

LEHIGH VALLEY PLANNING COMMISSION
Municipal Planning Code Amendments Working Group Meeting
DRAFT Minutes from the Friday, December 17, 2021
In-Person

The Municipal Planning Code Amendments Working Group met in person on Friday, December 17, 2021 at 10:00 am.

Members in Attendance:

Gary Asteak, Attorney	Diane Kelly, South Whitehall Township
Hannah Clark, Michael Baker International	Kristin Mullen, Upper Nazareth Township
John Diacogiannis, Hanover Township (NC)	Brad Osborne, South Whitehall Township
Jay Finnigan, Hanover Township	Tom Petrucci, Plainfield Township
Bradford Flynn, Borough of Bath	Amanda Raudenbush, Bethlehem Township
John Gallagher, Bethlehem Township	Mark Saginario, Tatamy Borough
Sunny Ghai, Upper Macungie Township	Samantha Smith, Bethlehem Township
Robert Hammond, Borough of Emmaus	Lori Stauffer, Lower Nazareth Township

LVPC Staff Present: Ms. Benco, Ms. Bradley, Ms. Ferguson and Ms. Seitz.

Ms. Bradley called the meeting to order.

Minutes:

Ms. Bradley began the Municipal Planning Code Amendments Working Group Meeting. The group will outline changes to the Pennsylvania Municipalities Planning Code (MPC) and identify areas where local governments need support in sharpening the tools they have now. Then, the group will develop a single legislative platform for all levels and types of governments, as well as an educational strategy to support better decision-making. The working group, in 2022, will begin their advocacy for change. This is the third meeting planned to develop the draft platform.

Recap of Representative Flood Meeting

The group requested a recap of the meeting with Representative Ann Flood that occurred on Tuesday, December 7th. Ms. Bradley mentioned the parties that were in attendance, including representation from over 20 communities in the region. Ms. Stauffer described the clarification of the working group's message for changes to the MPC, and added that the municipal leaders at the meeting reinforced that the working group is not concerned with amending the fair share or exclusionary zoning components of Pennsylvania law. Mr. Petrucci added that the meeting opened the conversation with the Representatives about the municipalities' concerns, and made way for future discussion when the platform is fully developed. Ms. Bradley mentioned that the future strategy will vary a bit after the meeting and that the platform must contain examples to make it easier to understand and communicate.

Draft Legislative Platform

Ms. Bradley provided a brief overview of the MPC Amendment Goals and the Working Group Goals. Ms. Stauffer asked to rephrase a portion of the MPC Amendment Goals to include new tools, such as impact fees based on school districts, emergency management, etc.

Underneath the Working Group Goals, a bullet point was added to "educate and garner support from associated organizations and any relevant stakeholders".

Ms. Bradley provided an overview of the Legislative Priority Issues and discussed them one-by-one with the group.

- ***Revise the required procedural timelines to enable a project to be thoroughly reviewed and coordinated between all the local, county and state entities required for the review. Ensure that review by regulatory agencies is coordinated and not piecemeal.***
 - Mr. Petrucci provided an example from Hanover Township regarding PennDOT scoping meeting criteria during the land development process. He explained that after a scoping meeting with PennDOT, there were changes made to a land development proposal. After the changes were made, the scoping data was not accurate to the amended project. He emphasized that the traffic counts and scoping meeting details should have been amended after the proposal had been altered.
 - Ms. Bradley mentioned an example from LVPC in which a project was given conditional use approval by a municipality before LVPC was able to review or provide comment on the project. She explained that the municipality went against their own comprehensive plan without LVPC comment.
 - Mr. Petrucci provided another example involving the review timing of outside agencies, such as DEP. He mentioned cross-agency issues and timelines not being coordinated in the review process. Specifically, in the NPDES approval process, the stormwater facilities may change based on the Conservation District review, but the municipality may have already provided conditional use approval without the Conservation District comments and changes.
 - Possible solutions were discussed for these examples, which included increased education and training on review processes. Mr. Asteak offered a potential solution to coordinate with outside agencies on timing issues. Ms. Bradley summarized that the main problems are coordination with outside agencies and mentioned that when reopening the land development process, court challenges could present difficulties.
- ***Provide county and regional planning commissions with greater regulatory authority to better support municipalities and improve coordination at a regional level.***
 - Ms. Stauffer provided an example of a local project in which the proposal would have caused offsite impacts outside of the development area. She explained that an offsite bridge would have been inadequate for a nearby development, which was noted by the LVPC in their review, but that the developer would not be required to fix their damage because it is not within the constraints of the project.
 - Ms. Bradley mentioned that issues arise when municipalities do not fully listen to the guidance of the LVPC. She acknowledges the Land Use of Regional Significance meetings, held by the LVPC, that coordinate multiple agencies on regionally significant projects.

- Ms. Bradley addressed a possible solution to amend the language in the MPC to strengthen multi-municipal plans.
- Ms. Bradley mentioned that LVPC would be pulling useful practices and examples from other states such as Florida and New Jersey on possible solutions.
- ***Enable communities to charge a variety of impact fees based on actual impacts generated by a built development and land use, to cover the costs of maintaining the health, safety and welfare for all.***
 - The group mentioned that the current fees are too small and inadequate.
 - Ms. Stauffer mentioned adding schools to the list for types of impact fees. Additionally, multiple environmental impacts were added to the list by the group.
 - Ms. Bradley mentioned an example of communities approving industrial development over a housing project for the fear of additional children in their school district.
 - Mr. Petrucci emphasized that the impact fees should include regional impacts, not just local impacts in the municipality of the land development.
 - Mr. Asteak added that the current traffic impact fees in the MPC should be looked at and then a program should be developed for each impact fee issue based off of how the traffic impact fees are set up now.
 - Ms. Bradley asked if there should be clusters of impact fees or if there would be too many fees.
 - Mr. Asteak emphasized that as long as the municipalities have the option to use a certain impact fee, it can be helpful. The municipalities are not required to use them, they will just have them available so it would not be too much.
 - Mr. Ghai suggested looking at other state's impact fees for possible solutions.
 - Ms. Raudenbush reinforced that the municipalities need to have the ability to properly utilize the impact fees.

Future Planning and Actions

Ms. Bradley asked for working group members to provide specific examples for issues to help develop the platform. She reinforced that as a result of the group's discussion at the Representative Flood meeting, the platform needs real-life examples of issues that occur in the municipalities and real-life solutions. These examples are key to the communication and effectiveness of the platform. Ms. Seitz offered possible dates in January for the next Municipal Planning Code Amendments Working Group Meeting, which included January 28th, 2022 at 10:00am.

Ms. Bradley mentioned that she has had conversations with other County Planning Commissions throughout Pennsylvania on their interest in seeing and supporting the platform. Mr. Asteak asked when other entities and outside organizations should be included in the

discussion. Ms. Bradley mentioned that greater Pennsylvania entities can be brought into the platform and conversation soon, once the platform is developed.

Adjourn

Ms. Bradley ended the meeting.

Next Meeting: Friday, January 28, 2022, at 10:00 am on Microsoft Teams (virtual)

Submitted by,
Becky Bradley, AICP Executive Director
Julie Benco, Senior Advisor

DRAFT