



Allen Township Planning Commission

Meeting Minutes May 20th, 2024 6:00 P.M.

A **General Meeting** of the Allen Township Planning Commission was held on Monday, May 20th, 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; Andrea Martin, EIT (Barry Isett & Associates, Inc.); Layla Denissen, Engineer (Barry Isett & Associates, Inc).

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

Minutes: Mr. Behler made a motion to approve the minutes from April 15th, 2024; seconded by Mr. Resendez. On the motion, by roll call vote, all present Commissioners voted yes.

Public to be Heard: There were no public comments.

Business Items:

A. Willowbrook Farms Phases 3 & 4 Final Land Development Plan: Mr. Marc B. Kaplin, Esq, indicated that there were about four or five issues that he wished to discuss, with the first issue being the sewer agreement with Catasauqua Borough. He explained that it was felt that the agreement would need to be modified. He indicated that previously a reservation agreement was signed where it was agreed that Willowbrook Farms would pay \$200.00 per unit or \$130,000.00. He questioned why Equus would agree to pay. He felt that the intermunicipal agreement should be between Allen Township and Catasauqua Borough. He indicated that the EDUs should be between Catasauqua and Allen Township and then Willowbrook Farms should have a reservation or capacity agreement with Allen Township. He stated that he spoke with Mr. Charles Smith, Catasauqua Borough's Solicitor, who stated that Catasauqua has its existing capacity, and that the Borough will reserve it for Willowbrook Farms, the Estate, and for Allen Township. He explained that Catasauqua Borough is entitled to receive an annual reservation fee when units are not connected to pay for bonds and insurance. Mr. Kaplin indicated that once Willowbrook Farms reserves all six hundred (600) units then Willowbrook Farms will pay Allen Township the reservation fee therefore allowing Allen Township the ability to pay Catasauqua Borough.

Mr. Treadwell explained that the difference between Northampton Borough, where the majority of Allen Township sewer goes and Catasauqua Borough, where a small portion of it on Willowbrook Road goes now and where this project will go, is that with Northampton Borough plant, Allen Township does not own any of the plant. The Township pays as people connect and starts paying as people use sewer, however, with

Catasauqua Borough, the moment the Township signs an agreement the Township will own a piece of the plant. He indicated that currently Allen Township owns 1.63% of the plant and Allen Township is responsible for the cost of that plant, whether sewer is flowing or not. He further explained that once this project agreement gets signed, Allen Township will own somewhere around 3% of the plant and the Township will start paying the costs and capital charges before any unit is hooked up. He concluded that when Mr. Kaplan talks about the reservation fee, it is a fee that is in place prior to any sewer flowing through the pipe because of the ownership of the plant and the way the Catasauqua Borough plan is set up. Mr. Treadwell indicated that there is not an issue with the sewer and capacity to handle the project. He concluded that Catasauqua has the capacity, there are just a few details that need to be worked on regarding payments.

Mr. Kaplin explained that there is a planning module for the Willowbrook Farms Development and that the planning module has been prepared and signed off by Catasauqua, however, the Allen Township Planning Commission is required to sign off on the 4A Component. He requested that the component be signed thus allowing Willowbrook Farms to move forward to the planning module process. Mr. Jeff Beaven explained that one of the documents that needed to be signed, relates to the planning module that the Planning Commission needs to sign while the other is for Catasauqua Borough to sign. Mr. Treadwell explained that the importance of the planning module to this project is the ownership of the sewer lines. He continued by stating that the way the project is set up is that the Township will own the main interceptor line along with some of the minor collection lines. He referenced a previous color-coded plan that showed certain entities owning certain parts of the lines, which needs to be approved by DEP. He indicated that until the planning module gets in front of DEP, the Township does not have any answers regarding that issue. Mr. Treadwell stated that is an issue the Township needs an answer to because if DEP comes back and says no, then more discussion is needed. He explained that there is plenty of capacity in the plant and that Catasauqua wants to sell Allen Township the capacity and the lines are not built yet. He indicated that from the Township perspective, the planning module certifies that there is capacity in the existing lines, however, for this project existing lines will not be used as new lines are being built.

Mr. Behler made a motion for the Planning Commission to sign the 4A Component for the Municipal Planning Module, however, it will not be submitted until Ms. Andrea Martin's comments are addressed by Bohler Engineering; seconded by Mr. Resendez. On the motion, by roll call vote, all present Commissioners voted yes.

Mr. Kaplin indicated that he wished to discuss the intersection of West Bullshead Road and Willowbrook Road because there's some changes that are going to be made to the traffic light and radar at that particular intersection. He indicated that the plans have been submitted to PennDOT and the plan is on its third review. Mr. Kaplin believed that Mr. Wojciechowski was in possession of those plans. Ms. Denissen stated that Barry Isett & Associates, Inc. is asking for construction plans for the entire frontage of the site. Mr. Kaplin questioned if it was included in the signal construction plans. Mr. Grochowski indicated that his office was able to connect with the Barry Isett and Associates' office earlier that day. He stated that there are areas shown on the land development plans where Bohler is going to provide additional detail as necessary and clean up the plans, but the intention is the construction information would be shown.

Mr. Kaplin began to discuss the Fuller Estate. Mr. Kaplin explained that initially when the Willowbrook Farms plan was brought to the Planning Commission, it was discussed that the golf course, equestrian area, and some form of village development would be part of the plan. He indicated that when the agreement with the estate was signed, a total of \$2,000,000.00 was set aside to be utilized for the village and to improve the Estate. Mr. Kaplin indicated that it was felt that somebody other than the Estate should own the property. He explained that the Developer will be the owner of the property and there will be a Homeowners Association. He stated that they are in the process of negotiations for the property and that the golf course was going to be existent in the future. He indicated that the Developer is also attempting to buy the rest of the property to keep the equestrian portion of

the property preserved. Mr. Behler asked Mr. Treadwell to remind everyone that there was an ordinance for the property where an existing golf course has to remain as an open space if it stops operating as a golf course. Mr. Treadwell indicated that was correct. Mr. Treadwell explained that outside of the two plans that are on the agenda tonight, there's an overall subdivision plan that creates six lots, two of which have small houses on them, three go to Equus to be developed for residential purposes and the remainder lot stays. He indicated that the Township is not going to record those subdivision plans until a conservation easement that preserves that land, which Fuller has to sign, is completed. Mr. Treadwell concluded that an easement and a conservation easement is needed.

Mr. Kaplan indicated that a document was being prepared to list all of the easements on the property, who maintains the easements, who has rights, and overall, the whole raft of easements. He stated that there will be a second document that is a declaration or a conservation easement that would put into place that the golf course will remain, or it will become an open space. He explained that it will also ensure that there is not any additional development on that property, except for the fifty units that will be built in the Village. Mr. Behler asked Mr. Treadwell if all the documentation needed to be put into place before the final Board of Supervisors approval. Mr. Treadwell indicated that is a condition of the subdivision plan approval that the conservation easement be recorded prior to or at the same time as the subdivision plan because once the subdivision plan is recorded and the properties are sold, the Township's ability to ask Fuller to sign something is gone. Mr. Treadwell felt that Attorney Kaplan has been discussing that if the developer is successful in purchasing the remainder of the property, then the Township will not need to go to Fuller and get all the different parties involved to agree and sign, the Township would just have Equus sign off.

Mr. Kaplan asked Mr. Behler that the Board approves it at the right time, sign it, and give the signed document to Mr. Treadwell. He explained that when the closing with the Fuller Estate happens, the subdivision plan would be reported, then the declaration document, followed by the land development plans. Mr. Krill questioned if there were still going to be shops such as a bakery built in the village if the developer buys it. Mr. Kaplan indicated that was what the \$2,000,000.00 was for. Mr. John Forde with Equus Development indicated that the escrow at closing will be used to rehab existing buildings, farm buildings, and so forth. He explained that there is a café located at the golf course that they would try to get an operator for. He stated that once the apartments are in place and the single-family homes are getting developed, that is when they will start looking at service shops or restaurants, however, it may take years to develop. He concluded that it is still part of the vision for Willowbrook Farms to have shops. Mr. Krill questioned if the mansion on the property would be staying. Mr. Forde indicated that it depends on the condition of the interior of the home.

Mr. Grochowski questioned if he should read through the Boyler Engineering Letter dated April 29th, 2024. Mr. Austin indicated that it was not necessary as the Commissioners reviewed the items before the meeting. Mr. Treadwell questioned if the review letter items will comply. Mr. Grochowski indicated yes. Ms. Denissen indicated that most of the items needed to be cleaned up and that she had been in contact with Mr. Jeff Beaven of Bohler Engineering. She stated that Barry Isett and Associates went through the questions that he had regarding the comments.

It was generally discussed whether the sewers needed to be in the basement. Ms. Martin indicated that Barry Isett and Associates want to verify that the sewers are being constructed in the way they were designed. She explained that the idea is to provide sumps in the homes where the sewer naturally is not low enough to be fed by gravity. She concluded that this would allow the homeowner to install an injector pump. She indicated that the sewer laterals were gravity laterals from each structure so if there is a provided sump in the basement at a future date the homeowner could install a bathroom in the basement by installing an injector pump. She concluded that was the provision that was made. Mr. Krill indicated that he would wish to see a sump installed in the basement.

Mr. Behler made a motion that the Planning Commission recommends approval of waiver from SALDO §18-104.7, which requires basement sewer service to be provided whenever possible on the condition that sumps are provided; seconded by Mr. Krill. On the motion, by roll call vote, all present Commissioners voted yes.

Mr. Behler made a motion that the Planning Commission recommends final plan approval for Phase III and IV plans, provided that the applicant addresses the letter and comments in the Barry Isett letter dated May 17th, 2024 and that the issues regarding the sanitary sewer agreement with the Borough of Catasauqua and the planning module issues are addressed prior to being on the Board of Supervisors agenda for final plan approval; seconded by Mr. Resendez. On the motion, by roll call vote, all present Commissioners voted yes.

B. Willowbrook Farms Phase 5 Final Land Development Plan: Mr. Grochowski indicated that the comments in the Barry Isett review letter dated May 17th, 2024, are mostly will complies, however, there were issues that were brought from the conservation district review for the NES permit. He explained that a detention basin was added and that a fence around the basin is needed. He explained that a post and rail fence would be utilized. Mr. Grochowski referenced the following waiver request as stated from the Barry Isett letter dated May 17th, 2024:

“2. SMO §8-231.8.K which requires a minimum slope of the bottom of the detention pond to be 2% toward the outlet structure to allow a basin with a flat bottom. We have no objection to this request.”

Ms. Denissen noted comment number ten, which read as follows:

“10. The following pipe runs should follow lot lines per SALDO §22-408: IN201-EW200, IN215-IN215.1, IN203.3-IN203.2, IN233-IN232, and IN310-IN309.”

She explained that the first waiver request needed to include the side slopes. The first waiver request from the Barry Isett letter dated May 17th, 2024, read as follows:

“1. SMO §8-231.8 H which requires a four-foot chain-link fence around the detention pond to allow a post and board fence with wire mesh.”

Mr. Behler questioned the fence type. He indicated that split rail tends to breakdown after ten years which is why a chain link fence that is painted black is preferred due to the minimal maintenance level. Mr. Grochowski indicated that a Homeowners Association would maintain the fence.

Mr. Behler made a motion to recommend the four waivers from SMO §8-231.8.H and SALDO §22-408; seconded by Mr. Krill. On the motion, by roll call vote, all present Commissioners voted yes.

Mr. Behler made a motion that the Planning Commission recommends final plan approval for Phase V plans, provided that the applicant addresses the letter and comments in the Barry Isett letter dated May 17th, 2024 and that the issues regarding the sanitary sewer agreement with the Borough of Catasauqua and the planning module issues are addressed prior to being on the Board of Supervisors agenda for final plan approval; seconded by Mr. Resendez. On the motion, by roll call vote, all present Commissioners voted yes.

C. Horwith Howertown Road Minor Subdivision: Mr. Brad Rock of Lehigh Engineering explained that the Horwith Howertown Road Minor Subdivision plan proposed is to create a two-acre lot that encompasses the house, the garage, well-septic, and driveway, while the remaining land would remain as agricultural. Mr. Krill indicated that the plan shows that the lot is only 1.92 acres. Mr. Krill indicated that in the rural district, it is required to have two acres due to the lot having a well, septic, and a place for a second septic system should the first one expire. Mr. Rock indicated that he went slightly below two acres due to conservation and not being allowed to divide off two or more acres off of farmland at a time. Mr. Treadwell indicated that for the R1 zoning district, if there is no public water or only public water and no public sewer then the lot only needs to be one acre.

Mr. Behler questioned the garage on the plan. He indicated that the plan shows the garage and the set-back line going through a section of the garage. Ms. Eckart indicated that is one foot for “x” number of feet from the property line, which is why sometimes it shown with sheds and accessory building closer than the required setbacks in the rear because it goes by building height. Mr. Rock stated he could revise the plan to show the garage height and indicated that the garage is half a foot over the set-back line. Mr. Treadwell referenced the Municipal Code, Chapter 27 Zoning which reads as follows:

“§ 27-1411 Accessory Uses and Structures.

- 1. Any structure or use on a lot, other than a primary structure or use must be clearly accessory to the primary use (which must be allowed on that property). For example, barns are to be used as a primary or accessory structure for the storage of farm materials and/or livestock associated with the primary use of the farm i.e., farming. Storage of materials in the barn not associated with farming would, therefore, be prohibited.*
- 2. Except as noted below, accessory buildings must meet all yard and setback requirements of this chapter.*
- 3. Completely detached accessory buildings for all nonresidential uses being 10 feet or less in height may occupy a required side or rear yard, but shall not be located closer than 10 feet to any side or rear property line (see exception below) nor closer than 15 feet to the rear of the primary building on the lot and 25 feet from the nearest point of the primary building of any adjacent lot (see exception below).*
 - A. Completely detached accessory buildings, up to 10 feet in height, for residential uses shall be set back from a side or rear property line a minimum distance equal to 10% of the required minimum lot width (at the setback line) for that use in that district or a distance of 10 feet, whichever is less.*
 - B. Since attached structures (such as duplexes and townhouses) have no side yard requirements on their common lot lines, no lot line setbacks or adjacent building setbacks above are applicable for these small accessory buildings.”*

Mr. Behler questioned what the frontage would be for the piece of property that would be subdivided

from the 1.9-acre lot. Mr. Rock indicated that the frontage would be 132.91 feet.

Mr. Behler questioned what the intent of subdividing was. Mr. Rock indicated that it was to keep the house separate from the agricultural lands. Mr. Rock indicated the signed document for the DEP Non-Building Lot waiver will be submitted and upon return will be given to the Township. Mr. Rock indicated that the comments from the Barry Isett letter dated May 20th, 2024 could be met. Ms. Denissen indicated that the plans cannot be recorded until the HOP for the driveway has been issued by PennDOT. Mr. Rock stated that the HOP is in process.

Mr. Behler made a motion to recommend the waiver approval from SALDO §22-502.2A. as it relates to the scale; seconded by Mr. Resendez. On the motion, by roll call vote, all present Commissioners voted yes.

Mr. Behler made a motion to recommend approval of the Horwith Howertown Road Minor Subdivision as long as it meets and satisfies all the comments in the Barry Isett letter dated May 20th, 2024, and that the HOP is obtained; seconded by Mr. Krill. 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, June 17th, 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 7:00 PM.

Respectfully Submitted,

Ilene M. Eckhart