



Allen Township Planning Commission

Meeting Minutes
April 15, 2024
6:00 P.M.

A **General Meeting** of the Allen Township Planning Commission was held on Monday, April 15, 2024 at 6:00 P.M. at the Allen Township Municipal Building, located at 4714 Indian Trail Road, Northampton, PA. Chairman David Austin led the audience in the Pledge of Allegiance to the Flag.

Roll Call:

Present: Gary Behler; Gary Krill; David Austin; Felipe Resendez, Jr.; B. Lincoln Treadwell, Jr. Esq. Solicitor; Ilene M. Eckhart, Manager; Rock Stahovic, EIT, LEED AP

Absent: Paul Link; Stan Wojciechowski, PE, CME, Engineer (Barry Isett & Associates, Inc.); and Andrea Martin, EIT (Barry Isett & Associates, Inc.)

Minutes: Mr. Behler made a motion to approve the minutes from January 22, 2024; seconded by Mr. Resendez. On the motion, by roll call vote, all present Commissioners present voted yes.

Public to be Heard: There were no public comments.

Business Items:

A. Tyler and Emily Landis, 280 Farm Hill Road, Stormwater Management Ordinance Waiver

Request: Mr. Tyler Landis indicated that he is before the Planning Commission to seek relief from the Allen Township Stormwater Management Ordinance. Mr. Landis indicated that he wished to remove an existing open-air agriculture building and replace it with a larger open-air agriculture building, however, he needs a waiver for the stormwater management ordinance. He explained that currently none of the water on the buildings is being captured and he wishes to use underground water tanks in place of the retention pond. Mr. Landis requested that the driveways not be included in the water. He indicated that the water in the underground water tanks would be utilized for irrigation for the trees, farmland, and hydroseeding on his property. Mr. Austin asked Mr. Stahovic to review the letter from Barry Isett and Associates dated February 9th, 2024. Mr. Stahovic explained that over the past ten years there are no records of permits obtained for impervious coverage, however, going back to the parent tract there have been multiple building built such as farm and landscaping buildings and two homes. He explained that Allen Township's Storm Water Management Ordinance tracks back to the parent tract meaning that the two houses will need to be accounted for with the stormwater management. Mr. Stahovic expressed concern that there was not any documentation submitted to the Township to address stormwater management after the 2016 Stormwater Waiver was granted by Allen Township. He indicated that the proposed underground water tanks do not address the large stormwater events and where the water would go when the storage tanks are filled. Mr. Stahovic explained that the plans do not capture water from all the buildings and the impervious areas around the buildings. He concluded that Allen Township's concerns are flooding of the neighboring properties that are downstream.

Mr. Austin stated that the property has multiple usage as it is a residential property and in a residential subdivision that is in an agricultural area, however, there is not any agricultural use on the property. He added that there is a business on the property that does not qualify as a homebased, non-impact business. He explained that there are raw materials and equipment being stored on the property. Mr. Austin explained that the Allen Township Ordinances state that a resident may have a home-based business, however, the employees, other than two outside employees, are supposed to be family members. He concluded that the Ordinance also indicates that the business cannot have materials and equipment in and out of the facility. Mr. Austin felt that there were other issues on the property that needed to be discussed before the reviewal of the stormwater management ordinance waiver request.

Mr. Treadwell explained to Mr. Landis that he needs to get the plan approved before the building could be built. Mr. Treadwell questioned Mr. Landis on what the proposed building would be utilized for. Mr. Landis stated it would be used for agricultural use to grow grass. He indicated that the grass seed is used for his personal property but for client properties as well. Mr. Treadwell stated that the building would then be considered a mixed use for a landscaping business and personal use. Mr. Treadwell reiterated Mr. Stahovic's concerns and referenced Barry Isett and Associate's letter, dated February 9th, 2024 indicating that the lot will need to be able to handle the stormwater this the new building will be generating so that neighboring property, Township Roads, and so forth do not get flooded out. Mr. Treadwell questioned if there was any reason why they could not handle the stormwater on their property. He indicated that it could be possible that the property could not handle the amount of stormwater that would be generated by the amount of impervious coverage. Mr. Treadwell indicated that the plans need to show the stormwater management plan.

Mr. Behler questioned what the impervious coverage percentage for the rural district was. Mr. Treadwell indicated that the impervious coverage is 10% for farming and 20% for single family in the rural district. Mr. Austin stated that Mr. Landis is claiming agricultural usage for the waiver meaning in this circumstance the impervious coverage percentage would be 10%. Mr. Behler stated that even if the percentage was under 20%, in the future, if you try to build something else, the lot may not be able to handle the water. He stated that looking at historical data from recent storms in the past couple of years, there has been more rainfall. Mr. Behler indicated that with MS4, the government is strict with the Township in making sure that the stormwater within the Township meets standards based on the MS4 criteria.

Mr. Stahovic stated that the proposed plan indicates 97.8% water would be captured however that percentage is misleading because it does not include impervious coverage, such as runoff from the property. He explained that the house that was built in 2016 needed an exemption for the stormwater management ordinance, which was granted at the time. Mr. Stahovic referenced Allen Township's Ordinance §8-204 Exemptions, which reads as follows:

“§8-204 Exemptions. 1. Impervious Cover. Any proposed regulated activity, except those defined in § 8-203(2)(E), (F), and (G), which would create 10,000 square feet or less of additional impervious cover, is exempt from the drainage plan preparation provisions of this Part. All of the impervious cover added incrementally to a site above the initial 10,000 square feet shall be subject to the drainage plan preparation provisions of this Part. If a site has previously received an exemption and is proposing additional development such that the total impervious cover on the site exceeds 10,000 square feet, the total impervious cover on the site proposed since the original Part date must meet the provisions of this Part.”

Mr. Stahovic explained that the ordinance is the reason why he spoke about the parent tract because the parent tract plays a role with the stormwater management because before there was a subdivision and currently there is a house that was built on the parent track, so that is not being captured with the stormwater

management. Mr. Stahovic questioned if Mr. Landis could do more underground storage or pipe system to accommodate the stormwater. He indicated that there are not any true design calculations shown on the plan. Mr. Krill questioned Mr. Landis about the outdoor wood burner and if the wood was brought in from job sites. Mr. Landis indicated that it was used for burning wood from job sites, however, it is used as a source of heat. Mr. Resendez stated that Mr. Landis will need to talk with his engineering team and have them draft a plan that is in accordance to Allen Township's ordinances.

Mr. Behler made a motion to not recommend an approval of the waiver for 280 Farm Hill Road as it relates to the stormwater drainage; seconded by Mr. Resendez. On the motion, by roll call vote, all present Commissioners voted yes.

B. Revised Preliminary Land Development/Subdivision Plan and Conditional Use JW Development – Northampton Business Center Lot 3: Mr. Erich Schock, Esq. of Fitzpatric, Lentz, and Bubba P.C., indicated that a few months ago, JW Development submitted the land development plan for Lot 3, however, there were some conditions that needed to be met. Mr. Schock stated that they went to the Board of Supervisors and obtained conditional use approval, which the Planning Commission did recommend to the Board of Supervisors, which there was a condition where the applicants shall install improvements along Howertown Road that will physically prohibit tractor trailers accessing the site from Howertown Road. Mr. Schock explained that Mr. John McRoberts of the Pidcock Company developed a design. Mr. Behler questioned if they reached out to Century Commerce to see if all the traffic could come through Liberty Drive. Mr. Ben O'Neil presented that Prologis was approached in regards to utilizing Liberty Drive for the Lot 3's traffic, however, the Prologis traffic engineer and JW Development's traffic engineer both agreed that it is unwise to have only one point of access to the property that both cars and trucks share and it would make more sense to have trucks utilize Liberty Drive. Ms. AnnMarie Vigilante of Langan Engineering commented that the distribution of the traffic to multiple points will help alleviate additional traffic onto the Savage Road intersection. Mr. Behler questioned if the site would be gated? He expressed concern about through traffic that would be looking for a short cut. Mr. McRoberts indicated that would depend on costs. Mr. Austin questioned the height of the proposed barrier. Mr. McRoberts indicated that the height of the overhead bar is 13 feet and that the current plan narrowed the entryway and the curb radius entrance off of Howertown Road. He explained that an eight-inch-high mountable curb would be constructed around the apron and entry median as well as advanced signage on Rt. 329. He explained that the signage would first need PennDOT's approval. Mr. Austin expressed concern that the ladder truck may have difficulty accessing the building. Mr. Behler indicated that it was previously with discussed with Mr. Dale Hassler, Allen Township Fire Chief, that Horner Road could also be utilized for emergency response access.

Mr. Austin questioned the Lehigh Valley Planning Commission comment regarding the truck storage and staging area located across Howertown Road. Mr. McRoberts indicated that it is not anticipated for Lot 3 trucks to be utilizing that particular portion of the JW Land Development property. Mr. Krill questioned if overnight amenities would be provided. Mr. McRoberts stated that trucks would be allowed to stay however amenities would not necessarily be provided to them. Mr. Krill questioned if there would be a snow scraper on-site. Mr. McRoberts stated that there will be a snow scraper on the Lot 3 site. Mr. Krill questioned the location of the City of Bethlehem 36-inch water main. Mr. McRoberts indicated that the City of Bethlehem water main will need to be brought in across Howertown Road. The Planning Commission generally discussed the truck issues being a problem on the roadways they are not supposed to be traveling on.

Mr. Krill made a motion to recommend the preliminary plan approval subject to the letter dated April 8th, 2024; seconded by Mr. Behler. On the motion, by roll call vote, all present Commissioners voted yes.

Public to be Heard: There were no public comments.

Announcements: Mr. Austin announced that the next Planning Commission meeting will take place on Monday, May 20th, 2024 at 6:00 PM at the Allen Township Municipal Building located at 4714 Indian Trail Road, Northampton, PA.

There being no further business, the meeting adjourned at 6:50 PM.

Respectfully Submitted,

Ilene M. Eckhart