



Allen Township Planning Commission

Meeting Minutes
January 22, 2024
6:00 P.M.

A **General Meeting** of the Allen Township Planning Commission was held on Monday, January 22, 2024, at 6:00 P.M. at the Allen Township Municipal Building, located at 4714 Indian Trail Road, Northampton, PA. Gary Krill led the audience in the Pledge of Allegiance to the Flag.

Annual Reorganization: Mr. Krill indicated that the first order of business is to conduct the annual reorganization for 2024. He inquired if there were any nominations for Chairman. Mr. Link made a motion to nominate David Austin for Chairman, seconded by Mr. Behler. Mr. Resendez made a motion to close nominations for Chairman, seconded by Mr. Behler. On the motion to appoint Mr. Austin as Chairman, by roll call vote, all Commissioners present voted yes.

Mr. Link made a motion to nominate Gary Behler for Vice Chairman. Mr. Austin made a motion to nominate Felipe Resendez for Vice Chairman, seconded by Mr. Behler. Mr. Behler made a motion to close nominations for Vice Chairman, seconded by Mr. Paul Link. On the motion to appoint Mr. Resendez as Vice Chairman, by roll call vote, all Commissioners present voted yes.

Roll Call:

Present: Gary Krill; Gary Behler; Felipe Resendez, Jr.; David Austin; Paul Link; Ilene M. Eckhart, Manager; Amber Averbek, Assistant Manager; B. Lincoln Treadwell, Jr. Esq. Solicitor; Stan Wojciechowski, PE, CME, Engineer (Barry Isett & Associates, Inc.)

Absent: Andrea Martin, EIT (Barry Isett & Associates, Inc.)

Announcements: No announcements.

Minutes: Mr. Behler made a motion to approve the minutes from December 18, 2023, as presented, seconded by Mr. Link. On the motion, by roll call vote, all Commissioners present voted yes.

Public to be Heard: No public comment.

Business Items:

C. Revised Preliminary Land Development/Subdivision Plan and Conditional Use JW Development – Northampton Business Center Lot 3: Erich Schock, attorney at Fitzpatrick Lentz & Bubba, explained that a development had received preliminary and final approval several years ago which allowed for five (5) buildings on two (2) lots on the east side of Howertown Road. Mr. Schock indicated that was an additional lot on the West side of Howertown Road. He explained that at the time, this lot was preliminarily approved for a “warehouse building” under the prior ordinance. Mr. Schock clarified that the preliminary approval remains approved under the Municipal Planning Code for what was depicted on the plan at the time. Mr. Schock noted

that since the preliminary plan approval was granted, the ordinance has been updated to include a distribution use. This use is listed as a conditional use in this zoning district. Mr. Schock reported that additional property has also been acquired. He indicated that access to this lot (Lot 3, Building 6) is no longer an issue as there is car access on Howertown Road and tractor trailer access by utilizing Liberty Drive. Mr. Schock indicated that they are seeking a recommendation for conditional use due to the changes to the project including access points and the size of the building. Mr. Schock noted that the land development for this project has also been submitted with the updated layout and information. He also explained that zoning approval for the conditional use will need to be obtained from the Board of Supervisors. Mr. Wojciechowski stated that a review letter for the Conditional Use Appeal was prepared. The comments from the Barry Isett & Associates, Inc. Conditional Use Appeal Review Letter dated January 18, 2024 reads:

“Per the Supplemental Statement, the Applicant should provide evidence that the project is in conformance with the general requirements of ZO §27-1806.4(A)–(F).

- 1. Per the Supplemental Statement, the Applicant should provide evidence that the number of off-street trailer storage for pre-and post-loading operations is sufficient.*
- 2. Per the Supplemental Statement, the Applicant should provide evidence that sufficient off-street queuing space is available at the facility entrance for tractor-trailers arriving during nonbusiness hours, as we note a Future Guard House is noted on the plans.*
- 3. Employee access to the property is proposed from Howertown Road (an arterial street) and truck access is proposed Liberty Drive (a non-residential, private, local street) in the Century Commerce Center development. The Township should determine if this meets the requirements of:*
 - a. ZO § 27-1421.2.A, which requires all industrial uses have direct access to a collector or non-residential local road. This section further states that access to an arterial road is permitted only if the Board of Supervisors determines that no other means of access is physically possible and the applicant has performed all traffic upgrades the Board of Supervisors determines is necessary, and*
 - b. ZO § 27-1507.3.B, which requires a distribution center have access to an arterial or collector street.*
- 4. An emergency plan of access should be provided with the accompanying Land Development application as required by ZO § 27-1421.14.”*

Mr. Treadwell recommended that the Commissioners review access points since this is mentioned in the Review Letter. Mr. Schock confirmed that although there is frontage along Howertown Road, tractor trailers would access the site by using Liberty Drive. He indicated that the primary car access point is Howertown Road and that some cars may use the Liberty Drive access. Mr. Behler questioned why there needs to be an access point on Howertown Road. AnnMarie Vigilante, PE at Langan Engineering, stated that the employee parking will be located along Howertown Road. Ms. Vigilante also indicated that the proposed access points allow for a better distribution of traffic. Mr. Behler commented that he was concerned that an access point on Howertown Road would cause similar problems of that across the road. He explained that the access point on Howertown Road for the other lots was not supposed to be for tractor trailers. Mr. Behler reported that tractor trailers do use this access point and it has caused accidents on Howertown Road. Mr. Behler stated that he would like to see a physical barrier if car access is planned for Howertown Road to ensure that tractor trailers cannot use the access point to enter or exit the site. John McRoberts, PE at The Pidcock Company, indicated that a physical barrier can be placed inside the site so that tractor trailers will have to use Liberty Drive for access. He indicated that firetrucks will still need to be able to fully access the site from Howertown Road. Mr. McRoberts indicated that the fire department would have a Knox Box or a method of unlocking a gate if a gate is proposed as a barrier. Mr. Behler stated that someone would have to open the gate if a tractor trailer did get stuck at an onsite barrier. He expressed concerns that a gate would be left open if this frequently occurred to limit an individual from having to unlock a gate each time this may occur. Mr. McRoberts stated that the street address for the building will be a Liberty Drive address. Mr. Treadwell commented that the ordinance states that a distribution center must have access and it does not say that all trucks must access the arterial. Mr. Treadwell stated that the non-residential local road is Liberty Drive. Mr. Treadwell recommended that the Board of Supervisors put a

condition on the conditional use to restrict truck access to Liberty Drive only. He noted that cars would not be restricted and may use the Howertown Road access point and or Liberty Drive. Mr. Austin questioned the alternative route if a tractor trailer was mistakenly on Howertown Road. Mr. McRoberts commented that tractor trailers would have to turn right onto Cesanek Road and go out to Seemsville Road to reach Route 329. Mr. Austin commented that tractor trailers should not be Howertown Road to turn on to Cesanek Road. Mr. Link questioned what will be in place to prevent a tractor trailer from turning into the site by making left from Howertown Road. Mr. McRoberts indicated that signage would be present and directions to the site would be provided noting that access is available from Liberty Drive only. Mr. Link stated that signage does not work and that he would like to see a physical barrier. Ms. Vigilante explained that the Howertown Road access will mimic a driveway and will be tough for trucks to turn. She stated that it is unlikely that tractor trailers will turn onto Howertown Road. Mr. Link expressed concern for the truck problem in the township. He stated that tractor trailers are consistently on roads they are not allowed to be on. Mr. Austin explained that tractor trailers enter the southbound lane to make a right onto Cesanek Road. Mr. Treadwell stated that he believes GPS devices will take trucks to Liberty Drive if they are on Route 329. Mr. Treadwell expressed concern for trucks coming from the north. He questioned how a GPS would direct truck drivers to the site if they were coming from the north. Ms. Vigilante stated that once the bridge work is completed on Howertown Road this will alleviate concerns with tractor trailers driving over a weight restricted bridge. Ms. Eckhart stated that the site having a Liberty Drive address is important. Mr. Behler requested that a tight turn radius be designed for the Howertown Road entrance to deter tractor trailers from turning at this access point. He requested that a firetruck still be able to make the turn in the event of an emergency. Mr. Wojciechowski discussed the smallest turn radius that would allow for emergency access as part of the geometric with a narrower lane along with curbing. Mr. Behler stated that the consensus appears to be that a physical barrier should be placed at the road rather than in the site so that the turn cannot be made by trucks. Mr. Wojciechowski explained the curbing and other measures being taken at the East Bullshead Road turn that would be similar to measures that can be taken at this access point. David Jaindl commented that ninety (90%) percent of misrouting is due to GPS. Mr. Jaindl also believes that a Liberty Drive address will significantly decrease the likelihood of tractor trailers going north on Howertown Road. Mr. Jaindl indicated that if a tractor trailer does wind up on Howertown Road they will have to turn onto Cesanek Road to access Seemsville Road and Route 329. Mr. Treadwell stated that a physical barrier must be in place. Mr. McRoberts stated that he will work with Mr. Wojciechowski's office regarding this. Mr. McRoberts explained that firetrucks will have a difficult time making the turn as well. Mr. Wojciechowski noted that PennDOT will have to approve the access. Ms. Vigilante commented that flexible delineators will help deter tractor trailers from turning.

Mr. Krill questioned if the plan for lighting will remain the unchanged. Mr. Schock confirmed that the lighting and building utilities will be the same as the other buildings. Mr. Behler questioned if there are perpetual easements if Prologis were to sell their property. Mr. Roberts confirmed that they are working with Prologis for a perpetual easement for access to the land. Mr. Schock reported that an agreement is being drafted.

Mr. Schock stated that they will comply with the requirements and are not seeking relief from any of the items in the Conditional Use Review Letter. Mr. Treadwell stated that during an earlier phone conversation with Mr. Schock, it was discussed that if the Planning Commission recommends approval of the conditional use application, that land development plans would be submitted after the Conditional Use Hearing. Mr. Treadwell indicated that traffic concerns would further be discussed during the review of the land development plan.

Mr. Behler made a motion to recommend approval of the Conditional Use Application to the Board of Supervisors and suggest the following conditions be considered by the Board of Supervisor including: 1). Liberty Drive shall be the only access point (ingress and egress) for truck traffic with the Applicant providing evidence of an Agreement with Prologis for use of Liberty Drive; and 2). The Applicant shall re-design the Howertown Road driveway to restrict, without limiting access for emergency vehicles, the ability of trucks to

access that driveway. The motion was seconded by Mr. Link. On the motion, by roll call vote, all Commissioners present voted yes. Mr. Treadwell indicated that the Applicant will submit revised land development plans to address the comments contained in the January 18, 2024 Barry Isett & Associates, Inc. Review Letter.

A. Preliminary/Final Land Development for Stone Ridge Commercial: Mr. Wojciechowski read through the waiver requests from the Barry Isett & Associates Inc. Review Letter for the Preliminary/Final Land Development Plan for Stone Ridge Commercial dated January 20, 2024. The waivers requested per the Barry Isett & Associates Inc. Review Letter dated January 20, 2024 is as follows:

“WAIVERS REQUESTED

Waivers from the following sections of the SALDO and SMO are requested in the Waiver Request Letter:

- 1. SALDO §22-307 which require separate submission of preliminary and final plans.*
- 2. SALDO §22.502.2.A which requires the plans to be prepared at a scale of 1”=50’. The Applicant has requested a waiver to allow the plans to be prepared at 1”=30’ and 1”=80’. We have no objection to this request.*
- 3. SALDO §22-502.3.A which requires that existing man-made features within 200 feet of the boundaries of the proposed project area should be shown on the plans. We have no objection to this request, provided that off-street topography be provided for any design that may be necessary as a result of modification to the plans that necessitate such topography be provided.*
- 4. SMO §8-229.9.I which requires a calculation methodology for infiltration area loading rates. We do not recommend this waiver be granted at this time. See our Geotechnical Comments below.*
- 5. SMO §8-231.K which requires that a 2% slope toward the outlet structure should be provided for the proposed above ground basins. We have no objection to this request.”*

Mr. Wojciechowski stated that Waiver Request Number 4 is the only waiver request of concern as there was no geotechnical preliminary site investigation was submitted for this project. Mr. Wojciechowski stated that they are not recommending granting this waiver request at this time. Scott Pasterski, PE, PTOE, Keystone Consulting Engineers, reported that the stormwater report and the independent submission received a sign-off from David Crowther, Professional Geologist, Keystone Consulting Engineers. Mr. Pasterski acknowledged that the report that is required by ordinance was not provided. Mr. Crowther stated that the report was prepared and the Stormwater Infiltration Report meets all of the ordinance requirements. He indicated that the name of the report was not titled “Preliminary Site Investigation Report”. Mr. Crowther stated that Appendix G contains all data required by Act 167 of the Ordinance and the Stormwater BMP. He indicated that this report has been completed several times with the most recent being completed on August 24th. Mr. Pasterski stated if the Planning Commission would recommend approval of the waiver requests and plan, that all necessary documentation would be provided prior to the plan being brought before the Board of Supervisors. Mr. Wojciechowski stated that he is in receipt of the report that was not initially provided. He indicated that the geotechnical engineer has reviewed the infiltration memo but has not yet reviewed the report.

Mr. Pasterski indicated that they are requesting one (1) additional waiver in addition to the waivers listed in the Barry Isett & Associates, Inc. Review Letter. Mr. Pasterski distributed a Waiver Request Letter from Keystone Consulting Engineers dated January 22, 2024 that lists the additional waiver request as follows:

“§8-232.7.M. – Requirement for minimum storm sewer pipe slope of 0.5% (intersection of SR 329 and Horwith Lane).

Justification: The proposed storm sewer inverts are limited by minimum PennDOT cover requirements (uphill end of line) and existing invert tie-in elevation (low end of line). Further the previously submitted storm sewer conveyance calculations show that the line has adequate hydraulic capacity.”

Mr. Wojciechowski reported that the tie-in will occur at an existing pipe just south of the intersection. He noted that there is an existing inlet. He explained that in order to tie-in at the existing inlet and meet all of the

PennDOT cover requirements, the storm sewer pipe slope would be 0.4% on the 18-inch pipe. Mr. Wojciechowski reported that the flow rate calculations indicate that the flow rate will be sufficient at the proposed slope of 0.4%. He stated that he has no objection to this waiver request.

Mr. Krill questioned if there are potential tenants for the commercial spaces. Mr. Pasterski indicated that Wendy's has expressed strong interest and a separate contract is in place with Monroe Foods. He reported that there is no interest at this time for the commercial retail space. Mr. Krill expressed concerns for buildings being built and remaining vacant. Joseph Zator, Esq. Zator Law, stated that construction would not begin until a tenant has been identified.

Mr. Wojciechowski stated that the Wawa plan is still being reviewed. He indicated that there are still problems coordinating the Wawa Plan and the Stone Ridge Commercial Plan. This will be further worked through between Mr. Wojciechowski, Mr. Pasterski, and the engineer for the Wawa Plan. Mr. Wojciechowski reported that a traffic signal warrant analysis was received last Thursday. Mr. Wojciechowski stated that he did not believe the Township's Traffic Engineer has had time to review this. The Township's Traffic Engineer, AnnMarie Vigilante, PE, Langan, indicated that the analysis has been preliminarily reviewed. Ms. Vigilante stated that originally the minor street was Horwith Drive. She recommended that the left turn off Route 329 as the minor street. Mr. Pasterski thanked Ms. Vigilante for the comment. He reported that PennDOT will make the final decision and is requiring a final letter from the traffic consultant before the permit is issued. Mr. Pasterski stated that Ms. Vigilante's comment will be reviewed.

Mr. Treadwell commented that a letter was received today from Prologis. He reported that the letter acknowledged the Applicant's request to use the stormwater basin on the Prologis property. The letter stated that the Applicant and Prologis will be working out the details to allow for the use of the stormwater basin. Mr. Wojciechowski commented that a completeness letter from the Northampton County Conservation District was received a week and a half ago. Mr. Wojciechowski expects a technical letter to be received within the next two weeks. He explained that this letter will either confirm or deny the Applicant's ability to use the basin on the Prologis property. Mr. Pasterski stated that preliminary discussions with DEP occurred prior to the request being made to Prologis and the Northampton County Conservation District. He reported that initial indications from the preliminary review were that the use of this basin was acceptable.

Mr. Wojciechowski questioned if Mr. Pasterski had any concerns with any of the comments from the Barry Isett & Associates, Inc. and Associates Review Letter. He noted that most of the comments are minor design fluctuations and plan clean up items. Mr. Pasterski indicated that the comments in the letter will be addressed to Mr. Wojciechowski's satisfaction. He reported that a meeting is scheduled tomorrow with Mr. Wojciechowski to discuss a few of the comments in detail. Mr. Pasterski stated that they will abide by the comments in the letter. Mr. Wojciechowski stated that that he has no additional comments other than what is listed in the review letter. Mr. Austin questioned the Planning Commission's opinion on the plan. Mr. Link stated that he has no objections to the plan so long as the plan is cleaned up as indicated in Mr. Wojciechowski's review letter. Mr. Link wanted to ensure that Waiver Request Number 4 was addressed prior to the plan going before the Board of Supervisors. Mr. Pasterski stated that this will be addressed.

Mr. Link made a motion to recommend approval of the waivers contained in the January 22, 2024, Keystone Consulting Engineers Waiver Request Letter subject to Barry Isett & Associates Inc. being satisfied with the documentation provided concerning Section 8-229.9.2 of the Stormwater Management Ordinance regarding loading rations for infiltration facilities, seconded by Mr. Behler. On the motion, by roll call vote, all Commissioners present voted yes.

Mr. Resendez made a motion to recommend Preliminary/Final Plan Approval subject to comments contained in January 20, 2024, Barry Isett & Associates Inc. Review Letter and the Applicant shall not present plans to Board of Supervisors for approval until those items are addressed to the greatest extent possible, seconded by Mr. Link. On the motion, by roll call vote, all Commissioners present voted yes.

B. Preliminary/Final Major Subdivision Plan for Stone Ridge Phase 3: Mr. Pasterski stated that all comments from the Barry Isett & Associates, Inc. Review Letter will be satisfactorily addressed. Mr. Behler questioned if the interior sidewalks and sidewalks along Horwith Drive will be maintained by the Homeowners Association (HOA). Mr. Zator stated that legally this is workable. Mr. Livengood stated that the existing portions of Stone Ridge do not have a HOA. Mr. Behler requested that all residences that will be part of Phase 3 and part of the HOA have the sidewalks maintained by the HOA. Mr. Zator stated that he understood the logic for the HOA being responsible for the sidewalks along Horwith Drive. He noted that he did not want to commit to the HOA maintaining the internal sidewalks in the HOA without further review. Mr. Behler stated that he felt it would not be fair to have residents in the HOA pay for sidewalk maintenance for Horwith Drive only as this sidewalk will not be on the property of every resident in HOA. He stated that it would be fair if all sidewalks in the HOA were maintained by the HOA. Mr. Zator explained the concept of common elements and how there can be a two-tier fee structure implemented which would result in some residents having a higher fee for sidewalk maintenance along Horwith Drive. Mr. Zator commented that residents in the existing Stone Ridge development are not part of an HOA and must take care of the sidewalks themselves. Mr. Zator stated that some of these residents may not be fond of the Phase 3 residents receiving sidewalk maintenance through a HOA. Mr. Behler questioned if there are any other general sidewalks other than Horwith Drive on the plan. Mr. Pasterski explained that it would only be Horwith Drive. Mr. Zator stated that the sidewalks along Horwith Drive will be maintained by the HOA but the remainder of the sidewalks in Phase 3 will need to be discussed further.

Mr. Wojciechowski stated that there are seven (7) waiver requests. The waiver requests as indicated in the Barry Isett & Associates Inc. Review Letter dated January 19, 2024 is as follows:

“WAIVERS REQUESTED

The following waivers are requested by the Waiver Request letter:

- 1. SALDO §22-306 and §22-307 which require separate Preliminary and Final Plan submission.*
- 2. SALDO §22-408 which requires storm sewer easements to follow lot lines. We have no objection to this request.*
- 3. SALDO §22-410.1 which requires block lengths to not exceed 1,600 feet in length. We defer to the Planning Commission to review this request.*
- 4. SALDO §22-411.4 which requires a 10-foot wide planting screen and associated easement. We defer to the Planning Commission to review this request.*
- 5. SALDO §22-411.5 which requires lot lines to be set substantially perpendicular to right-of-way lines. We have no objection to this request as it pertains to the current lot configuration shown.*
- 6. SALDO §22-411.7.D(1) which requires driveway centerlines not be located closer to a street intersection than 75 feet. Lots 31 through 36 are consistent with the Phase 1 and 2 intersections of the Graystone/Joseph and Graystone/Pine intersections.*
- 7. SALDO §22-502.2.C which requires a key map be provided where there are two or more sheets. We have no objection to this request.”*

Regarding Waiver Request Number 4, Mr. Pasterski stated that photographs have been taken. He reported that the photographs were taken in November and illustrates what the existing vegetation looks like in the winter. Mr. Pasterski reported that invasive species are a concern and will be removed to the Township’s satisfaction. Mr. Behler commented that if the percentage of invasive species is high that it would be more beneficial to remove all the vegetation and install new plantings. Mr. Pasterski explained that they are uncertain of the percentage of invasive species but will do what makes the most sense. Ms. Eckhart commented that from the photographs it appears that there are some sycamore and aspen trees that will regenerate. She explained that there are some invasive species that she can identify from the photographs that will need to be removed. Ms.

Eckhart indicated that there are some dead ash trees that will also need to be removed. She stated that she believes there is a lot of understory that should be cut out. Mr. Livengood indicated that the underbrush will be taken out and new plantings added for buffering. Ms. Eckhart questioned if the powerline will interfere with the plantings in this area. Mr. Livengood reported that the powerline will be located south of this area and will not impact the vegetation in this area. Mr. Austin stated that if the Township directs the Applicant to remove the vegetation and start over that a plan will need to be submitted for the Township Engineer to review. Mr. Pasterski indicated that the mature trees will enhance the development and they would prefer to keep them. He inquired if this can be a field-based tree-by-tree decision with the assistance from a designated representative from the Township. Mr. Behler asked if Ms. Eckhart would be agreeable to being the designated representative from the Township to review the existing trees on site and assist with making the determination for each tree. Ms. Eckhart confirmed that she would be willing to visit the site and noted that there is a section in SALDO relating to invasive species. Mr. Wojciechowski reported that the comments from the review letter are mainly plan presentation comments.

Mr. Behler made a motion to recommend approval of the seven (7) waivers listed in the Barry Isett & Associates Inc. Review Letter dated January 19, 2024 with Waiver Request Number 4 subject to the approval of the Zoning Officer or her designee, seconded by Mr. Link. On the motion, by roll call vote, all Commissioners present voted yes.

Mr. Behler made a motion to recommend approval of the Preliminary/Final Stone Ridge Residential Phase 3 Plan subject to the comments contained in the January 19, 2024 Barry Isett & Associates Inc. Review Letter and the following conditions: 1.) The Homeowners Association will maintain the sidewalks on Horwith Drive and the Applicant will investigate the other options for the Homeowners Association to maintain all sidewalks in Phase 3; 2.) the 10-foot planting strip along lots with frontage on Horwith Drive shall be maintained or re-planted subject to approval by the Allen Township Zoning Officer or her designee; 3.) Applicant shall not present plans to the Board of Supervisors for approval until the items contained in the Barry Isett & Associates Inc. Review Letter are addressed to the greatest extent possible. The motion was seconded by Mr. Link. On the motion, by roll call vote, all Commissioners present voted yes.

Public to be Heard: Michael Tiff, 4825 Indian Trail Road, commented that the meeting agenda lists a summary of the public comment policy and procedures. He questioned if audience members who were present on business and were speaking at the meeting had a different set of rules regarding microphone usage. Mr. Treadwell indicated that there is not a separate set of policies and procedures for speaking during public meetings.

Announcements: Mr. Austin announced that the next Planning Commission meeting will take place on Monday, February 26, 2024, at 6:00 PM due to the holiday on February 19, 2024.

There being no further business, the meeting adjourned at 7:08 PM.

Respectfully Submitted,

Ilene M. Eckhart