

HANOVER TOWNSHIP, LEHIGH COUNTY
PLANNING COMMISSION MEETING

March 19, 2019
7:30 P.M.

Present: Baillie; Bean; Hawk; Trexler; Thomas; Susan G. Maurer, Esquire; Al Kortze, P.E.; Christopher Garges; Vicky Roth

Absent: Paulus

Attendance: 2

Approval of Minutes: October 16, 2018 Planning Commission Meeting
January 14, 2019 Reorganization Meeting

Motion: I move we waive the reading of the Minutes of the October 16, 2018 Planning Commission Meeting and accept same as presented.

Thomas, Bean: Moved and Seconded Unan.

Motion: I move we waive the reading of the Minutes of the January 14, 2019 Planning Commission Reorganization Meeting and accept same as presented.

Thomas, Bean: Moved and Seconded Unan.

Correspondence:

Chairman Thomas stated that all correspondence is related to Agenda items.

New Business:

1. Preliminary/Final Land Development, Race St Building Expansion, Airport Ventures, L.P., 1650 E. Race St., Allentown, PA 18109 (Review and Recommendation)

Bernard Telatovich of 1727 Jonathan Street, Allentown, PA, introduced himself to the Commission. He is with Benchmark Civil Engineering. They are the Land Development engineers and presenting the plan before them on behalf of Airport Ventures, L.P. Mr. Telatovich explained that the project is a building expansion at the corner of Race Street and Willowbrook Rd. Mr. Telatovich pointed out on the plan before the Commission the facility that is currently being proposed as a 70,000 sq. ft.

building and occupied by St. Luke's Hospital and Syd Harvey. St. Luke's Hospital has about 55,000 sq. ft. and Syd Harvey has about 15,000 sq. ft. According to Airport Ventures, they both came in and said they need to expand because they both need more facilities. Syd Harvey said they need 25,000 sq. feet and St. Luke's wants another 15,000 sq. ft. The project itself is not very complicated. As the Commission may recall, there is a grade on the site presently. This is why they have a retaining wall being built to avoid sloping down 30, 40, 50 feet covering up swales and such things. Mr. Telatovich said there will be a retaining wall, 25,000 sq. ft. additional and one facility is going to be expanding up to 70,000 sq. ft. and Syd Harvey is expanding up to 25,000 sq. ft. That being said, the project where it is located is on mostly impervious area. As the Commission may recall, there are some storage areas for stone or whatever type of material it is. This will be taken out. The asphalt that goes behind the existing facility on the west side will be taken out and a sense they have a balance out there of 25,000 sq. ft. There will be a balance. No added impervious storm water management. Mr. Telatovich said they made a submission to the Township and Al Kortze, Township Engineer, finished his review last week. Unfortunately, after Mr. Telatovich finished his re-review of it and with that being said, he knows Mr. Kortze would not have had the chance to review the plans that he resubmitted. He has the letter this evening with his comments and will distribute it to the Commission and however they want to handle it going forward due to the comments relative to the Engineer's or Attorney's comments, he will cooperate at the pleasure of the Commission. Mr. Garges suggested if the Commission wants to read their comments, that is fine, however, he suggests they not enter any new evidence or plans to not confuse Mr. Kortze's review. If Mr. Telatovich has responses to Mr. Kortze's review, that will be fine. Any new submission that they may have can be discussed at another meeting. Mr. Telatovich said he has his comments to Mr. Kortze's letter. Mr. Garges asked Mr. Telatovich if he said he had resubmitted plans. Mr. Telatovich replied that he knows Mr. Kortze did not get to them and just had a discussion before the meeting on whether he got them or didn't get them. Mr. Telatovich said he is not going to submit a resubmission. There is no official resubmission. Mr. Garges said he just wanted to clarify this so the Board understands where everyone is. Mr. Telatovich said that is fine. He said there is no official resubmission, they have made the changes. The Board can take his word for it or not. That's fine. He will address it like he planned to address it. If the Board says ok, we don't have the plans, but you say you're going to address it. He's fine either way. Susan G. Maurer, Esquire, Planning Commission Attorney, said she is still having a problem with it. She said if Mr. Telatovich is going to address his response to Mr. Kortze's comments that are going to appear on a cleaned-up resubmission plan, it's redundant. She said the Board can't see his plan, they can hear what he is going to say, but he has to come back with the plan anyway. Attorney Maurer said she is trying to not waste anyone's time here because he is doing a response to say that he will take care of this and that, but they still

have to see the plan that's being resubmitted. Mr. Telatovich said he understands that it is not fair to the Board or anyone else to resubmit at the meeting. He is just simply making a restatement that they can look at it and say ok. Ms. Maurer said Mr. Telatovich, you said you are going to address it and that's fine, but we have some waivers to go through and they are listed in the comment letter. Mr. Telatovich said he does not think it's redundant to address the letter and give his response. Mr. Garges said he'd rather not have a new letter given to anyone. He said if Mr. Telatovich wants to review Mr. Kortze's letter with his comments based off of what Mr. Kortze's letter says, that's fine. It will be confusing having another letter with another date that was handed out that the Township hasn't officially received. Mr. Telatovich said if that's the way the Township wants to proceed, he is fine either way. He said if they want him to verbally go through it and say they'll respond, etc., he has responded and they'll see it in the next submission. That's fine too. Attorney Maurer said she thinks it's easier and simpler for this Board. Chairman Thomas said there are a lot of items and he doesn't think they need to go through item by item to hear his responses. The Board wants to make sure Mr. Telatovich understands. Mr. Telatovich reiterated that he has no problem with Mr. Kortze's comments. He and Mr. Kortze have met before the meeting and talked about how the project is going to proceed so they know what issues they are going to encounter. There are several waivers. Whether Mr. Kortze or the Board has any objections to them, he would like to go through those so they can submit a final plan and if there are any other comments or items the Board would like he is open to that as well. Mr. Kortze said he thinks it would be fair to review the waivers and if they are recommended then the Applicant knows which direction to proceed. Mr. Kortze said as far as his other comments in his letter, he did not get a chance to go over any resubmissions or responses. The comments he had were nothing substantive that he thinks would create difficulties to the project. The one thing that Mr. Kortze did want to note is that there would have to be some discussion with the Township related to whether they will need any additional sewage flows out there. When there is an expansion, if there is going to be different uses, i.e. more people, etc. They would have to go over it. Mr. Telatovich said he appreciates Mr. Kortze's comments and he would like to go over that at this time. He made contact with the Bethlehem Water and with Catasauqua Sewer. However, he only left a message with Catasauqua Sewer because no one answered. Relative to the water, he doesn't believe that's an issue. They will only need to know the size of the building. Relative to the sewer, he is still chasing that down. He said they understand that they might have to buy additional EDUs and there may be an issue of capacity. He doesn't believe there is because there will only be about ten more employees maximum. Mr. Kortze said that is something that when he has it tied down, he can deal directly with Mr. Garges to start with. Mr. Garges said it's not a Catasauqua issue at the plant. It is an EDU issue with the Township. The Township would need to update their sewer permit. Mr. Garges said once Mr. Telatovich has the numbers,

he is welcomed to call him. Mr. Telatovich said his suspicion is less than one because it's only ten employees. At this time, they reviewed the waivers. Planning Commission Larry Hawk asked what the concrete monuments were. Mr. Telatovich responded that they are 4 x 4 concrete pieces that are 24 to 36 inches deep. When they are in concrete or asphalt on edges of travel ways, they are not going to do that. However, it's really not the fact of putting in the monuments, it's the fact that they have the PennDOT right-of-way and the job is all over the place and work that is going on there right now, it wouldn't make sense doing that. He said PennDOT should be putting concrete monuments out there to a certain extent to identify their right-of-way. Mr. Kortze said they are just to establish property corners. He said the three corners that they have shown are pretty much fixed. The other ones that are along Race Street is still in a state of flux. Mr. Kortze doesn't have any issues with this waiver. Mr. Kortze said in response to what Mr. Telatovich was saying, a and b, he doesn't have any issues with because he reviewed it as a preliminary/final land development plan. Mr. Kortze said they've had a couple projects together in the past like this one that has come through as a preliminary/final. Mr. Kortze's comments were based on it being a preliminary/final submission. Mr. Kortze said the third waiver regarding showing features within 200 feet. Since it's contained in one small area of the property, he didn't feel anything out to 200 feet essential or necessary for the scope of this project. They did provide information that Mr. Kortze felt was essential for the Township to review it properly. Mr. Kortze said the fourth waiver regarding the erosion sedimentation control, they did provide an E&S Plan in their packet. Mr. Kortze reviewed it and had a couple comments related to it, but he feels that with the disturbance under an acre he didn't think it was necessary to go to the Lehigh County Conservation District. However, Mr. Kortze had them request that they put a note on the plan that if they disturb anything outside of the limits of what they are showing, then they would have to go to the Conservation District. Mr. Telatovich said they agreed to this. Mr. Kortze said they are proposing ten trees and he feels it's relatively a preference whether the Township would want them along the street or where they had shown on the plan. Mr. Kortze does not have any major preference. There is no reason why the trees couldn't be planted along the street. Mr. Kortze said there are utilities and right-of-way changes there, but he feels there would be sufficient room to plant them. What the plan is showing, they would block the retaining wall which would give it a bit of a visual barrier rather than looking at the concrete wall. Mr. Kortze said the last waiver is regarding the monuments and he is okay with them as presented. Mr. Kortze said these are his comments regarding the waivers and the other matters he can review when they make their formal resubmission and provide a review letter at that point. Chairman Thomas asked Mr. Telatovich to point out to him where the Ordinance would require the trees to be placed as opposed to where they are proposing them to be placed. Mr. Thomas said he is more concerned as to where they are being placed than the number of trees that are being planted. Mr. Telatovich

replied that he is not sure of the answer to that. He said it's an open area and he didn't think the Ordinance specified how many feet of the right-of-way, etc. He said the right-of-way is still in flux which there are still some issues with that. They would not want to go in there and then PennDOT come back to them and make them change things. Mr. Thomas asked if there are any trees existing in that area presently. Mr. Telatovich pointed out on their plan that about six pre-existing trees are down more toward Fashion Drive. Mr. Thomas addressed Mr. Telatovich and told him they would suggest that he request this to be tabled. Mr. Telatovich said he has no problem asking that their submission be tabled; however, relative to the waivers, he asked if he could get some feedback from the Board at this time so he knows which way to come in with their preliminary/final next month. Attorney Maurer said she feels a and b are essentially mute at this point. She said because of the vagueness of the Ordinance regarding the trees, she doesn't feel the Township can set forth a requirement. They can make their recommendation, but she isn't even sure it's a waiver that is necessary when they have vagueness like that. Mr. Telatovich said if it's not a waiver, the input from the Planning Commission would help also because he would like to appease the Planning Commission to the extent that he can. Attorney Maurer said they know they need trees, but can they treat it like a waiver. The Board could say as long as you are doing trees, they can't require it one way or another. She feels it's very vague and isn't sure what Council will say about it when it reaches them. Attorney Maurer addressed the Board and told them that they can comment on it this evening for the purposes of their next submittal whether they would waive it or not waive it. Mr. Thomas said he has no issues with c through f and he agrees that a and b are mute. Mr. Telatovich said it will still be on their next submission for the Planning Commission to review. Attorney Maurer said she feels all they are going to get out of this evening with the tabling of this matter is that it appears that their waivers will be granted with their next submission. It will all be part of the record next time they come before the Board. Mr. Garges asked if the requested waivers are listed on the plan and Mr. Telatovich replied they will on his new plan, but not sure if they were on the plan submitted this evening. Mr. Kortze said for the record they did have them on the original plan.

2. Zoning Map Amendment – Willowbrook Road Corridor – PC & PR to PIO (Review and Recommendation)

Mr. Garges gave a brief overview. The Board's packets included the draft Bill No. 2018-17 and two drawings and two descriptions of what they see in the two drawings. As the title mentions, Willowbrook Road as you go north to south on the west side and on the east side there are proposed changes from what is on one side now Planned Commercial District (PC) to the Planned Industrial Office (PIO) and on the eastern side, which is where the FedEx is located, that is going from the Planned Residential (PR) to PIO. Both the PIO changes on both sides would permit warehouse use, which is what adjoins the two properties. If the Board looks at the

second page in the packet titled Exhibit "A" Zoning Map, you can see that on the western side colored in yellow is currently basically what Mr. Garges would call an island of PC that adjoins PIO. This is somewhat of a natural extension of the PIO. Similarly, on the eastern side where the project that was just before the Board is located at the corner of Race St. and Willowbrook Rd. There is a large area of PIO and then north of that would be PR. Mr. Garges said where you see PR, that is all currently owned by the Airport and on the Airport's 20-year plan for possible future development. Mr. Garges directed the Board to Exhibit "C", which is the fourth page in their packet. He said if turned to a landscape, they could see it looks like a long triangle and the longer end is the Willowbrook Road, the it goes eastward to a point. Just north of that they can see some faint lines which is actually the parking area for FedEx. That is how close FedEx is to the proposed change. On the east side the proposed change is nearly 20 acres. Mr. Garges said should the Planning Commission comment on this matter and want to move it forward, it is advertised to be before Council on April 17, 2019 as a Public Hearing. It has been submitted to the Lehigh Valley Planning Commission (LVPC). They sent comments back which Mr. Garges included in the Board's packets before them which state that this is consistent with the County Comprehensive Plan. The Municipalities Planning Code requires that the Township's Planning Commission and the LVPC both see and comment on the plan before it would go to Council for formal action and that is why it is before the Board this evening. Mr. Garges said he is seeking this evening to see if the Board has any comments or if they are in favor or not in favor of this change and then send their recommendation to Council. Mr. Thomas said he is not clear with the area shaded in yellow on Exhibit "A" if the road immediately to the right of it is Willowbrook Rd. Mr. Garges replied that it is Willowbrook Rd. Mr. Thomas asked where then is Exhibit "C" on the map. Mr. Garges replied that if they look at Exhibit "A" just across Willowbrook Rd. they can see where it says Township up top where the FedEx facility is located and Hanover below is where the triangle, Exhibit "C", is located. Mr. Baillie asked Mr. Garges if he could explain to him PC to PIO. Mr. Garges said PC is more what you would see where the Airport Shopping Center is. Anything south of Rte. 22 in the Airport Center intersection. You'll see strip malls and retail. When you get into PIO, you get more into the manufacturing and warehousing. Similar to what one would see on Marcon Blvd., Postal Rd., Lehigh Valley Industrial Park (LVIP) and Race Street. Mr. Baillie also asked Mr. Garges to explain PR. Mr. Garges replied that PR is Planned Residential. Mr. Thomas asked if the whole area that he and Mr. Garges discussed is the area being changed. Mr. Garges replied that no it's just the triangle area that is on Exhibit "A", approximately 20 acres of it. Mr. Thomas asked why just the little triangle. He's not sure what the Township is gaining by doing that little sliver and leaving the huge block of PR there. Mr. Garges said if that is a comment that Mr. Thomas would like to make or suggest he would like to make that would be fine. Mr. Thomas said he doesn't understand the logic behind it. Mr. Thomas asked Mr. Garges if

just the parcel under consideration owned by the Airport or is all of it owned by the Airport. Mr. Garges replied that everything that is PR is owned by the Airport. Mr. Thomas said it's obvious the Airport is not putting homes there. Mr. Garges said the one thing to consider would be how the Airport would abandon their plans and how intensely developed the Township would want that area or would the Township leave it as a pocket for residential in the future if the Airport would abandon it. Mr. Thomas said there is FedEx to the north of it and the Airport south of it. It wouldn't be where he would want to own a home. Attorney Maurer said if they get the triangle changed, would it make it easier to get the PR changed some time in the future. Mr. Garges said the only thing he can comment about that triangle and the bottom hypotenuse, is that is actually the edge of the offset for the future runway. From that angle line down is what is covered in the Airport's long-range plan for a future runway. The little triangle is not what was covered in their plan and kind of a leftover area. That is how that line got to be where it is. Mr. Thomas said he is leaving his question open for whomever can answer it. He said other than that he does not have any issue with the zoning change. Mr. Garges will carry the question forward to Council.

Motion: I make a recommendation that Zoning Map Amendment – Willowbrook Road Corridor – PC & PR to PIO be presented to the Hanover Township, Lehigh County, Council for approval.

Bean, Trexler: Moved and Seconded

Aye

3. Special Exception Use, Hanover Township Postal Road Municipal Garage, 1003 Postal Rd., Allentown, PA 18109 (Review and Recommendation)

Mr. Garges addressed the Board and reminded them that they most recently saw a Special Exception back for the B. Braun Expansion. A Special Exception is a permitted use, but the applicant has to apply to the Zoning Hearing Board for a Special Exception to allow the Zoning Hearing Board to attach any special conditions to their approval. The Township's Ordinance requires that the Planning Commission also review Special Exceptions before they go to the Zoning Hearing Board and make any recommendations that they may have to the Zoning Hearing Board. The Application before the Planning Commission for the Special Exception is actually for the Township. It's on Township property. The Township's existing salt shed and a three-bay garage are there currently. It's also the same piece of property that the Township owns that the Fire Company is on. Mr. Garges said what the Township is proposing is a new 40' by 60' storage building. It would basically go over top of what is currently asphalt. This would get some of the Township's outside equipment under cover. It would not be an occupied building of anything other than materials and equipment. The property has had two previous applications before the Zoning Hearing Board. The most recent one being

1999. That is when the actual garage was approved for construction which was a special exception and a variance. In 1996, there was an application before the Zoning Hearing Board to place the salt dome on that property. This property is within LVIP. The plan and the building would also have to be approved by LVIP. They have Bylaws and Covenants. Mr. Garges said he forwarded some preliminary information over to them and it doesn't sound like it will be an issue with them. It is one additional step that this has to go through. There is also a Variance associated with this Special Exception Application to the Zoning Hearing Board and that would allow the storage building to be approximately 5.8 feet away from the property line. There is a plan that Mr. Kortze's office prepared. You can see where the new building is proposed. You will also note on that the Township has an easement just to the north of the property line that is shown on the plan as well for the Township's use. The easement is on Township property. Even though the proposed building is only 5.8 feet from the property line, there is additional room in that easement to the edge of that easement. From a buffering standpoint, the entire paved area and garage are heavily buffered with a row of arborvitae-type vegetation. Mr. Thomas asked if the proposed garage going to be substantially similar to the existing garage in terms of size. Mr. Garges said the existing garage is a concrete block structure which is heated, cooled and there is an office. The proposed building will just be a shell strictly for protection from the weather. This building is proposed to be more of what one would call a pole building. It will have to be advertised and bid. They will not be exactly the same from a construction standpoint. Mr. Kortze's office also looked to the Airport from a height standpoint because it will be a little bit closer to the runway. The Township is in good shape from that standpoint and won't need additional permitting from the FAA. Attorney Maurer said in standard if the Board will recall from the last time is whether or not this has a negative impact on the surrounding community. Variances are requested when they can't make any other reasonable use of the property unless they are granted the variance.

Motion: I move that the Hanover Township, Planning Commission, recommend Special Exception Use, Hanover Township Postal Road Municipal Garage, 1003 Postal Rd., Allentown, PA 18109 as presented.

Baillie, Bean: Moved and Seconded

Unan.

Adjournment:

The meeting was adjourned at 8:12 P.M.

Respectfully submitted,

Patricia A. Paulus, Secretary
Hanover Township Planning Commission