



Allen Township Planning Commission

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Alfred Pierce

Brien Kocher, P.E.
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Ilene M. Eckhart, Manager

MINUTES
ALLEN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
Monday, August 19, 2013
7:00 P.M.

The regular monthly meeting of the Allen Township Planning Commission was held on Monday, August 19, 2013 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. Vice Chairman Clater led the meeting

Roll Call: Present: Alfred Pierce; Louis Tepes, Jr.; David Irons; Eugene Clater; Brien Kocher, P.E., Randy Wright (Hanover Engineering Associates); B. Lincoln Treadwell, Jr., Esq. Absent: William Holmes

Minutes: Mr. Irons made a motion to approve the minutes of June, 2013; seconded by Mr. Pierce. On the motion, by roll call vote, all supervisors present voted yes.

Old Business

- High Meadow Estates:** High Meadow review extension discussed. The Commission requested the last extension timeframe be clarified although the Permit Extension Act covers the issue.

New Business

1. Hampton Ridge Lot 47-48 Grading permit: Mr. Kocher reviewed the situation at lot 47-48 and shared some photographs of the active construction of retaining walls at these locations. The homes along this area all have retaining walls including lot 49-50. Several adjacent lots have retaining walls constructed but the as-builts have not been provided. A grading plan for lots 47-48 has been provided for review. It appears these two units have been elevated and the retaining walls are lesser height. Mr. Clater felt that the homes were pushed back. He felt by the way the bank is cut he could not determine if retaining walls would be. The walls are designed below 4' in height to avoid an inspection under the UCC. An as-built of the adjacent retaining wall which were constructed without a permit has not been provided as requested. The builder stated that the retaining walls are below 4' – this has not been confirmed by the Township. Mr. Clater felt that an as-built should be done and erosion and sedimentation should be done – although he did not feel the construction of the retaining wall was a bad option.

2. Quarry Hill Estates: Mr. Kocher reviewed in summary the layout of Quarry Hill Estates and the status of the construction of the plan. The section in Allen Township is not yet constructed. The developer is in the process of reapplying for their NPDES permit. The developer proposes to divert stormwater into the basin overflow in the quarry in Allen Township. Mr. Kocher questioned if these reviews for NPDES should be reviewed by the Township. Mr. Treadwell felt an easement should be recorded regarding the acceptance of stormwater to the quarry. Mr. Pierce was concerned with some sign off from an outside agency regarding the capacity of the quarry of this proposed stormwater. He was concerned with overflowing the top of the quarry. Mr. Clater agreed could it flood and if so where would it go. Based on this discussion, Mr. Treadwell suggested that a letter would need to be drafted to the developer that must address any changes to the plan (including those indicative to the NPDES permit renewal) prior to final plan approval. Mr. Kocher will draft this letter to the developer.

Ordinance Changes

1. Outdoor Wood Fired Boilers: Mr. Wright reviewed the PA DEP Model Air Pollution Control Ordinance Outdoor Wood- Fired Boilers. He reviewed the Commonwealth chose to layout standards for older models (non-phase 2 outdoor wood-fired boiler) and new phase 2 outdoor wood-fired boilers. He felt the first draft reviewed the Commission was not too far of the mark with the Commonwealth's model draft. Following a review of the Commonwealth's model ordinance, Mr. Pierce made a motion to modify the current ordinance regarding Sections III, VI.7, VI.9 and the enforcement provisions be modified based on Mr. Wrights comparison and passed on to the Supervisors with the Commission's recommendation to approved; seconded by Mr. Tepes. On the motion, by roll call vote, all Commissioners present voted yes.

2. Zoning Ordinance – housekeeping update: Mr. Kocher presented several ordinance ideas which have been brought forth by the Zoning Officer and also some housekeeping/cleanup items:

a. Section 1404 regarding plantings, structures and fences in yards: Ms. Eckhart indicated that the plantings section current allows for planted hedges to be setback 3' from the property line. She reviewed the problems with enforcing this provision of the ordinance. In addition, she noted permits

are not required for planted hedges. Ms. Eckhart's opinion was this section should be removed from the Zoning Ordinance.

a. Section 1404: Mr. Kocher indicated that indicated the ordinance should be clarified to state that no fence structure, wall or continuous hedge should be located within the right of way of a public street or clear site triangle. In addition, the language regarding retaining was should be revised to state that retaining walls in excess of 24" should be designed and shall be subject to the Earth Disturbance Ordinance. Mr. Clater felt that language regarding the placement of fences in easements as well should be considered. He gave the example of Drexel Heights Sewer project and the problems of obstructions in easement areas. After a lengthy discussion, the Commission was agreeable with these revisions and asked that a draft be returned for their consideration.

b. Lot coverage: Mr. Kocher explained that in the measurement in lot coverage, the lot area denominator should include the entire "tract" area (as defined by the ordinance), even if the "adjacent" tract is separated by a public street. On the question from Mr. Clater as to where this comes into play, Mr. Kocher indicated that some of the areas in the south of the Township, especially the LVIA lands, would come into play regarding the lot coverage definition. Mr. Kocher indicated that it could be advantageous given an example of placing one side of the street in impervious cover and requiring the reservation of the opposite side of the street be reserved without coverage. Mr. Treadwell indicated that a revision would allow someone to concentrate more development on one side of the road. Mr. Kocher explained the fee simple right of way implications. Mr. Pierce felt the requirement was appropriate as a limitation pertaining to Land Developments but not necessarily for Subdivision. Mr. Clater agreed with Mr. Pierce's distinction in applying an alternative standard for lot coverage as it would apply to Land Development. The Commission members agreed by concensus and a draft with this change is to be returned to them for further consideration.

c. Section 1405.6: Regarding Forest provisions the ordinance current requires a minimum of 80% of forest area be preserved and further prohibits the removal of forest areas, prior to plan submission to avoid this requirement. Mr. Kocher explained that this is problematic in Industrial areas. Mr. Kocher indicated that the Commission may consider adherence to the reference from the Comprehensive Plan Natural Features Map and tailor it to that or tailor the provision to specific Zoning Districts. Mr. Pierce was not in favor of freezing a moment in time by regulations. He felt just become someone left trees behind doesn't mean we should not incorporate this into a specific regulation. Mr. Pierce felt the true forest areas for example would be the boundary zone adjacent to the Lehigh River. Mr. Clater felt that an overlay would be appropriate. Mr. Kocher felt this would be fairly easy to delineate. The Commission generally agreed with the development of an overlay.

d. Section 1104: Regarding Industrial building height – the ordinance allows for the maximum building height in an Industrial District to extend to 60-feet if three specific conditions are met. In addition Section 1419.3 requires areas in the Airport Zoning Performance Standards requires that LVIA approval and a variance from the Zoning Hearing Board is required to exceed a structure height of 35-feet. Mr. Pierce indicated that the BOCA reference requirements should be removed and the UCC reference should be inserted. Mr. Pierce did not feel it should be a variance. Mr. Clater also agreed and felt that they still would have to obtain LVIA approval. The Commission members generally agreed.

e. Billboards: Mr. Treadwell indicated that an issue has come up regarding Billboards along RT. 329. He indicated the Township technically does not allow Billboards. Mr. Treadwell indicated that the Adams Outdoor Advertising Company would be before the Board of Supervisors at their August 27, 2013 meeting to discuss their proposal. Mr. Kocher questioned if the Township must permit these type of signs. Mr. Pierce felt if the signs could be restricted to the quarries the impact could be minimized. Mr. Pierce further felt that the Township had to allow them somewhere. Mr. Clater was concerned with vicinity of homes that may be built in the future near Rt. 329.

f. Animal Husbandry: Ms. Eckhart indicated some issues regarding the keeping of chickens as pets in Zoning Districts that do not allow Animal Husbandry. Following a discussion regarding this issue, the Commission requested Ms. Eckhart obtain comparable ordinance language that would allow small quantities of animals typically classified in Animal Husbandry as pets and return to the Commission.

There being no further business the meeting adjourned.

Respectfully submitted,

Ilene M. Eckhart