

NESTLE PURINA WASTEWATER TREATMENT UPGRADES
MAJOR PLAN 2021-102
ATTACHMENTS

- 1. Memorandum**
- 2. Site Plan**
- 3. Township Engineer Review dated May 2, 2024**
- 4. Township Engineer Floodplain Permit Review dated May 6, 2024**
- 5. Township Water and Sewer Engineer Review dated April 26, 2024**
- 6. Township Geotechnical Consultant Review dated April 26, 2024**
- 7. Public Works Department Review dated April 25, 2024**
- 8. Community Development Department Review dated May 9, 2024**
- 9. Fire Marshal Review dated April 16, 2024**
- 10. Parks and Recreation Board Review dated January 23, 2024**
- 11. LVPC Drainage Plan Review dated July 1, 2022**
- 12. LANTA Review dated February 8, 2024**
- 13. Applicant's Correspondence:**
 - A. Project Narrative dated November 16, 2023**
 - B. Waiver Request Letter dated April 11, 2024**

TO: PLANNING COMMISSION
FROM: GREGG R. ADAMS, PLANNER
**SUBJECT: NESTLE PURINA WASTEWATER TREATMENT UPGRADES
MAJOR PLAN 2021-102
REQUEST FOR PRELIMINARY/FINAL PLAN REVIEW**
DATE: MAY 10, 2024
**COPIES: BOARD OF COMMISSIONERS, T. PETRUCCI, H. BENDER,
D.HARRIER, J.. HARRIER, J. ZATOR, ESQ., J. ADLERFER, ESQ,
S. PIDCOCK, APPLICANT, SUB. FILE 2021-102**

LOCATION AND INTENT:

An application to further develop the properties located at 2050 Pope Road and 4535 Huckleberry Road. On 2050 Pope Road, the plan proposes the construction of a 21,921 square foot wastewater treatment building on the current site of Waste Disposal Facility Holding Basin 1B, as well as ancillary tanks and piping, on approximately 4 acres of the 114.6-acre tract. The plan proposes that the treated effluent is to be rerouted from its current discharge point into an unnamed tributary to the Jordan Creek. The treated effluent is proposed to be piped north across the remainder of 2050 Pope Road, under Huckleberry Road, and north across 4535 Huckleberry Road to discharge directly into the Jordan Creek. The plan proposes the construction of a gate and driveway on 4535 Huckleberry Road to support monitoring and property maintenance. The plan also proposes the construction of an 896 square foot maintenance building to the immediate north of the main production factory building. 2050 Pope Road is zoned IC-1 Industrial-Commercial-1 (Special Height Limitation). 4535 Huckleberry Road is zoned RR-2 Rural Residential-2. Nestle Purina Petcare Company is the owner and applicant.

PREVIOUS TOWNSHIP CONSIDERATION:

At their March 14, 2021 meeting, the Planning Commission reviewed and took under advisement Nestle Wastewater Treatment Upgrade Major Plan 2021-102. They also confirmed their support for the ten waiver/deferral request recommendations that they had made at their April 15, 2021 meeting and made recommendations upon three additional waiver/deferral requests.

At their April 15, 2021 meeting, the Planning Commission reviewed and recommended for approval Nestle Wastewater Treatment Upgrade Major Plan 2021-102. In the interim, the applicant revised the plan to the extent that staff determined that the plan would have to be re-reviewed by the Planning Commission.

At their December 20, 2017 meeting, the Board of Commissioners, through Resolution 2017-64, approved Nestle Permit 4 Application (2018 Expansion) Major Plan 2017-103, which proposed the modification of the Employee Parking Lot previously approved under Major Subdivision #2016-103, an addition to the meat batching building and an expansion of Infiltration Basin C, an addition to the warehouse building, a new administration building, an addition to the utility building, an addition to the canning operations building, an addition to the meat unloading building, and the installation of a water line.

Additionally, improvements to the Huckleberry Road Storm Sewer with proposed concurrently with the above project, as part of Huckleberry Road Storm Sewer Improvements Project 2017-409.

Additionally, temporary offices were permitted concurrently with the above project, as part of Nestle Purina Temporary Offices Project 2017-408.

Additionally, a new employee parking lot was permitted concurrently with the above project, as part of Nestle Purina New Employee Parking Project 2017-407.

On August 3, 2016, the Board of Commissioners approved Resolution 2016-55 approving Major Subdivision #2016-103 Nestle Purina PetCare, an application proposing the construction of a warehouse addition; construction of two tractor trailer parking areas; modification of an existing employee parking lot; construction of a stormwater management basin; modification of an existing detention basin; installation of a new well; and additional soil amendment to two areas; all to occur on approximately 16 acres of the 114.6-acre parcel.

On December 16, 2015 the Board of Commissioners conditionally waived the land development review requirement as it applied a project to construct three building additions totaling 6,590 ft² to its 500,045 ft², including: Expansion of the Can Plant process area by approximately 4,640 ft²; A “Hydroflex” addition of approximately 1,600 ft²; A 350 ft² addition to the “Ammonia Room”; and Relocation of the fuel storage tanks (Township File No. 2015-703).

On July 15, 2015 the Board of Commissioners conditionally waived the land development review requirement as it applied to a project to raze a portion of an existing utilities building and construct an addition of approximately 1,800± square feet to be used as the new Primary Waste Water Treatment Plant Facility and to re-route utility lines (Township File No. 2015-702)

On October 19, 2011 the Board of Commissioners conditionally waived the land development review requirement as it applied to additions totaling 25,245 square foot to the Dry Plant (21,511 ft² for 2011 and 3,734 ft² future addition) (Township File No. 2011-701 (Formerly 2011-901)).

On March 3, 2010 the Board of Commissioners waived the land development review requirement for two additions to the main production building and the office addition to the warehouse building as shown on the Proposed 2010 Building Projects Plan (Township File No. 2010-701 (Formerly 2010-901)).

On November 19, 2003 the Board of Commissioners approved Resolution 2003-54 waiving the land development review requirement for a 1,500 square foot building addition to the plant (Township File No. 2003-702).

On June 20, 2001 the Board of Commissioners waived the land development review requirement for building renovations to increase the building’s height and to construct a 72 square foot addition (Township File No. 2001-705).

On June 21, 2000 the Board of Commissioners waived the land development review requirement for a building addition to enclose the rail and truck receiving area. Friskies did

contribute \$2,000 towards the radius improvement at the Pope Road / Route 309 intersection.

On September 1, 1999 the Board of Commissioners waived the land development review requirement to demolish a 16,815 square foot wing for the construction of a 16,000 square foot bio-filter building to address odor issues.

On April 16, 1997 the Board of Commissioners waived the land development review requirement to construct a 1,219 square foot addition and a 450 square foot canopy. No additional impervious surface was created.

On June 21, 1995 the Board of Commissioners approved Resolution No. 95-30 for a 2,142 square foot addition to the Process Building (Township File No. 1995-105).

On January 14, 1992 the Board of Commissioners approved Resolution No. 92-13 for a 4,580 square foot addition to the Pet Research Kennel Building (Township File No. 1991-111).

Zoning Appeals

In May, 2002 the Zoning Hearing Board granted a Special Exception for the creation of 19,700 square feet of additional impervious (asphalt) surfaces for a parking lot near the water tower and for above ground storage near the waste treatment plant (Appeal Docket A-18-2002).

In November, 2002 the Zoning Hearing Board granted a Special Exception for the creation of 82,000 square feet of additional impervious (asphalt) surface for truck trailer stacking (Appeal Docket A-63-2002).

On January 6, 2000 the Zoning Hearing Board granted a Special Exception for the creation of additional impervious surface for asphalt parking as a result of discussion and deliberation of Appeal Docket A-51-1999.

In 1995, the Zoning Hearing Board granted a Special Exception for the creation of 940 additional square feet of impervious surface for picnic table pads and dock entrance asphalt parking as a result of discussion and deliberation of Appeal Docket A-2-1995.

In 1991, the Zoning Hearing Board granted a temporary use approval for a construction trailer (Appeal Docket A-9-1991).

In November 1988, the Zoning Hearing Board granted a Special Exception for the creation of 750 additional square feet of impervious surface (concrete pad) for stabilizing a loading dock (Appeal Docket A-122-88).

In October 1988, the Zoning Hearing Board granted a Special Exception for the creation of 896 additional square feet of impervious surface for the construction of a salt storage facility (Appeal Docket A-106-88).

In September 1988, the Zoning Hearing Board granted a Special Exception for the creation of additional 30,600 square feet of impervious surface for additions to the warehouse building and a variance for a temporary substandard parking lot and roadways (Appeal Dockets A-96-88 and A-97-88).

In February 1983, the Zoning Hearing Board granted a variance to the parking requirements for the construction of a 23,000 square foot building addition to the wet plant facility (Appeal Docket A-7-1983).

In April 1977, the Zoning Hearing Board denied a request to replace non-conforming signage (Appeal Docket A-6-1977).

In May 1976, the Zoning Hearing Board granted a height variance for the construction of a dry food manufacturing plant facility (Appeal Docket A-23-1976) and a setback variance to expand the wastewater treatment facility (Appeal Docket A-9-76).

In 1973, the Zoning Hearing Board granted special exception approval and a setback variance to expand the wastewater treatment facility. (Appeal Docket A-34-1973).

In March 1972, the Zoning Hearing Board granted special exception approval to construct a 300'x 175' truck warehouse with 17 loading docks, parking, and a rail spur extension. Also, the Zoning Hearing Board granted special exception approval to Alpo's then Master Plan. *Its approval was subject to the Planning Commission's recommendation. (Appeal Docket A-6-1972).*

REVIEWING AGENCIES COMMENTS:

- A. **Township Engineer** – The Township Engineer's comments are contained in Mr. Anthony Tallarida's review dated May 2, 2024. Mr. Tallarida is recommending engineering approval at this time, conditioned upon the granting of the driveway slope waiver request. His comments pertain to waivers and deferrals, stormwater management, and outside agency approvals. Mr. Tallarida's May 6, 2024 Special Flood Hazard Permit review dated May 6, 2024 contained comments pertaining to flood plain permit requirements.
- B. **Township Water & Sewer Engineer** – The Township Water and Sewer Engineer's comments are contained in Mr. Jason Newhard's review dated April 26, 2024. His comments state that the applicant's water and sanitary sewer system are private and not connected to South Whitehall utility systems.
- C. **Township Geotechnical Consultant** – The comments of the Geotechnical Consultant are contained in Mr. Chris Taylor's review dated April 26, 2024. His comments pertain to plan detail.
- D. **Public Works Department** – The comments from the Public Works Department are contained in Manager Herb Bender's review dated April 25, 2024. He makes no comments at this time.
- E. **Lehigh Valley Planning Commission** – The comments of the Lehigh Valley Planning Commission are contained in Mr. Geoffrey Reese's review dated July 1, 2022. He states that the drainage plan is inconsistent with the Act 167 Plan requirements.
- F. **Lehigh County Conservation District** – The comments of the Lehigh County Conservation District have not been received at the time of this writing.

- G. Pennsylvania Department of Environmental Protection** - The applicant is to obtain approvals from the PA Department of Environmental Protection for wetland disturbance, NPDES Permits, and Sewage Facilities Planning Module Exemption.
- H. LANTA** - The comments of LANTA are contained in Ms. Molly Wood's review dated February 8, 2024. Her comments pertain to safe pedestrian access between the site and nearby bus stop at the Pope Road/PA Route 309 intersection.
- I. Landscape and Shade Tree Commission** – The Landscape and Shade Tree Commission reviewed the plan at its April 26, 2021 meeting and deferred to the Planning Commission as to whether street trees should be required along public street rights-of-way.
- J. Public Safety Committee** – The Fire Marshal reports that all of the comments of the Public Safety Commission have been addressed. His comment pertains to showing the location of a SALDO-compliant fire hydrant.
- K. Parks and Recreation Board** –The Parks and Recreation Board reviewed the plan at its January 8, 2024 meeting and recommended that the applicant contribute money in lieu of land dedication to meet the parks and open space requirements of the Subdivision and Land Development Ordinance.
- L. Community Development Department** – The Department's technical review is dated May 9, 2024 and provides comment pertaining to zoning, public safety, recreation and open space, erosion and sedimentation control, flood plains, legal and plan detail commentary, plan recording commentary, waiver and deferral commentary, and Comprehensive Plan and Official Map consistency.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION:

Should the Planning Commission determine that the plan is sufficiently clean to recommend preliminary/final plan approval to the Board of Commissioners, the Department would recommend that the approval be subject to the applicant complying with the following conditions:

1. That the applicant shall execute subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township and its Solicitor, that sufficient security in a form acceptable to the Township be posted, that such security shall be available for draws/presentation no further than 60 miles from the Township's office, and evidence of insurance coverage in an amount satisfactory to the Township in its sole discretion shall be provided prior to the plan being recorded.
2. That the applicant address to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated May 2, 2024. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
3. That the applicant address to the satisfaction of the Township Geotechnical Consultant, the comments of Mr. Chris Taylor, as contained in his review dated April 26, 2024. The Applicant shall provide to the Community Development Department written

confirmation from the appropriate reviewing agency that all applicable comments have been addressed.

4. That the applicant address to the satisfaction of the Community Development Department, the comments of Mr. Gregg Adams, as contained in his review dated May 9, 2024.
5. That the applicant complies with the January 23, 2024 recommendation of the Parks and Recreation Board. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed. Payment of any Open Space Fee shall be tendered prior to plan recording.
6. That the applicant obtains a review from the Lehigh Valley Planning Commission prior to the plan being presented to the South Whitehall Township Board of Commissioners. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
7. That the applicant obtains a letter from the Pennsylvania Department of Environmental Protection and/or the Lehigh County Conservation District approving the NPDES Permit application pursuant to Section 312-39(e) of the Subdivision and Land Development Ordinance and PA DEP Chapter 105 Permits.
8. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
9. That the plans are to be revised and deemed to be “clean” prior to them being presented to the Board of Commissioners.

Planning Commission deadline date to act on the plan:

June 10, 2024

Board of Commissioners deadline date to act on the plan:

July 10, 2024