



## Allen Township Board of Supervisors

### Meeting Minutes

**August 13, 2019  
7:00 P.M.**

A General Meeting of the Allen Township Board of Supervisors, was held on Tuesday, August 13, 2019, at 7:00 P.M. at the Allen Township Municipal Building, 4714 Indian Trail Road, Northampton, PA 18067. The Pledge of Allegiance to the Flag was led by Chairman Larry Oberly.

**1. Roll Call:** Present: Larry Oberly; Gary Behler; Bruce Frack; Dale Hassler; Gerald Montanari; B. Lincoln Treadwell, Jr., Esq.; Stan Wojciechowski, PE, CME.; Ilene Eckhart, Manager.

**2. Public to be Heard:** Mr. Oberly announced the Board held a brief executive session to discuss potential sewer litigation.

Richard Novak, Willow Green, shared his email transmitted to the Board on Monday in objection to the Jaindl Watson plan under consideration this evening.

George Weaver, Oak Lane, Drexel Heights requested a water status update from Bethlehem Authority. Stan updated that due to the wet weather the project has been delayed.

**3. Public Hearings:** No Public Hearings.

**4. Approval of Minutes:** Mr. Hassler made a motion to approve the minutes of July 9th and July 23rd, 2019; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes, with exception of Behler for July 23<sup>rd</sup> due to absence.

### **5. Reports**

**A. Treasurer:** Mr. Behler made a motion to approve the Treasurer's Report and pay the bills; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**B. Solicitor:** On file. Mr. Treadwell indicated he additionally report on certain agenda items.

**C. Engineer:** On file. Mr. Wojciechowski, PE, CME provided the written report for the last period's activities. He also reported of the receipt of the revised Timbertech salt shed drawings to address some of the Township's concerns. He indicated the concrete slab alternate bid pricing would be incorporated into the full bid set of specifications. Following some discussion, Mr. Hassler made a motion to authorize the advertisement of the bid specifications including the details addressed by the Township Engineer; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

**D. Planning/Zoning/Code Enforcement:**

**i. JW Development Northampton Business Center, Final Plan, Phase 1:** Erich Schock, Esq. provided a recap of the items, which needed to be, addressed post-preliminary plan approval, which has been granted to the applicant. Mr. Schock indicated that he has addressed many of the open items at the meetings in July 2019 before the Board. He indicated the condition of approval to address the last cleanup items contained in the Township Engineers letter. Mr. Wojciechowski indicated that the final review letters consist of minor cleanup items and the applicant should not be required to be returned to the Board of Supervisors. Mr. Treadwell indicated there is a draft conditional motion of Final Plan, Phase 1 approval for the Boards consideration.

Mr. Behler indicated that in the conditional approval draft motion, the name change needs to be clarified. Mr. Behler further followed up on the right turn lane and asked the applicant to consider a substitute of a possible escrow alternative to extend Savage Road from Howertown Road to provide an additional lane out onto Rt. 329. Mr. Jaindl indicated he was willing to discuss it among themselves but it was not something that could be anticipated. The Board was generally agreeable with the concept of the additional language to provide for a substitution of the Savage Road escrow option in lieu of the additional western right of way acquisition on Howertown Road.

Mr. Behler was concerned about the language of the easement containing the stormwater or sanitary sewer extensions through the conservation easement area. This would be a bilateral term not unreasonably withheld of the agreement (Township and Property Owner). Mr. Hassler was not in favor of the conservation easement area.

Stan requested the design engineer an exhibit sketch that will be utilized in the August 12, 2019 from Attorney Schock depicting the deferred sidewalk and sidewalk to be constructed.

Additionally, Annmarie Vigilante explained that the prior right of way frontage along the Bernard and Diane Cesanek and Mary Ritter property were not properly deeded and were offered for future right of way of the Township to provide the property owners access to the future roadway (portion of old Seemsville Road). The applicants' consultants will coordinate the transfer to either the property owners or the Township.

Erich Schock presented his letter of August 12, 2019 concerning the waiver requests and clarifications. The letter contained the following request for waivers and deferrals as follows:

From the submission requirements in the Township's Subdivision and Land Development Ordinance ("SALDO"), to the extent necessary under applicable law:

1. SALDO Section 503.4.A —PADEP Sewer Planning
2. SALDO Section 503.4.B —PENNDOT HOPs
3. SALDO Section 503.4.0 —PADEP and/or Army Corp of Engineers Joint 105 Permit
4. SALDO Section 503.4.D —Water and Sewer Utility Agreements
5. SALDO Section 503.4.F — NCCD Approval of Soil Erosion Control Plan
6. SALDO Section 503.4.G —NPDES Permit

The above provisions pertain to outside agency approvals, which under the MPC are appropriately made conditions of plan approval.

7. SALDO Section 503.4.E—Agreement and Financial Security for Outstanding Improvements

8. SALDO Section 503.4.J—Cost Estimate

Pursuant to Section 509(a) of the MPC, to the extent improvements have not been completed, the applicant is entitled to proceed with the project following provision of an agreement and financial security. The MPC does not require this information to be submitted at time of final plan submission. Rather, it is properly a condition of plan approval. In addition, condition II.1 of the Township's February 26, 2019 preliminary plan approval for the project contemplated provision of both improvements agreements and financial security as a condition of plan recording, not a requirement of final plan submission. A deferral to allow the engineering cost estimate to be submitted as a condition of plan recording is consistent with condition II.1 of the Township's February 26, 2019 conditional preliminary plan approval for the project.

9. SALDO Section 503.4.H—Recreation Fees of Deed of Dedication for Recreation or Open Space Areas

In connection with the initial submission of the final plan, Applicant submitted a draft Conservation Easement. Based on feedback from the Township, the revised Conservation Easement has been submitted for review. As contemplated by the Township, consistent with proposed condition 1.2, the Conservation Easement would be finalized prior to plan recording.

10. SALDO Section 503.4.I—Easement Drawings and Documents

The Applicant requests a deferral to permit the easement documents and drawings to be submitted for Township approval following resolution of all engineering and outside agency, comments in the event addressing such comments would impact the easement documents and drawings.

Mr. Frack made a motion to grant approval of the waiver request letters of Erich Schock and Pidcock Engineer regarding technical issues; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes with the exception of Mr. Hassler who voted no.

Mr. Behler made a statement prior to making his motion – he did not feel (nor did he feel it was the Boards desire not to have a warehouse and the additional traffic) and if there was any legal way around this he would vote differently. Mr. Behler thanked Mr. Jaindl and the Watson Company for working with the Township regarding several issues. Mr. Behler made a motion to approve the Jaindl Watson Northampton Business Center Final Plan, Phase 1 (dated August 13, 2019) pursuant to the following conditions detailed as follows:

*“The Final Plan for Phase 1 of the Subdivision and Land Development entitled, “JW DEVELOPMENT – SUBDIVISION/LAND DEVELOPMENT AND LAND DEVELOPMENT REVISED FINAL PLAN SUBMISSION FOR NORTHAMPTON BUSINESS CENTER”, dated June 5, 2017, as last revised May 9, 2019, prepared by the Pidcock Company, consisting of Sheet 1 of 88 through Sheet 88 of 88 and including all supplemental drawings listed within the Index to Drawings on sheet 2 of 88 and also including all PennDOT H.O.P. related plans and documents itemized in the May 31, 2019 Langan letter to PennDOT (as ultimately approved by PennDOT), along with Mud Lane plans, last revised January 30, 2019, is hereby approved by the Board of Supervisors of Allen Township subject to the Applicant agreeing to satisfy the conditions enumerated herein. For the purposes of this document the term “Applicant” shall mean JW Development Partners its successors, assigns or grantees.*

*The plan submission referenced above, in addition to depicting site improvements, depicts the relocation of Seemsville Road (and renaming of the relocated portion to Cesanek Road) and its*

*intersection with Route 329. The approval for this relocation is outside of the jurisdiction of Allen Township. The Applicant has chosen to seek a Final Plan approval from the Allen Township Board of Supervisors prior to receiving the approval from the outside agencies which have jurisdiction over the proposed relocation of Seemsville Road, to be known as Cesanek Road. Allen Township has informed the Applicant that any subsequent plan submission that depicts Cesanek Road, and its intersection with Route 329, in a substantially (as reasonably determined by the Township) different location than shown on the plans referenced above will be treated as a new plan submission subject to the Township Ordinances in effect as of the date of that plan submission. The Applicant has the option to extend the 90 day MPC time period for action on its plan in order to allow for receipt of the necessary outside agency approvals for Cesanek Road and its intersection with Route 329. Instead, the Applicant has chosen to proceed with requesting this Final Plan approval from the Allen Township Board of Supervisors. As a result, and due to the fact that the proposed location of Cesanek Road, and its intersection with Route 329, is a critical component of this plan submission, a number of the conditions listed herein are designed to address the unknown aspects of the proposed location of Cesanek Road and its intersection with Route 329. This approval only addresses compliance with the Ordinances of Allen Township, and does not support nor oppose the outside agency approvals required for the construction of this project.*

*I. CONDITIONS TO BE SATISFIED PRIOR TO RECORDING OF FINAL PLANS FOR PHASE 1*

*1. The Applicant shall submit documents to the Township for approval providing that the owners of lots 1 and 2 will be solely responsible for the perpetual maintenance and operation of all costs associated with the traffic signal, including all power supply and control equipment, and associated signs and markings, at the intersection of Cesanek Road (SR 3021) and State Route 329 in accordance with all PennDOT traffic signal requirements. The Indemnification, Traffic Signal Maintenance and Stormwater Management Facilities Operations and Maintenance Agreement attached hereto as Exhibit "A" (the "Tri-Party Signal and Storm Agreement") is acceptable to the Township to satisfy this requirement.*

*2. Allen Township acknowledges the Applicant's offer of a perpetual Conservation Easement for 40.33 acres located in the general area of the northeast wooded wetlands (as noted on the submitted plans), with access to be provided to the public. The Conservation Easement attached hereto as Exhibit "B" is acceptable to the Township to satisfy this requirement. The Board of Supervisors acknowledges that this offer satisfies the Code of Allen Township requirement that the Applicant dedicate recreation land to the Township or submit a fee in lieu thereof.*

*3. Applicant and the Township will agree to the timing of the Applicant's installation of approximately 4,162.39 linear feet of 8" water line along Mud Lane from roughly Howertown Road to East Allen Gardens Subdivision, with appropriate fire hydrants (4 hydrants and 1 manhole with an air release valve) as determined by Allen Township, in lieu of Mud Lane frontage improvements, with the exception of appropriate stormwater management facilities along the Mud Lane frontage, and full width overlay of Mud Lane after water line installation. Details of the construction timing and security will be included in the agreements referenced in condition I.8. After installation, said water line to be owned and maintained by Bethlehem Water Authority. Allen Township to be responsible for hydrant rental fees. The Applicant and Township acknowledge that the size of the water line may be increased to 12" pursuant to a separate agreement between the Applicant and the City of Bethlehem.*

4. *The Applicant shall comply with the substantive ordinance and technical engineering comments contained within the Barry Isett Associates review letters dated June 14, 2019 (overall project and traffic signal letters), and July 18, 2019 (HOP review letter), to the extent that those comments are not specifically addressed by these conditions of approval, and in a manner consistent with The Pidcock Company's explanations and responses as reflected in its December 14, 2018 response letter, which the Township hereby acknowledges are acceptable. It is acknowledged that some of the comments contained within the review letter are information only, and that others will be addressed by future plan revisions or engineering clarifications. Any interpretations or clarifications of the comments contained in the review letter shall be resolved by the Township Manager and the Solicitor.*

5. *The TIS proposed, and PennDot approved, corridor improvement plans are to be made a part of the plan submission, and are to include the Howertown Road improvements, the Route 329/Howertown Road/Weaversville Road intersection improvements as well as all aspects of the Cesanek Road layout and signalization of the intersection with Route 329. Any additional plans related to "by others" comments in the Applicant's subdivision plan submission, i.e. sanitary sewers, storm water conveyances, are also to be included as part of the plan submission. The additional plans prepared by Applicant's other consultants are part of the Applicant's submission and shall be referred to for the design details included in such additional plans.*

6. *The following notes shall be added to the plans and restrictions placed in the Declaration of Covenants (or similar document) for Phase 1, an acceptable form of which is attached hereto as Exhibit "C", which shall be signed and recorded prior to final plan recording:*

(a) *Truck drivers shall be instructed Stating that trucks are not to be permitted to queue on or along Route 329 or any other public roadway located within Allen Township, except for queuing at traffic signal turn lanes.*

(b) *The proposed storm water facilities located within the lots are to be owned and maintained by the lot owners or the Applicant. The common proposed storm water management facilities located within the development shall be owned and maintained by the Applicant. The Township of Allen has the right, but not the duty, to enter the premises for maintenance or repair purposes at the Applicant's expense.*

(c) *With respect to Phase 1, any and all trucks with a GVWR of 10T or greater as well as all trucks classed a WB-40 or larger are prohibited from using Howertown Road, Savage Road and Willowbrook Road north of Radar Drive, unless so permitted, in writing by Allen Township.*

(d) *It shall be the responsibility of each lot owner to keep all fire hydrants clear of snow during the winter season.*

(e) *Truck drivers shall be instructed, by the Applicant and/or Applicant's tenants, regarding acceptable routes between the facility and the nearest expressways with respect to the class of vehicle accessing the facility.*

(f) *The Plans shall be revised to show the agreed upon method to discourage/prohibit truck traffic from using the Howertown Road entrance/exit.*

(g) *Snow scrapers shall be required for each building and shall be placed in a location where they will be fully functional.*

7. *Applicant agrees to address the following:*

- (a) *Maintenance of Seemsville Rd, to be determined between Allen and East Allen Township (and/or other applicable public entity) and documented in an appropriate inter-governmental cooperation agreement, the form of which attached as Exhibit "D" is acceptable to the Township.*
- (b) *Maintenance and responsibilities for Bernie Way (between Seemsville Road and Cesanek Road) to be determined between Allen and East Allen Township (and/or other applicable public entity) and documented in an appropriate inter-governmental cooperation agreement, the form of which attached as Exhibit "D" is acceptable to the Township.*
- (c) *Ownership responsibility for the proposed traffic signal at the Cesanek Road/Route 329 intersection. The Tri-Party Signal and Storm Agreement is acceptable to the Township to satisfy this requirement.*
- (d) *Ownership and maintenance responsibilities for the proposed stormwater management facilities associated with the proposed Cesanek Road, its intersection with Rt. 329 and any other improvements associated with the PennDOT Highway Occupancy Permit(s). The Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement attached here to as Exhibit "E" and the Tri-Party Signal and Storm Agreement are acceptable to the Township to satisfy this requirement.*
- (e) *Maintenance responsibilities for the proposed traffic signal at the Cesanek Road/Route 329 intersection, to include maintaining the synchronization and communications between the proposed traffic light and the Route 329 traffic signals in Allen Township. The Tri-Party Signal and Storm Agreement is acceptable to the Township to satisfy this requirement.*

8. *The Applicant shall execute the required development and financial security agreements to provide for the construction of the improvements required by all applicable Township Ordinances, including completion of the stormwater management maintenance agreement, which shall contain Best Management Practice (BMP) Operations and Maintenance Plans and easements for municipal access and maintenance, if necessary.*

9. *The Applicant shall obtain, and submit to the Township, any and all required approvals from outside state, local, and federal agencies having jurisdiction over the project including, but not limited to:*

- (a) *PA DEP and NPDES approvals;*
- (b) *Approval of Erosion and Sedimentation plans from Northampton County Conservation District and/or PA DEP;*
- (c) *PennDOT;*
- (d) *Receipt of Act 167 Stormwater Management consistency letter from the LVPC relative to the stormwater management designs for both the subdivision as well as the stormwater management facilities associated with the Cesanek Road location;*
- (e) *PA DEP approvals for the internal bridge over the Dry Run; and*
- (f) *Permits from any outside agencies having jurisdiction over the wetlands encroachment and/or replacement.*

*Evidence of East Allen Township's approval is limited to East Allen's approval of the grading permit (conditionally approved by East Allen on January 24, 2019), since East Allen Township agrees that the project, as proposed, does not require subdivision approval.*

10. *The Applicant shall obtain the necessary approval from sanitary sewer and water service providers, including but not limited to:*

- (a) Approval of a PA DEP Planning Module;*
- (b) Execution of agreements with providers covering installation, maintenance and operation of sanitary sewer and water facilities.*

11. *The Applicant shall submit to the Township an approved Erosion and Sedimentation Plan set prior to recording or prior to construction, whichever occurs first.*

12. *The Applicant shall obtain and/or submit the following as they pertain to the Traffic Impact Study and proposed roadway improvements:*

- (a) PennDOT approval of the engineering designs for the proposed roadway improvements and associated stormwater management control provisions on State Roads and issuance of Highway Occupancy Permit(s) for the same.*
- (b) Applicant must obtain PennDOT Highway Occupancy Permit(s) for the Route 329 and Cesanek Road (SR3021) improvements, along with permits for all proposed utilities in any/all PennDOT ROW's, and permits for the site's Howertown Road entrance, along with an HOP and signal permit, in accordance with the current TIS, approved by PennDOT, that requires turn lane improvements, at the Howertown/Weaversville-SR 0329 intersection and that allows for the construction of those improvements with the intersection realignment being consistent with that as represented in the Applicant's current plan submissions. Allen Township agrees to issue temporary occupancy permits (meaning permits allowing for installation of fixtures and fit out work prior to tenant occupancy) for the lots within the subdivision following the Applicant's completion of the new Cesanek Road intersection at Route 329 and the improvements at the site's Howertown Road entrance, further subject to any Uniform Construction Code requirements. All other traffic related improvements to Route 329, Howertown Rd, Cesanek Road (SR 3021), and the intersection of Route 329 and Weaversville Road/Howertown Road shall be completed prior to the issuance of Final Occupancy Permits for any of the lots within the Subdivision/Land Development, subject to condition I.14 below. Note 6, in Site Plan Notes, on 3 of 88 shall be revised to reflect this condition. Applicant agrees to address the considerations raised in the PennDOT review letter(s) of July 24, 2019 and any review letters subsequently issued by PennDOT, as well as concerns raised by both Allen and East Allen Townships (with East Allen review limited to the grading permit application, the HOP design plans, the HOP right-of-way plans and the stormwater report for the HOP-related improvements).*
- (c) Applicant shall obtain, as part of the permitting process with PennDOT, approval for the expected volume of construction traffic that will be accessing Route 329 at the existing Seemsville Road intersection. Applicant shall be responsible for the construction and installation of any temporary traffic improvements and modifications as required by PennDOT.*

13. *Any necessary right of way, easements, or other property acquisitions required for the installation of any improvements depicted on the plans shall be the responsibility of the Applicant. The Applicant was unsuccessful in attempting to acquire the right-of-way ("ROW") necessary to construct a southbound right turn lane ("Right Turn Lane") at the Howertown Road/Route 329 intersection. The Applicant has removed the Right Turn Lane from its' PennDOT application. If, at any time prior to the end of the 18 month period calculated from the date of the direction from*

*PennDOT or the Township to commence the TIS after study (the “Off-site Date”), the Township acquires the ROW, it shall notify the Applicant of said acquisition, and may require the Applicant to submit an application to PennDOT for approval of the construction of the Right Turn Lane. The Applicant shall submit such application within 45 days of the receipt of the Township’s notification of acquisition of the ROW. In the alternative, the Applicant and the Township may agree to postpone the submission of the PennDOT application to a time agreed upon by both parties. After submission of the application, the Applicant shall proceed promptly, in good faith and with due diligence, to obtain PennDOT approval of the application for construction of the Right Turn Lane. Upon receipt of PennDOT approval for construction of the Right Turn Lane, the Applicant shall construct the same within six (6) months of the date of receipt of the HOP for the Right Turn Lane. If the Township has not acquired the ROW by the Off-site Date but has taken action to proceed with an improvement to any of the off-site intersections which are included in Applicant’s TIS, Applicant shall provide a financial contribution to the Township in an amount mutually agreeable to the Township and Applicant, representing Applicant’s current estimated cost to install the Right Turn Lane, to the Township’s improvement of such intersection. In the event the Township does not complete the work to the intersection within two (2) years, the Township shall return the Applicant’s contribution. References to “all traffic improvements” included herein shall not include the Right Turn Lane.*

*14. All finally approved PennDOT HOP plans shall be included in the record plan set.*

## *II. PERMANENT CONDITIONS OF APPROVAL*

*1. The Applicant’s Traffic Impact Study and related documentation show all truck traffic to and from the proposed development to be routed between Rt 329 and the development’s eastern entrance via Cesanek Road (SR 3021). The Applicant agrees that under normal operation conditions, trucks to and from the development will be prohibited from using Howertown Rd (between Rt 329 and Kreidersville Rd) as well as Seemsville Rd and Allen Drive, both to the north of the development’s eastern entrance via Cesanek Road. This condition shall also be acknowledged in the PennDot HOP applications, including the PennDot driveway access HOP application and related permits. The Applicant shall install and maintain appropriate signage at the exit from the development onto Cesanek Rd, noting no left turns for trucks onto Seemsville Road.*

*2. The Applicant shall designate a professional engineer, licensed in the State of Pennsylvania, to be responsible for assisting the Applicant in the administration of the construction project for all aspects including, but not limited to, design modifications, interpreting plans and specifications, approving all shop drawing submittals and coordinating those with Allen Township, obtaining approvals from Allen Township when needed, initiation of requests for approval of escrow releases and subsequent submission of those requests to Allen Township, submission of as-built plans and construction completion certifications, and signing paperwork and termination requests required by PADEP/NCCD permits, and coordination of any HOP improvements related to the site development. As-built plans to depict all pertinent information, such as, but not limited to, invert and top elevations, sizes, slopes, grades over all utilities and within road rights-of-way, pertaining to all utilities including stormwater, electrical/communications and gas.*

*3. All designated open space associated with lots 1 and 2 shall comply with Allen Township’s Open Space Ordinance planting specifications.*

*4. No Final Occupancy Permits will be issued until all traffic related improvements to Route 329, Howertown Road, Seemsville Road, Cesanek Road (S.R. 3021), and the intersection of Route*

329 and Weaversville Road/Howertown Road, subject to condition I.14, are completed per approved PennDOT HOP's/HOP plans to the satisfaction of PennDOT and the Township. Allen Township agrees to issue temporary occupancy permits (meaning permits allowing for installation of fixtures and fit out work prior to tenant occupancy) for the lots within the subdivision following the Applicant's completion of the Cesanek Road intersection at Route 329 and the improvements at the site's Howertown Road entrance, further subject to any Uniform Construction Code requirements.

5. The Final Plan approval does not verify or confirm the wetlands delineation submitted by the Applicant.

6. The Applicant must provide evidence to the Township that the traffic signal facilities proposed for Route 329/ Cesanek Road (SR 3021) intersection will be owned by a responsible municipal or other public entity once constructed and installed. All costs associated with maintenance and operation shall be borne by JW Development, its successors or assigns. The Tri-Party Signal and Storm Agreement is acceptable to the Township to satisfy this requirement.

7. The Applicant shall obtain Highway Occupancy Permits from Allen Township for all internal driveways shown on the approved Subdivision/Land Development Plans.

8. The September 29th, 2017, last revised April 6, 2018, Traffic Impact Study (prepared by Langan) submitted by the Applicant, and the PennDOT review letter dated July 24, 2019 are predicated on the ITE 152 Use (High Cube Warehouse) for each of the lots 1, 2, and 3. All building plans and occupancy permits for these lots shall require the Applicant to certify that their traffic generation will be consistent with an ITE 152 Use. Any ITE Use that generates a traffic load greater than the assumptions contained in the Traffic Impact Study will require a follow-up Traffic Impact Study to determine if any additional roadway improvements are needed, with appropriate remediation being provided by the owners of those lots generating the additional traffic. After final build out and occupancy of the project, the Applicant has been informed that it will be required to perform a PennDOT TIS after-study. In the event that PennDOT does not require such an after study, or requires it prior to the issuance of any Final Certificate of Occupancy for each building located within the project, then, at Allen Township's discretion, Applicant may be required to perform a TIS after-study (in accordance with Section 27-1409(m) of the Township Zoning Ordinance) to determine if any additional roadway improvements are needed, with appropriate remediation by the Applicant. Any such after study is to be performed under the same conditions (time of year and times of day) under which the noted TIS was performed, unless otherwise required by PennDOT.

9. The future construction or provision of LANTA bus stop(s), as well as pedestrian access, shall be deferred until such time as LANTA agrees to provide service to the Subdivision/Land Development. The Applicant shall be responsible for construction, to include sufficient lighting, and maintenance of such facilities at such time as service is proposed by LANTA, subject to Allen Township review and approval.

10. At the appropriate time, Applicant shall execute deeds of dedication, as required by the Township, for dedicated improvements and right of way acquisition. For the additional right-of-way required along the west of Seemsville Road, Applicant shall first offer the right-of-way to adjoining

property owners (Mary S. Ritter (as to Parcel L4-5-8B) and Bernard P. and Diane L. Cesanek (as to Parcel L4-5-8A)). If the additional right-of-way is not accepted by such adjoining property owners, the Applicant shall dedicate the right of way to the Township.

11. The Board of Supervisors hereby approves the following waivers or deferments associated with this plan submission:

- a. 8-231.8.K: A waiver from meeting the minimum slope of the bottom of a detention pond of 2 percent toward the outlet structure.
- b. 22-406.K(1)(e): A deferral from the requirement of installing sidewalk along the north side of the proposed public street (Cesanek Road) other than installation to the LANTA bus stop as depicted on the plans and Exhibit "F" attached hereto.
- c. 22-406.H, 22-407.1 & 22-407.2: Waivers from the requirements in these sections relating to the widening and improving of Howertown Road and Mud Lane. As a condition to the granting of these waivers, the Applicant has agreed to install a water line along Mud Lane (which shall be identified on the Plans) and to construct certain improvements to Mud Lane and Howertown Road (which shall be identified on the Plans).
- d. 8-243.E.: A modification from the requirement to provide an Environmental Site Design Assessment, acknowledging that all information requirement by such Environmental Site Design Assessment has otherwise been provided in other materials submitted for review.
- e. 27-1413.B.8: A modification to allow the access drives at 36' versus the required 28'.
- f. 8-231.8.F: A modification to allow a pond depth greater than permitted pursuant to Chapter 8, Section 231.8.F - such depth shall be no greater than as ultimately included in Applicant's post-construction stormwater management plans.
- g. 22-503.4.A: A waiver from the Final Plan submission requirements for Pa. DEP sewer planning to allow Applicant to submit such third-party agency approvals as a condition of plan recording.
- h. 22-503.4.B: A waiver from the Final Plan submission requirements for PennDOT highway occupancy permits to allow Applicant to submit such third-party agency permits as a condition of plan recording.
- i. 22-503.4.C: A waiver from the Final Plan submission requirements for Pa. DEP and/or Army Corps of Engineers permits for alterations of wetlands to allow Applicant to submit such third-party agency permits as a condition of plan recording.
- j. 22-503.4.D: A waiver from the Final Plan submission requirements for agreements with water and sewer utility providers to allow Applicant to submit such third-party agency approvals as a condition of plan recording.
- k. 22-503.4.E: A waiver from the Final Plan submission requirements for agreement(s) and security approved by the Board of Supervisors to secure completion of any requirement improvements to allow Applicant to submit such information as a condition of plan recording consistent with condition II.1 of the Township's February 26, 2019 preliminary approval for the project.
- l. 22-503.4.F: A waiver from the Final Plan submission requirements for approval of the Soil Erosion Control (E&S) plan from NCCD to allow Applicant to submit such third-party agency approvals as a condition of plan recording.
- m. 22-503.4.G: A waiver from the Final Plan submission requirements for submission of an NPDES permit to allow Applicant to submit such third-party agency permit as a condition of plan recording.

- n. 22-503.4.H: A waiver from the Final Plan submission requirements for recreation fees or a deed of dedication for recreational and open space areas to allow Applicant and Township to finalize the proposed Conservation Easement (see condition I.2 above) as a condition of plan recording.
- o. 22-503.4.I: A waiver from the Final Plan submission requirements for easement documents and drawings to allow Applicant to submit such information as a condition of plan recording.
- p. 22-503.4.J: A waiver from the Final Plan submission requirements for submission of an improvement estimate signed and sealed by a professional engineer to allow Applicant to submit such information as a condition of plan recording consistent with condition II.1 of the Township's February 26, 2019 preliminary approval for the project.

*[Remainder of Page Intentionally Left Blank]*

*The Applicant understands these conditions and agrees to comply with all of the above conditions in accordance with the time specified. If the Plans are not recorded by August 13, 2022, Applicant recognizes that the plan is disapproved without further action required by the Allen Township Planning Commission or Allen Township Board of Supervisors. Applicant also understands that Applicant is responsible for providing the required number of original mylars and print copies for recording purposes, and that Applicant must satisfy all outstanding Township Engineer and Legal costs associated with this Subdivision/Land Development/Land Development Plan. Applicant is authorized to accept these terms and conditions on behalf of the Applicant."*

Motion seconded by Mr. Montanari and noted that he agreed with the sentiments expressed by Mr. Behler as well regarding the approval. Mr. Hassler, prior to the vote, did not feel that the project did not belong in the proposed location. On the motion, by roll call vote, all Supervisors present voted yes with the exception of Mr. Hassler who voted no.

**ii. Hanna, Tax Map K4-30-6, Fire Escrow Release:** Mr. Frack made a motion to authorize the release of the fire escrow in the amount of \$104,130.97; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

**E. Road Superintendent/Public Works Leader:** On file and presented by Mr. Gogle.

**F. Fire Company:** On file and report supplied by Chief Hassler.

**G. Emergency Management Coordinator:** Mr. Krill provided the report.

**H. Parks:** On file. Mr. Eric Miller, President of the Bath Allen Youth Club, reported on the progress of the Club. Mr. Miller would like the Boards feedback and guidance regarding the dugout and fencing. The Board requested Ms. Eckhart provide more detailed information regarding the usability of the areas around the existing fields for the proposed dugouts. Mr. Miller indicated the open benches are a concern. He questioned if fund raising would be necessary. Mr. Behler felt the dug outs were a reasonable request. Mr. Miller indicated the Bath Allen Youth Club group received a \$2,500 grant from the Iron Pigs. Ms. Eckhart voiced some concern regarding the stormwater through the property. Ms. Eckhart will return with estimates based on the examples provided by the Club.

**J. Nazareth Council of Government:** On file and presented by Mr. Krill.

**K. First Regional Compost Authority:** On file. Nothing to report.

**L. Stormwater:** On file.

## **6. Unfinished Business**

**A. Truck Restriction Signage – Additional Areas:** The Board discussed adding Truck Restriction Signage for the following intersections:

- John Drive/Atlas/Savage
- Savage/Atlas (at one-way west)
- Adams/Savage
- Buckingham/Savage
- Hogan/Savage
- Walker/Willowbrook
- McNair/Willowbrook
- Horwith Drive/Hollow Lane (would require cooperation from Northampton Borough)
- Atlas/Weaversville. Mr. Hassler motion to install the signs as outlined; seconded by Mr. Behler.

On the motion, by roll call vote, all Supervisors present voted yes.

**B. Lehigh International Airport Area Freight Study (LVIA Freight Study):** Mr. Clater provided a brief recap presentation of the draft of final report, which was released last week. The Board thanked Mr. Clater for his participation in the study and report on the project outcome.

## **7. New Business**

**A. Azar, Tax Map K4-21-4D, Well Isolation Distance Request:** Mr. Behler questioned the closeness of the proposed system and if subsequent property owners received notice. Mr. Treadwell indicated that the well-isolation distance indemnification agreement would be recorded. Mr. Montanari made a motion to approve the request; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

**8. Public to be Heard:** Gary Krill, 29 Debbie Road, requested to know the percentage of the water bill paid for sewer treatment. Mr. Behler indicated 115% of the water bill. Mr. Krill was concerned of recently reading in the paper that the Township residents were paying less than the Borough residents.

Sue Lindenmoyer, Mud Lane, questioned why the roadways could not be widened other than within a mile of an intersection. She felt that the Supervisors should be able to mandate additional improvements through zoning. Mr. Clater explained that the MPC limit improvements to on-site only. The Township cannot require off-site improvements. Mr. Hassler interjected that the decision was made to expand the zoning back in the earlier 2000. She further questioned the water runoff on Mud Lane was going to be handled by Jaindl as part of the project regarding her existing water problem. Mr. Gogle will look into the improvements proposed by Mr. Cox for Ms. Lindenmoyers problem.

Maggie Kemp, Seemsville Road, thanked Dale Hassler for the no vote on the JW Northampton Business Center, Final Plan, Phase 1. She felt that Allen Township did not put a good fight. She asked who PennDOT was accountable too. She indicated she was told PennDOT works for the Governor. She suggested letters be drafted to the Governor.

Lori Sugra, Nor-Bath Boulevard, requested a response on the fuel run off leaking from the trucks proposed with the Jaendl Watson development. Mr. Wojciechowski stated the stormwater would be monitored by the Northampton County Conservation District and PADEP. She further questioned the comment regarding the change in classification from a functional classification upgrade of Rt. 329 from a minor arterial to principal arterial described by the report Mr. Clater provided of the LVIA Truck Freight Study and provided some feedback to some of the theoretical routes investigated in the LVIA. Mr. Clater explained the funding aspects of the reclassification. She further questioned the future connection of Weaversville Road to Rt. 248. Ms. Sugra questioned if property assessment would be reviewed do to the nearby development. Mr. Treadwell indicated that Northampton County sets the assessments. Mr. Mike Sugra questioned the stormwater as well as potential groundwater well, on-lot sewer and noise and pollution. He was very concerned regarding future well water contamination. Mr. Oberly hoped that if the Township began to have well failures that the water line was not that far away. Mr. Sugra was concerned that the sewer was not extended across Rt. 329 in the past.

Erwin Kemp, Seemsville Road (East Allen Township resident) voiced concerns regarding the stormwater detention ponds installed in the Howertown Park as part of the PennDOT Route 329 Improvement Project. He was concerned about the retention ponds water and fencing. Mr. Oberly indicated the fencing would be installed accordingly in the Howertown Park.

Lowell Knerr, Old Gate Road, requested the Township find a way to stop the warehouse development. He was concerned with the light pollution. Mr. Montanari responded regarding the history of the zoning of the property (which was also residential at one time) but there was no crystal ball and change happens. He further noted that the Township had to provide for a variety of uses including industrial and commercial uses.

There being no further comments or business the meeting adjourned at 8:40 PM.

Respectfully submitted,

Ilene M. Eckhart