthly meeting of the Allen Township Planning Commission was held on Monday, January 18, 2016 at 7:00 P.M. at the Allen Township Municipal Building, 4714 Indian Trail Road, Northampton, Pennsylvania 18067. The Pledge of Allegiance was recited by all present.

**Roll Call:** Present: Gary Behler; Alfred Pierce; Louis Tepes, Jr.; Eugene Clater; Gary Krill; Ilene Eckhart, Manager; Brien Kocher, P.E., Jim Milot, Chris Taylor (Hanover Engineering); B. Lincoln Treadwell, Jr., Esq.

**Reorganization of Officers:** Mr. Pierce made a motion to appoint Mr. Clater as Chairman and Mr. Krill as Vice-Chairman; seconded by Mr. Tepes. On the motion, by roll call vote, all Commissioners present voted yes.

**Minutes:** Mr. Behler made a motion to approve the minutes of November 21, 2015; seconded by Mr. Pierce. On the motion, by roll call vote, all Commissioners present voted yes.

**Public to be Heard:** No comments from the audience.

**Old Business**

A. **Joe Zangl Minor Subdivision**  
**Applicant/Owner: Joseph Zangl**

**Review Deadline: Receipt of Initial Plans: December 24, 2015;**  
**First Planning Commission Agenda: January 18, 2016;**

**Original 90-day Deadline – April 17, 2016**

**Submission Status: Plan Submission received December 24, 2015 including: Three lot subdivision minor subdivision plan sheet (one sheet).**

Roger Wall, P.E., R.L.S. (Whitehall PA) the design engineer, was present to discuss the plan and the Township Engineer's letter of review dated January 15, 2016. Mr. Wall raised concerns regarding the lot width. Mr. Treadwell felt that the required lot width measurement is required at the street. Mr. Clater felt this was in order to prevent flag lots. Mr. Pierce suggested skewing the other three lot lines. Mr. Zangl wished to pursue the skewed line to work it out instead of going to the Zoning Hearing Board.

Regarding the sidewalk and curbing, the applicant will request a waiver.

**C. Stone Ridge Phase IC – Return of Plans to the Applicant:** Mr. Clater made a motion to return the plans as incomplete to the applicant and request compliance with previous conditions of approval prior to any plan resubmission; seconded by Mr. Behler. On the motion, by roll call vote, all Commissioners present voted yes.

**D. Northampton Industrial Park – Preliminary Plan  
Applicant/Owner: Century Commerce Center, LLC**

**Review Deadline: Receipt of Initial Plans: May 22, 2015; Last Plan Revision Dates: August 3, 2015 (per Township Review Letter of June 2, 2015) and October 5, 2015 (per Township Review Letter of August 20, 2015).**

**First Planning Commission Agenda: June 15, 2015;**

**Original 90-day Deadline - September 13, 2015.**

**A letter of extension for review granting additional review until December 29, 2015 was accepted by the Board of Supervisors on July 28, 2015; a subsequent extension was accepted by the Board of Supervisors on December 10, 2015 granting review time until January 31, 2016.**

**Submission Status: Response letter from McCarthy Engineering on behalf of the applicant dated August 3rd, 2015 along with plan resubmission of August 3rd, 2015 received by the Township. McCarthy Engineering response letter of October 5, 2015 pertaining to August 20th, 2015 Hanover Engineering Associates plan review comment letter. Waiver request letters for Subdivision and Lot #'s 1, 2 & 3. Additionally, stormwater response letter, revised stormwater reports, traffic impact studies, Lehigh-Northampton Airport Authority review letter, Northampton Borough Municipal Authority letter and receipt of submissions made to the Lehigh Valley Planning Commission received October 5, 2015. Supplemental waiver request letter dated November 9, 2015 submitted in addition to draft plan sheets (non-official for discussion). Formal plan submission received December 7, 2015. Review comments provided by Hanover Engineering Associates pursuant to December 7, 2015.**

**Present for the applicant: Mark Powell, applicant; Jill Nagy, Esq.; Jim McCarthy PE.** Ms. Nagy presented the following waiver requests per her letter dated January 18, 2016:

**SALDO Waivers requested:**

1. Sections 22-406.N and 21-303.E – The maximum length of any proposed cul-de-sac shall be 600 feet.
2. Section 22-407.5.F – The proposed Century Boulevard intersection with Nor-Bath Boulevard SR 329 shall be located a minimum of one thousand (1,000) feet from the Savage Road intersection with Nor-Bath Boulevard SR329.
3. Section 22-502.2.A – The Plan scale shall be fifty (50) feet to the inch, and sheet size shall be 24 inches by 36 inches.
4. Sections 22-405.g and 22-415.12 - Any water and/or sewer facilities provided must be extended by the applicant/developer along the full frontage length of their property along all streets as deemed necessary by the township.
5. Sections 22-407.1 and 22-502.4.n - Where necessary for public safety and convenience additional street widths or paving may be required, as determined by the board of supervisors, upon advice of the township engineer.
6. Section 27-1413.b.8 - the maximum width of a two (2) lane access drive shall be twenty-eight feet (28') feet at the property line. This width may be revised on a case by case basis, in the sole discretion of the board of supervisors, depending on specific conditions present at the property, or if the driveway is designed to meet a particular PennDOT design criteria.
7. Section 411.2.F – Lot frontage requirements for all lots.
8. Section 22-411.1 and .2.c. – Lot frontage requirements for all lots.

**STORMWATER MANAGEMENT ORDINANCE Waivers requested:**

1. Section 8-231.8.D and J – All Detention Ponds and all Bio-Retention Islands shall be lined with a synthetic impervious liner. Following some further discussion, this waiver was withdrawn by the applicant.
2. Section 8-231.8.H – The proposed Bio-Retention Island fences shall be landscaped from adjacent streets and properties.
3. Section 8-231.8.H – The proposed Detention Ponds and Bio-Retention Islands shall have a maximum berm side slope of 4:1.
4. Section 8-231.8.I – An access ramp of 10:1, 10 feet wide, shall be provided to allow maintenance equipment to reach the basin floor of Ponds 1 and 2 and all Bio-Retention Islands.
5. Section 8-232.7.D – A minimum pipe size of 15 inches shall be provided. The perforated pipe contained within the Bio-Retention Islands is shown as 6". Mr. Kocher explained this was a normal size given the applicant.

6. Section 8-231.8.K - The minimum slope of the bottom of Pond 1 and 2 and all Bio-Retention Basins shall be 2" toward the outlet structures.

Mr. Kocher voiced concern regarding the request for waiver of Stormwater Section 8-231.8.D and J and the language regarding the proposed "conflicting requirements between outside agencies and the Township". Following some further discussion, Mr. Pierce was concerned with what methods were being selected, if the Township was ultimately responsible.

In conclusion, Mr. Kocher felt that the final design planting type may not be to requiring mowing. The Commission agreed by consensus by grant the waiver.

Regarding the flat bottom, Mr. Kocher explained the flat bottoms are meant to encourage plant growth.

The following items were discussed as proposed conditions of approval of the Northampton Industrial Subdivision Preliminary Plan:

1) *Lots 1, 1A, 2, & 3 will be part of a Property Owners Association (POA) that will be established in connection with the development. The applicant initially then the POA shall provide adequate provision for and be solely responsible for the perpetual maintenance and operation of:*

a. *the sanitary sewers serving the subdivision lots up to the point of connection of the common sanitary sewer system to those lines as owned and operated by Allen Township within the ROW along Rt 329;*

b. *the common SWM facilities within the subdivision, as identified in this plan submission, both as notes on this subdivision cover sheet as well as a separate plan sheet specifically showing these common facilities;*

c. *Century Boulevard (which shall be a private road.) and any associated lighting fixtures;*

d. *Costs associated with the traffic signal at the intersection of Century Blvd and Rt. 329 until such time as a HOP is issued to any entity which would also utilize the proposed Rt 329 traffic light as access from/to the property on the South side of Rt 329, and once Allen Township agrees to accept dedication of the local road associated with that HOP, and the traffic light has been resynchronized with the traffic lights at Rt 329/Savage and Rt 329/Howertown/Weaversville Rds, and any traffic signals that may at that time have been installed in Allen Township West of this signal, then Allen Twp will assume maintenance of this traffic signal.*

*The Document will also provide provisions for the POA to enforce the open space provisions of Allen Township ordinances.*

*If in the future responsibilities for any of the above facilities are agreed to be taken over by Allen Township, it shall be the responsibility of the POA to bring such facilities up to Allen Township standards prior to Allen Township's acceptance of such facilities and at the expense of the POA. The governing document for the POA shall be submitted to Allen Township for review and approval before the document is finalized. Additionally, all subsequent changes to the document must be reviewed and approved by Allen Township. The approval of this subdivision is expressly conditioned upon the Township's approval of the governing document for this POA.*

2) *All designated open space associated with lots 1, 1A, 2 & 3 as well as those areas of lot 4 (quarry lot) that are in the area of, to and including, Pond 2 to Century Blvd will comply with Allen Township's Open Space Ordinance planting specifications.*

3) *Century Drive will be a private road and all utilities are to be placed in ROW's outside the roadbed. Century Blvd is to be built to Township standards, including related SWM aspects (eg pond 1, 2 & 3) that may affect the integrity of the road.*

- 4) *Change note 59 to replace “class 8 or larger trucks” with “trucks with a GVWR of 10T or greater as well as all trucks classed a WB-40 or larger”. Add after :Willowbrook”... “Road North of East Bullshead Road”.*
  - 5) *Note 52 needs to state that access to lot 4 may be via Century Blvd (and not Rt 329) and that access should be shown on the subdivision plan (it doesn't appear on the subdivision or lot 1 plans.) The western side ROW and access does not need to be a note on the plan, unless it is appropriate to mention that it is to be dedicated and intended to provide access to the “new” lots 5 & 6 as well as lands to the West of the subdivision... additional – applicant states access will be shown off Century Blvd,*
  - 6) *New note to state that for any future subdivision or land development associated with lots 4, 5 or 6, that the approval of such submissions shall incorporate the building of a relocated Horner Rd and/or the proposed road on the Western side of lot 4, at the then owner's or developer's expense, to the extent required by Allen Township.*
  - 7) *Ponds 1, 2 & 3 and associated outlet control structures shall be perpetually owned and maintained by the owners of the lots on which the ponds are located, or to the lot owner to which an easement has been assigned, in conjunction with the POA.*
  - 8) *Amend plan note 57 to cover: Where storm water is routed through a lot that is not the origin of the storm water, there will be an agreement for financial responsibility between the various lot owners for remediation of any associated BMP issues or storm water quality issues. The township retains the right to enter any lot for maintenance or repairs of any SWM BMP's or to address SWM water quality issues, at the total financial responsibility of the lot owner(s) and if the lot owners cannot agree on the financial responsibilities, then such obligation shall be the responsibility of the POA.*
  - 9) *Note 62 to be replaced with: “As part of this plan approval, the applicant agrees to undertake and complete the Rt 329 corridor improvements as designed by RGDC/Langan (as may be amended by PADOT requirements) and to do so prior to issuance of any Occupancy Permits, subject to PennDot approval of the plans and HOP issuance to perform the improvements. These corridor improvements are at the intersection of Savage Rd/Rt 329 and the intersection of Rt 329/Howertown Rd/Weaversville Rd.” These highway improvements are included in the submitted plan set as the original plans represented by Sheets 2 through 4 of 4 of the “Layout Plan for Nor-Bath Blvd (SR 0329), Horwith/KOZ Infrastructure,” prepared by Hanover Engineering Associates, Inc. and dated February 8, 2006, such plan sheets to be superseded by the RGDC/Langan plans.*
  - 10) *Recreation fees for lots 4,5 & 6 are to be deferred until such time as future subdivision or land development plans are submitted for any of these individual lots.*
  - 11) *Add a plan note specifying that the subdivision plan, along with the development plans for lots 1, 1A, 2 & 3 are an integrated plan set with respect to subdivision Storm Water Management and related BMP's and are to be considered a single set with respect to such. In addition – applicant agrees to include a single plan sheet as part of the plan set showing the integrated infrastructure for the subdivision on one sheet, with identification of those elements that will be managed within the POA and those elements that remain the responsibility of the individual lot owners.*
- Proposed additional conditions:*
- 1) *Compliance with the substantive ordinance and technical engineering comments contained in the Hanover Engineering Associates review letter dated December 17, 2015, to the extent that those comments are not specifically addressed by these conditions of approval. The Zoning Officer will issue a determination regarding the zoning ordinance provisions referenced in the review letter. It is acknowledged that some of the comments contained in the review letter are informational only, and that others will be addressed by future plan revisions or engineering clarifications. Any interpretations or clarifications of the comments contained in the review letter shall be resolved by the Township Manager and Solicitor.*
  - 2) *Sanitary Sewer and water services:*

- a) *Approval of PA DEP Planning Module*
- b) *Execution of agreements with providers covering installation, maintenance and operation of sanitary sewer and water facilities.*
- 3) *Ownership and maintenance of traffic signal facilities:*
  - a) *Century Blvd/Rt 329 intersection – Township owned once constructed, costs associated with maintenance and operation borne by Century Commerce Center, LLC, its successors or assigns, or until assigned to the POA, its successors or assigns, until such time as a HOP is issued to any entity which would also utilize the proposed Rt 329 traffic light as access from/to the property on the South side of Rt 329, and once Allen Township agrees to accept dedication of the local road associated with that HOP, and the traffic light has been resynchronized with the traffic lights at Rt 329/Savage and Rt 329/Howertown/Weaversville Rds, and any traffic signals that may at that time have been installed in Allen Township West of this signal, then Allen Twp will assume maintenance of this traffic signal.*
- 4) *No Final Occupancy Permits will be issued until all PennDot and Township roadway improvements, either required or as referenced on the subdivision plans, are completed - temporary occupancy permits may be issued for building fit out, or start-up purposes.*
- 5) *Storm Water Management*
  - a) *Approval by the LVPC of the Act 167 related storm water designs, as well as DEP approvals of the design. If such review results in any SWM design changes of engineering significance, then at the option of Allen Township, further Planning Commission review may be initiated.*
  - b) *Completion of the SWM maintenance agreement, including BMP Operations and Maintenance Plan and easements for municipal access and maintenance, if necessary. Given the substantial increase in storm water that is being directed to the quarry and the property owner’s agreement to accept storm water from the proposed subdivision, the owner of the residual property containing the quarry (proposed lot 4, Horwith Leasing Co.) acknowledges their responsibilities for water quality issues that may involve the quarry and any other residual land and wetlands associated with Lot 4.*
  - c) *Construction of SWM aspects of the subdivision to be coordinated with the SWM construction aspects of the related Northampton Industrial Land Development Plans.*
  - d) *Oversight of Pond 2 and Bio-retention basin #11 need to be under the oversight of the POA. They both should be treated as a “controlled element” in addition to any easements, etc.*
- 6) *Execution of an escrow agreement for improvements*
- 7) *Execution of a general developer agreement*
- 8) *Execution of deeds of dedication for improvements*
- 9) *DEP & NPDES approvals:*
  - a) *Approval of an E&S plan from the Northampton County Conservation District and/or DEP.*
  - b) *NPDES permit obtained.*
  - c) *This Subdivision approval does not verify or confirm the wetlands delineation submitted by the Applicant.*
- 10) *Payment of required recreation fees for lots 1, 2, & 3 only – a note will be added to the plans that any future development of the remaining lots will require the payment of the applicable recreation fee.*
- 11) *Traffic Impact Study and roadway improvements*
  - a) *PennDot approval of final TIS (as based on TIS submitted in October, 2015), (including appropriate updates reflecting PennDot comments and those Allen Township comments not superseded by # 13 below) and the associated roadway improvements associated with the subdivision.*
  - b) *Approval of Allen Township of the overall TIS as well as associated improvements to any Township roads (ie, Savage Rd, Horner Rd, Short Lane.)*
  - c) *PennDot approval of the engineering designs for proposed road improvements, storm water management provisions and bridge improvements on state roads and issuance of the HOP for such.*

d) *Written agreement between the applicants, Allen Township and the Rockefeller Group Development Corp (RGDC) as to an appropriate construction schedule for the Rt 329 corridor improvements and distribution of responsibilities and costs, to include ROW acquisition, as well as any costs associated with handling of existing private driveways impacted by construction and/or ROW's, with Allen Township agreeing to facilitate acquisition of required ROW's, when necessary, on behalf of and at the cost of the various developers. Allen Township to have full disclosure of any and all such agreement(s) related to these improvements.*

12) *Issuance of HOP's from Allen Township for all internal driveways shown on the approved subdivision plan.*

13) *Traffic impact considerations:*

a) *The October 15, 2015 TIS submitted by Century Commerce Center, LLC is predicated on the ITE 152 use (high cube warehouse) for each of Lots 1, 2 & 3. All building plans and occupancy permits for these lots will require the applicant to certify their traffic generation will be consistent with an ITE 152 use. Any ITE use that generates a traffic load greater than ITE152 will require a follow-on TIS to determine if any additional roadway improvements are needed, with appropriate remediation by those lots generating the additional traffic.*

b) *Allen Township has commented that the October 15th TIS as submitted by Dimmerling Associated to PennDot does not adequately address impacts to the intersection of Savage Rd/Rt 329 or the intersection of Rt 329/Howertown Rd/Weaversville Rd – especially the Weaversville Rd segment. Exception is also taken to the current LOS's as noted in the TIS. However, Century Commerce Center, LLC has agreed to undertake and complete the Rt 329 corridor improvements as designed by RGDC/Langan and to do so prior to issuance of any Occupancy Permits, subject to PennDot approval of the plans and HOP issuance to perform the improvements. Given this agreement by Century Commerce Center, LLC and Allen Township's recognition that the designed Rt 329 corridor improvements (including the Rt 329 bridge expansion to 3 full lanes + shoulder) are needed and appropriate, and contingent on PennDot's approval and HOP issuance, then Allen Township agrees everyone's energies are best directed to completing the improvements vs additional TIS documentation efforts.*

c) *Applicant(s) and future owners/tenants of lots 1, 2 & 3 agree that truck trips along Howertown are not desirable and will be kept to a minimum and the truck trips are not to exceed the levels as presented in the TIS – this item shall be addressed in the POA documents.*

d) *The RGDC/Langan Rt 329 corridor improvement plans are to be made a part of the plan submission, and is to include the Rt 329/Savage Rd intersection as well as the Rt 329/Howertown Rd/Weaversville Rd intersection, including the Short Lane relocation. Construction and ROW acquisition related to the Short Lane improvements.*

e) *Applicant is to provide additions to the plan set that reflect the improvements proposed to the intersection of Century Blvd and Rt. 329, to minimally include a traffic signal, Eastbound Rt 329 left turn lane and Westbound Rt 329 right turn lane. Furthermore, approval of the requested waiver of SALDO provision 22-407.5.F (intersection must be at least 1,000 feet from the next closest intersection) is conditioned on the PennDot HOP issuance for the intersection improvements noted in this paragraph as well as the TIS.*

14) *Savage Rd Extension:*

a) *Applicant agrees to grade that area North of the Miller property and install SWM BMP's in a location such that Allen Township would not need to regrade or reconstruct any aspect of lot 1 to build the Savage Rd Extension.*

b) *Allen Township will be responsible for securing a PennDot HOP as well as PPL encroachment permit for the proposed Savage Rd Extension*

- 15) *LANTA provisions: Building and/or providing of bus stop(s) as well as pedestrian access, including any ADA compliant ramps, to be deferred until such time as LANTA agrees to service the subdivision. The POA would be responsible for construction, to include sufficient lighting, and maintenance of such facilities, subject to Allen Township review and approval.*
- 16) *SWM ponds 1, 2 & 3 and bio-retention basins:*
- a) *Given the extreme presence of Karst geology throughout the entire proposed subdivision site, and the geologic and hydrologic surveys done to-date on the site, as well as the significant cut and fill proposed, Allen Township is of the opinion that infiltration is not appropriate anywhere on the site and therefore takes the position that all the proposed pond and bio-retention BMP's shall be lined. Allen Township will convey this position to DEP, the LVPC with regards to the Act 167 review and also the Northampton County Conservation District.*
- b) *Infiltration testing for any ponds or bio-retention basins where the applicant does not propose or install liners must be done to the satisfaction of Allen Township prior to plan recording and must be included with any final plan submission related to the proposed subdivision. Additional testing, at the discretion of Allen Township, may need to be done during excavation and construction phases and any plan modifications based on such testing shall be presented to Allen Township for review and consideration of related plan changes. The intent of this paragraph is that, except for the outfalls of Ponds 2 & 3, there are to be no designed points of infiltration within any aspects of the SWM facilities for this subdivision.*
- 17) *E&S plan set to be included with the formal plan submission and recording.*
- 18) *Subdivision plans to include a sheet that shows all SWM related infrastructure to be installed as part of the subdivision plan (those items referenced as items 1-8 in the notes section "Subdivision Plan Improvements Installation.") POA Agreement must clearly state responsibilities of the various entities for maintenance and responsibilities for these common infrastructure SWM BMPs, especially since several of these BMPs (Bio-retention island 11 is a prime example) are shared between common SWM infrastructure and SWM infrastructure that is located on a lot and also services that lot.*
- 19) *The Applicant shall install additional buffering on the South side of lot #1, to the satisfaction of Allen Township, and add a Note to the plans that all uses shall comply with noise and lighting nuisance standards contained in the Township Zoning Ordinance, as may be amended from time to time.*
- 20) *A note shall be added to the plans stating that Horner Road shall be improved to then existing Township standards and specifications at the time that lot # 6 is further subdivided or developed, such improvements to include the intersection of Horner Road with Howertown Rd proceeding West on Horner Road to at least the cul-de-sac or a more Western point as required as part of such subdivision or development.*

Regarding the sewer capacity, Mr. McCarthy indicated that he was utilizing the peak daily flow. Mr. Pierce indicated that the issue for the Township was the water meter reading which would determine the readings. The Township would be billing based on the actual usage. The question to be posed is how much actual usage is being proposed? Mr. Treadwell indicated that Northampton Borough owned the plant therefore the calculation. Peak versus average was discussed at length, with Mr. Treadwell concluding that Northampton Borough's position may be different. Mr. Powell concluded that he would buy up front and purchase more if necessary.

**The following items were discussed as proposed conditions of approval of the Northampton Industrial Land Development Plan Lot 1:**

- 1) *This lot will be a perpetual part of a Property Owners Association (POA) that will be responsible for maintenance and operation of those facilities as outlined in the Northampton Industrial park Subdivision Plan.*
- 2) *All designated open space associated with this lot will comply with Allen Township's Open Space Ordinance.*
- 3) *Change note 56 to replace "class 8 or larger trucks" with "trucks with a GVWR of 10T or greater as well as all trucks classed a WB-40 or larger". Add after "Willowbrook"... "Road North of East Bullshead Road".*
- 4) *Pond 1 and associated inlet and outlet control structures shall be perpetually owned and maintained by the owners of this lot. A perpetual easement for Pond 2 has been assigned to this lot and the owner of this lot shall perpetually maintain Pond 2 and associated inlet and outlet control structures. Responsibilities with respect to Pond maintenance and associated costs will be further defined within the structure of the POA agreement.*
- 5) *Amend plan note 54 to cover: Where storm water is routed through a lot that is not the origin of the storm water, there will be an agreement for financial responsibility between the various lot owners for remediation of any associated BMP issues or storm water quality issues. The township retains the right to enter any lot for maintenance or repairs of any SWM BMP's or to address SWM water quality issues, at the total financial responsibility of the lot owner(s) and if the lot owners cannot agree on the financial responsibilities, then such obligation shall be the responsibility of the POA.*
- 6) *Add a plan note stating that compliance with Section 27-1421-14 (a written Emergency Plan of access) is deferred until such time as a tenant is identified for the lot and a request for a building permit is submitted to Allen Township if the tenant is known, or in the absence of a known tenant, prior to any Occupancy Permit being issued.*

*Proposed conditions:*

- 1) *Compliance with the substantive ordinance and technical engineering comments contained in the Hanover Engineering Associates review letter dated December 17, 2015, to the extent that those comments are not specifically addressed by these conditions of approval. The Zoning Officer will issue a determination regarding the zoning ordinance provisions referenced in the review letter. It is acknowledged that some of the comments contained in the review letter are informational only, and that others will be addressed by future plan revisions or engineering clarifications. Any interpretations or clarifications of the comments contained in the review letter shall be resolved by the Township Manager and Solicitor.*
- 2) *Sanitary Sewer and water services:*
  - a) *Approval of PA DEP Planning Module*
  - b) *Execution of agreements with providers covering installation, maintenance and operation of sanitary sewer and water facilities.*
- 3) *No Final Occupancy Permits will be issued until all PennDot and Township roadway improvements, either required or as referenced on the subdivision plans or these conditions of approval are completed. Temporary occupancy permits may be issued for building fit out, training, or start-up purposes .*
- 4) *Storm Water Management*
  - a) *Approval by the LVPC of the Act 167 related stormwater designs. If such review results in any SWM design changes of engineering significance, then at the option of Allen Township, further Planning Commission review may be initiated.*
  - b) *Completion of the SWM maintenance agreement, including BMP Operations and Maintenance Plan and easements for municipal access and maintenance, if necessary.*
  - c) *Construction of SWM aspects of the Land Development Plan to be coordinated with the SWM construction aspects of the related Northampton Industrial Subdivision Plan.*

- d) *Oversight of Ponds 1 & 2 and Bio-retention basin #11 need to be under the oversight of the POA. They both should be treated as a “controlled element” in addition to any easements, etc.*
- 5) *Execution of an escrow agreement for improvements*
- 6) *Execution of a general developer agreement*
- 7) *Execution of deeds of dedication for improvements*
- 8) *DEP & NPDES approvals:*
  - a) *Approval of an E&S plan from the Northampton County Conservation Districts and/or DEP.*
  - b) *NPDES permit obtained.*
- 9) *Issuance of HOP’s from Allen Township for all internal driveways shown on the Land Development Plan.*
- 10) *Traffic impact considerations:*
  - a) *The October 15, 2015 TIS submitted by Century Commerce Center, LLC is predicated on the ITE 152 use (high cube warehouse) for each of Lots 1, 2 & 3. All building plans and occupancy permits for these lots will require the applicant to certify their traffic generation will be consistent with an ITE 152 use. Any ITE use that generates a traffic load greater than ITE152 will require a follow-on TIS to determine if any additional roadway improvements are needed, with appropriate remediation by those lots generating the additional traffic.*
  - b) *Applicant(s) and future owners/tenants of this lot agree that truck trips along Howertown are not desirable and will be kept to a minimum and the truck trips in aggregate from the approved subdivision are not to exceed the levels as presented in the TIS; this item to be addressed in the POA documents.*
- 11) *SWM ponds and bio-retention basins:*
  - a) *Given the extreme presence of Karst geology throughout the entire proposed subdivision site, and the geologic and hydrologic surveys done to-date on the site, as well as the significant cut and fill proposed, Allen Township is of the opinion that infiltration is not appropriate anywhere on the site and therefore takes the position that all the proposed pond and bio-retention BMP’s shall be lined. Allen Township will convey this position to DEP, the LVPC with regards to the Act 167 review and also the Northampton County Conservation District.*
  - b) *Infiltration testing for any ponds or bio-retention basins where the applicant does not propose or install liners must be done to the satisfaction of Allen Township prior to plan recording and must be included with any final plan submission related to the proposed subdivision. Additional testing, at the discretion of Allen Township, may need to be done during excavation and construction phases and any plan modifications based on such testing shall be presented to Allen Township for review and consideration of related plan changes. The intent of this paragraph is that, except for the outfall of Pond 2 there are to be no designed points of infiltration within any aspects of the SWM facilities for this development plan..*
- 12) *Land development activities on this lot must comply with E&S plan set included with the approved subdivision plan.*
- 13) *Applicant agrees that as part of the submission of Final Land Development plans for this lot, that additional requirements and conditions with respect to noise management and mitigation will be discussed and incorporated as either plan notes or conditions associated with that submission.*
- 14) *The Applicant shall install additional buffering on the South side of lot #1, to the satisfaction of Allen Township, and add a Note to the plans that all uses shall comply with noise and lighting nuisance standards contained in the Township Zoning Ordinance, as may be amended from time to time.*

**The following items were discussed as proposed conditions of approval of the Northampton Industrial Land Development Plan Lot 2:**

- 1) *This lot will be a perpetual part of a Property Owners Association (POA) that will be responsible for maintenance and operation of those facilities as outlined in the Northampton Industrial park Subdivision Plan.*
- 2) *All designated open space associated with this lot will comply with Allen Township's Open Space Ordinance.*
- 3) *Change note 56 to replace "class 8 or larger trucks" with "trucks with a GVWR of 10T or greater as well as all trucks classed a WB-40 or larger". Add after "Willowbrook"... "Road North of East Bullshead Road".*
- 4) *Amend plan note 54 to cover: Where storm water is routed through a lot that is not the origin of the storm water, there will be an agreement for financial responsibility between the various lot owners for remediation of any associated BMP issues or storm water quality issues. The township retains the right to enter any lot for maintenance or repairs of any SWM BMP's or to address SWM water quality issues, at the total financial responsibility of the lot owner(s) and if the lot owners cannot agree on the financial responsibilities, then such obligation shall be the responsibility of the POA.*
- 5) *Add a plan note stating that compliance with Section 27-1421-14 (a written Emergency Plan of access) is deferred until such time as a tenant is identified for the lot and a request for a building permit is submitted to Allen Township if the tenant is known, or in the absence of a known tenant, prior to any Occupancy Permit being issued.*

*Proposed conditions:*

- 1) *Compliance with the substantive ordinance and technical engineering comments contained in the Hanover Engineering Associates review letter dated December 17, 2015, to the extent that those comments are not specifically addressed by these conditions of approval. The Zoning Officer will issue a determination regarding the zoning ordinance provisions referenced in the review letter. It is acknowledged that some of the comments contained in the review letter are informational only, and that others will be addressed by future plan revisions or engineering clarifications. Any interpretations or clarifications of the comments contained in the review letter shall be resolved by the Township Manager and Solicitor.*
- 2) *Sanitary Sewer and water services:*
  - a) *Approval of PA DEP Planning Module*
  - b) *Execution of agreements with providers covering installation, maintenance and operation of sanitary sewer and water facilities.*
- 3) *No Final Occupancy Permits will be issued until all PennDot and Township roadway improvements, either required or as referenced on the subdivision plans or these condition of approval are completed. Temporary occupancy permits may be issued for building fit out, training, or start-up purposes.*
- 4) *Storm Water Management*
  - a) *Approval by the LVPC of the Act 167 related stormwater designs. If such review results in any SWM design changes of engineering significance, then at the option of Allen Township, further Planning Commission review may be initiated.*
  - b) *Completion of the SWM maintenance agreement, including BMP Operations and Maintenance Plan and easements for municipal access and maintenance, if necessary.*
  - c) *Construction of SWM aspects of the Land Development Plan to be coordinated with the SWM construction aspects of the related Northampton Industrial Subdivision Plan.*
- 5) *Execution of an escrow agreement for improvements*
- 6) *Execution of a general developer agreement*

- 7) *Execution of deeds of dedication for improvements*
- 8) *DEP & NPDES approvals:*
  - a) *Approval of an E&S plan from the Northampton County Conservation Districts and/or DEP.*
  - b) *NPDES permit obtained.*
- 9) *Issuance of HOP's from Allen Township for all internal driveways shown on the Land Development Plan.*
- 10) *Traffic impact considerations:*
  - a) *The October 15, 2015 TIS submitted by Century Commerce Center, LLC is predicated on the ITE 152 use (high cube warehouse) for each of Lots 1, 2 & 3. All building plans and occupancy permits for these lots will require the applicant to certify their traffic generation will be consistent with an ITE 152 use. Any ITE use that generates a traffic load greater than ITE152 will require a follow-on TIS to determine if any additional roadway improvements are needed, with appropriate remediation by those lots generating the additional traffic.*
  - b) *Applicant(s) and future owners/tenants of this lot agree that truck trips along Howertown are not desirable and will be kept to a minimum and the truck trips in aggregate from the approved subdivision are not to exceed the levels as presented in the TIS.*
- 11) *SWM Pond 3 and bio-retention basins:*
  - a) *Given the extreme presence of Karst geology throughout the entire proposed subdivision site, and the geologic and hydrologic surveys done to-date on the site, as well as the significant cut and fill proposed, Allen Township is of the opinion that infiltration is not appropriate anywhere on the site and therefore takes the position that all the proposed pond and bio-retention BMP's shall be lined. Allen Township will convey this position to DEP, the LVPC with regards to the Act 167 review and also the Northampton County Conservation District.*
  - b) *Infiltration testing for any ponds or bio-retention basins where the applicant does not propose or install liners must be done to the satisfaction of Allen Township prior to plan recording and must be included with any final plan submission related to the proposed subdivision. Additional testing, at the discretion of Allen Township, may need to be done during excavation and construction phases and any plan modifications based on such testing shall be presented to Allen Township for review and consideration of related plan changes. The intent of this paragraph is that, except for the outfall of Pond 3 there are to be no designed points of infiltration within any aspects of the SWM facilities for this development plan..*
- 12) *Land development activities on this lot must comply with E&S plan set included with the approved subdivision plan.*
- 13) *Applicant agrees that as part of the submission of Final Land Development plans for this lot, that additional requirements and conditions with respect to noise management and mitigation will be discussed and incorporated as either plan notes or conditions associated with that submission.*

**The following items were discussed as proposed conditions of approval of the Northampton Industrial Land Development Plan Lot 3:**

- 1) *This lot will be a perpetual part of a Property Owners Association (POA) that will be responsible for maintenance and operation of those facilities as outlined in the Northampton Industrial park Subdivision Plan.*
- 2) *All designated open space associated with this lot will comply with Allen Township's Open Space Ordinance.*

- 3) *Change note 56 to replace “class 8 or larger trucks” with “trucks with a GVWR of 10T or greater as well as all trucks classed a WB-40 or larger”. Add after “Willowbrook”... “Road North of East Bullshead Road”.*
- 4) *Amend plan note 54 to cover: Where storm water is routed through a lot that is not the origin of the storm water, there will be an agreement for financial responsibility between the various lot owners for remediation of any associated BMP issues or storm water quality issues. The township retains the right to enter any lot for maintenance or repairs of any SWM BMP’s or to address SWM water quality issues, at the total financial responsibility of the lot owner(s) and if the lot owners cannot agree on the financial responsibilities, then such obligation shall be the responsibility of the POA.*
- 5) *Add a plan note stating that compliance with Section 27-1421-14 (a written Emergency Plan of access) is deferred until such time as a tenant is identified for the lot and a request for a building permit is submitted to Allen Township if the tenant is known, or in the absence of a known tenant, prior to any Occupancy Permit being issued.*

*Proposed conditions:*

- 1) *Compliance with the substantive ordinance and technical engineering comments contained in the Hanover Engineering Associates review letter dated December 17, 2015, to the extent that those comments are not specifically addressed by these conditions of approval. The Zoning Officer will issue a determination regarding the zoning ordinance provisions referenced in the review letter. It is acknowledged that some of the comments contained in the review letter are informational only, and that others will be addressed by future plan revisions or engineering clarifications. Any interpretations or clarifications of the comments contained in the review letter shall be resolved by the Township Manager and Solicitor.*
- 2) *Sanitary Sewer and water services:*
  - a) *Approval of PA DEP Planning Module*
  - b) *Execution of agreements with providers covering installation, maintenance and operation of sanitary sewer and water facilities.*
- 3) *No Final Occupancy Permits will be issued until all PennDot and Township roadway improvements, either required or as referenced on the subdivision plans or these conditions of approval are completed. Temporary occupancy permits may be issued for building fit out, training, or start-up purposes.*
- 4) *Storm Water Management*
  - a) *Approval by the LVPC of the Act 167 related stormwater designs. If such review results in any SWM design changes of engineering significance, then at the option of Allen Township, further Planning Commission review may be initiated.*
  - b) *Completion of the SWM maintenance agreement, including BMP Operations and Maintenance Plan and easements for municipal access and maintenance, if necessary.*
  - c) *Construction of SWM aspects of the Land Development Plan to be coordinated with the SWM construction aspects of the related Northampton Industrial Subdivision Plan.*
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- 8) *DEP & NPDES approvals:*
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- 9) *Issuance of HOP’s from Allen Township for all internal driveways shown on the Land Development Plan.*
- 10) *Traffic impact considerations:*

- a) *The October 15, 2015 TIS submitted by Century Commerce Center, LLC is predicated on the ITE 152 use (high cube warehouse) for each of Lots 1, 2 & 3. All building plans and occupancy permits for these lots will require the applicant to certify their traffic generation will be consistent with an ITE 152 use. Any ITE use that generates a traffic load greater than ITE152 will require a follow-on TIS to determine if any additional roadway improvements are needed, with appropriate remediation by those lots generating the additional traffic.*
- b) *Applicant(s) and future owners/tenants of this lot agree that truck trips along Howertown are not desirable and will be kept to a minimum and the truck trips in aggregate from the approved subdivision are not to exceed the levels as presented in the TIS.*
- 11) *SWM bio-retention basins:*
- a) *Given the extreme presence of Karst geology throughout the entire proposed subdivision site, and the geologic and hydrologic surveys done to-date on the site, as well as the significant cut and fill proposed, Allen Township is of the opinion that infiltration is not appropriate anywhere on the site and therefore takes the position that all the proposed pond and bio-retention BMP's shall be lined. Allen Township will convey this position to DEP, the LVPC with regards to the Act 167 review and also the Northampton County Conservation District.*
- b) *Infiltration testing for any ponds or bio-retention basins where the applicant does not propose or install liners must be done to the satisfaction of Allen Township prior to plan recording and must be included with any final plan submission related to the proposed subdivision. Additional testing, at the discretion of Allen Township, may need to be done during excavation and construction phases and any plan modifications based on such testing shall be presented to Allen Township for review and consideration of related plan changes. The intent of this paragraph is that there are to be no designed points of infiltration within any aspects of the SWM facilities for this development plan.*
- 12) *Land development activities on this lot must comply with E&S plan set included with the approved subdivision plan.*
- 13) *Applicant agrees that as part of the submission of Final Land Development plans for this lot, that additional requirements and conditions with respect to noise management and mitigation will be discussed and incorporated as either plan notes or conditions associated with that submission.*
- 14) *The Northern access point to Horner Rd is to be gated and access via Horner Rd shall be restricted to maintenance vehicles and emergency access, unless otherwise approved by Allen Township.*

Before making the motion, Mr. Clater read the following prepared statement: “The following motion for recommendations for approval, with conditions, is one that I make with reluctance. While this set of preliminary plans is predicated on a “by right” use, it pushes the limits of what is allowed or required in our various ordinances, and is not at all reflective of what I think was envisioned for this area of Allen Township. The agreements for improvements to state roads are no more than we would have achieved as a result of our previous agreements with the Rockefeller Group. And, we will see a projected increase of 2400+ vehicle trips onto Rt 329, of which approximately 800 are projected to be large trucks, as well as an additional traffic light in an already congested Rt. 329. I view the overall storm water management approach as potentially being a net positive, as the severe storm water runoff problems we have on Howertown Rd into the Dry Run are projected to be alleviated. But then this development will have extremely severe cut and fill areas that will put a 20 foot wall behind Ace Hardware, with a 45 foot building on top of it, and a 20 foot cut at the intersection of Howertown and

Horner. Light and noise pollution are areas where we will need to be especially diligent as we progress to further plan submissions.

I believe the various recommended conditions of approval have gone a long way to tempering a lot of the impacts of this development, but it is my belief that the negative impacts of this sort of mega warehousing in this area of Allen Township will likely ultimately outweigh the positives.”

Mr. Clater made a motion to recommend approval as outlined in the Northampton Industrial Subdivision Planning Commission Conceptual Conditions of Recommendations January 18, 2016 (Version 2016-01-18 V1.1); Northampton Industrial Land Development Submission Lot #1 Planning Commission Conceptual Conditions of Recommendations January 18, 2016 (Version 2016-01-18 V1.0); Northampton Industrial Land Development Submission Lot #2 Planning Commission Conceptual Conditions of Recommendations January 18, 2016 (Version 2016-01-18 V1.0); and Northampton Industrial Land Development Submission Lot #3 Planning Commission Conceptual Conditions of Recommendations January 18, 2016 (Version 2016-01-18 V1.0); seconded by Mr. Pierce. On the motion, by roll call vote, all Commissioners present voted yes. Mr. Krill stated, before his vote, that he feels this may have a major negative impact and is not in the best interest of the Township but it does meet the zoning.

Mr. Clater made a motion to recommend approval to all the waivers pursuant to the request of applicant dated January 18, 2016, with the exception of the waiver of section 22-407.5.F of the intersection requirements conditioned upon the PennDOT HOP approval; withdrawal of the waiver of section 8-231.8.D and J; seconded by Mr. Behler. On the motion, by roll call vote, all Commissioners present voted yes.

**New Business** – No new business.

**Ordinance Changes/Updates:** Tabled.

**Public to be Heard:** No comments from the audience.

There being no further business, the meeting adjourned at 9:00 PM.

Respectfully submitted,

Ilene M. Eckhart