

# Memo



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*August 25, 2016*

## **MINUTES**

The Lehigh Valley Planning Commission met for their regularly scheduled meeting on Thursday, August 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**

Percy Dougherty  
Steven Glickman  
Kent Herman  
Edward Hozza  
Christina Morgan  
Sara Pandl  
Stephen Repasch  
Kevin Schmidt  
Julie Thomases  
Donna Wright

#### **Northampton County**

Gordon Campbell  
Eugene Clater  
Liesel Dreisbach  
Charles Elliott  
George Gemmel  
Tim Herrlinger  
Robert Lammi  
Shawn Martell  
Thomas Nolan  
Pamela Pearson  
Hayden Phillips  
Michael Reph

***Members absent:*** Karen Duerholz, Armand Greco, Richard Molchany, Steven Neratko, Brad Osborne, Kathy Rader, Christen Borso, John Diacogiannis, Darlene Heller, Kevin Lott, Lynn Prior and Tina Roseberry

***Staff present:*** Becky Bradley, Geoff Reese, George Kinney, Eric McAfee, Sue Rockwell, Tracy Oscavich, Tamara Mittman, John von Kerczek and Whitney Burdge

***Public Present:*** Lou Gombocz, Jr., WFMZ

***COURTESY OF THE FLOOR*** – None

**MINUTES**

After a brief review, the minutes of the July 28, 2016 meeting were moved for approval by Mr. Herrlinger. Mr. Nolan seconded the motion. The motion carried with Mr. Elliott, Mr. Lammi and Mr. Martell abstaining.

**CHAIRWOMAN'S REPORT**

Ms. Dreisbach welcomed Mr. Martell, who was appointed to represent the City of Bethlehem at LVPC meetings.

**COMMITTEE REPORTS*****Comprehensive Planning Committee******BUILDLV: Annual Development + Outlook Report***

Ms. Bradley said every year we prepare an annual development report that summarizes all development activity in the region. The LVPC is the only entity that sees every subdivision and land development in the region. The current report summarizes 2015 activity and provides an outlook of the first six months of 2016 and where we think development will occur. In comparison to 2014, 2015 saw an increase (7%) in the number of plans received, a 16.5% increase in the number of approved residential units, a 27.3% increase in approved non-residential square footage, a 50.5% increase in approved residential subdivision acreage and a 12.2% decrease in approved industrial development square footage. We received 193 plans in Northampton County and 218 plans in Lehigh County. Ms. Bradley said 48% of the final plans received did not involve development, such as lot line adjustments, 22% were for residential development and 30% were for non-residential development. This is about the third year where we have seen the amount of residential development as being less than other forms of development. During the power point presentation, Ms. Bradley discussed a map showing the number of plans received by municipality. The City of Bethlehem had the highest number of plans followed by the City of Allentown and Upper Macungie Township.

Mr. McAfee discussed the categories of residential housing types that we track for the report. He said, while mobile homes and planned residential developments are two of the eight categories, we have not seen them in a long time. Apartments account for nearly half of residential development. What we haven't seen much of is single family detached development. We have been seeing more of condos and a fair amount of assisted living. Assisted living is the densest development, followed by apartments. However, single family development proposals covered almost 88% of the approved residential land area. High density development is not only occurring in both the cities and boroughs, but also the townships. Mr. McAfee reviewed the top ten largest approved residential developments. These top ten developments totaled 1,108 units, with 643 of those units being part of age-restricted development.

Mr. McAfee discussed the categories of non-residential development. Non-industrial space accounted for 39% of the total square footage, while 61% was for industrial development, which is less than the square footage from 2014 (over 80%). He said industrial development accounted for only slightly more than half of approved non-residential acreage. He discussed the top ten approved non-residential developments.

Mr. McAfee said we also looked at plan review activity and the unemployment rate to see if there is any correlation between the activity and the strength of the economy, as measured by

the employment rate versus plans reviewed. By the end of 2008, unemployment surged at the same time development activity saw a slowdown. Over the next few years, we saw high unemployment and a low number of plans. During the past three or four years, unemployment was down by nearly half, while the number of plans, both proposed and approved, has not shown much recovery.

Mr. Clater said in Allen Township many plans were approved in 2007-2008 but were never built, so there's a huge backlog. He said there is a lot of pent up demand that when released, will not result in new plan reviews. Ms. Bradley said those approvals are only good for a short time. Ms. Pandl said the approvals expired on July 2.

Mr. McAfee said multi-family development is driving the housing recovery, which changed dramatically since 2006 when residential development was mostly single family, twins and townhouses. Now, the development we are seeing is mostly apartments, assisted living and condos. Based on ten years of residential activity, Upper Macungie Township has the highest amount of residential activity, followed by Allentown. As far as non-residential development, industrial has been the most dominant type of development based on square footage over a ten-year period, with the City of Bethlehem having the highest amount of square footage, followed by Lower Nazareth Township.

Ms. Bradley discussed the Land Use Map from the current Comprehensive Plan and said we are going to talk more about how we are going to update this plan. She showed some time lapse slides where development has occurred since 2000. She said we will be talking more in depth on development activity at the September 7 event being held at ArtsQuest at SteelStacks in partnership with the Urban Land Institute. The full report will be released at the event. She said we have received many questions over the past years related to freight and freight-related development. We have learned there are a lot of misconceptions about warehouse and commercial development. We have put together a panel of experts that hopefully can answer these questions.

#### *Moore Township/Chapman Borough – Martyn/Beal Lot Line Adjustment – County SALDO Consideration*

Mr. McAfee said this is a simple lot line adjustment. The existing dwelling is located in Chapman Borough, but the lot line adjustment is taking place in Moore Township. The lot line is being adjusted to include the driveway. Nothing is actually happening in the Borough. The site plan is shown on pages 8-9 of the agenda attachments. Moore Township submitted the plan. Chapman Borough was unaware of the proposal. This is a municipally-driven subdivision and County Subdivision and Land Development Ordinance (SALDO) process. Per LVPC Counsel, this is considered a minor lot line adjustment under the County SALDO. As per the County SALDO, this proposal had to be reviewed with both the Comprehensive Planning Committee and Commission. However, due to the 30-day review period requirement, the review letter (on page 7) had to be sent out with a notification that further comments may be provided based on both Committee and Commission review. Ms. Wright made a motion to approve the comments. Mr. Lammi seconded the motion. The motion carried unanimously.

#### *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. Herrlinger seconded the motion. The motion carried unanimously.

***Environment Committee******PennEast Pipeline – Draft Environmental Impact Statement***

Mr. Reese said we've been aware of this project for over a year now. PennEast is proposing to construct a natural gas pipeline that will begin in Luzerne County, Pennsylvania, pass through a good portion of Northampton County, and end in Mercer County, New Jersey. He identified the proposed pipeline route on a map. He said we saw this project as a County Land Use Consistency review in March 2016 that was reviewed with both the Environment Committee and Comprehensive Planning Committee. A draft review letter of the Environmental Impact Statement (EIS) is at each Commission member's place.

Mr. Reese said one of the key takeaways from the EIS is that PennEast has to meet all federal and state regulations. Also, they have to conduct surveys of all properties to identify impacts and mitigation actions. Not all surveys have been completed. In the March review, we identified key features intersected by the pipeline. These features are shown in bold, black text in the current draft letter. Mr. Reese briefly identified key findings related to these features. He said that, even though PennEast claims to have adjusted the pipeline route to avoid impacts, the route hasn't been changed in Northampton County since our March letter. It is not clear that PennEast has fully considered our concerns. Additionally, many surveys and mitigation plans have not been completed. Therefore, we find the proposed pipeline project to be inconsistent with the County Comprehensive Plan.

Mr. Reese said, since Tuesday's Committee meeting, we added text on the Bethlehem Authority and its water supply and facilities per Committee request. We urge PennEast and the Federal Energy Regulatory Commission (FERC) to work with the Authority to minimize impacts to the water supply and infrastructure. He said comments are due to FERC by September 12. Since there is some time before the comments are due, we still plan to complete land use and historic resource analyses that we will include in the final letter. Tonight, we are looking for approval of the concept of the letter and authorization to finalize the letter. Mr. Repasch made a motion to approve the concept of the letter and authorize finalization of the letter. Mr. Gemmel seconded the motion. The motion carried with Mr. Elliott abstaining.

***Reviews***

Mr. Repasch said there are two summary sheet items on pages 11-13 of the agenda attachments. Mr. Repasch made a motion to approve the comments. Mr. Nolan seconded the motion. The motion carried with Mr. Hozza and Mr. Herman abstaining.

***Transportation Committee******Congestion Management Process***

Mr. Kinney said the Congestion Management Process is an analysis of congested corridors that are modeled through the Regional Travel Demand Model. We started with a base year of 2017 for congested corridors and considered project implementation and population growth to project future congested corridors through 2040. He said staff presented the report at last month's meeting. Since then, corrections have been made to the report, and an updated copy is at each Commission member's place. Mr. Clater asked if there is a public comment period. Mr. Kinney said there is no requirement for public comment; the report is an internal evaluation tool. Mr. Hozza made a motion to approve the report. Mr. Gemmel seconded the motion. The motion carried with Mr. Martell abstaining.

*Notice of Proposed Rulemaking: Metropolitan Planning Organization Coordination + Planning Area Reform*

Ms. Bradley said the U.S. Department of Transportation has proposed a new rule. Whenever they propose a new rule, they publish it in the Federal Register and allow for comments. We had about 60 days for review. Comments are due tomorrow. The rule would affect 142 out of 490 Metropolitan Planning Organizations (MPOs) nationally. The Lehigh Valley Transportation Study (LVTS) is the federally designated MPO for the region.

Ms. Bradley said the proposed rule requires overlapping urbanized areas to develop single long range transportation plans and transportation improvement programs. It also allows a governor to exempt overlapping urbanized areas. Ms. Bradley handed out two maps and discussed how the proposed rule would affect the region. The first map shows how our urbanized area extends into Berks, Carbon and Monroe counties and Quakertown, Bucks County in Pennsylvania and Warren County, New Jersey. We have cooperative agreements with the MPOs in these areas. The second map shows the Lehigh Valley in context with other large areas like New York City. She said we are very close to the Philadelphia MPO region that is managed by the Delaware Valley Regional Planning Commission (DVRPC), which is a bi-state MPO extending into Camden, Burlington and Gloucester counties in New Jersey. Other nearby MPOs include the top of New Jersey, which is managed by the North Jersey Transportation Planning Authority (NJTPA), Berks County, Northeastern Pennsylvania Alliance, New York City, Connecticut and Delaware.

Ms. Bradley said the rule would create a nine-state long range transportation plan, however; it can't dismantle LVTS. In a 20-year time horizon, we would be working with Lackawanna/Luzerne, Harrisburg, Reading, Lancaster and York MPOs. The rule is applied across state lines as well. It will affect our ability to plan, as well as all State Departments of Transportation in one of these urbanized areas. It requires a single long range transportation plan—we will no longer have our own plan. We would also have a single transportation improvement program. She said we would have to jointly establish performance targets and aren't sure what other coordination or the costs for implementation will be. No affected MPOs want this.

Ms. Bradley said we don't believe there is a clear purpose for this. It is not related to any legislative change. We don't believe there is any documentation of existing coordination problems. Similar past efforts have failed. She said we may have to compete with New York City for funding. The rule could also reduce the influence of local voices in larger arenas. The impacts to disadvantaged communities are unclear. There could be significant air quality impacts. It disinvests and limits opportunities for public involvement. We are unclear about freight planning and public transportation impacts or funding formula adjustments that may take money from the region.

Ms. Bradley handed out two packets. She said in the first packet is our response to the Federal Docket that was discussed at last week's Executive Committee meeting. The letter outlines our concerns and how the MPOs are already working well together. The letter was signed by all Executive Committee members and the County Executives. The second letter is a joint letter from the LVPC and NJTPA that went out today outlining the same concerns. The third letter in the packet is a joint letter from the LVPC, DVRPC, Berks County MPO and the Lancaster County Planning Commission. She said we also just came to an agreement today with the Lackawanna/Luzerne Transportation Study and the Northeastern Pennsylvania Alliance, and a joint letter will go out tomorrow.

Ms. Bradley said we spoke to our MPO partners and regional/local partners on a phone call with 33 people on Monday. We coordinated a significant response, which includes Congressman Dent; Representatives Schweyer, Schlossberg and Simmons; Senator Pat Browne; Lehigh and Northampton County Executives; Lehigh County Commissioners; the Mayors of Allentown and Easton (Bethlehem is working on a letter); Lehigh Northampton Airport Authority, Pennsylvania Department of Transportation and the Greater Lehigh Valley Chamber of Commerce. Some of these letters are included in the second packet. She said the U.S. House of Representatives' Committee on Transportation and Infrastructure submitted a letter on the docket basically stating they think the proposed rule is illegal. There is significant opposition to this.

Ms. Bradley said that comments are due tomorrow. A final ruling is expected this fall. States would have two years to adjust boundaries, if required, with completion by fall 2018. When the Census is done in 2020, we would have to do this again, and for every Census after that if this goes forward. Mr. Campbell asked who has final approval of this rule. Ms. Bradley said Secretary Fox of the U.S. Department of Transportation. Unless legal action is taken, she thinks he can unilaterally establish this rule. The Governor would be key to keeping the boundaries we have. She said the engineering and planning community have also come out against this, including the American Association of State Highway and Transportation Officials, American Association of Metropolitan Planning Organizations, National Association of Regional Councils and National Association of Development Organizations.

***OLD BUSINESS – None***

***NEW BUSINESS***

*Lehigh Valley Government Academy*

Ms. Oscavich said the fall season will begin in September with the Community Planning course, which is almost full. The course will be held on September 7, 14 and 21. In October, we will have the Zoning course, and the Subdivision + Land Development course will be held in November.

*Local Technical Assistance Program*

Ms. Oscavich said a number of classes are coming up in September. We partner with PennDOT on the courses, which are free.

*Get Outdoors PA Festival*

Ms. Oscavich said Lehigh Valley Greenways and Senator Mario Scavello are partnering on the festival this year. LVPC staff will be attending the event, which will be held on September 24 at Jacobsburg Environmental Education Center.

*Lower Milford Township 14<sup>th</sup> Annual Fall Festival*

Ms. Oscavich said LVPC staff will also be attending the Lower Milford Township 14<sup>th</sup> Annual Fall Festival on September 24 to discuss the Southwestern Lehigh County Multimunicipal Comprehensive Plan with the community.

*Lehigh Valley Awards + Gala*

Ms. Oscavich said on October 4 we will be holding our annual gala and awards. An invitation was sent to each Commission member.

*American Planning Association-Pennsylvania Chapter 2016 Annual Conference*

Ms. Oscavich said the annual conference is being held October 16-18 in Allentown. LVPC staff will be presenting at five of the sessions.

*FUTURELV Forum: Regional Comprehensive Plan*

Ms. Bradley said there is a flyer at each Commission member's place. The December 2 event is the kick-off for the Regional Comprehensive Plan update. Commission members will be key to moving this effort forward. She said the purpose of a comprehensive plan is to look at what our future is going to be. The icons on the flyer represent some of the future forces that are affecting us now and will continue to do so in the future. Our hope is to have a broad-based discussion with the community on where they think we should go and how they think we should get there. Ms. Bradley said Mr. Kinney, Director of Education at the Discovery Channel, as well as the director of the World Wildlife Fund, will be speaking at the event. We are lining up additional speakers as well to provide a good introduction on where we fit in the world.

**CORRESPONDENCE** - None**EXECUTIVE DIRECTOR'S REPORT***Municipal Professionals Meeting*

Ms. Bradley said we have a meeting scheduled with our communities on September 1 regarding the Medical Marijuana Act and what the Act means to them. In addition, we will be providing an overview of the municipal planning process as it relates to the Municipalities Planning Code requirements for county review of comprehensive plans and ordinances.

**ADJOURN**

Ms. Wright made a motion to adjourn the meeting. Mr. Herrlinger seconded the motion. Ms. Dreisbach adjourned the meeting.

Submitted by,

Susan Rockwell for  
Becky Bradley, AICP  
Executive Director