

Memo



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February 25, 2016

MINUTES

The Lehigh Valley Planning Commission met for their regularly scheduled meeting on Thursday, February 25, 2016 at 7:00 p.m. at the Lehigh Valley Planning Commission, 961 Marcon Boulevard, Suite 310, Allentown, PA.

Ms. Liesel Dreisbach chaired the meeting.

Members in attendance:

Lehigh County

Norman Blatt
Shannon Calluori
Percy Dougherty
Steven Glickman
Kent Herman
Edward Hozza
Richard Molchany
Christine Morgan
Brad Osborne
Sara Pandl
Kathy Rader
Stephen Repasch
Julie Thomases
Donna Wright

Northampton County

Christen Borso
Gordon Campbell
Eugene Clater
John Diacogiannis
Liesel Dreisbach
Charles Elliott
Darlene Heller
Robert Lammi
Kevin Lott
Thomas Nolan
Hayden Phillips
Michael Reph

Members absent: Karen Duerholz, Armand Greco, Kevin Schmidt, Luis Campos, George Gemmel, Pamela Pearson, Lynn Prior, Tina Roseberry and Adam Waldron.

Staff present: Becky Bradley, Geoff Reese, Eric McAfee, George Kinney and Sue Rockwell.

Public Present: Lou Gombocz, Jr., WFMZ

COURTESY OF THE FLOOR

MINUTES

After a brief review, the minutes of the January 28, 2016 meeting were moved for approval by Ms. Pandl. Ms. Wright seconded the motion. The motion carried with Mr. Clater, Mr. Hozza and Mr. Elliott abstaining.

CHAIRWOMAN'S REPORT*New Commissioner Introduction*

Ms. Dreisbach introduced new Commission member Brad Osborne, who is also a Lehigh County Commissioner. Mr. Osborne said this is his first year of his second term as County Commissioner. He previously served as a South Whitehall Township Commissioner and on the South Whitehall Authority. When he was a South Whitehall Commissioner, he realized the importance of a comprehensive plan. He said the Township engaged a consultant and came up with a plan. At that time, he realized the real value of planning. The Commission members and staff introduced themselves to Mr. Osborne.

COMMITTEE REPORTS***Comprehensive Planning Committee****Majestic Phase 4 – City of Bethlehem – Land Use of Regional Significance*

Mr. McAfee said this is another phase in an on-going multi-phased development in South Bethlehem. The project is just north of I-78, south of the river and close to the Lower Saucon Township boundary. The proposal includes extinguishing some property lines to make the development possible. The development's primary entrance will be on Commerce Center Boulevard. The primary building will include nearly 1 million square feet, with a couple of ancillary buildings that should push it well over 1 million square feet.

The Comprehensive Plan states that any warehouse facility proposal over 500,000 square feet is considered a Land Use of Regional Significance and must be reviewed by the Comprehensive Planning Committee and full Commission. The draft letter, on pages 8-9 of the agenda attachments, generally states that the project is consistent with the County Comprehensive Plan and rests thoroughly within the urban classification in the General Land Use Plan. By that standard, this is a suitable development in terms of scale and its use of public water and sewer. One major consideration in terms of natural features is a small portion of land that rests just to the east of the easternmost lot line to be extinguished. According to LVPC data, this area contains a wetland. The LVPC recommends that the applicant investigate this site for possible wetland conditions. Also, we coordinated with LANta to get their perspective on the suitability of this site for public transportation. LANta states that have they have one bus route, #105, along PA Rt. 412/Hellertown Road, and it deviates into the Majestic Bethlehem Center along Commerce Center Boulevard and stops at Lot 2. LANta encourages a safe pedestrian path to the entrance of the facility. This also includes a safe pedestrian access from the existing and proposed parking areas to the facility entrance. LANta recommends noting and clarifying where sidewalks, crosswalks and bus stop locations are proposed on the plan to help further depict the proposed pedestrian and bus transit circulation. The applicant also submitted a Traffic Impact Study, which included a copy of the Highway Occupancy Permit. Traffic associated with this project is accounted for in the Highway Occupancy Permit. We agree with that conclusion and offer no additional comments. Beyond that, the one other item of considerable interest is some of the previous phases west of this site include a small light rail spur just to the north of Commerce

Center Boulevard, parallel to the road. The continuation of this spur into Majestic Phase 4 is not shown on the plans. According to the project engineer, the tenants of Phase 4 are not interested in using the rail system. The LVPC encourages the applicant to formalize the space available for this potential rail extension by indicating it as a dedicated right-of-way in the designated space north of Commerce Center Boulevard. The Comprehensive Planning Committee provided suggestions at the Committee meeting on Tuesday, which are shaded in gray on the letter.

Mr. McAfee said we have an extension of the stormwater plan. Pending approval of the letter tonight, it should go out in the next 24 hours. Ms. Wright said she has to apologize we talked about the problem with truck parking at last month's meeting, and we did not discuss that with this project. Ms. Wright said if the board feels that a comment should go in the letter, we could do that. Mr. Molchany said he thought we previously discussed adding that language to all letters for large warehouse project. Ms. Wright made a motion to approve the letter with the additional language. Mr. Glickman seconded the motion. Mr. Molchany said the issue of air quality and increasing air quality regulations means that every little bit helps. He asked Mr. Kinney if that is going into effect now. Mr. Kinney said the National Ambient Air Quality Standards were reduced for ozone from 75 parts per billion to 70. Anything we can do to mitigate truck idling will help. About 65% of ozone pollutants are the result of auto emissions.

Mr. Dougherty said he is glad to see that the rail portion was added in terms of a recommendation from the Committee. He asked how this would be described on the plans. Mr. McAfee said we can look at how it appeared on the previous phases. Mr. Dougherty said he attended a meeting where a right-of-way was shown, and a Metes and Bounds survey was done. He asked if we really need something that extensive, or do we just need a note on the plan. Mr. McAfee said we would probably do whatever is necessary to see where the rail currently terminates and show how it could be continued and show that as the proposed right-of-way. Mr. Clater said this is a trivial thing for an engineer to do. All you have to do is show the right-of-way. Ms. Wright said the big thing is the notation on the plan. Mr. Clater said if you put the easement and right-of-way physically on the plans, nothing else is needed. Ms. Heller said the area of the right-of-way is just the length of the cul-de-sac. The intermodal is south of Commerce Center Boulevard. She said we always hope every end user will use rail. Ms. Pandl asked if there was a fueling station on the site and what the City was requiring of the applicant to protect water quality. Ms. Heller said the Pennsylvania Department of Environmental Protection watches this site very closely because it's a brownfield site. Mr. Clater said it's a mirror image of all their sites, which have separate containment areas on concrete for washing and fueling. He is sure this site will have that also.

Mr. Hozza asked if this is for FedEx Ground. Ms. Heller said yes. Mr. Hozza asked if we know the percentage of tractor trailers and if the majority are coming in and exiting by I-78. Ms. Heller said that is correct, and it is something the City was very attentive to because they don't want tractor trailers going downtown. There is a very small percentage that do not go on I-78. Mr. Hozza asked where the current FedEx Ground Facility is located and where those trucks are pulling out of. Mr. Clater said it is presently located off of Township Line Road. Mr. Hozza said that is the traditional FedEx. He said he thought they were the contract trucks. Mr. Clater said both the FedEx and contract trucks come out of that site. Mr. Hozza asked if the City made provisions for any deliveries to that facility in Hanover Township not to take 3rd Street to Rt. 378. Ms. Heller said the traffic study shows they are not. Ms. Dreisbach called for the vote. The motion carried with Ms. Heller and Mr. Herman abstaining.

Ordinance Reviews

Ms. Wright said there are five summary sheet items on page 10 of the agenda attachments. Ms. Wright made a motion to approve the comments. Mr. Clater seconded the motion. The motion carried with Ms. Pandl abstaining on Item #4.

Environment Committee*Integrated Water Resources Management*

Ms. Bradley said she serves on the County Planning Directors Association of Pennsylvania. Every County Planning Director does, and we meet quarterly. This is a position paper on what are the issues associated with water and the need and desire to work on them in a comprehensive way, which is ultimately called Integrated Water Resources Management. We did this work on behalf of the County Commissioners Association of Pennsylvania, and this will go to Mr. Dougherty's Energy, Environment and Land Use Committee hopefully sometime in early March.

Mr. Reese said we want to talk about what we accomplished with the report. The Committee set out Statewide to craft a position paper on this topic. They provided some draft text to us. Our role in this process has been to edit the text and to design the report. In terms of editing the text, we basically were trying to focus the report into what the main ideas are as clearly as we could. For that purpose, on page 15 it talks about three basic ideas we want to get across that are associated with Integrated Water Resources Management, or more simply put 1 H2O or 1 Water. Those three pieces include Linking Land Use Planning with Integrated Water Resources Management. There are two main parts to that. One of them is looking at the different sides of water together—stormwater management, sewage disposal, water supply and all those different elements that tend to get looked at in isolation—and linking them all together as we look at water issues and consider all of those issues. And secondly, making sure that the consideration is linked with land use planning to try to avoid and undo some of the historic water quality issues we have had with not making those connections.

The second piece is about data; there is a lot of data that is necessary statewide for this purpose such as the simple act of understanding where all the water withdrawals are. The State has been making a push to update the data associated with water, but they have a ways to go. The second part of data is the GIS component, trying to get a consistent set of geographic information and mapping across the state so that everyone that does this work can understand what that data means.

The third piece is policy and technical guidance. There was a State Water Plan created in the early 1980's. Mr. Reese said one of the best parts of that State Water Plan is that there were guiding principles in terms of how much water is in the ground, what it means in terms of the safe yield of the water supply that you want to use. Those principles have not been updated since the early 1980's. Mr. Reese said the State Water Plan Update that was just completed in 2009 stopped short of actually giving us those new criteria. We need some current information for all of the people who will be doing this work to understand how to manage water once you have that data. Those are the three components that were laid out by the Task Force. A series of guiding principles and recommendations begin on page 22 to try to accomplish these three main objectives.

Mr. Phillips asked about the Environmental Protection Agency saying that rainwater and puddling would be under the jurisdiction of the Agency. A lot of municipalities were concerned about that because it meant if you were going to clear ditches to get the weeds out, you have to

get a permit. He asked if we know where that's at and if this report reflects on any of that. Mr. Reese said he wasn't aware of the puddling issue. However, from a federal perspective, there is a permitting program that municipalities and counties have to go through for municipal storm sewers if there is any form of conveyance of stormwater. That has been regulated since the early 2000s. Mr. Hayden said what was troublesome was that standing water, no matter how transitory, if it was there for an hour in the morning, then the Agency was concerned about it. Mr. Dougherty said that is part of the national legislation called the Waters of the U.S., which is in limbo. It even goes down to swales. He said it is very onerous. He said the scary part about that is not only does it give the Agency jurisdiction, but it also is going to affect insurance payments, so if you are in one of those areas all of the sudden you are going to have to pay the equivalent of floodplain insurance. Ms. Rader said not only that, every time you want to do something you are going to need a permit from the Army Corps, and that is going to be such a long process because there are not enough Army Corps people out there to handle it. Mr. Phillips said it will affect anyone who has to deal with transient water.

Mr. Repasch asked what the LVPC's role is going forward. Ms. Bradley said because we edited this down and put it in an understandable forum, we have been put on the Task Force this afternoon. This document will also go to the American Planning Association Pennsylvania Chapter as well on behalf of the County Planning Directors Association. Ms. Bradley said this will probably go through several versions of edit, and Mr. Dougherty's Committee will hopefully have some interesting things to say and changes as well. Then hopefully there will be a platform to discuss these issues with the legislative officials through the County Commissioners Association and American Planning Association Pennsylvania Chapter.

Mr. Dougherty said he thinks it is somewhat of an honor that the State Planners chose the Lehigh Valley Planning Commission to be one of the agencies to be working on this. It is a credit to Ms. Bradley for becoming involved with that organization, and it also shows how highly the staff here is held by the other planning agencies statewide.

Transportation Committee

Motor License Fund Update

Mr. Kinney said, on behalf of the Commission, we asked the State to explain the Motor License Fund. It is a state pot of money used for transportation funding and was established in 1984. It is primarily comprised of liquid fuel tax dollars, motor license revenue and fees and motor vehicle fine revenues. It funds construction and maintenance projects on the PennDOT side. It also funds a lot more than that. Mr. Kinney said the fund itself is constructed of two parts. One is restricted dollars, which are dollars that are set aside for earmarked projects. Then you have the non-restricted pot of money. The non-restricted fund portion is the portion that is eligible for everybody including the State Police, PennDOT and other agencies. When Act 89 came in 2013, they expected that the non-restrictive portion would grow by over \$2.3 billion for the five-year period. What has actually happened is less than \$1 billion has been realized at this point. Mr. Kinney said just to give you an idea of what sits in the fund for this fiscal year from a non-restricted standpoint, there is about \$2.8 billion available statewide.

Mr. Kinney said this is why solvency is important. It does a number of things with respect to the region. First and foremost, it is our match money for planning projects that are developed in the Unified Planning Work Program. That is the contract we have with PennDOT, which is a two year contract. We have Motor License Fund dollars to come into that to match our federal money which is an 80-20 match. By keeping that Motor License Fund solvent, we get state money to match those federal dollars, and it is not nearly as hard on the local side to match those federal dollars. The other part is the construction dollars that come out of it. A lot of that

money is sent through our Transportation Improvement Program and Long Range Plan to put construction projects on the ground. As the funding dissolves, we'll see less projects on the ground. Mr. Kinney said there has been a recent conversation at the State level at the House Transportation Committee Meeting on February 8th. Basically they were charged to take a look at the Motor License Fund related to State Police funding to see if there is a way of reconciling what is going on.

Mr. Kinney said, just by a way of background, the Pennsylvania Police Commissioner started that presentation with a little bit of an overview on some of the statistics from the Police Department. There is just short of 5,000 officers statewide covering about 36,000 square miles. The State Police annual budget is about \$1.2 billion a year, \$755 million is drawn from the Motor License Fund, or 75% of their budget. The balance is pretty much from the general fund. Following the conversation from the Police Commissioner, Secretary Richards from PennDOT presented a series of graphs that basically show that this movement of money to the State Police Department will create a non-sustainable infrastructure source going forward in the form of construction projects. Mr. Kinney said the meeting then wrapped up with a couple of transportation industry specialists and the former Secretary of PennDOT basically supporting Secretary Richards. This meeting was quickly followed up by a webinar from PennDOT Central that really kind of put out the same kind of discussion. Mr. Kinney described the PennDOT graphs that cover a 12-year horizon and assumes a 4% increase going forward. The increase has been 8.9% up to this point. Under that conservative estimate you see the State Police portion of the pot grows to \$1.3 billion by 2028. You see the PennDOT maintenance fund being reduced to about \$805 million, and construction dollars are almost non-existent after that 12 year span. Mr. Kinney said the Secretary referred back to the original report that came in with Act 89 that talked about capping the Motor License Fund with respect to the State Police part of it. The next slide assumes a \$300 million cap going forward, so it increases PennDOT maintenance and construction dollars. Mr. Kinney said the next slide looks at a \$500 million cap versus the \$300 million cap and again you can see with the \$500 million cap, maintenance is up over a billion dollars and construction dollars are pushing \$600 million. Then finally the Secretary ended with a slide that was kind of a compromise or a step down if you will. It starts with the \$755 million, steps down to \$625 million and caps at \$500 million. Mr. Kinney said that is the emphasis of the discussion. PennDOT has made it very clear they are not at issue with the police, and they understand how important their services are and it is important to work together to resolve them, but the question going forward is, if there is a cap of say \$500 million, we have that \$255 million gap to offset.

Mr. Molchany said the point is, when Act 89 came in, it was to infuse monies into our local budgets. When he looks at the chart it didn't work. Mr. Kinney said it is not working. They were expecting \$5 billion over the five-year period. They got less than \$1 billion. Ms. Bradley said municipal liquid fuels money is also being affected as well and it is critical to all of your municipal budgets. Ms. Bradley said the critical thing here is so important and she can't say it enough. This is the 20% required match to the 80% federal dollars. If we do not have the 20% match, our local regional funds as well as state funds go to other states to be used. We can't continue projects like the repair of the Fahy Bridge. This also includes money for transit. We can't do things like expand existing LANta service. You certainly can't do things like the Bus Rapid Transit or more sophisticated forms of transportation including interregional rail. The stakes on this getting resolved are critically important to not only the future of our region, but to other regions in the Commonwealth of Pennsylvania.

Mr. Diacogiannis said he assumes the committee that had the hearing fully comprehends this. Mr. Kinney said absolutely. They are struggling with a couple of things. One is where can we find the difference if PennDOT caps this thing. Where is that going to come from and should there be a discussion about looking at police operations and see if there are some ways to get

additional funding? Mr. Molchany said PennDOT Central attended our Transportation Study Coordinating Committee meeting, and they heard loud and clear about that issue. They took it back to PennDOT. He is confident we are doing our share to keep this issue out there. Ms. Bradley said our Lehigh Valley Transportation Study is one of the main reasons this information got released, so the work not only of the Lehigh Valley Planning Commission and the Lehigh Valley Transportation Study has resulted in a response from the State government.

Mr. Kinney said there are two additional hearings coming up very shortly. Mr. Dougherty asked if local representatives are speaking up on our behalf at these meetings. Ms. Bradley said they don't speak up at the meetings, but they speak to us in meetings we have set up with them. Mr. Hozza asked about a change in the formula in 2013. He asked if the reduction in the price of oil and gas is affecting this or not. Mr. Kinney said he doesn't know for sure. Mr. Hozza said consumption is up, traffic is up. People have more disposable income and they are spending it in our stores and restaurants more than we have ever seen. People definitely have money in their pockets. Ms. Wright said they have money in their pockets because they are not paying \$4.00 a gallon for gas. The tax money is going to drop.

Mr. Molchany asked Ms. Bradley if we want to have an LVPC letter sent to our representatives to urge them to do something. Ms. Bradley said we sent a letter prepared several months ago and eventually it got some legs. Ms. Bradley is planning on taking that letter again and to say our position hasn't changed. We think the State Police are important to our community, however we need to have balance. Mr. Hozza asked if we know when this is going to start to impact funding. Ms. Bradley said it already is. Mr. Campbell said are we losing federal funding to other states that could be coming to us. Ms. Bradley said over time, if there isn't a match, it will be reallocated to other states. It is not at crisis point, but it will get to that point if this is not dealt with. Ms. Bradley said a big concern is the impact freight is having on our state roads, local roads and bridges and the like. That impact is only going to increase exponentially, and if we have less money, we are really moving toward a point where we have a crisis. We need to advocate for more balance.

Freight Advisory Committee

Mr. Kinney said the Freight Advisory Committee meeting was held on February 3rd. It was very well attended; we had more than 65 people---standing room only. We had a great cross section of people. We had truck drivers, CDL Driver Training Academy Officials, municipalities, state government, local government, etc. Mr. Kinney said we will have three additional sessions this year. We hope you can all attend or send a representative.

Mr. Kinney said this past meeting we were lucky to have co-chaired by PennDOT from both District 5 and Central offices. We had Chris Kufro from District 5 and Brian Hare from the Central Office. A lot of great ideas came out of the meeting. Mr. Kinney gave a quick synopsis of the first agenda. We did a welcome and introduction and gave a brief overview of the Committee purpose and by-laws. Then we did a quick presentation of the Regional Freight Plan. We had a really good presentation by Dan Walston from the Federal Highway Administration who talked about state and national freight projects. He impressed on the importance of having opportunities to talk about these topics. We received a lot of feedback with additional topics for consideration at future meetings. Mr. Kinney said we are going to have some really good agendas coming forward, a lot of good content and we would really like everybody as involved as possible. Also, we developed a Freight Advisory Committee page for our website. Mr. Kinney presented and reviewed the website page. Ms. Bradley said we have to find a larger facility for future meetings.

OLD BUSINESS – None

NEW BUSINESS

Local Technical Assistance Program

Ms. Bradley said at your place is the Local Technical Assistance Program brochure. It is a partnership with the Pennsylvania Department of Transportation and the Lehigh Valley Planning Commission. We offer free training sessions for largely our public works officials and people working in road crews in the region. We have been doing this since the program started about 12 years ago. This is the first year we have a schedule for the entire year. Some of the fall courses are already full. We had one yesterday on traffic studies and engineering for traffic studies. Most of our classes are very well attended if not full. Also, the ones that are full will be scheduled for the following year so we can continue to help our municipalities and interested parties.

Event Calendar

Ms. Bradley said at your place is a Calendar of Events. This is the first time we scheduled all of our events a year in advance. It includes the LTAP classes, our Planning and Pizza series, our Lehigh Valley Government Academy, which is a key training opportunity for our zoning administrators, zoning hearing board members, municipal planning officials and interested individuals. Ms. Bradley said some key events coming up this year include the second year we are partnering with the Greater Lehigh Valley Chamber of Commerce on a Transportation Summit. Last year's summit had over 200 people. We are hoping to get the U. S. Department of Transportation's Secretary Fox here to speak about issues at the federal level along with other speakers. Many who attend the Transportation Committee know we are strongly promoting multimodalism, so we will have a WalkLV event on June 27th on our sidewalk inventory. Also, we will have Roy Gothie from the Pennsylvania Department of Transportation, who is their Bike and Pedestrian Coordinator, to speak on what the Commonwealth of Pennsylvania will do in terms of ramping up their bike and pedestrian efforts.

We also will have our third Annual Lehigh Valley Planning Commission Gala & Awards on October 4, 2016 over at DeSales University. We will have our Future Lehigh Valley Forum, which is the large public kick-off to our Regional Comprehensive Plan, on December 2nd. We are very close to having a location for that as well. Those are some of the bigger events.

Ms. Bradley said the American Planning Association Pennsylvania Chapter Conference will be here in Allentown. It is the largest concentration of planners in any given space. Ms. Calluori and Ms. Pandl are co-chairing the event. Ms. Pandl said we are expecting 500 planners and are hoping people from our region will attend. She said we will have two really great keynote speakers. One is Mitchell J. Silver who agreed to do the keynote for our Monday morning session. He is the Commissioner of the New York City Department of Parks and Recreation and past President of the American Planning Association. We will also have a transportation planner with a broad background from Philadelphia. There will be awards presented for great places in Pennsylvania. There is an application on the APA PA Chapter website to nominate your municipality's projects. The event will be held on October 16-18. The 16th is a Sunday and that will be mobile workshops.

Planning + Pizza

Ms. Bradley said we had our first Planning & Pizza session of the year on Wednesday of this week. We had 31 attendees on the Housing Market Report. We do the most detailed analysis of the housing market in the entire region. Our next session is at the beginning of April on Integrated Water Resources Management. On May 25th we have "Show Us the Money",

and we are going to talk about how transportation funding actually works. We have these meetings scheduled roughly once a month through the rest of the year.

CORRESPONDENCE

Second Harvest Food Bank

Ms. Bradley said we sent a donation to the Second Harvest Food Bank from our Jeans for a Cause fund, and we received a thank you letter that is on page 11 of the agenda attachments.

EXECUTIVE DIRECTOR'S REPORT

Lehigh Valley Business Real Estate & Development Symposium 2016

Ms. Bradley informed the Commission that we were invited to be part of the Lehigh Valley Business Journal's Real Estate & Development Symposium on March 9th at DeSales University. This brings out largely private sector individuals, but we will give a report on where all the development is happening and what type of development is happening. It is a great opportunity for us to showcase what the Lehigh Valley Planning Commission does and inform people of what is actually happening now and in the next couple of years.

Lehigh Valley Mayor's Forum: Next Generation Sustainable Cities and Suburbs

Ms. Bradley said the Lehigh Valley Mayor's Forum: Next Generation Sustainable and Suburbs was held a couple of weeks ago. We were able to hear what our Mayors are doing on sustainability as well as things like recycling. It was really interesting to see how the communities work as a whole.

Ms. Bradley said we are working on another Return to Environment event with the Wildlands Conservancy. When we get the details for that, we will let you know.

ADJOURN

Mr. Molchany made a motion to adjourn the meeting. Ms. Dreisbach adjourned the meeting.

Submitted by,

Kathleen Sauerzopf for
Becky Bradley, AICP
Executive Director