



Lehigh Valley Planning Commission

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Executive Director

LEHIGH VALLEY PLANNING COMMISSION

Minutes from the Thursday March 28, 2024, Meeting

The LVPC held a virtual public meeting on Thursday, March 28, 2024. The meeting was advertised in the Lehigh Valley Press on Wednesday, February 14th, 2024.

LVPC Chair Dr. Chris Amato chaired the meeting.

Mr. Joey Dotta took Roll Call.

Members in Attendance:

Lehigh County

Ron Beitler, Michael Drabenstott, Bob Elbich, Sunny Ghai, Philip Ginder, Steve Glickman, Jennifer Gomez, Kent Herman, John Inglis, Diane Kelly, Richard Molchany, Christina Morgan, Stephen Repasch and Kevin Schmidt

Northampton County

Christopher Amato, Andrew Elliott, Charles Elliott, John Gallagher, Judith Haldeman, Darlene Heller, Rachel Leon, Carl Manges, John McGorry, Scott Minnich, Armando Moritz-Chapelliquen, Edward Nelson, Tina Smith and Jean Versteeg

Members Absent:

Lehigh County

Phillips Armstrong, Percy Dougherty, Dennis Klusaritz, Santo Napoli, Owen O'Neil, and Matthew Tuerk

Northampton County

Jessica Cope, Ken Kraft, Lamont McClure, Steve Melnick, Salvatore Panto, Jr., J. William Reynolds and Grace Crampsie Smith

Staff Present: Joey Dotta, Jill Seitz, Becky Bradley, Matt Assad, and Susan Myerov.

Public Present: Jeff Ward (WFMZ), Jay Bradley (PBS39)

COURTESY OF THE FLOOR

Commissioner Moritz-Chapelliquen expressed his gratitude for the LVPC's support at a recent Coalition that Cares release of their action plan, and that the partnership will continue.

CHAIR'S REPORT

Chair Amato updated the Commission on the new moving and occupancy dates for the office relation happening in April.

MINUTES

Chair Amato stated that the minutes of the Thursday, February 22, 2024, LVPC meeting are attached, and Mr. Dotta presented the previously voted on agenda items. Chair Amato then asked for a motion to approve the minutes. Commissioner Molchany made a motion to approve the minutes and Commissioner Morgan seconded the motion.

Chair Amato asked for any comments or questions. There were none. The motion passed. Commissioner Drabenstott, Commissioner Elbich, and Commissioner Leon abstained.

COMPREHENSIVE PLANNING COMMITTEE

ACTION ITEM: Allen Township – Land Use of Regional Significance – Northampton Business Center

Mr. Dotta presented a proposal for construction of a 295,760-square-foot warehouse with loading docks, and tractor-trailer parking lot on Lot 3 at 2893 Howertown Road. This complex has a truck courtyard “staging area” and the LVPC suggests signage to alert commercial vehicles of these available spaces. The LVPC encourages developers of these sites to address the escalating need for overnight tractor-trailer parking and staging space. While the LVPC commends the emergency access drives which enhance emergency response, the LVPC recommends clarifying the intended operation of the access drives for emergency management and maintenance, especially in the event of an emergency or winter weather event.

The LVPC strongly recommends that sidewalks be added leading to Howertown Road and the access point across from Cesanek Road. Sidewalks should also be included from the existing sidewalks on Liberty Drive to the western side of the proposed building. Pavement marked crosswalks and pedestrian crossing signage across Howertown Road leading the established sidewalks along Cesanek Road are recommended.

Chair Amato called for a motion to accept the staff comments. Commissioner Repasch made the motion, and Commissioner Manges seconded the motion. Chair Amato asked for any comments or questions.

Commissioner Nelson asked if the proposed use meets existing zoning requirements. Mr. Dotta answered that he would confirm and reach back out to Commissioner Nelson.

Chair Amato called for affirmative votes to accept the staff comments. The motion passed.

ACTION ITEM: City of Bethlehem – Curative Amendment – Building Length in Limited Commercial Zoning District

Ms. Seitz presented a challenge and curative amendment to the Zoning Ordinance of City of Bethlehem pursuant to §609(e) and §609.1(a) of the Pennsylvania Municipalities Planning Code related to an approximately 8.74-acre tract. The tract, comprised of four tax parcels, is located southeast of Hanover Avenue, south of West Broad Street, east of Wahneta Street, north of Florence Avenue and west of Bascom Street and Grandview Boulevard within the Limited Commercial (CL) Zoning District.

Ms. Seitz reviewed the challenge and amendments against the goals and policies of *FutureLV* and evaluated both whether the challenge and curative amendment have merit, and impacts the curative amendment bears on the site and to the City as a whole. The LVPC finds that the reasoning of the curative amendment does not appear to have merit.

The Petitioner’s challenge states the intent to develop Petitioner’s Property with a residential apartment use, and files the curative amendment on the grounds that the 180-foot length limitation on residential apartment buildings in the CL District is arbitrary and unreasonable and has no valid relation to the public health, safety, morals and general welfare; and restricts Petitioner’s property rights for no valid public purpose and is therefore invalid. The LVPC disagrees that the 180-foot length limitation on residential apartment buildings in the Limited Commercial District is arbitrary and unreasonable. The LVPC also disagrees that the 180-foot length limitation on residential apartment buildings in the Limited Commercial District restricts Petitioner’s property rights for no valid public purpose.

Chair Amato called for a motion to accept the staff comments. Commissioner Elbich made the motion, and Commissioner Glickman seconded the motion. Chair Amato asked for any comments or questions.

Commissioner Heller commented that the City of Bethlehem supports LVPC's letter and that she is available for any questions tonight about the City of Bethlehem.

Commissioner Nelson asked what the City of Bethlehem's view is and Commissioner Heller noted that the City's letter was similar to LVPC's. Commissioner Heller said that the developer should ask for dimensional relief from the zoning hearing board, which the previous attempt was denied.

Commissioner Leon expressed that it felt inappropriate to vote tonight since this proposal will come before Bethlehem City Council.

Chair Amato called for affirmative votes to accept the staff comments. The motion passed. Commissioner Heller and Commissioner Leon abstained.

ACTION ITEM: Palmer Township – Curative Amendment – Manufactured/Mobile Home Parks

Ms. Seitz presented a curative amendment to the Zoning Ordinance of Palmer Township pertaining to land the Petitioner owns at 1492 Van Buren Road, located within the Planned Office/Business (PO/B) Zoning District.

The Petitioner's challenge states that the Townships Zoning Ordinance 'is unconstitutionally exclusionary because it fails to make any provision for mobile home parks', and that 'a Mobile Home Park is not a use permitted in any zoning district'. The LVPC disagrees that the Palmer Township Zoning Ordinance fails to make any provision for mobile home parks and that Mobile Home Parks are not a use permitted in any zoning district, identifying that the Township provides for all housing types in a few provisions in the Ordinance. Additionally, sections of the Township Zoning Ordinance outlining specific regulations for the Low-Density Residential District (LDR), Medium-Density Residential District (MDR) and High-Density Residential District (HDR) include 'Comparable residential uses not specifically listed' as a special exception use.

Ms. Seitz stated that the LVPC is concerned about the widespread applicability of the ordinance throughout the Township if adopted. Ms. Seitz identified several concerns for environmental hazards in this location, most notably the proximity of development to the floodplain, as the Schoeneck Creek flows through the middle of the site.

Overall, the LVPC finds that the substance of the Petitioner's challenge lacks merit, and the Township Zoning Ordinance has permitted all residential types with regulations and procedures established in the interest of protecting the public health, safety and welfare.

Chair Amato called for a motion to accept the staff comments. Commissioner Manges made the motion, and Commissioner Repasch seconded the motion. Chair Amato asked for any comments or questions.

Commissioner Nelson commented that Upper Mount Bethel went through a similar experience to the petition stated in the letter but ultimately lost the case. He asked if there was a committee constructed to go over these issues and ensure that scenarios like this can be avoided. Ms. Bradley noted that in-depth conversation occurred at the Comprehensive Planning Committee meeting earlier in the week and that the LVPC review letter states that Palmer Township does include this use in their zoning code.

Chair Amato called for affirmative votes to accept the staff comments. The motion passed.

ACTION ITEM: Comprehensive Planning Committee Summary Sheet:

Comprehensive Planning Committee Vice Chair John Gallagher presented a summary of the Committee meeting that occurred on Tuesday. The meeting included a zoning ordinance amendment in Borough of Walnutport, a zoning ordinance and subdivision and land development ordinance amendment in Weisenberg Township, and a zoning ordinance amendment in East Allen Township.

Chair Amato called for a motion to accept the staff comments. Commissioner Morgan made the motion, and Commissioner Repasch seconded the motion. Chair Amato asked for any comments or questions. There were none.

Chair Amato called for affirmative votes to accept the staff comments. The motion passed. Commissioner Elbich abstained from the Weisenberg vote.

ENVIRONMENT COMMITTEE

ACTION ITEM: Federal Energy Regulatory Commission – Preliminary Permit Application for Chain Dam Hydroelectric Project – Palmer Township and City of Easton

Ms. Myerov presented an application from Lock 47 Hydro LLC for a preliminary permit, proposing to study the feasibility of hydropower on the Lehigh River in Northampton County, Pennsylvania. The proposed project would involve the installation of infrastructure to support generation of hydroelectric power. An existing fish passage on the Dam would be modified to encourage fish to use the entrance.

The use of hydropower aligns with the *FutureLV: The Regional Plan* action to support renewable energy and diversification of sources (of Policy 3.4). The *LVPC Climate + Energy Element* supports the diversification of energy sources that lower cost and carbon emissions and reduce impacts to the environment (of Energy Goal 3). The evaluation letter included in your packet includes a series of questions that we recommend be considered and addressed as part of the feasibility study to evaluate potential impacts of the project to the canal and historic, recreational, and river habitat resources.

Chair Amato called for a motion to accept the staff comments. Commissioner Ginder made the motion, and Commissioner Leon seconded the motion. Chair Amato asked for any comments or questions.

Commissioner Glickman asked what the output of the dam will be and if there is a way to measure that against the project cost. Ms. Myerov responded that it produces 1,000 to 2,000 homes worth of power. The project is intended to be a feasibility study rather than to produce profit.

Chair Amato called for affirmative votes to accept the staff comments. The motion passed.

ACTION ITEM: Comment Letter on the Draft 2024 Lehigh Valley Hazard Mitigation Plan

Ms. Myerov presented the 2024 Lehigh Valley Hazard Mitigation Plan, the fourth for the region. The LVPC identified the *FutureLV* goals, policies and actions related to each of the eight hazard mitigation goals. Ms. Myerov added that the LVPC provided updated actions for incorporation into the plan, including the Global Act 167 Stormwater Management Plan Update and Climate Action Planning & Implementation.

Chair Amato called for a motion to accept the staff comments. Commissioner Morgan made the motion, and Commissioner Molchany seconded the motion. Chair Amato asked for any comments or questions.

Commissioner Morgan emphasized that communities be aware of the plan and its correlation to federal funding. Commissioner Tina Smith asked if all Lehigh Valley municipalities agreed to the plan. Ms. Bradley said that the municipalities will eventually have to.

Chair Amato called for affirmative votes to accept the staff comments. The motion passed.

ACTION ITEM: Comment Letter to the Ad Hoc Pennsylvania Department of Environmental Protection Committee on Proposed Stormwater Best Management Practices for Karst Terrain

Ms. Myerov presented a report done by an informal group of karst experts, stormwater practitioners and state regulators for a Stormwater Best Management Practices in Karst Terrain. The LVPC reviewed the plan based on ordinances and experience in reviewing stormwater plans in the region.

Commissioner Repasch stressed the recent sinkhole activity in the area and the importance of these reviews.

Chair Amato called for a motion to accept the staff comments. Commissioner Gallagher made the motion, and Commissioner Elbich seconded the motion. Chair Amato asked for any comments or questions.

Chair Amato called for affirmative votes to accept the staff comments. The motion passed.

ACTION ITEM: Environment Committee Summary Sheet:

Environment Committee Chair Steve Repasch presented a summary of the Committee meeting that occurred on Tuesday. The meeting included a review for a revised Sewage Facilities Plan Update for South Whitehall Township.

Chair Amato called for a motion to accept the staff comments. Commissioner Heller made the motion, and Commissioner Ginder seconded the motion. Chair Amato asked for any comments or questions. There were none.

Chair Amato called for affirmative votes to accept the staff comments. The motion passed. Commissioner Kelly abstained.

TRANSPORTATION COMMITTEE

INFORMATION ITEM: Transportation Committee Summary

Transportation Committee Chair Kent Herman summarized the Committee meeting that occurred hours before. Ms. Bradley and Mr. Assad then went over a brief recap of the release of the Pennsylvania Department of Transportation Lehigh Valley Passenger Rail Feasibility Study that occurred on March 27, 2024. Next steps for the rail analysis were discussed.

Chair Amato asked for any comments or questions. Commissioner Glickman asked if LANTA was under the same funding rules and Ms. Bradley answered that they are under different authority.

OLD BUSINESS:

ACTION ITEM: Lehigh Valley Priority Climate Action Plan for Transportation Decarbonization

Ms. Myerov presented the plan that includes a list of strategies to mitigate the impacts of climate change by reducing greenhouse gas (GHG) emissions from one of the Allentown-Bethlehem-Easton Metropolitan Statistical Area's (MSA) top sources - the transportation sector. The transportation sector was selected as the focus for this PCAP, as it was determined to be one of the largest sources of GHG emissions in the region.

Ms. Myerov briefed the Commission on each of the six GHG reduction measures and associated emission reduction estimates that were detailed in the plan. It was summarized that potential GHG emission reductions resulting from the measures outlined in this plan are estimated at 321,000 metric tons of CO₂e annually by 2050, a reduction from 2021 transportation sector emissions by nearly 12%.

Chair Amato called for a motion for the LVPC to adopt the Lehigh Valley Priority Climate Action Plan as the formal transportation decarbonization plan for the region. Commissioner Repasch made the motion, and Commissioner Morgan seconded the motion. Chair Amato asked for any comments or questions.

Commissioner Morgan commented that it was exciting how the motions came so quickly.

Chair Amato called for affirmative votes to adopt the *Lehigh Valley Priority Climate Action Plan* as the formal transportation decarbonization plan for the region. The motion passed.

INFORMATION ITEMS: Activity Reports

Chair Amato notified the Commission that activity reports are included in the meeting packets and will not be presented.

Chair Amato asked for any comments or questions. There were none.

NEW BUSINESS:

INFORMATION ITEM: Statement of Financial Interests Form Reminder

Mr. Assad reminded the Commissioner that Statement of Financial Interests forms are required and due by May 1, 2024.

Chair Amato asked for any comments or questions. There were none.

EXECUTIVE DIRECTOR'S REPORT:

INFORMATION ITEM: Carbon Pollution Reduction Implementation Grant Application

Ms. Bradley presented the CPRG program implementation grant, application is due to the EPA on April 1st. The LVPC is putting together an application with PennDOT to create green stormwater infrastructure along major regional highways, such as Route 22. In addition, the application also proposes upgrades to the William Penn Park and Ride along Route 33, which may include electric vehicle charging facilities, and enhanced public transit access.

Ms. Bradley showed several renderings of different highway intersections that are proposed to be a part of this grant opportunity.

Chair Amato asked for any comments or questions.

Commissioner Gallagher commented that the mowing cost should be a no-brainer for PennDOT. Ms. Bradley expressed her excitement with working with several engineers and the possibility of the project. Commissioner Glickman added that the pollution of mowing is a great thing this project would accomplish. Ms. Bradley commented that those calculations were included, and that Ms. Myerov and the environment team deserve congratulations for their work. Ms. Myerov responded that those calculations are included in the plan after careful consideration of how best to determine the pollution offset.

Commissioner Ghai asked what the cost of the project would be and Ms. Bradley responded that the cost was just determined to be about \$115 million. Commissioner Elbich commented that the renderings were terrific and urged them to be on the website. Ms. Bradley responded that it was a great idea and said they should be on the website.

COMMUNICATIONS AND PUBLIC ENGAGEMENT:

INFORMATION ITEM: Morning Call Business Cycle Column

Mr. Assad spoke about the most recent Morning Call column under a headline "Lehigh Valley Businesses can help fight climate change," where Becky explains the detail of the region's first-ever priority climate action plan, what's ahead and why it's all of our responsibility to make climate action a part of our daily lives. That column can be found at lvpc.org/news/v or at mcall.com. The next column will take a look at our draft TIP, and that will run April 14.

Chair Amato asked for any comments or questions. There were none.

INFORMATION ITEM: Plan Lehigh Valley radio show on WDIY NPR 88.1FM

Mr. Assad summarized the most recent Plan Lehigh Valley radio show that aired March 4, and it also took a deeper look at the PCAP, with Susan Myerov, Director of LVPC Environmental Planning. The discussion was about the detail of the plan, why we chose transportation as our priority sector and the next step, which is developing a Comprehensive Climate Action Plan that will set goals to reduce emissions in all sectors. That show is streaming at lvpc.org/news/v and at WDIY.org.

Chair Amato asked for any comments or questions. There were none.

INFORMATION ITEM: Local Technical Assistance Program Virtual Classes

Mr. Assad summarized the PA Municipal Planning Education Institute (PMPEI) being offered in PA land use and planning. In 2024, the three courses offered are Zoning Administration in May, Subdivision and Land Development in September, and Community Planning in October.

Chair Amato asked for any comments or questions. There were none.

INFORMATION ITEM: Local Technical Assistance Program Virtual Classes

Ms. Bradley presented dates and times for five upcoming Lehigh Valley Government Academy classes occurring in the next few weeks.

Chair Amato asked for any comments or questions. There were none.

ADJOURNMENT:

Chair Amato stated that the next LVPC meeting is set to be virtual on April 25 at 7pm. Chair Amato then asked if there was a motion to adjourn the meeting and Commissioner Molchany made a motion to adjourn. The meeting was adjourned.

Submitted by:

Becky Bradley, AICP, Executive Director and Joey Dotta, Regional Planner