



DR. CHRISTOPHER R. AMATO
Chair

CHRISTINA V. MORGAN
Vice Chair

ARMANDO MORITZ-CHAPELLIQUEN
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

COMPREHENSIVE PLANNING COMMITTEE MEETING
Tuesday, March 26th, 2024, 12:00 noon
AGENDA

THE MEETING CAN BE ACCESSED AT <https://tinyurl.com/LVPC2024> OR VIA PHONE 610-477-5793 Conf ID: 928 251 831#.

Roll Call

Courtesy of the Floor

Ordinance/Plan Reviews and Information:

1. *ACTION ITEM:* Allen Township – Land Use of Regional Significance – Northampton Business Center (BH, BGR)
2. *ACTION ITEM:* Weisenberg Township – Zoning Ordinance and Subdivision and Land Development Ordinance Amendment – Codification 2024 (JS)
3. *ACTION ITEM:* City of Bethlehem – Curative Amendment – Building Length in Limited Commercial Zoning District (JS)
4. *ACTION ITEM:* Palmer Township – Curative Amendment – Manufactured/Mobile Home Parks (JS)
5. *ACTION ITEM:* Walnutport Borough – Zoning Ordinance Amendment – Bed and Breakfast (JD)
6. *ACTION ITEM:* East Allen Township – Zoning Ordinance Amendment – Intensive Agriculture Conditional Uses (JS)

Next Comprehensive Planning Committee Meeting:
April 23, 2024 at 12:00 pm



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BECKY A. BRADLEY, AICP
Executive Director

March XX, 2024

Mr. David Austin, Chair
Allen Township Planning Commission
4714 Indian Trail Road
Northampton, PA 18067

**Re: Northampton Business Center Lot 3 – Land Use of Regional Significance
Allen Township
Northampton County**

Dear Mr. Austin:

The Lehigh Valley Planning Commission (LVPC) will consider the subject application at its Comprehensive Planning Committee and Full Commission meetings, under the requirements of the Pennsylvania Municipalities Planning Code (MPC). The meeting details include:

LVPC Comprehensive Planning Committee Meeting:

Tuesday March 26th, 2024, at 12:00PM

- <https://lvpc.org/lvpc-meetings>

LVPC Full Commission Meeting:

Thursday, March 28, 2024, at 7:00PM

- <https://lvpc.org/lvpc-meetings>

The application is considered a Land Use of Regional Significance under *FutureLV: The Regional Plan* in the Warehouse, Logistics and Storage Facilities, Freight Facility, Local Freight Generator category. The application proposes construction of a 295,760-square-foot warehouse with associated improvements with loading docks, tractor-trailer parking and a parking lot on Lot 3 at 2893 Howertown Road (PINS L492A & L493).

The LVPC offers the following comments:

Site Access

The proposed facility is located across State Route 3017 “Howertown Road” from the Northampton Business Center complex. At the date of this review, this complex is under construction and partially operational. The existing Northampton Business Center on the east side of Howertown Road has an associated truck courtyard “staging area” centrally located. The LVPC recommends signage to notify commercial vehicles waiting or needing

to stage that these spaces are available. The spaces in this staging area have electrical hook ups to allow certain trucks to not run internal combustion engines while staged and waiting. This supports Policy 2.2 of *FutureLV: The Regional Plan* by capitalizing on existing infrastructure', 'reducing transportation-related emissions and 'climate change impacts through mitigation' (Policy 3.4).

The LVPC encourages developers of these sites to address the escalating need for overnight tractor-trailer parking and staging space. Providing staging, parking, and designated rest areas for truck drivers would mitigate the growing unmet need in the region of truck drivers running out of hours and parking in less desirable locations.

Emergency Access

The LVPC commends the inclusion of emergency access drives on the western north and south sides of the proposed building which enhances planning and emergency response (of Policy 5.1). The LVPC strongly recommends that the utilization and operation of these access drives be clarified to support planning for emergency management and maintenance, especially in the event of an emergency or winter weather event (of policies 2.2).

Transportation Network Mobility

Truck parking and passenger vehicle parking lots should be prepared for the future of electric vehicles by providing the necessary vehicle charging infrastructure that may be required. The LVPC recommends that passenger vehicle parking lots for the project should also include charging infrastructure as the emergence of electric vehicles becomes more prevalent (of Policies 2.5, 3.2 and 3.4).

Multimodal Transportation Considerations

The LVPC strongly recommends that sidewalks be added leading to Howertown Road and the access point across from Cesanek Road and that sidewalks be included from the Liberty Drive existing sidewalks to the western side of the proposed building. The LVPC recommends pavement marked crosswalks and pedestrian crossing signage across Howertown Road leading the established sidewalks along Cesanek Road. These additions would support Policy 5.1 to 'promote safe and secure community design', 'create community spaces that promote physical and mental health' (Policy 5.3), and 'strengthen sidewalk, bike route and trail infrastructure' (of Policy 5.3).

Bicycle Rack

The LVPC recommends that a bicycle rack be included into the development plans. For many people a bicycle is their primary mode of transport. The inclusion of a bicycle rack would help to ensure transportation accessibility for all persons, (of Policy 5.2), by integrating mixed-transportation into the development plans (of Policy 5.2). Many people use public transportation in whole or in part in combination with a bicycle for their commutes and adding a bicycle rack would help to 'improve connections between bus stops and bicycle infrastructure' (of Policy 5.2).

Farmland Preservation Area

This location is within a farmland preservation area and is on the boarder of a development area as shown in the following image. Farmland preservation areas are areas that are predominantly agriculture and are recommended to remain agriculture. The types of uses recommended in these areas include agriculture and related housing and businesses, parks and open space, and housing not related to agriculture on a very limited scale.



The parcels proposed for development are indicated above with orange stars. Gray shading indicates a development area while green shows high level farmland preservation areas based on the General Land Use Map.

Agricultural Lands

The southernmost parcel of the two parcels in this proposal are agricultural lands. The LVPC supports the 'preservation of farmland to maintain rural character and provide open space' (Policy 3.3) and encourages 'preserving farmland of all sizes, when possible' (of Policy 3.3).

Character-Defining Area

Both parcels are within a character-defining area. These areas represent the natural and scenic character of the Lehigh Valley as a simplified version of the Natural Resources Plan, with highest elevation areas representing scenic resources. The types of uses recommended are parks and open space, woodlands, agriculture, and low-intensity, limited-scale development that preserves natural and scenic resources.

Karsts

Mapping provided by the Bureau of Topographic and Geologic Survey at the Pennsylvania Department of Conservation and Natural Resources indicates the extensive presence of karsts in the form of surface depressions on the site. The LVPC advises the applicant to ensure proper geotechnical testing prior to any land development, to 'minimize environmental impacts of development to protect the health, safety and welfare of the public' (Policy 3.2).

Stormwater Review

The project site is located within the Hokendauqua Creek watershed. This watershed has a fully implemented Act 167 Stormwater Management Ordinance. Comments relative to our review of the project's stormwater management plan are included as attachment 1.

The LVPC encourages the developer to consider opportunities for incorporating sustainable energy systems that reduce overhead operational costs and 'minimize environmental impacts of development' (Policy 3.1), such as geothermal energy systems, solar panels and greywater reuse for irrigation and plumbing. Incorporating sustainable practices to help to 'reduce climate change impacts' (Policy 3.4)."

Municipalities, when considering subdivision/land developments, should reasonably attempt to be consistent with *FutureLV: The Regional Plan*, as required by the Pennsylvania Municipalities Planning Code (MPC) [Article 1§105, Article III§303, §304 & §306(a), Article VI§603(j)].

The LVPC review does not include an in-depth examination of plans relative to subdivision design standards or ordinance requirements since these items are covered in the municipal review.

Sincerely,

A handwritten signature in blue ink that reads "Bambi Griffin Rivera". The signature is fluid and cursive.

Bambi Griffin Rivera
Senior Community and Regional Planner

A handwritten signature in blue ink that reads "Brian Hite". The signature is more compact and stylized than the one above.

Brian Hite
Transportation Planner

cc: JW Developer Partners c/o Eric Scheler, Applicant;
The Pidcock Company / Brent Tucker, PE, Project Engineer/Surveyor;
Stan Wojciechowski, Township/Borough Engineer;
Denjam Khadka, LVPC Senior Civil/Environmental Engineer;
Steve Neratko, LVPC Chief Community and Regional Planner;
Geoffrey A. Reese, PE, LVPC Master Planner and Engineer



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Vice Chair

ARMANDO MORITZ-CHAPELLIQUEN
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

March 18, 2024

Mr. Brian Carl, Manager
Weisenberg Township
2175 Seipstown Road
Fogelsville, PA 18051

**RE: Zoning Ordinance Amendment – Codification 2024
Subdivision and Land Development Ordinance Amendment – Codification 2024
Weisenberg Township
Lehigh County**

Dear Mr. Carl:

The Lehigh Valley Planning Commission (LVPC) will consider the subject application at its Comprehensive Planning Committee and Full Commission meetings, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). Discussion on agenda items primarily takes place during the Committee meeting. Both meetings will be virtual and held on:

- LVPC Comprehensive Planning Committee Meeting
 - March 26, 2024 at 12:00 PM
 - <https://lvpc.org/lvpc-meetings>
- LVPC Full Commission Meeting
 - March 28, 2024, at 7:00 PM
 - <https://lvpc.org/lvpc-meetings>

The subject application proposes to codify existing, at-large Township ordinances into a single comprehensive code of Township ordinances. The Ordinance also consolidates certain provisions of the Township ordinances. LVPC’s review of the codification ordinance pertains to specific revisions to the Township Subdivision and Land Development Ordinance or SALDO (Chapter 425) and Zoning Ordinance (Chapter 500) at time of adoption of code.

Amendments to the Township SALDO and Zoning Ordinance are reviewed separately below:

Subdivision and Land Development Ordinance Revisions

The proposed revisions to the Township’s SALDO are largely for organizational purposes, ensuring that cross-references to other sections of the ordinance are correct, and to update references and information, such as the definition of “Comprehensive Plan” to reference the Northern Lehigh Multi-Municipal Comprehensive Plan recently adopted by the Township in 2022.

Zoning Ordinance Revisions

Similar revisions and updates are proposed to the Township's Zoning Ordinance, including modernized references and language clarifications. While the revisions to the SALDO and Zoning Ordinance through the codification process are minor and do not substantially change the original ordinance, the LVPC commends the Township for consolidating and reorganizing its code into a single uniform format, a best practice in improving its usability and for managing municipal regulations (of Policy 1.4).

Municipalities, when considering ordinance amendments, should reasonably attempt to be consistent with *FutureLV: The Regional Plan*, as required by the Pennsylvania Municipalities Planning Code (MPC) [Article 1§105, Article III§303, §304 & §306(a), Article VI§603(j)].

The LVPC has copied representatives of the Northern Lehigh Multi-Municipal Comprehensive Plan to further 'coordinate land use decisions across municipal boundaries' (Policy 1.4). If you have any questions regarding the content of this letter, please do not hesitate to call.

Sincerely,



Jillian Seitz
Senior Community Planner

CC: Dan Stevens, Slatington Borough Manager; Tammy White, Lynn Township Supervisor; Janice Meyers, Heidelberg Township Administrator; Jill Seymour, Lowhill Township Secretary; Wade Marlatt, Washington Township Manager



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ARMANDO MORITZ-CHAPELLIQUEN
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

March 12, 2024

Ms. Stephanie J. Steward, Solicitor
City of Bethlehem City Council
10 E. Church Street
Bethlehem, PA 18018

**RE: Curative Amendment – Building Length in Limited Commercial Zoning District
City of Bethlehem
Lehigh and Northampton Counties**

Dear Ms. Steward:

The Lehigh Valley Planning Commission (LVPC) will consider the subject application at its Comprehensive Planning Committee and Full Commission meetings, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). Discussion on agenda items primarily takes place during the Committee meeting. Both meetings will be virtual and held on:

- LVPC Comprehensive Planning Committee Meeting
 - March 26, 2024 at 12:00 PM
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The Pennsylvania Municipalities Planning Code outlines procedures for landowners who desire to challenge, on substantive grounds, the validity of a zoning ordinance, map or any provision thereof which prohibits or restricts the use or development of land in which they have an interest (§609.1 and §916.1).

The Petitioner has submitted 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.

The Petitioner, also the property owner of the above-mentioned tract, desires to develop the site with a residential apartment use permitted as Multi-Family Dwellings in the City’s Zoning Ordinance. The City’s Zoning Ordinance limits Multi-Family Dwellings to 180 feet in length in all zoning districts except for the Industrial Redevelopment – Residential Option District (IR-R) and the Commercial Business District (CB). The Petitioner’s challenge states that ‘the 180-foot length limitation on residential apartment buildings in the CL District restricts Petitioner’s

property rights for no valid public purpose and is therefore invalid.’ The Petitioner’s attached Curative Amendment (Exhibit A) would revise §1322.03 (II) (4) of the City’s Zoning Ordinance to include the CL District as exempt from the 180-foot limitation on Multi-Family Dwellings.

The LVPC reviewed the challenge and amendments against the goals and policies of *FutureLV: The Regional Plan* and offers comments to the City for consideration in the Curative Amendment Process. The review comments evaluate two aspects of the proposal:

- 1) The substance of the challenge - does the challenge and curative amendment have merit? (Per MPC §916.1)
- 2) Impacts of the curative amendment - what impact does the curative amendment bear on the site and to the City as a whole? (Per MPC §609.1 (5))

The LVPC finds that while the proposed higher density multi-family residential land use has the potential to align with *FutureLV: The Regional Plan*, the reasoning of the curative amendment does not appear to have merit, and the ordinance amendment conflicts with public health, safety and welfare.

1) The Substance of the Challenge

The Petitioner’s challenge states that ‘Petitioner intends to develop Petitioner’s Property with a residential apartment use. A residential apartment use is permitted by-right in the City of Bethlehem CL Zoning District and therefore is permitted by-right at the Petitioner’s Property. The Ordinance prohibits residential apartments in buildings longer than 180 feet in the CL District; however, residential apartments in buildings of unlimited length are permitted elsewhere in the City. No building in the CL District, other than those containing residential apartments, are subjected to building length limitations in the CL District.’ The challenge states the reasons for the curative amendment, including 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 the 180-foot length limitation on residential apartment buildings in the CL District restricts Petitioner’s property rights for no valid public purpose and is therefore invalid. Petitioner is adversely affected by the arbitrary and unreasonable nature of the Ordinance.

The LVPC disagrees that the 180-foot length limitation on residential apartment buildings in the CL District is arbitrary and unreasonable.

The purpose of the CL District as stated in the City’s Zoning Ordinance is ‘*To provide for less intensive types of commercial uses in areas that include many existing homes or small lots that are immediately adjacent to residential neighborhoods. The intent is to control uses that are most likely to generate nuisances or hazards for nearby residents, such as 24-hour operations.*’ Bulk and dimensional regulations for a particular zoning district ensure the scale and relative impact of development proposals is cohesive with other uses that already exist within the zone. The intent of the CL District is directly stated to minimize the intensity of land uses, and the current maximum building length supports this intent. Additionally, the purpose of the CL District as stated in the City’s Zoning Ordinance states that the area contains existing homes or small lots. Limiting the length of residential buildings supports cohesion with existing buildings in the area, and therefore the requirement is reasonable and not arbitrary.

The regulations are based on objective local facts and measurable data. In less dense areas of Bethlehem, such as those that surround this site, the residential blocks vary in size but average 150 by 400 feet. In areas with increased density, such as those closer to downtown, the size of blocks decreases, to 150 by 200 feet, and alleys are introduced to help accommodate the additional automobile and foot traffic. If amendments are made to accommodate larger developments, consideration into properly handling increased traffic, as has been completed throughout the City's code, should be taken.

The LVPC disagrees that the 180-foot length limitation on residential apartment buildings in the CL District restricts Petitioner's property rights for no valid public purpose.

Multi-Family dwellings are a permitted use in the City's CL District with a height up to five stories or 60 feet. The City's current zoning ordinance provisions do not preclude higher density multi-family dwellings being constructed on the site, and no data or analysis is provided to support the allegation that Petitioner's property rights are being restricted.

While increasing density is important within the region's development areas, residential developments need to be cognizant of the community and regional impacts that they produce. Municipalities across the state and country have long regulated building dimensions and bulk requirements as a way of ensuring the health and safety of the public, including fire safety and access to emergency services, building ventilation and sunlight, and ensuring adequate allocation of land for green space. Buildings with larger footprints are naturally more land consumptive and lead to sprawling development patterns. In urban areas, larger building footprints are less desirable and an inefficient use of extremely limited land area. Long buildings also make pedestrian travel more difficult and increase reliance on motor vehicles. These all represent valid public purposes for restricting the length of residential buildings.

2) Impacts of the Curative Amendment

The petitioner proposes to cure the alleged invalidity of the zoning ordinance by amending the City's Zoning Ordinance §1322.03(II)(4) Additional Requirements for Certain Uses – Multi-Family Dwellings. Currently the section reads, 'Except within the IR-R and CB zoning districts, no building shall exceed 180 feet in length'. The Petitioner's cure revises this section to read, 'Except within the IR-R, CB **and CL** zoning districts, no building shall exceed 180 feet in length'.

The Petitioner's curative amendment would facilitate redevelopment of the site into four multi-family buildings, each five stories tall and between 208 and 286 feet in length. The buildings would consist of 317 one- and two- bedroom units, and the proposal would include approximately 1.75 acres of combined active and passive recreation areas and 556 parking spaces.

The MPC outlines five factors that the municipal governing body shall consider related to curative amendments (§609.1(c)). The LVPC reviewed the curative amendment against *FutureLV: The Regional Plan* and the factors outlined in the MPC and offers the following comments:

§609.1(c)(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

Citywide Applicability

At the forefront of LVPC's concern regarding the proposed cure is its widespread applicability throughout the City if adopted. The proposal would allow multi-family dwellings to exceed 180 feet in length in any area of the City zoned CL District. Amending the zoning ordinance to universally allow buildings over 180 feet long in the CL district may adversely impact several other properties and areas of the City also zoned as CL District:

- Easton Avenue (from West Boulevard to Stefko Boulevard)
- Stefko Boulevard (from Easton Avenue to Stanhope Street)
- Blocks along West Broad Street
- Blocks along East 4th Street

Permitting multi-family dwellings over 180 feet in length in these areas would have a substantial impact on the City's roads, sewer facilities, water supplies, schools and other public service facilities. Enacting zoning amendments that have widespread impacts but are only related to a single site or project is not a best practice in managing land development (of *FutureLV* Policy 1.4). Longer blocks limit the ability to transit large sites, not only for emergency vehicles, but also for those walking, cycling or using other alternative modes of transportation.

Development Scale and Intensity

The intended scale of development on the specified site is substantially greater than the size of surrounding buildings. While two adjacent buildings (southwest and northwest quadrants of Hanover Avenue and North Wahneta) have frontage widths exceeding the maximum 180 feet, these buildings are only ground level while the intended development would include four- and five-story buildings of the same width. The development is planned to include over 300 units and would be considered a Land Use of Regional Significance under *FutureLV: The Regional Plan*, thereby having a substantial impact to the City's utility infrastructure and roadways as well as the transportation infrastructure of other municipalities in proximity to the site. Thoroughly quantifying the immediate and long-term impacts of large-scale development is crucial to support the fiscal health and sustainability of the City (of *FutureLV* Policy 4.6).

The Impact Statement provided with the submission (Exhibit E) states that 'the proposed multi-family redevelopment will have no adverse impact to the roads... Professional traffic engineering analysis has determined the existing public roads can support the proposed redevelopment with no adverse impact.' Using the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition (Land Use Code 221 – Multifamily Housing Mid Rise), the LVPC calculated that the intended project would generate 1,439 vehicle trips on an average weekday. Understanding the magnitude of transportation impacts is necessary to ensure the efficiency of existing infrastructure or identify transportation needs to expand or enhance capacity (of *FutureLV* Policies 2.2 and 2.6).

§609.1(c)(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

The Lehigh Valley is faced with a substantial housing shortage at both the higher and lower price points. Developing the site with housing at an appropriate scale would support furthering a regionwide effort to meet the region's housing needs (of *FutureLV* Policy 4.5).

§609.1(c)(3) *The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;*

The site is suitable for multi-family dwellings because it was formerly developed and does not contain natural resources.

§609.1(c)(4) *The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts;*

The project site was formerly developed and is not located in or near a flood plain. Redevelopment does not pose a threat of loss or adverse impact to natural resources.

§609.1(c)(5) *The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.*

The project site was formerly developed, and redevelopment does not pose a threat of loss or adverse impact to agricultural resources.

Overall, the LVPC finds that the substance of the Petitioner's challenge lacks merit, and that the cure presented is technically deficient. The proposed curative amendment is a means to permit construction of the project as desired by the Petitioner; however, the viability of development on the site is not demonstrated to rely upon the curative amendment. Additionally, if enacted, the curative amendment may adversely impact several other areas of the City, is not in the interest of the public health, safety and welfare, and does not align with *FutureLV*.

Ultimately the LVPC is supportive of appropriately scaled redevelopment on the site. The site was previously developed and has been vacant for several years, and *FutureLV* strongly encourages reuse and infill within development areas along corridors (of Policies 1.1 and 5.4). The project site is also located on a transit route served by the Lehigh and Northampton Transportation Authority (LANATA) and supports access to nearby essential businesses and services, including grocery stores and employment opportunities (of Policies 2.3, 4.3 and 5.2). However, facilitating a development should not result in changing ordinances in such a way that would have wide-reaching, unintended impacts on other areas of the City.

Municipalities, when considering Curative Amendments, should reasonably attempt to be consistent with *FutureLV: The Regional Plan*, as required by the Pennsylvania Municipalities Planning Code (MPC) [Article 1§105, Article III§303, §304 & §306(a), Article VI§603(j)].

Please feel free to reach out if you have any questions.

Sincerely,



Jillian Seitz
Senior Community Planner

cc: Tad J. Miller, City Clerk; Jennifer Gomez, City of Allentown Director of Planning



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Vice Chair

ARMANDO MORITZ-CHAPELLIQUEN
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

March XX, 2024

Mr. William Oetinger, Solicitor
Palmer Township
3 Weller Place
Palmer, PA 18045

**RE: Curative Amendment – Manufactured/Mobile Home Parks
Palmer Township
Northampton County**

Dear Mr. Oetinger:

The Lehigh Valley Planning Commission (LVPC) will consider the subject application at its Comprehensive Planning Committee and Full Commission meetings, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). Discussion on agenda items primarily takes place during the Committee meeting. Both meetings will be virtual and held on:

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 - March 28, 2024, at 7:00 PM
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The Pennsylvania Municipalities Planning Code outlines procedures for landowners who desire to challenge, on substantive grounds, the validity of a zoning ordinance, map or any provision thereof which prohibits or restricts the use or development of land in which they have an interest (§609.1 and §916.1).

The Petitioner has submitted a challenge and curative amendment to the Zoning Ordinance of Palmer Township pursuant to §609.1 and §916.1(a)(2) of the Pennsylvania Municipalities Planning Code. The Petitioner is the owner of parcels K8-10A1-0324 and 8-10A1-0418, commonly known as 1492 Van Buren Road, located within the Planned Office/Business (PO/B) Zoning District. A corner of the property to the southwest is located in Lower Nazareth Township.

The Petitioner desires to develop the site with a manufactured/mobile home park consisting of 182 mobile homes and is filing the challenge to the validity of the Zoning Ordinance on the grounds that the ordinance is unconstitutionally exclusionary because it fails to make any provision for mobile home parks. While the Township’s Zoning Ordinance includes definitions and regulations pertaining to mobile and manufactured homes and parks, these uses are not included as permitted, conditional use or special exception in any zoning district. The

Petitioner's Curative Amendment would revise §190-408.A of the Township's Zoning Ordinance to add as a permitted by right use, "Manufactured/Mobile Home Parks, which shall meet the standards of Section 190-940.1 instead of the standards of the PO/B district."

The LVPC reviewed the challenge and amendments against the goals and policies of *FutureLV: The Regional Plan* and offers comments to the Township for consideration in the Curative Amendment Process. The review comments evaluate two aspects of the proposal:

- 1) Impacts of the curative amendment - does the curative amendment and intended development align with *FutureLV: The Regional Plan*? (Per MPC §609.1 (5))
- 2) The substance of the challenge - does the challenge and curative amendment have merit? (Per MPC §916.1)

1) Impacts of the Curative Amendment

The Petitioner proposes to cure the alleged invalidity of the zoning ordinance by amending the §190-408.A of the Township's Zoning Ordinance to add as a permitted by right use, "Manufactured/Mobile Home Parks, which shall meet the standards of §190-940.1 instead of the standards of the PO/B district", and to provide specific requirements for Manufactured/Mobile Home Park uses as §190-940.1. The Petitioner's curative amendment would facilitate development of the site into a 182-unit Manufactured/Mobile Home Park, and the submitted Manufactured/Mobile Home Park Plan is designed based on the criteria and standards provided in the Petitioner's proposed cure.

The MPC outlines five factors that the municipal governing body shall consider related to curative amendments (§609.1(c)). The LVPC reviewed the curative amendment and Manufactured/Mobile Home Park Plan against *FutureLV: The Regional Plan* and the factors outlined in the MPC, and offers the following comments:

§609.1(c)(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

Roads

Using the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition (Land Use Code 240 – Mobile Home Park), the LVPC calculated that the intended project would generate 1,296 vehicle trips on an average weekday. Understanding the magnitude of transportation impacts is necessary to ensure the efficiency of existing infrastructure or identify transportation needs to expand or enhance capacity (of *FutureLV* Policies 2.2 and 2.6). The Lehigh and Northampton Transportation Authority provides transit service adjacent to the site via Van Buren Road, with a bus stop located ¼ mile to the south, however the road network lacks pedestrian infrastructure to accommodate residents wishing to access the nearby bus stops and does not promote safe and secure community design (of Policies 2.3 and 5.1).

Sewer Facilities and Water Supplies

The plans and submitted curative amendment indicate an intent to serve the development with public sewer and water services, which supports matching development with sustainable utility infrastructure (of Policy 1.1).

Emergency Services

Approximately half of the proposed units are located on western side of the Schoeneck Creek, opposite from the eastern side containing the site access points and external road network. One bridge over the creek provides a connection to the western side of the property, and the plan indicates a potential emergency access road to the southwest with a note stating the potential emergency access will be 'provided if adjacent property owner agrees'. The Schoeneck Creek creates a barrier to accessing half of the development, and locating residential units in an area with only one point of ingress or egress poses severe concerns for emergency access. A better and safer site design would only include residential units on the eastern creek side closest to the external roadway network.

If the proposal moves forward, it is imperative that the emergency access on the western side of the site be fully identified prior to proceeding with the proposal. The LVPC urges review of the plan by the Township's emergency services departments for further evaluation of impediments on emergency personnel created by the proposed development's configuration and lack of internal vehicular connectivity to 'enhance planning and emergency response efforts among emergency personnel' (Policy 5.1).

Township-wide Applicability

The LVPC is concerned about the widespread applicability of the proposed cure throughout the Township if adopted. The proposal would allow manufactured/mobile home parks (meeting the standards of Township Ordinance Section 190-940.1) in any area of the Township zoned Planned Office/Business District (PO/B). Amending the zoning ordinance to universally allow manufactured/mobile home parks in the PO/B district may result in additional housing developments proposed adjacent to incompatible land uses and is not a best practice in managing land development (of *FutureLV* Policy 1.4). Areas of the Township zoned PO/B are also located adjacent to the Industrial/Office Commercial District (IOC) which permits warehouse/logistics uses, truck, rail or freight terminals and other higher intensity industrial uses that adversely affect public health and safety.

§609.1(c)(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

The Lehigh Valley is faced with a substantial housing shortage, and housing development at an appropriate scale would support furthering a regionwide effort to meet the region's housing needs (of *FutureLV* Policy 4.5). The region can particularly benefit from manufactured-style residential units which are typically lower in cost to produce and thereby lower in cost to rent or own. However, developing housing in areas with environmental hazards is detrimental to public health, and meeting the community's housing needs cannot come at the expense of resident health and safety.

The proposal's location adjacent to the floodplain does not 'incorporate resiliency and hazard mitigation into planning and design, including 100- and 500-year floodplains' (Policy 5.1), as the proposed development places housing in an area susceptible to hazards during future flooding events. Additionally, occupants of the proposed housing type are a traditionally lower-mobility population, therefore construction adjacent to the floodplain does not 'provide a wide variety of attainable housing in locations that maximize social and economic opportunities for everyone' (Policy 4.5), due to the propensity for these areas to experience flooding losses.

The LVPC identifies the following environmental concerns that must be addressed in order for the site to be suitable for residential dwellings and to 'increase the social, economic and environmental well-being of the region' (of Policies 4.5 and 1.1).

Highway Impacts on Quality of Life

The proximity of the development to Route 33 poses adverse impacts to resident quality of life. Exposure to high levels of noise pollution and air pollution from nearby highways cause detrimental impacts on resident health and well-being, including cardiovascular problems, respiratory illnesses, sleep disturbances and other health issues. If the project moves forward, sound decibel testing is needed to determine adequate buffering and noise abatement solutions between the highway and dwellings.

Flood Hazards

The proximity of the development to the Schoeneck Creek and floodplain poses a severe risk to public health, safety and wellbeing. Mobile homes are particularly vulnerable to flooding due to their lightweight construction and typically low elevation. When situated in flood-prone areas, they are at high risk of damage or destruction during flood events. Residents face property damage, displacement, loss of belongings and potential health and safety risks during flood events.

Studies conducted by Headwaters Economics found that across the county, residents living in mobile homes have disproportionately high exposure to flooding compared to residents living in other home types. The affordable nature of mobile homes also means that low-income individuals are disproportionately affected by the placement of mobile home parks in flood-prone areas, often lacking the financial means to locate or rebuild after flood damage, which exacerbates social and economic disparities and further places economic burdens on residents.

The nationwide trend of locating mobile homes in flood-prone areas underscores the need to ensure the proposal does not risk harm or damage to prospective residents. If the project proceeds, it is imperative that units should be constructed on elevated foundations with proper flood openings well above anticipated flood elevation.

§609.1(c)(3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

The LVPC's review has determined that the site is not suitable for the intensity of use proposed due to the presence of the Schoeneck Creek, floodplain and karst topography.

Schoeneck Creek and Floodplain

Locating residential development adjacent to floodplains is strongly discouraged in the interest of public health, safety and welfare (of Policy 3.2). While the site is designed to avoid development within the mapped floodway, residential structures are proposed along the boundary line of the mapped floodway, and the area is prone to severe flooding beyond the mapped line due to a combination of increasing development patterns in the vicinity and changing climate patterns (of Policy 3.4). The Federal Emergency Management Agency (FEMA) Region 3 office, which includes the Lehigh Valley, acknowledges that 'Over the past 25 years, heavy rain has been on the rise across the U.S. The biggest rise has been

seen in the Northeast. In the decades to come, climate projections show the Northeast will continue to have more frequent and severe heavy rains, leading to higher flood risk.’ ([FEMA Instructions For Communities Mapping Rising Flood Risk](#))

Karst

Mapping provided by the Bureau of Topographic and Geologic Survey at the Pennsylvania Department of Conservation and Natural Resources indicates the presence of karsts in the form of sinkholes and surface depressions on the site. The propensity for flooding to occur on the site increases the risk of sinkhole formation, and human influence can further lead to sinkholes through soil disturbance ([Pennsylvania Department of Environmental Protection](#)).

FutureLV: The Regional Plan discourages development in hazard-prone areas. If this project moves forward, the LVPC urges proper geotechnical testing **prior** to any land development, to ‘minimize environmental impacts of development to protect the health, safety and welfare of the public’ (*Policy 3.2*).

Wetlands

The area along the Schoeneck Creek is identified as wetland and a Natural Heritage Inventory Supporting Landscape. Areas around wetlands should be remain undisturbed to ‘maximize preservation of critical habitats’ and ‘protect high-priority natural lands and water resources’ (of *Policy 3.1*).

§609.1(c)(4) The impact of the proposed use on the site’s soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts;

The site contains several natural features, including the Schoeneck Creek, floodplain and wetlands, and the proposed development poses several adverse impacts to these features (of *Policy 3.1*):

- An increase in impervious surfaces can increase surface runoff during rainfall events, leading to higher volumes of water entering the creek and contributing to erosion, sedimentation and nutrient pollution in the waterways.
- Development near waterways can degrade water quality through the introduction of pollutants including sediment, nutrients, pesticides and chemicals from household activities.
- Development near creeks, especially those identified as wetlands, can fragment riparian habitats and reduce the availability of contiguous habitats. This results in reduced biodiversity and diminishes the overall health of aquatic ecosystems.
- Flooding within development areas can further lead to environmental hazards, such as contamination of water sources, further impacting the health and wellbeing of residents and surrounding communities.

§609.1(c)(5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

While the proposed site contains undeveloped agricultural land, the land use designation as Development Area in the *FutureLV* General Land Use Plan and the Township’s designated

PO/B Zoning District indicate a preference to develop the area with intentional development that is scaled appropriately and aligns with regional and Township goals.

2) The Substance of the Challenge

The LVPC concurs that while the Township’s zoning ordinance provides regulatory standards and requirements for mobile homes, the Ordinance does not provide for mobile homes as an allowed use in any zoning district.

However, the cure as presented is technically deficient. Mobile home parks are not suitable to be located in the PO/B district, and the Manufactured/Mobile Home Park Plan provided is not suitable for the site. Residential development on the site at the proposed scale in such close proximity to the highway and floodplain is highly inadvisable. Furthermore, locating housing types attainable to more financially vulnerable populations in hazard-prone areas is irresponsible and exacerbates historical inequities in social, economic and environmental justice.

The proposed curative amendment is a means to permit construction of the project as desired by the Petitioner, but if enacted, the curative amendment may result in conflicting land uses in other areas of the Township also zoned PO/B, which is not in the interest of the public health, safety and welfare, and does not align with *FutureLV: The Regional Plan*. Facilitating a development should not result in changing ordinances in such a way that would have wide-reaching, unintended impacts on other areas of the Township.

The LVPC finds that while the challenge to the Township’s ordinance appears to have merit, the curative amendment conflicts with the interests of public health, safety and welfare and does not align with *FutureLV: The Regional Plan*. While portions of the site may be capable of residential development at a limited scale, the site layout shown on the submitted Manufactured/Mobile Home Park Plan conflicts with environmental hazards present on the site and several outstanding concerns threaten loss of life and property for future potential residents in this location.

Municipalities, when considering Curative Amendments, should reasonably attempt to be consistent with *FutureLV: The Regional Plan*, as required by the Pennsylvania Municipalities Planning Code (MPC) [Article 1§105, Article III§303, §304 & §306(a), Article VI§603(j)].

Please feel free to reach out if you have any questions.

Sincerely,

Jillian Seitz
Senior Community Planner

cc: Lori Stauffer, Lower Nazareth Township Manager



DR. CHRISTOPHER R. AMATO
Chair

CHRISTINA V. MORGAN
Vice Chair

ARMANDO MORITZ-CHAPELLIQUEN
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

March 15, 2024

Ms. Annette Lacko, Secretary/Treasurer
Borough of Walnutport
417 Lincoln Avenue
Walnutport, PA 18088

**RE: Zoning Ordinance Amendment – ZOA 450-34(8) of Ch 450 (Bed and Breakfast)
Borough of Walnutport
Northampton County**

Dear Ms. Lacko:

The Lehigh Valley Planning Commission (LVPC) will consider the subject application at its Comprehensive Planning Committee and Full Commission meetings, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). Discussion on agenda items primarily takes place during the Committee meeting. Both meetings will be virtual and held on:

- LVPC Comprehensive Planning Committee Meeting
 - March 26, 2024 at 12:00 PM
 - <https://lvpc.org/lvpc-meetings>
- LVPC Full Commission Meeting
 - March 28, 2024, at 7:00 PM
 - <https://lvpc.org/lvpc-meetings>

The application proposes to amend Section 450-34(8) of the Walnutport Borough Zoning Ordinance to provide specific criteria and regulations of bed and breakfast land uses. The amendment demonstrates ‘evolution and adaptability of government’ (*FutureLV: The Regional Plan Policy 1.1*) and the LVPC offers the following additional comments for consideration:

Adding regulations for applications and licensing increases the detail of the ordinance and further clarifies what is permitted for the sustained operation of a bed and breakfast. The newly proposed additions are comprehensive and help ‘provide guidance on best practices’ (of Policy 1.4).

The LVPC recommends that standards numbers four and nine under Section 450-34(8)(D) Bed and Breakfast Standards be clarified or combined to remove potential redundancies regarding signage requirements. In the same section, number ten may be removed to avoid redundancies. The LVPC recommends providing additional detail or clarification to number 12 regarding the purpose of requiring a minimum number of days

a guest must stay. If a minimum three-day requirement is to reduce transiency for revenue optimization or serves another purpose, that reasoning can be briefly stated.

The LVPC encourages the applicant to cross-reference requirements of the proposed Bed and Breakfast Standards section for potential redundancies and/or contradictions within the Borough of Walnutport Code General Legislation, specifically in Chapter 165 Construction Codes. It is recommended that the proposed amendments are proofread for potential grammatical errors as well.

Municipalities, when considering Zoning Ordinance Amendments, should reasonably attempt to be consistent with *FutureLV: The Regional Plan*, as required by the Pennsylvania Municipalities Planning Code (MPC) [Article 1§105, Article III§303, §304 & §306(a), Article VI§603(j)].

Please feel free to reach out if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Joseph Dotta". The signature is written in a cursive, slightly slanted style.

Joseph Dotta
Regional Planner

cc: Steve Neratko, Chief Community and Regional Planning



DR. CHRISTOPHER R. AMATO
Chair

CHRISTINA V. MORGAN
Vice Chair

ARMANDO MORITZ-CHAPELLIQUEN
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

March 19, 2024

Mr. Brent Green, Manager
East Allen Township
5344 Nor-Bath Boulevard
Northampton, PA 18067

**RE: Zoning Ordinance Amendment – Intensive Agriculture Conditional Uses
East Allen Township
Northampton County**

Dear Mr. Green:

The Lehigh Valley Planning Commission (LVPC) will consider the subject application at its Comprehensive Planning Committee and Full Commission meetings, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). Discussion on agenda items primarily takes place during the Committee meeting. Both meetings will be virtual and held on:

- LVPC Comprehensive Planning Committee Meeting
 - March 26, 2024 at 12:00 PM
 - <https://lvpc.org/lvpc-meetings>
- LVPC Full Commission Meeting
 - March 28, 2024, at 7:00 PM
 - <https://lvpc.org/lvpc-meetings>

The application proposes to amend the Township Zoning Ordinance by adding definitions and specific standards for Intensive Agriculture conditional uses. Per the proposed definitions in the ordinance, Intensive Agriculture refers to four types of agricultural operations: Intensive Animal Operations, Stockyards, Commercial Mushroom Operations and Intensive Produce Operations. Intensive Agriculture is currently permitted as a conditional use in the Agricultural/Rural Residential District (A/RR) and Agricultural District (AG).

The proposal adds specific standards for Intensive Agriculture conditional uses. The LVPC commends the requirements which reduce potential impacts of higher intensity land uses, including the requirement for a Traffic Impact Study which supports a safe transportation network that moves people and goods efficiently, and lighting provisions promote community safety and health by reducing light and glare impacts on adjacent properties and roads. The LVPC commends the requirement for a water conservation plan demonstrating reuse of water to greatest extent possible, which supports environmental sustainability (of Policy 3.4)

Overall, the provisions provide for the needs of regional farming operations and support agriculture as essential to the region’s economy while minimizing environmental impacts of development and land use operations in consideration of the public health safety and welfare (of

Policy 3.2).

Municipalities, when considering zoning ordinance amendments, should reasonably attempt to be consistent with *FutureLV: The Regional Plan*, as required by the Pennsylvania Municipalities Planning Code (MPC) [Article 1§105, Article III§303, §304 & §306(a), Article VI§603(j)].

The LVPC has copied representatives of the River Central Multi-Municipal Comprehensive Plan to further 'coordinate land use decisions across municipal boundaries' (Policy 1.4). If you have any questions regarding the content of this letter, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Jillian Seitz". The signature is fluid and cursive, with the first name being more prominent.

Jillian Seitz
Senior Community Planner

CC: Glenn Eckhart, Catasauqua Borough Manager
Melissa Wehr, Hanover Township Manager
Peter Paone, North Catasauqua Borough Council President and Planning Commission Chair
LeRoy Brobst, Northampton Borough Manager