

PLANNING COMMISSION OF THE CITY OF EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

IN RE: 1525 WOOD AVENUE

APPL. NO. SALD-24-9

**DECISION OF THE PLANNING COMMISSION REGARDING THE APPLICATION OF EASTON
WOOD AVENUE PROP. CO. LLC FOR FINAL APPROVAL**

The Applicant's final approval was denied by a vote of 5-0 at the latest planning commission meeting on December 3, 2025. The decision of the commissioners was based upon all the factors mentioned by each at the meeting, all of which are incorporated herein, and some which are specifically called out. A brief recitation of the law is warranted prior to setting for the deficiencies noted by the commission.

Where a subdivision plan complies with all objective provisions of the applicable subdivision ordinance as well as all other applicable regulations, the plan must be approved. *Akin v. South Middleton Township Zoning Hearing Board*, 547 A.2d 883 (1988). The rejection of a plan may stand, however, if validly supported by even one of several objections. See, e.g., *County Builders, Inc. v. Lower Providence Township*, 287 A.2d 849 (1972). Where a plan is not approved as filed, the decision denying approval must specify the defects found in the plan and cite to the specific provisions of the ordinance which are relied upon. Section 508(2) of the MPC, 53 P.S. § 10508(2).

Herr v Lancaster County Planning Com'n, 625 A.2d 164, 168-69 (Cmmwth. Ct. 1993)

General Statement

The Impact Assessment Report ("IAR") failed to provide the Commission with sufficient information and supporting evidence for a project of this scope. The documents submitted by the Applicant failed to adequately show necessary information and, in some instances, offered inconsistent data to the Commission. Discrepancies existed on the total acreage of the proposal as well as the acreage existing within Easton and other municipalities, violating 520-40(A)(1). The submissions failed to consistently and accurately state what parcels were involved within the development with differing submissions offering different lists of the properties to be developed, in violation of 520-40(A)(5). The maps submitted by the Applicant were of such a scale or laid out in a manner as to make portions illegible for

proper review, in violation of 520-40(A)(5). The maps submitted by the Applicant failed to depict all encumbrances and easements as required by 520-40(A)(5).

The plans submitted failed to adequately cover the “relationship of the transportation and circulation system needs of the proposed project to the existing street, alley or highway network.” 520-(40A)(10). Applicants own submissions and even the inadequate traffic study conducted showed impacts that would degrade traffic conditions below level-of-service D and failed to offer sufficient remedies within the plans in violation of 520-40(A)(10).

Applicant failed to adequately address the alternative proposals or modifications to the proposal that “would preclude, reduce or lessen potential adverse impact or produce beneficial effects” as required by 520-40(A)(15).

Applicant failed to adequately address the concerns raised by the Lehigh Valley Planning Commission within its June 7, 2024, letter regarding the scale of the proposal despite the express request of this Commission to so respond. Overall, the impression left upon the Commission was of an Applicant who did not approach the process with a serious effort to effectively convey information and comply with the requirements of the SALDO. Rather, the Applicant was hostile towards the Commission and residents and not responsive to requests for additional information or details.

Other specific deficiencies of the submission will now be discussed along with the steps necessary for Applicant to cure each. The deficiencies listed within this decision may be addressed as set forth herein by Applicant along with resubmission with the required information in the proper form and content.

1. § 520-38 Supporting data to accompany subdivision or land development plan.

Pursuant to § 520-35 all plans shall be accompanied by supporting data and information, which shall be considered part of the subdivision and/or land development plan and prerequisite to plan approval, specifically within subsection 520-38(F) Approved copies of all required permits and approvals, including all complete sets of documents, plans, forms, modules, etc., submitted in application for such permits or approvals and any and all revisions, amendments or conditions required or established by any agency or department of the United States, commonwealth or county in connection with the issuance of any permit.

Failure to Comply

Applicant lacks necessary approval from the Zoning Hearing Board of the City of Easton for a special exception required under Section 298-13(A)(2) of the Easton Floodplain

Management Ordinance in order to alter or relocate a watercourse within the floodplain as well a special exception for 298-13(A)(6) for roadway and retention basin located within the floodplain. This is in violation of section 520-38(F). To remedy this defect, Applicant must obtain and present the appropriate documented relief from the Zoning Hearing Board.

Another critical requirement Applicant failed to obtain is a Highway Occupancy Permit from the Pennsylvania Department of Transportation. Failure to provide same is a 520-38 (F) deficiency. Moreover, approval cannot be simply “conditioned” since the Commission would need to review the “assumptions” as to the planned use and generated traffic to determine whether that is consistent with the submitted Plan, and consistent with the Plan after other deficiencies set forth in this decision are addressed.”

Curing the Deficiency

Applicant must obtain the necessary relief from the Zoning Hearing Board and PennDOT and submit these approvals to the Commission.

2. § 520-40(A)(10) Submission requirements.

Code Requirement

The impact assessment report shall be prepared by a certified design professional and address the following: An identification of the relationship of the transportation and circulation system needs of the proposed project to the existing street, alley or highway network. A discussion of this relationship should be in narrative form and indicate factors such as methods to be used for traffic control within the tract and at points of ingress and egress and expected traffic volumes generated from the project, including their relationship to existing traffic volumes on existing streets for both peak-hour and non-peak-hour traffic conditions. In addition, there should be a discussion of the physical condition of existing streets that will service the proposed project and what parking improvements are proposed to remedy any physical deficiencies at, beyond or worse than level-of-service D.

Failure to Comply

Applicant produced an insufficient traffic impact study, choosing to base its methodology on a non-sortable high cube fulfillment center that projected 232 truck trips, an average of 14.5 truck trips per hour, or about 1 truck every 4 minutes. Applicant refused to any limitation to the use of the building use as a sortable facility. This creates a defective submission as Applicant's study did not consider a potential, even likely, use of the development within its traffic impact study. See *Fantastic 1948 LLC v Lower Nazareth Township*, No. C-48-CV-2024-4555, Northampton County Court of Common Pleas; and

Appeal of Northampton Farms LLC from the Decision of the Lower Nazareth Township Board of Supervisors, No. C-48-CV-2024-04359, Northampton County Court of Common Pleas.

In the case of a sortable high cube fulfillment center, the number of truck trips could jump to 348 or more truck trips (a 66% increase), as well as increased impact due to the need for more manual labor, potentially three shifts running as many as 24 hours a day. Since the Highway Occupancy Permit and other approvals rely on choices made by the Applicant when designing its traffic impact study, violation of that permit and other approvals may become an issue if the actual use is inconsistent with those choices.

Applicant produced no assessment report addressing the impact on the physical condition of existing streets and the burden of accommodating 348 truck trips per day on the adjoining access roads, which were not designed for heavy volumes of tractor-trailers. The Lehigh Valley Regional Planning Commission (LVPC) concluded in its review letter of June 7, 2024: "Roadways in the vicinity were not built to withstand the impacts of such a high volume of tractor-trailers and are currently inadequate to accommodate the proposal ... As proposed, the development does not align with FutureLV: The Regional Plan because it does not match the development intensity with sustainable transportation infrastructure capacity."

Applicant's engineer responded to LVPC in a letter on September 13, 2024, in part: "The project site is zoned for industrial use and is within less than ¼ mile to a major arterial interchange. The intensity is appropriate to the location." Applicant did not address the essence of LVPC's response on development intensity, specifically the impact of a high volume of tractor-trailers from over 1 million square feet of warehouse on roadways not built to support that intensity of use. The proximity to a major arterial interchange is irrelevant of the road network between the project and that interchange is inadequate for the proposed impact, as stated by the LVPC.

Applicant has maintained throughout the process that the application deserves approval simply because the property is zoned for industrial use and warehouses/fulfillment centers are an acceptable use. However, all industrial uses do not have equivalent impacts and all locations are not appropriate for all uses. For example, the previous use of the property as a pigment production facility, even at a size of 500,000 square feet, would generate an estimated maximum of 80-100 truck trips per day.

Curing the Deficiency

Applicant must revise its traffic impact study to include an assessment of the potential use of the building as a sortable high cube fulfillment center. Applicant must also prepare an

assessment report on the impact of the traffic on the physical infrastructure of Wood Avenue and Hackett Avenue including a comparison of the costs to the City of Easton for roadway upgrades versus the revenues to the City generated by the proposal.

3. § 520-40(A)(12) Submission requirements.

The impact assessment report shall be prepared by a certified design professional and address the following: An identification of characteristics and conditions associated with existing, construction-related and future air and water quality and noise levels, vibrations, toxic materials, electrical interference, odor, light, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases, radioactive materials and/or other noxious conditions.

Failure to Comply

Applicant's witness utilized what it called "conservative" figures for the analysis and yet the presentation provided borderline excessive noise impact values. Furthermore, this report did not consider the real-world impact of the anticipated incremental noise from a warehouse installation combined with the existing ambient noise from the highway and existing traffic. The noise ordinance does not separate the evaluation of noise impact based upon an individual source, but, rather, what the overall noise impact is for a specific location.

The Applicant's witness ignored ambient noise, even as the "conservative" figures alone nearly exceeded the limits established within the City's noise ordinance. Furthermore, the lower impact use assumption of Applicant, discussed *supra*, without an agreement to so restrict the actual use, leaves the Commission to speculate as to the resulting noise generated by a higher impact use, a use possibility the Applicant conceded. The noise impact study does not appear to address any such higher impact usage. Thus, the Commission lacks sufficient evidence upon which it could base any approval under the SALDO.

Finally, the noise study ignored the probable need for a guard house for this facility, as it was not represented on the proposed development of the project. While not required for a warehouse, it is reasonable to assume that such a large operation would require a guard house stop not only for providing logistical support for incoming shipments, but also for the security of the goods in the warehouse itself.

Curing the Deficiency

Applicant must revise its noise impact study to include an assessment of the potential use of the building as a sortable high cube fulfillment center. Applicant should also ensure any

representation is based upon all noise in the neighborhood, current plus incremental from the project as well as an evaluation for the addition of an optional Guard House. If the results of such revised study fail to establish that the activity will not violate the City's noise ordinance, relief through zoning must be obtained.

4. § 520-40(A)(15) Submission requirements.

The impact assessment report shall be prepared by a certified design professional and address the following: Alternatives to the proposed project. To indicate such alternatives, the applicant shall submit exhibits or diagrams which will depict the type of alternatives described in narrative form. The applicant shall comment on how alternatives such as redesign, layout or siting of buildings, streets and other structures, reduction in the size of proposed buildings and structures, reduction in the number of buildings, reduction in density of intensity, and the like, would preclude, reduce or lessen potential adverse impact or produce beneficial effects.

Failure to Comply

In its review letter of June 7, 2024, LVPC stated: "Redevelopment of the site has the potential to align with FutureLV: The Regional Plan, if scaled appropriately, and by taking steps to mitigate environmental and transportation impacts. However, the size of the proposed building, at more than 1 million square feet, greatly surpasses the scale of surrounding developments."

The September 13, 2024 letter from Applicant's engineer did not respond to this comment.

Not only does the size at more than 1 million square feet greatly surpass the scale of surrounding developments, it also greatly exceeds the dimensions of same-use facilities constructed recently in this region. High cube fulfillment centers are defined as those with a minimum of 200,000 square feet of floor space. High cube fulfillment centers recently built in the Lehigh Valley are similarly 40 to 60 feet in height to accommodate three mezzanines of storage, the vast majority, 9 of the 13, have a floor size about 50-75% smaller than this proposed facility.

Applicant has presented no alternatives to this project that would appropriately reduce the size and scale of the proposed building to mitigate environmental, transportation, safety, and other regional impacts.

Curing the Deficiency

Applicant must prepare a report by a certified design professional that provides alternatives to the proposed project that address how a reduction in the size of the

proposed buildings and a reduction in density of intensity would preclude, reduce, or lessen potential adverse impact or produce beneficial effects. Specifically, the report should propose a building(s) that is appropriately scaled so as not to greatly surpass the scale of surrounding developments and sized so as to mitigate environmental, transportation, safety, and other regional impacts.

5. § 520-2(D) Purpose

Applicant's proposal fails to meet even the general purpose of the SALDO in that the development as proposed is not "suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity...."

Failure to Comply

The Applicant failed to present any 3D renderings of the project to provide a sense of scale for the project and questioned any representation of the project presented by public opposition. This while displaying a rendering in marketing materials.

The project is not in scale with any other structures in the neighborhood. Scale is important to the aesthetics of a city and is a consideration for any new project. Its design is not in character with any element in the general vicinity, this project dwarfs any building in Easton and surrounding communities, and it would dwarf nearby elements.

The massive scale of the project is further exaggerated by its placement upon a manufactured-earthen platform. The resulting structure would dominate the skyline, cause unnecessary and detrimental light pollution, and is simply not in keeping with current nor desired development of the City. The overall scale of the proposal is not in keeping with the City's Comprehensive Plan, nor the County's comprehensive plan, due to its size and proximity to residential neighborhoods. Applicant did not present any alternative designs to address the scale issue raised throughout the proceeding.

Curing the Deficiency

Applicant should propose alternative designs of the structure, or perhaps multiple structures which could meet with the overall intended use without the creation of a structure completely out of scale with the community. Additionally, Applicant could propose alternative grading or landscaping plans which might lessen the projects visual impact or dominance within the proposed site.

6. § 520-30 – Street tree, shade tree and landscaping requirements

Applicant's plan failed to satisfy the requirements of this section. Specifically, the plan requirements set forth in 520-30(F).

Failure to Comply

Applicant's landscaping plan is inadequate as presented. The plan does not contain an inventory of existing trees on the property and account for the replacement of those lost during the development as required by 520-30(J). The plan fails to call out or account for alternative tree placement from existing tree removals. Additionally, the plan fails to adequately show required barriers and or screening surrounding the off-street parking. This point is heightened, due to project's location upon an elevated platform.

Curing the Deficiency

Applicant should prepare and present new plans complying with the specific requirements of the SALDO.

7. § 520-35(B)(8) Utilities

"The plans shall show the following information...Utilities (proposed): construction plans and specifications showing actual locations, cross sections and profiles, including inlets, manholes and culverts and, where solar energy systems are proposed...."

Failure to Comply

Plans did not show locations of proposed utilities, nor a description of Utility needs.

Curing the Deficiency

Applicant should prepare and present new plans complying with the specific requirements of the SALDO.

8. § 520-40(A)(2) – Floorplans

"The impact assessment report shall be prepared by a certified design professional and address the following... Floor plans and elevations depicting the proposed size, square footage and height of buildings and/or other structures."

Failure to Comply

No Floorplans were provided by Applicant, despite several questions about a possible mezzanine development for the structure.

Curing the Deficiency

Applicant should prepare and present new plans complying with the specific requirements of the SALDO.

Conclusion

This written decision sets forth the reasons that the Commission voted unanimously to deny approval of the Final Plan as submitted. This reflects a good faith review by volunteer citizens, focusing on legitimate, relevant concerns of a project of this size upon the citizens of this City, based on considerations required to be met under Easton's Subdivision and Land Development Ordinance. While any individual deficiency set forth above would be sufficient to support a denial, the multitude of deficiencies found by the Commission could be construed as applicant's effort to obtain approval for a "warehouse" generally. This results in a requested approval for a use without the required consideration of the impacts of a specific final product and use. Otherwise, the owner retains wide discretion on what is eventually constructed and how it is used bypassing the review that the Planning Commission is delegated to conduct at this stage. The above sets forth legitimate concerns as it pertains to the overall impact of this project related to traffic, noise, and other environmental concerns that need to be satisfied before applicant earns approval and the Planning Commission is then divested of its jurisdiction.

FOR: Planning Commission
City of Easton

1/17/15



G. Kennedy Greene
Chairman