



# Allen Township Planning Commission

4714 Indian Trail Road

Northampton, Pennsylvania 18067

Phone: (610) 262-7012

Fax: (610) 262-7364

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## ALLEN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

**Monday, July 20, 2018**

A **General Meeting** of the Allen Township Planning Commission was held on Monday, July 20, 2018 at 7:00 P.M. at the Allen Township Fire Company Building, 3530 Howertown Rd, Northampton, Pennsylvania 18067. The Pledge of Allegiance to the Flag was led by Chairman Eugene Clater.

**Roll Call:** Gary Behler - Present; Gary Krill - Present; Louis Tepes, Jr. – Present; Eugene Clater - Present; David Austin - Present; Robert Cox, P.E., P.L.S. (Barry Isett & Associates, Inc.) – Present; B. Lincoln Treadwell, Jr. Esq. - Present; and Ilene M. Eckhart – Present

**Approval of Minutes:** No action taken.

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

(Note: The items were reversed to allow the item expecting shorter discussion to be heard as the first agenda item.)

### **New Business:**

#### **A. Tranquil Meadows (formerly Quarry Hill Estates):**

Mr. Edward Deichmeister, S & D Land Development (applicant); Alfred Pierce, Esq., were present on behalf of the applicant/proposal. Mr. Pierce requested clarification concerning provisions of the Zoning Ordinance and the implications on the subject proposal as follows:

1. Density factors based upon the ordinance language allowing 12 units per acre and the minimum lot area of 5,500 square feet per dwelling;
2. He questioned the open space provisions and if the provisions were applicable as the proposal is applicable as a subdivision will not occur and the concept is not that of garden apartments;
3. Is the subject concept viewed as a multi-family dwelling proposal per the Zoning Ordinance provision.

Mr. Treadwell provided clarification with regard to Chapter 27, Section 804, #3, A-J in that open space is to be calculated after design features such as the roadway is deducted from the base area. Mr. Treadwell further advised that the initial hurdle is the 12 units per building ordinance provision and the applicant's plan showing 18 to 20 units per building. Mr. Pierce indicated that multi-family is not covered per the number of units allowed in a single building. Mr. Deichmeister noted the proposal is a 55+ age restricted development therefore the units are smaller and would be proposed as similar to those designed within the section of development within the Borough of Northampton design. He further noted that the concept with the underground parking areas, would be unique to Allen Township as well as the Lehigh Valley. Mr. Pierce indicated the assumption which is being made with the sketch is that condominiums are the same as apartments.

Mr. Clater questioned if all of the open space would be open to the public. Mr. Clater further indicated that if it was not open to the public – it could not be considered open space. Mr. Deichmeister felt it was open space for animals and people who inhabit the lots, etc. Mr. Deichmeister felt Mr. Jaindl's offer of 44 acres with the JW Development project but the land was not exactly open to the public. Mr. Clater disagreed with this characterization.

Mr. Pierce requested a zoning interpretation from the Zoning Officer. Mr. Clater indicated this would need to be submitted in writing and the Zoning Officer would provide a response in writing (which would be appealable to the Zoning Hearing Board).

Regarding the subject of open space, Mr. Deichmeister indicated that the quarry would be considered open space. Mr. Deichmeister further stated he would be proceeding with 105 units in the Borough which resulted in a traffic reduction (which would have been generated by the previously planned twin units of the Quarry Hills plan).

### **Old Business:**

#### **A. JW Development Northampton Business Center Revised Land Development Plan Submission of May 25, 2018:**

Mr. Howard Kutzler and Mr. Bruce Anderson, PE (Pidcock Company) were present on behalf of the application/proposal.

Mr. Bruce Anderson, PE, Pidcock, indicated that the next submission will be to address the open engineering issues only. Mr. Anderson proceeded to address the request for waivers or deferrals pursuant to the following ordinance sections. Mr. Clater noted that the motions were intended to be provided as guidance to the applicant and the Commission would formally vote on the requests at the time of plan recommendation. The Commission members agreed that the intention tonight was to provide guidance only.

Section 8-231.8.K.: From the requirement that the minimum slope of the bottom of a detention pond shall be 2% toward the outlet structure.

Mr. Anderson provided the following explanation for the request: In order to meet the required Water Quality Volume Requirements of PADEP, LVPC, and Allen Township, the basins are designed as Wet

Ponds or Dry Ponds with 1% Basin Bottoms to maximize storage in the pond. All ponds will be lined to minimize sinkholes. Following some discussion concerning the basin bottom at 1% and therefore contain water most of the time, Mr. Behler made a motion to approve the request to waive this requirement; seconded by Mr. Krill. On the motion, by roll call vote, all Commissioners present voted yes.

Section 22-406.K.(e): From the requirement of sidewalk along the proposed public street.

Mr. Anderson provided the following explanation: The request for a deferral from the requirement to provide sidewalk for the entire length of the proposed public street. After discussions with LANTA, the plan provides proposed bus stop locations along with sidewalk leading from the bus stops to each building.

The request for a deferral for the remainder of the sidewalk along the north side of the proposed public street, which length is more specifically described as extending from Howertown Road to the Building 5 driveway (approximately Sta. 10+75), west of the Building 4 driveway (approximately Sta. 16+00) to the Building 2 truck driveway (approximately Sta. 35+50), and from east of the Building 2 truck driveway (approximately Sta. 38+25) to Seemsville Road. Sidewalk will be provided along the entire south side of the proposed public street. Sidewalk will be provided along the north half of the road to connect LANTA bus stops to each of the proposed buildings on the north side of the road. Therefore, Mr. Anderson noted the additional sidewalk along the north side of the road is redundant and not needed to accommodate the limited pedestrian activity that is anticipated within this development.

Following some discussion and clarification as to the areas which would be permitted to be deferred, Mr. Clater made a motion to approve the request to defer the installation of the sidewalk along the north side of the public street only with the exception of the area needed to connect the north half of the road to the future LANTA bus stops to the proposed buildings on the north side of the road; seconded by Mr. Behler. On the motion, by roll call vote, all Commissioners present voted yes.

Section 22-502.5.D.: From the Preliminary Plan Submission requirements for Design Calculations and Construction Details.

Mr. Anderson provided the following explanation:

A waiver from this plan submission requirement is requested as the structure that will convey the Main Access Road over the Dry Run will be constructed under a design-build contract agreement. The full structural design and details will be prepared by a professional engineer registered to practice in Pennsylvania, and will be submitted for review and approval by the Township prior to construction. Mr. Anderson further noted the submission of these detailed engineering documents with the Preliminary Plan is premature. Mr. Clater questioned the projected timing of the submission. Mr. Anderson indicated all have been submitted and the review comments (first round) should be received in 2 to 4 weeks. Mr. Anderson further agreed to submit or obtain the permit prior to recording of the plans.

Mr. Behler made a motion to waive from only the timeline for outside agency permit application submission; seconded by Mr. Austin. On the motion, by roll call vote, all Commissioners present voted yes.

Section 22-502.5.J.: From the NCCD Letters of Approval of the Soil Erosion Control (E&S) Plan and Section 22-502.5.M.: From the NPDES Construction Permit.

Mr. Anderson provided the following explanation: The request a waiver from both of these plan submission requirements due to the NPDES Permit being appropriately required before site construction can commence. Mr. Anderson explained the separate processing of this Permit by NCCD and PADEP includes an extensive review and approval of the E&S Plans and supporting documents. Mr. Anderson noted the Township would be informed via copies of correspondence as to the progress towards approval and issuance of the Permit. He further explained since the processing of this Permit should occur only after the Township endorses the project, it is premature to provide the E&S Approval Letter and the actual NPDES Permit with the submission of the Preliminary Plan. These permits will be obtained and provided to the Township prior to the start of construction.

Mr. Behler made a motion to approve a waiver the timeline for outside agency permits condition upon receipt of the permit prior to recording of the Final Plan; seconded by Mr. Austin. On the motion, by roll call vote, all Commissioners present voted yes.

Regarding May 29<sup>th</sup>, 2018 Langan letter, Mr. Anderson outlined the waiver request concerning the Mud Lane Roadway Improvements offer to substitute in the form of a 5,000 linear foot public water line extension and to address the stormwater issues along Mud Lane from the north side of the berm. Mr. Clater made a motion to grant a waiver of the Mud Lane Roadway Improvements in lieu the substitute improvement of a 5,000 linear foot public water line extension and to address the stormwater issues along Mud Lane on the north side of the berm; seconded by Mr. Behler. On the motion, by roll call vote, all Commissioners present voted yes.

Mr. Anderson questioned the need for a waiver pursuant to the comment raised in the Township Engineers June 29<sup>th</sup>, 2018 letter of review regarding Chapter 22, Section 603.A.3 which states, “No new construction of development shall be located within a designated floodway. Furthermore, construction or development outside the stream banks but within the Floodplain Zone shall be permitted only when in compliance with this part and Pennsylvania Department of Environmental Protection Permit Requirements”. Mr. Anderson was concerned that taken literally this section would be prohibitive of the placement of a new or replacement bridge/culvert which was integral to the design of the project. Mr. Treadwell opined that the construction of a bridge/culvert would need to occur in the Floodplain zone. Following some discussion about the practical application of this section related to the type of activities Mr. Treadwell referenced, Mr. Austin made a motion to grant a waiver from this requirement contingent upon the receipt of a PA DEP permit for the new culvert; seconded by Mr. Krill. On the motion, by roll call vote, all Commissioners present voted yes.

Mr. Anderson also questioned the literal application of the Township Engineers letter of review comment concerning Chapter 27, Section 1413.B.8, which states, “The maximum width for a two-lane access drive is 28 feet, the plans indicate 36’ widths for the warehouse access roads. These widths 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 criterion. If a variance is required, it should be included on the list of waiver/variance requests”. Mr. Anderson noted these are for access drives to individual lots. Following some further comments, Mr. Clater made a motion to recommend the maximum width for the 2-lane access drives up to 36’ for

the warehouse access drives; seconded by Mr. Krill. On the motion, by roll call vote, all Commissioners present voted yes.

Mr. Clater expressed the following concerns/comments regarding his review of the latest plan submission as follows (as referenced in comments throughout the Township Engineers review letter dated June 29<sup>th</sup>, 2018):

\* Regarding Mud Lane which states, “Improvements to Mud Lane and adjoining storm sewer systems are not shown. Those were discussed in the field with the design team. The proposed water line extension along Mud Lane should be shown on the plans”. Mr. Clater felt the stormwater issues have all been identified and a resolution has been determined. Mr. Cox agreed that issues have been identified and discussed with the design engineer.

\* Regarding the PPL line relocation and easement comment which states, “The plan indicates a relocation of a portion of the PPL easement around the north and east side of warehouse #2, and also indicates some grading and access drive improvements proposed within the existing PPL easement area which is to remain unchanged. Approval of the relocated easement and proposed relocated electric line on the adjacent residential properties should be identified and addressed”. Mr. Anderson confirmed he was basically agreeable with the relocation of the easement and adjustments if necessary.

\* Regarding the pedestrian access for Lot # 3 comment which states, “Pedestrian access from either or both streets to the proposed building on Lot 3 should be provided when available”. Mr. Anderson indicated ADA ramps would be added where necessary to include those at Lot #6 to Commerce Boulevard. Mr. Clater felt that sidewalk was not desired on Howertown Road.

\* Regarding the no parking signage comment which states, “Consider the addition of “no parking” signing throughout the communal truck staging and trailer parking area. Consider adding “no parking” signs along the two access roads which connect the proposed public street and the entrance to warehouse #4”. Mr. Anderson responded no parking means only to park in marked spaces and this would be clearly noted on the plans

\* Regarding the Seemsville Road reconfiguration issue comment which states, “The configuration of the Seemsville Road realignment appears to create two additional building lots. The creation of the lots should be administered through the subdivision process. Subdivision plans should be prepared and submitted to East Allen Township or a waiver from the requirement of going through the subdivision process should be obtained. Allen Township should be offered the opportunity to review the subdivision plans in conjunction with the proposed land development plans”. Mr. Clater indicated that this would need to be addressed by the applicant as necessary with the outside jurisdiction and PennDOT.

\* Regarding the Seemsville Road and connecting road issue comment which states, “The connecting road between the existing and proposed relocated Seemsville Road should be designed to Allen township standards if it is to be maintained by Allen Township. Details for the construction of the road should be provided on the appropriate plans. The proposed roadside swale should meet, at

least, the minimum depth and setback from the edge of paving required by Township standards”. Mr. Clater indicated that this issue would need to be addressed by the applicant as necessary with the outside jurisdiction and PennDOT.

\* Regarding the wetlands comment (relative to Chapter 27, Section 1405.7) which states, “Wetland shall be left as permanent open space. The plans indicated encroachment into wetland areas near warehouse #2 and #4. Relief to allow encroachment into these areas is needed, and PA DEP/Army Corps of Engineers Permits will be required for these encroachments. Mr. Clater questioned if this would be an issue integral to the design of the overall project, especially if wetlands would need to be mitigated. Mr. Treadwell indicated he spoke to the applicant counsel regarding this issue and the indication was that the Army Corps would view disturbed wetlands as no longer being wetlands and therefore mitigation would be required elsewhere.

Concerning the subject of woodlands on the site, Mr. Clater questioned the connection to the wooded/wetlands. Mr. Anderson confirmed this would be provided. Regarding this topic generally, Mr. Krill questioned if a recreational trail within this area was feasible. Mr. Cox commented generally regarding the use of wetlands for certain passive activities and that permits would be necessary from outside agencies.

\* Regarding the comment regarding detention basin maximum allowable depths noted relative to Chapter 8, section 231.8.F, Mr. Anderson responded that a waiver will possibly be submitted for stormwater storage areas, following a conference between the Township Engineer and design engineer.

\* Regarding the comment related to Seemsville Road, which states, “Any affected property owners along Seemsville Road must provide concurrence with the plans, Mr. Clater indicated that this issue should also be discussed with East Allen Township. Mr. Behler stressed the importance of the relationship with East Allen Township regarding this topic and that it would be necessary to possibly enter into an Intergovernmental Cooperation Agreement with East Allen for the future signal and appurtenances. Mr. Clater noted that the Township received a letter of review by Hanover Engineering Associates, Inc. (Township Engineers for East Allen Township) regarding the TIS.

\* Regarding the sanitary sewer comments (generally), Mr. Anderson responded that the sewer profiles are based on the current submission.

\* Regarding the sanitary sewer comments which states, “The sewer main between sanitary manhole #9 and 10 shall be ductile iron pipe due to the stream crossing. Transitions between pipe types are not permitted on mainline runs”. Mr. Anderson responded that additional detail would be submitted regarding this topic, following a conference between the Township Engineer and design engineer.

\* Regarding the fire hydrant issues noted, Mr. Anderson indicate that the locations would be reviewed and input received from the Allen Township Fire Chief.

\* Regarding the water system comment pipe sizing topic, Mr. Anderson indicated that following investigation, any as built information would be provided to both the City of Bethlehem and the Township.

Mr. Clater concluded when a recommendation motion is eventually drafted for this application, he felt the following items needed to be stated clearly as detailed conditions of the recommendation:

1. Post Occupancy PennDOT Study Requirement. This should include what type performed and when will after studies be required. He noted the Township condition would be more stringent than that required by PennDOT.
2. Prior to recording, permits or input from all outside agencies, including but not limited to: Act 167 review of improvements, DEP Bridge Permits, etc.
3. Offer for Mud Lane Water Line Extension in lieu of roadway improvement
4. TIS/HOP – PennDOT constructed improvements must be those as reflected within the approved TIS.
5. Agreement notation on plan concerning the prohibition of truck use of Savage and Willowbrook Roads.
6. Plan note regarding 44-acre open space offer.
7. Plan note regarding Mud Lane water line offer and stormwater improvement offer in lieu of widening of Mud Lane.
8. Seemsville Road Relocation – as approved by May submission to PennDOT to be subject to approval with PennDOT, Allen Township, East Allen Township, Northampton Area School District and the Northampton County Conservation District.
9. Seemsville Road Traffic Signal Ownership/Maintenance Agreement. Synchronization with other Allen traffic signals.
10. No permanent certificate of occupancy until all of PennDOT HOP improvements are completed. Mr. Kutzler interjected that this would need to be addressed in the land development agreement but that the applicant would want to be allowed to have staff hiring, training, orientation and testing at a minimum.

Following Mr. Clater’s last point (10), Mr. Behler questioned the PennDOT HOP improvements and expressed that he felt all improvements must be completed prior to occupancy of the building. He indicated he would not agree with a language regarding this condition that would allow PennDOT to say “whatever is necessary”. Mr. Kutzler indicated that the applicant would want to have some preliminary occupancy. He preferred to have this addressed in the developer’s agreement. Mr. Kutzler further explained that there no phasing plan (per the MPC) and if a phased plan is later considered the applicant would have to return for Township approval.

Mr. Krill questioned the LVPC letter regarding bonding/reclamation plan for big box warehouses. Mr. Clater provided some feedback regarding the re-use intention per the LVPC letter which Mr. Krill referenced.

**Other Business:** No other business.

**Public To Be Heard:** Mr. Don Knoll, 4040 Pinehurst, questioned the Tranquil Meadows Apartments Sketch regarding the recreational facility use. He challenged the theory presented by the applicant concerning traffic generation. He questioned the buffering to the Willow Green community. Mr. Knoll further questioned the stormwater management techniques to be employed due to the mosquito population on the detention ponds proposed in the Jaindl pond.

Mr. Jerry Neff, Nor Bath Boulevard, voiced concerns regarding the relocation of Seemsville Road. He preferred the new intersection be moved further away from the existing Seemsville/Rt. 329 intersection. Mr. Clater explained the distance proposed is still under discussion with PennDOT and currently proposed for 650' east of the existing intersection. Mr. Neff preferred the intersection be moved further east to align with Walnut Street. He would like to contact PennDOT to discuss this issue. Mr. Kutzler responded to Mr. Neff's concern and provided background regarding the outstanding issues with PennDOT.

Mr. Edward Deichmeister remarked regarding the recreation, open space and height of the proposed apartment buildings. He further noted that a buffer would be provided by virtue of the existing quarry.

There being no further business the meeting adjourned at 8:30 P.M.

Respectfully submitted,

Ilene M. Eckhart