



Allen Township Planning Commission

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Gary Behler
Alfred Pierce
Louis Tepes Jr.

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

MINUTES ALLEN TOWNSHIP PLANNING COMMISSION REGULAR MEETING Monday, November 21, 2016 7:00 P.M.

The regular monthly meeting of the Allen Township Planning Commission was held on Monday, November 21, 2016 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.

Roll Call: Present: Alfred Pierce; Louis Tepes, Jr.; Eugene Clater; Gary Behler; Gary Krill; Ilene Eckhart, Manager; Brien Kocher, P.E.; B. Lincoln Treadwell, Jr., Esq.

Minutes: Mr. Behler made a motion to approve the minutes of October 17, 2016; seconded by Mr. Tepes. On the motion, by roll call vote, all Commissioners present voted yes.

Public to be Heard: No comments from the audience.

Old Business

A. Northampton Industrial Park – Final Subdivision Plans and Lot 1, 2 and 3 Land

Development Plans: Mark Powell, Applicant was present along with his representatives: Jill Nagy Esq. and Jim McCarthy, P.E. (McCarthy Engineering) and James Dimmerling, PE, to discuss consideration recommendation concerning the November 7, 2016 updated submission.

Mr. Clater commenced the discussion with topic of the review comments related to the Horner Road access. Following some discussion regarding the PennDOT comment response for the associated Horner Road/Howertown Road driveway access highway occupancy permit, Mr. Clater concluded that a meeting to review the PennDOT comments and concerns of the Township regarding the issuance of

the highway occupancy. Mr. Powell agreed to attend the proposed meeting with PennDOT and the Township to discuss the Township's position.

Ms. Nagy reviewed the draft conditions related to the Subdivision Plan as follows: She explained that the property owners association documents will contain cross rights to the plans for the various ponds and their associated outfalls.

Mr. Pierce voiced concern that if the Quarry area is every sold (as a ramification at tax sale). Mr. Powell indicated the Quarry owner would be the holder of the easement. Mr. Pierce indicated he would rather see the property owners association own the Quarry by further having to be compelled to purchase the Quarry if a tax sale comes to fruition.

Mr. Pierce further questioned the Horner Road access and Horwith's obligation to allow access onto the new right of way for Horner Road to Rt. 329. Mr. Powell indicted Horwith, as part of their transaction will require Horwith's to not interfere with plans to relocate the access. In further response Mr. Treadwell stated he will prepare plan note language to be added to the Subdivision Plan.

The Commission reviewed the following draft conditions of approval, which are in order consistent with the previous preliminary plan approval document.

SUBDIVISION CONDITIONS OF APPROVAL

Conditions to be satisfied prior to recording of the Plans – condition #'s correspond to Preliminary Plan approval conditions

1 *The Applicant shall submit documents to the Township for approval providing that lots 1, 1A, 2, & 3 will be part of a Property Owners Association (POA) that will be established in connection with the development. The documents shall state that the applicant, initially, then the POA shall provide adequate provision for and be solely responsible for the perpetual maintenance and operation of:*

- a. the sanitary sewers serving the subdivision lots up to the point of connection of the common sanitary sewer system to those lines as owned and operated by Allen Township within the ROW along Route 329;*
- b. the common stormwater management facilities within the subdivision, as identified in the plan submission, both as notes on the subdivision cover sheet as well as a separate plan sheet specifically showing these common facilities;*
- c. Century Boulevard (which shall be a private road) and any associated lighting fixtures;*
- d. Costs associated with the traffic signal at the intersection of Century Blvd and Rt. 329 until such time as a HOP, from PennDOT is issued to any entity which would also utilize the proposed Rt. 329 traffic light as access from/to the property on the South side of Rt. 329, and once Allen Township agrees to accept dedication of the local road associated with that HOP, the traffic light has been resynchronized with the traffic lights at Rt. 329/Savage and Rt. 329/Howertown/Weaversville Rds, and any traffic signals that may at that time have been installed in Allen Township West of this signal, then Allen Twp will assume maintenance of this traffic signal.*

The Document will also provide provisions for the POA to enforce the open space provisions of Allen Township ordinances.

If, in the future, responsibilities for any of the above facilities are agreed to be taken over by Allen Township, it shall be the responsibility of the POA to bring such facilities up to Allen Township standards prior to Allen Township's acceptance of such facilities and at the expense of the POA.

The governing document for the POA shall be submitted to Allen Township for review and approval before the document is finalized. Additionally, all subsequent changes to the document must be reviewed and approved by Allen Township. The approval of this subdivision is expressly conditioned upon the Township's approval of the governing document for this POA.

- 12. The Applicant shall comply with the substantive ordinance and technical engineering comments contained in the Hanover Engineering Associates review letter dated November 18, 2016, to the extent that those comments are not specifically addressed by these conditions of approval. It is acknowledged that some of the comments contained in the review letter are informational only, and that others will be addressed by future plan revisions or engineering clarifications. Any interpretations or clarifications of the comments contained in the review letter shall be resolved by the Township Manager and Solicitor.*
- 14. The Applicant shall execute the required development and financial security agreements to provide for the construction of the improvements required by the applicable Township Ordinances.*
- 15. The Applicant shall execute deeds of dedication, as required by the Township, for dedicated improvements and right of way acquisition.*
- 17. The Applicant shall obtain, and submit to the Township, any and all required approvals from outside state, local, and federal agencies having jurisdiction over the project including, but not limited to: DEP & NPDES approvals:*
 - a. Approval of an E&S plan from the Northampton County Conservation District and/or DEP,*
 - b. NPDES permit.*
- 20. The POA document shall include lot owner/tenant mitigation procedures, facilities & responsibilities for snow and ice removal from departing trucks.*
- 22. The Applicant shall obtain the necessary approvals from sanitary sewer and water service providers, including but not limited to:*
 - a. Approval of PA DEP Planning Module*
 - b. Execution of agreements with providers covering installation, maintenance and operation of sanitary sewer and water facilities.*
 - c. The Township's ability to purchase sanitary sewer capacity in the Northampton Borough treatment plant expires on 12/31/16. The Applicant acknowledges that capacity purchase beyond its initial request of 24,842 gallon per day may not be available which may restrict future use of the proposed lots.*

- 23 (b) *Completion of the stormwater management maintenance agreement, including BMP Operations and Maintenance Plan and easements for municipal access and maintenance, if necessary. Given the substantial increase in stormwater that is being directed to the quarry and the property owner's agreement to accept stormwater from the proposed subdivision, the owner of the residual property containing the quarry (proposed lot 4, Horwith Leasing Co.) shall acknowledge their responsibilities for water quality issues that may involve the quarry and any other residual land and wetlands associated with Lot 4.*
- 23 (d) *Oversight of Pond 2 and Bio-retention basin #11 need to be under the oversight of the POA. They both should be treated as a "controlled element" in addition to any easements, etc.*
25. *The Applicant shall include an approved E&S plan set prior to recording or prior to construction, whichever occurs first.*
28. *The Applicant shall obtain and/or submit the following as they pertain to Traffic Impact Study and roadway improvements:*
- b. Approval of Allen Township of the overall TIS proposal, as well as associated improvements to any Township roads (ie, Savage Rd, Homer Rd, Short Lane.)*
 - c. PennDOT approval of the engineering designs for proposed road improvements, stormwater management provisions and bridge improvements on state roads and issuance of the HOP for such.*
 - d. Due to the Applicant's plan to construct certain improvements in conjunction with an additional developer(s), the Applicant shall obtain a written agreement between the Applicant, Allen Township and any such additional developer(s) as to an appropriate construction schedule for the Rt. 329 corridor improvements and distribution of responsibilities and costs, to include ROW acquisition, as well as any costs associated with handling of existing private driveways impacted by construction and/or ROW's, with Allen Township agreeing to facilitate acquisition of required ROW's, when necessary, on behalf of and at the cost of the various developers. The Applicant shall fully disclose, to Allen Township, any and all such agreement(s) related to these improvements.*
31. *The Applicant shall provide in the POA documents that the applicant and future owners/tenants of lots 1, 2 & 3 agree that truck trips along Howertown Road are not desirable and will be kept to a minimum and the truck trips are not to exceed the levels as presented.*
36. *The Applicant shall obtain, and submit to the Township, written approval from DEP to place fill/grading within the 50 foot DEP wetlands restriction area; or revise the Plans to comply with DEP requirements.*
37. *The Horner Road ROW offered for dedication on the Plans shall be labeled as "re-located" ROW and the old Horner Road ROW shall be removed from the Plans.*
38. *Applicant must obtain a PennDot HOP for Horner Road, where the intersection realignment is essentially consistent with that as represented in the Applicant's plan submissions. Improvements to and realignment of Horner Road must be*

completed prior to the issuance of Occupancy Permits for any of the lots in the subdivision. Applicant agrees to address the considerations raised in the PennDot review letter dated October 28, 2016, to minimally include the following:

- a) General comment (1) notes the sight distance for trucks fails. Applicant agrees to remedy this for the safety of fire apparatus using the intersection.*
- b) Applicant has previously agreed that trucks will be prohibited from using this intersection and agrees to provide a signage plan and documentation showing how trucks will be restricted from using Horner Road, as per PennDot's comment (1) under the Access Configuration/Profile-Driveways/Local Roads section, and as noted in the HEA October 13, 2016 letter comments re: SALDO section 22-406.D.*
- c) Applicant agrees that any discussions with PennDot re General comment (3) re: possible relocation, etc of Horner Road will include Allen Township in such discussions.*

Permanent Conditions of Approval

- 2. All designated open space associated with lots 1, 1A, 2 & 3 as well as those areas of lot 4 (quarry lot) that are in the area of, to and including, Pond 2 to Century Blvd will comply with Allen Township's Open Space Ordinance planting specifications.*
- 3. Century Boulevard shall be a private road and all utilities are to be placed in ROW's outside the cartway. Century Boulevard is to be built, and maintained to Township standards, including related stormwater management aspects (eg. pond 1, 2 & 3) that may affect the integrity of the road.*
- 7. Ponds 1, 2 & 3, Bio-Retention islands B10, B11, and B12, and associated outlet control structures and stormwater conveyance systems shall be perpetually owned and maintained, in conjunction with the POA, by the owners of the lots on which the ponds are located, or to the lot owner to which an easement has been assigned.*
- 9. Note 62 shall be replaced with: "As part of this plan approval, the applicant agrees to undertake and complete the Rt 329 corridor improvements as designed by RGDC/Langan (as may be amended by PennDOT requirements) and to do so prior to issuance of any Occupancy Permits, subject to PennDOT approval of the plans and HOP issuance to perform the improvements. These corridor improvements are at the intersection of Savage Rd/Rt 329 and the intersection of Rt 329/Hovertown Rd/Weaversville Rd." These highway improvements are included in the submitted plan set as the original plans represented by Sheets 2 through 4 of 4 of the "Layout Plan for Nor-Bath Blvd (SR 0329), Horwith/KOZ Infrastructure," prepared by Hanover Engineering Associates, Inc. and dated February 8, 2006, such plan sheets shall be replaced, prior to final plan approval, by the RGDC/Langan plans.*
- 10. Recreation fees for lots 4, 5 & 6 are to be deferred until such time as future subdivision or land development plans are submitted for any of these individual lots.*

13. *No Final Occupancy Permits will be issued until all PennDOT and Township roadway improvements, either required or as referenced on the subdivision plans, are completed to the satisfaction of PennDOT and the Township- temporary occupancy permits with clearly defined time limits as may be acceptable to the Township may be issued for building fit out, or start-up purposes.*

16. *The Applicant shall pay the required recreation fees for lots 1, 2, & 3 only, at a time to be determined by the Township but, at a minimum, prior to the issuance of the first building permit for any lot. A note shall be added to the plans stating that any future development of the remaining lots will require the payment of the applicable recreation fee.*

18. *This Subdivision approval does not verify or confirm the wetlands delineation submitted by the Applicant.*

23. (c) *Construction of stormwater management aspects of the subdivision shall be coordinated with the stormwater management construction aspects of the related Century Commerce Center Land Development Plans.*

24. *Stormwater management ponds 1, 2 & 3 and bio-retention basins:*

- a. *Given the extreme presence of Karst geology throughout the entire proposed subdivision site, and the geologic and hydrologic surveys done to-date on the site, as well as the significant cut and fill proposed, all the proposed pond and bio-retention BMPs shall be lined. Allen Township may convey this position to DEP, the LVPC with regards to the Act 167 review and also the Northampton County Conservation District.*
- b. *Infiltration testing for any ponds, bio-retention basins, or other points of concentrated stormwater where infiltration is likely to occur (in the opinion of the Township) where the applicant does not propose or install liners must be done to the satisfaction of Allen Township prior to plan recording and must be included with any final plan submission related to the proposed subdivision. Additional testing, at the discretion of Allen Township, may need to be done during excavation and construction phases and any plan modifications based on such testing shall be presented to Allen Township for review and consideration of related plan changes. The intent of this paragraph is that, except for the outfalls of Ponds 2 & 3, there are to be no designed points of infiltration within any aspects of the stormwater management facilities for this subdivision.*

26. *The traffic signal facilities at the Century Blvd/ Rt. 329 intersection shall be Township owned once constructed and installed. All costs associated with maintenance and operation shall be borne by Century Commerce Center, LLC, it successors or assigns, or until assigned to the POA, its successors or assigns, until such time as a HOP is issued to any entity which would also utilize the proposed Rt. 329 traffic light as access from/ to the property on the South side of Rt. 329, and once Allen Township agrees to accept dedication of the local road associated with that HOP, and the traffic light has been resynchronized with the traffic lights at Rt. 329/ Savage and Rt. 329/Howertown/Weaversville Rds, and any traffic signals that may at that time have been installed in Allen Township West of this signal, then Allen Twp will assume maintenance of this traffic signal.*

28 (f) *In the event that an agreement is not reached between all parties as set forth in paragraph 28(d) within thirty (30) days of the date of this approval, the Applicant may, at its own expense and by itself, construct the improvements referenced in condition*

28(c) based upon the same level of cooperation from the Township concerning right of way acquisition or other acts in anticipated by the Township to facilitate the Rt. 329 Improvements set forth in this paragraph and as referenced in preliminary plan condition No. 9.

29. *The Applicant shall obtain HOPs from Allen Township for all internal driveways shown on the approved subdivision plan.*

30. *The October 15, 2015 TIS submitted by Century Commerce Center, LLC is predicated on the ITE 152 use (high cube warehouse) for each of Lots 1, 2 & 3. All building plans and occupancy permits for these lots shall require the applicant to certify that their traffic generation will be consistent with an ITE 152 use. Any ITE use that generates a traffic load greater than ITE 152 will require a follow up TIS to determine if any additional roadway improvements are needed, with appropriate remediation by those lots generating the additional traffic.*

32. *The RGDC/Langan Rt. 329 corridor improvement plans shall be made a part of the plan submission, and shall include the Rt. 329/Savage Rd intersection as well as the Rt. 329/Howertown Rd/Weaversville Rd intersection, including the Short Lane relocation. Construction and ROW acquisition related to any Short Lane improvements authorized by the Allen Township Board of Supervisors may be undertaken by Allen Township.*

33. *The Applicant shall provide additions to the plan set that reflect the improvements proposed to the intersection of Century Blvd and Rt. 329, to minimally include a traffic signal, Eastbound Rt. 329 left turn lane and Westbound Rt. 329 right turn lane. Furthermore, approval of the requested waiver of SALDO provision 22407.5.F (intersection must be at least 1,000 feet from the next closest intersection) is conditioned on the PennDOT HOP issuance for the intersection improvements noted in this paragraph as well as the TIS.*

34. *In consideration of the proposed Savage Rd Extension, the Applicant agrees to grade that area North of the Miller property and install stormwater management BMPs in locations such that Allen Township would not need to regrade or reconstruct any aspect of lot 1 to build the Savage Rd Extension. Allen Township may pursue securing a PennDOT HOP as well as PPL encroachment permit for any proposed construction of the Savage Rd Extension.*

35. *The future construction or provision of LANTA bus stop(s) as well as pedestrian access, including any ADA compliant ramps, shall be deferred until such time as LANTA agrees to service the subdivision. The POA shall be responsible for construction, to include sufficient lighting, and maintenance of such facilities at such time as service is proposed by LANTA, subject to Allen Township review and approval.*

39. *A Note shall be added to the Plans, and a restriction placed in the POA documents, stating that trucks shall not be permitted to queue onto Century Blvd or Route 329*

In addition, The Commission reviewed the following draft conditions of approval for the Lot 1, 2, and 3 Land Development Plans, which are in order consistent with the previous preliminary plan approval document.

LOT 1, 2, AND 3 LAND DEVELOPMENT PLANS CONDITIONS OF PLAN APPROVAL

Prior to Plan Recording

1. *Compliance with the substantive ordinance and technical engineering comments contained in the Hanover Engineering Associates review letter dated November 18, 2016, to the extent that those comments are not specifically addressed by these conditions of approval. It is acknowledged that some of the comments contained in the review letter are informational only, and that others will be addressed by the future plan revisions or engineering clarifications. Any interpretations or clarifications of the comments contained in the review letter shall be resolved by the Township Manager and Solicitor.*
2. *Sanitary Sewer and water services:*
 - a. *Approval of PA DEP Planning Module.*
 - b. *Execution of agreements with providers covering installation, maintenance and operation of sanitary sewer and water facilities.*
4. *b. Completion of the stormwater management maintenance agreement, including BMP Operations and Maintenance Plan and easements for municipal access and maintenance, if necessary.*
5. *Execution of an escrow agreement for improvements.*
6. *Execution of a general developer agreement.*
7. *Execution of deeds of dedication for improvements.*
8. *DEP & NPDES approvals:*
 - a. *Approval of an E&S plan from the Northampton County Conservation Districts and/or DEP.*
 - b. *NPDES permit obtained.*
13. *Applicant agrees that prior to recording of Final Land Development plans for this lot, that additional requirements and conditions with respect to noise management and mitigation will be discussed and incorporated as either plan notes or conditions associated with that submission.*

Permanent Conditions of Approval

3. *No Final Occupancy Permits will be issued until all PennDOT and Township roadway improvements, either required or as referenced on the subdivision plans or these conditions of approval are completed to the satisfaction of PennDOT and the Township. Temporary occupancy permits with clearly defined time limits, as may be acceptable to the Township, may be issued for building fit out or start-up purposes.*
4. *c. Construction of stormwater management aspects of the Land Development Plan to be coordinated with the stormwater management construction aspects of the related Century Commerce Center Subdivision Plan.*
d. Oversight of Ponds 1, 2, & 3 and bio-retention basin 11, as well as Century Boulevard, need to be under the oversight of the POA. They all should be treated as a "controlled element" in addition to any easements, etc.
9. *Issuance of HOPs from Allen Township for all internal driveways shown on the Land Development Plan.*
10. *Traffic impact considerations:*
 - a. *The October 15, 2015 TIS submitted by Century Commerce Center, LLC is predicated on the ITE 152 use (high cube warehouse) for each of Lots 1, 2, & 3. All building plans and occupancy permits for these lots will require the applicant to certify their traffic generation will be consistent with an ITE 152 use. Any ITE use that generates a traffic load greater than ITE 152 will require a follow-up TIS to determine if any additional roadway improvements are needed, with appropriate remediation by those lots generating the additional traffic.*
 - b. *Applicant(s) and future owners/tenants of this lot agree that truck trips along Howertown Road are not desirable and will be kept to a minimum and the truck trips in aggregate from the approved subdivision are not to exceed the levels as presented in the TIS; this item to be addressed in the POA documents.*
11. *Stormwater management ponds and bio-retention basins:*
 - a. *Given the extreme presence of Karst geology throughout the entire proposed subdivision site, and the geologic and hydrologic surveys done to-date on the site, as well as the significant cut and fill proposed, Allen Township is of the opinion that infiltration is not appropriate anywhere on the site and therefore takes the position that all the proposed pond and bio-retention BMPs shall be lined. Allen Township may convey this position to DEP, the LVPC with regard to the Act 167 review and also the Northampton County Conservation District.*
 - b. *Infiltration testing for any ponds, bio-retention basins, or other points of concentrated stormwater where infiltration is likely to occur in the opinion of the Township, where the applicant does not propose or install liners, must be done to the satisfaction of Allen Township prior to plan recording and must be included with any final plan submission related to the proposed subdivision. Additional testing, at the discretion of Allen Township, may need to be done during excavation and construction phases and any plan modifications based on such testing shall be presented to Allen Township for review and consideration of related plan changes. The intent of this paragraph is that, except for the outfall of Pond 2, there are to be no designed points of infiltration within any aspects of the stormwater management facilities for this development plan.*
12. *Land development activities on this lot must comply with E&S plan set included with the approved subdivision plan.*

Mr. Pierce made a motion to recommend approval of the six lot Final Plan for the Subdivision entitled, "Century Commerce Center", dated April 25, 2016, last revised November 7, 2016, prepared by McCarthy Engineering consisting of Sheet 1 of 12 through Sheet 12 of 12 and including the "Layout

Plan for Nor-Bath Boulevard (SR 329)” as prepared by Hanover Engineering Associates, Inc. dated February 8, 2006, consisting of Sheets 2 of 4, 3 of 4, and 4 of 4, showing the layout of SR 329 improvements to be constructed in conjunction with the Century Commerce Center improvement by the developer of the Century Commerce Center subject to the Applicant’s satisfaction of the conditions as outlined above (beginning at page #2 of these minutes), as well as the approval of Lot 1, 2, and 3 Land Development Plans associated with the Subdivision contingent upon the satisfaction of the conditions as outlined above (beginning at page #8 of these minutes) approved collectively with the Subdivision Plan of Century Commerce Center to the Allen Township Board of Supervisors and that the applicant resolve along with the Township (to the satisfaction of the Township) concerns regarding the Horner Road access; seconded by Mr. Behler. On the motion, by roll call vote, all Commissioner voted yes.

On the motion, Mr. Krill requested clarification regarding Horner Road. Mr. Treadwell indicated that the Township would meet with PennDOT representatives or possibly consider a financial contribution to the Township. Mr. Krill was concerned if PennDOT doesn’t approve the application it could negatively impact the hydrant location. This concerns was amended into Mr. Pierces motion above.

Ordinance Changes/Updates:

A. Zoning Ordinance Text Amendment: This matter was tabled until the next meeting.

Public to be Heard: No comments from the audience.

There being no further business, the meeting adjourned 8:20 PM.

Respectfully submitted,

Ilene M. Eckhart