



# Allen Township Supervisors

4714 Indian Trail Road

Northampton, Pennsylvania 18067

Larry Oberly, Chairman  
Dale Hassler, Vice Chairman  
Bruce Frack  
Alfred Pierce  
Gary Behler

Robert J. Cox, P.E., P.L.S.  
B. Lincoln Treadwell, Jr., Esq.  
Ilene M. Eckhart, Manager

## ALLEN TOWNSHIP SUPERVISORS MEETING MINUTES

**Tuesday, November 28, 2017**

A General Meeting of the Allen Township Supervisors was held on Tuesday, November 28, 2017 at 7:00 P.M. at the Allen Township Municipal Building, 4714 Indian Trail Road, Northampton, Pennsylvania 18067. The Pledge of Allegiance to the Flag was led by Chairman Larry Oberly.

**Roll Call:** Larry Oberly – Present; Bruce Frack – Present; Dale N. Hassler – Present; Alfred Pierce – Present; Gary Behler - Present; B. Lincoln Treadwell, Jr., Esq. - Present; Robert Cox, P.E., P.L.S. (Barry Isett & Associates, Inc.) – Present; and Ilene Eckhart – Present

**Public Hearings:** No scheduled Public Hearings.

**Public to be Heard:** Mrs. Beverly Moore, 40 Drexel Drive, voiced concerns regarding the Township's ability to prohibit the use of brake retarders in the Township in light of the amount of traffic currently as well as the additional traffic which will be generated by the warehouse proposals before the Township. Mr. Oberly responded that the Township has issued a request for a study to PennDOT regarding the appropriateness of prohibition which would need to be consistent with PennDOT's criteria. He indicated the Township expects the response within the next few weeks.

Mr. Dan Snyder, of North Catasauqua Borough questioned the buffering proposed for installation along the border of the Rockefeller Lot #5 Land Development Plan, which was before the Board for consideration this evening. Mr. Jose Lazo, PE of BL Companies who was present on behalf of the Rockefeller Development Group shared the planned buffering with Mr. Snyder.

### Unfinished Business

**A. Wildlands Conservancy Presentation, Mr. Christopher Strohler:** Mr. Strohler provided a presentation concerning the mission of the Conservancy, with special emphasis on access to the Lehigh River as well as the correlation with the Township's property along the Lehigh River. Mr. Strohler further reviewed that the Wildlands Conservancy, the premier nonprofit land trust of the Lehigh Valley and 10-county Lehigh River watershed, also serves as the Lehigh River's designated water trail manager. Wildlands has been in existence since 1973 and they focus on land protection, environmental stewardship and education. As the Lehigh River Water Trail manager, Wildlands forwards education and recreation opportunities that support the continued protection of the Lehigh River, maintaining a perpetual focus on improved water quality and wildlife habitat throughout the watershed.

Mr. Strohler provided an overview of the recent access improvement projects in Walnutport and Treichlers Bridge. The planning and funding for these improvements was provided in part by the Palmerton Zinc Pile Site Trustee Council. As part the Council's claims for environmental damages, the Council is to provide alternatives for the damages for fishing access. Wildlands has been working with the Council to identify viable fishing access areas and develop access projects as well as obtain funding an access planning module. Wildlands has included a planning module for river access for the Allen properties. Mr. Strohler indicated the feasibility of installing a boat launch would be one of the modules involved with the planning efforts as part of the Lehigh River Water Trail in conjunction with the assistance of the Council, if feasible. Wildlands has submitted a proposal to the Palmerton Zinc Pile Trustee Council to include the Allen site and will await a response in early 2018.

**B. PennDOT STAA Access Approval – FedEx Ground Hub:** The Board of Supervisors reviewed the request as submitted by PennDOT and did not offer comments to approve or deny the request.

**C. Dashuta Land Development Plan – Conditional Approval:** Mr. Brian Gasda, PE, Lehigh Engineering was present on behalf of Mr. Harold Dashuta. Mr. Dashuta reviewed the zoning relief request (for which the applicant was seeking the Board of Supervisors support before the Zoning Hearing Board) as follows:

1. ZO 27-1203 – regarding minimum lot area;
2. ZO 27-1403.3 – regarding required side and rear yard setbacks;
3. ZO 27-1406 – regarding required 25' buffer yards;
4. ZO 27-1407.H(3) – regarding the requirement to keep lighting from spilling onto adjoining properties;
5. ZO 27-1422.3.A – regarding parking space size;
6. ZO 27-1422.5 – regarding the requirement for a loading space;
7. ZO 27-1422.10.A – regarding landscaping strips;
8. ZO 27-1422.10.C – regarding screening along an R2 district.

Mr. Gasda further stated, in an effort to reasonably develop the Dashuta property at the corner of S.R. 0329 and Short Lane and accommodate both the Township and Developer with their adjacent projects, relief is being requested for a number of Zoning Ordinance sections as noted and detailed as follows:

1. The lot size is being increased with some land from Allen Township as a result of the Short Lane closure, making it less non-conforming;
2. The side and rear yard setbacks are being infringed, however, doing so allows for a more 'open' corner and better sight distance between S.R. 0329 and Howertown Road;
3. Insufficient space exists to create 25' wide buffer yards, however, the applicant is willing to plant a pre-determined number of trees in the Township park as an alternative;
4. Some light from the western part of the parking lot currently spills onto Township park property in the area of the detention basin and walking path. This light spillover will not cause any harm, and can actually be a benefit to anyone using the park near dusk.
5. The proposed 9'x18' parking space size is sufficient for low-turnover parking areas, and it reduces the amount of impervious cover needed to support the required number of parking spaces.
6. No deliveries will be needed beyond those that can be accomplished via UPS sized truck. Further, in the event trucks ever do need to drop off supplies, a truck can turn around in the cul-de-sac and back into the property during non-business hours.
7. Insufficient space exists to create landscape strips, however, the applicant is willing to plant a pre-determined number of trees in the Township park as an alternative;
8. Insufficient space exists to create screening along an R2 district, however, the applicant is willing to plant a pre-determined number of trees in the Township park as an alternative.

Following the presentation and response to the Township Engineer's comments, Mr. Behler made a motion to support the Dashuta Zoning Hearing Board application for variances; seconded by Mr. Pierce. On the motion, by roll call vote, all Supervisors present voted yes.

Mr. Behler made a motion to conditionally approve the Preliminary Record Plan for Dashuta Land Development Plan as last revised subject to satisfaction of the Township Engineer's letter of review dated November 17, 2017; exclusion of tractor trailer deliveries to the site (fixed chassis trucks without trailers only); amending plans to include curbing or landscape rock barriers on the north side of the property; completion of the LVPC review; and further subject to a positive outcome to the Zoning Hearing Board variance requests for relief; seconded by Mr. Pierce. On the motion, by roll call vote, all Supervisors present voted yes. Mr. Treadwell clarified that the Final Plan could be considered following the outcome of the Zoning Hearing decision as well as finalization of any other technical items. Mr. Pierce felt the Township Engineer's letter of recommendation should be submitted along with the package to the Zoning Hearing Board.

**D. Rockefeller Lot #5 Land Development Plan – Final Conditional Approval:** Mr. Joseph Fitzpatrick, Esq. was present representing the Rockefeller Development Group. Ms. Johanna Chervak, present on behalf of the Rockefeller Development Group, stated acceptance of the conditions of approval as recommended by the Allen Township Planning Commission at their meeting of November 20<sup>th</sup>, 2017.

Mr. Behler questioned that it was noted that a meeting was to occur on November 21, 2017 with Township and County representatives, along with Rockefeller, regarding the replacement of the County owned bridge over the Catasauqua Creek on Willowbrook Road. Mr. Behler questioned the outcome of the meeting. Mr. Fitzpatrick indicated that the County met with Rockefeller but there is another meeting to occur with the General Purpose Authority of Northampton County (as owner of the bridge). The Township is to be represented at the meeting and Mr. Fitzpatrick indicated the County is onboard with the project.

Mr. Behler voiced further concerns regarding the scaling back of some of the initial improvements as discussed at the Planning Commission meeting in November. Mr. Fitzpatrick indicated that the goal is still to have substantial completion of the improvements by the time Fed Ex opens and that the remainder of the improvements would be secured with the Township. Mr. Treadwell reviewed the concept of the traffic improvements completed entirely to Airport Road and that the memorandum of recommendation of Pidcock Engineer (Rockefeller's Engineer) of November 17<sup>th</sup>, 2017 contained the following statement concerning the improvements which would be adequate in design engineer's opinion for the opening of Fed Ex and Lot #5 of the Rockefeller Industrial Subdivision as approved. It will be a future recommendation of the Board to determine the adequacy of the developer's engineer's assessments prior to occupancy. The Pidcock Company November 17<sup>th</sup>, 2017 memorandum recommended the following minimum improvements are necessary to support the anticipated initial traffic from the opening of the FedEx Hub and the Lot 5 warehouse:

- Willow Brook Road widening to two lanes in each direction from Radar Drive to Race Street as depicted on the approved Subdivision Plans and Hanover Township Plans;
- Willow Brook Road and Race Street intersection:
  - o 3 lane southbound Willow Brook Road approach – left, left/through, and right as depicted in the HOP plans;
  - o Realigned northbound Willow Brook Road approach as depicted in the HOP plans;

- o Westbound left, through, and right turn lanes on Race Street. Left turn lane to extend a minimum of 75 feet in advance of the intersection. Right turn lane to extend a minimum of 400 feet in advance of the intersection;
  - o Eastbound left and shared through/right lanes approaching the intersection on Race Street. Left turn lane as depicted in the HOP plans; and
  - o Eastbound Race Street exiting the intersection – 2 lanes for a minimum of 1375 feet prior to tapering to the single lane.
  - Race Street and Airport Road intersection:
    - o Maintain all existing lanes on Airport Road;
    - o Race Street approach widening to contain 3 lanes approaching Airport Road – left, left, and right. 250 feet of storage required in each of the left turn lanes; and
    - o Shoulder widening along Airport Road north of the intersection to accommodate the dual left turn lanes from Race Street.
- Airport Road and Schoenersville Road traffic signal timing changes to optimize traffic flows.

Ms. Chervak indicated that Rockefeller was scheduling for all of the work may be completed by Fed Ex opening but if there are delays the minimum would be necessary to accommodate the occupancies. Mr. Fitzpatrick indicated that Rockefeller was in communication with Fed Ex concerning the completion of improvements.

Mr. Behler was very concerned about the lack of the full improvements, but as long as further engineering review of the proposed improvements and the decision for occupancy would come to the Board at a later time.

Mr. Treadwell reviewed the draft motion for Final Plan approval as outlined (in italics) below. Prior to the Board's motion, Mr. Hassler voiced concern regarding the conditions of the Rockefeller Industrial Subdivision approval and the improvements to Route 329. Mr. Hassler was very concerned as there is no construction to date on any of the Route 329 improvements. Ms. Chervak indicated Rockefeller has been working with the Township, as well as Liberty Property Trust to obtain the PennDOT Highway Occupancy Permit and necessary permits so that construction could commence. Mr. Fitzpatrick further noted that the Liberty Property Trust (nor the prior developer) was in play at the time of the Rockefeller Industrial Subdivision approval and this has complicated the Route 329 planned improvements.

Mr. Pierce made a motion to approve the Rockefeller Lehigh Industrial Development Lot 5 Final Plan and grant the deferrals and waivers as outlined below as well as the confirmation of the adequacy of the financial security to finalize the engineering and construction Route 329 Improvement Plan; seconded by Frack. On the motion, by roll call vote, all Supervisors present voted yes.

*The Final Plan for the Subdivision and Land Development Plans entitled, "Subdivision and Preliminary Land Development Plans – Rockefeller Lehigh Industrial Development – Lot 5," dated December 22, 2016 and last revised November 6, 2017, prepared by BL Companies, consisting of Sheets 1 through 70 of 70 (the "Lot 5 Plan") is hereby GRANTED Final Plan Approval subject to the Owner and Applicant agreeing to satisfy the following conditions:*

1. *The Applicant must satisfy all comments contained in the Township Engineer review letter dated October 13, 2017 and any subsequent letters issued pursuant to the review of any resubmitted Lot 5 Plan, or stormwater plans, calculations, and details, including all comments contained on "marked up" plans exchanged between the Township Engineer and the Applicant's Engineer.*

2. *The Applicant shall obtain approval of PA-DEP Planning Module and provide documentation to the satisfaction of the Township covering the installation, operation and maintenance of the sanitary sewer and water facilities.*
3. *The Applicant shall obtain the following specifically with respect to the western SWM facilities as proposed in the Final Plan submission dated November 6, 2017 and which show storm water from Lot #5 being collected into an underground facility on residual LNAA land, as well as a collection basin located in the southwest corner of the residual LNAA land, with discharges from both facilities flowing through a single outfall on the western side of the residual LNAA land and then into a watercourse which flows over the adjacent Fuller Trust lands and finally into the Catasaqua Creek:*
  - i. *A written agreement from the adjacent property owner (Fuller Trust) approving the general outfall design and future maintenance responsibilities in accordance with Section 221 of the Stormwater Management Ordinance,*
  - ii. *A DEP permit approving the direct discharge of stormwater from the western SWM facilities into the Catasaqua Creek,*
  - iii. *A NPDES permit approving the overall SWM facilities for the proposed lot #5 development, as well as any other affected properties,*
  - iv. *Compliance with any pertinent Allen Township engineering reviews and comments with respect to the SWM design as proposed, as well as final designs,*
  - v. *A BMP Operations and Maintenance agreement which fully outlines maintenance procedures and responsibilities (financial and otherwise) for all of the SWM facilities as proposed in the November 6, 2017 Final Plan submission, to include all aspects of the SWM facilities integral to Lot #5, (Agreement shall include responsibilities for LNAA and Fuller lands)*
  - vi. *Easements for municipal access and maintenance, if necessary, with respects both to initial construction as well as any ongoing maintenance needs for all aspects of the SWM facilities integral to Lot #5 (including those which may be located elsewhere other than specifically on Lot #5), shall be recorded at the time of Final Plan recording.*
- b. *The final design of the western SWM facilities which are proposed to discharge directly into the Catasaqua Creek may not differ substantially from what was designed in the Final Plan submission dated November 6, 2017. Any design changes of substance will nullify approval of the SWM aspects of the November 6, 2017 plan and those design changes must be submitted to the Allen Township Planning Commission for review and recommendation to the Allen Township Board of Supervisors.*
- c. *All aspects of this particular condition #3 must be completed, to the satisfaction of Allen Township, before this Final Plan may be recorded.*
4. *Approval from PennDot is required for the revised intersection of the FedEx Employee Driveway / Lot 5 Northern Access, including the traffic signal designs. The approved PennDot plans for this intersection shall be deemed an integral part of this Lot 5 Final Plan.. Applicant or owner of Lot 5, its successors or assigns, is responsible for the construction of the revised intersection improvements at no cost to Allen Township. Once constructed and operational (turned on and controlling traffic movements), ownership of the traffic signal shall transfer to Allen Township. (Preliminary Plan approval condition, added as Note 79 in the Final Plan referenced herein)*
5. *Ongoing maintenance of the FedEx Employee Driveway / Lot 5 Northern Access traffic signal shall be the responsibility of the Applicant or owner of Lot 5, its successors or assigns, and the owner of Lot 1, its successors or assigns, and shall include all aspects of maintenance, replacement, reconstruction and upgrades subsequent to the initial construction. An agreement between the Owners of Lots 5 and 1 for the maintenance of this signal must be submitted to Allen Township for its review and approval prior to the signal becoming operational. (Preliminary Plan approval condition, added as Note 80 in the Final Plan referenced herein)*



6. *The Applicant or owner of Lot 5 shall provide the township engineer with a certificate of completion stating the infiltration structures and stormwater collection systems were installed in accordance with the approved plan, and in accordance with the Allen Township Stormwater Management Ordinance. The certification shall be signed by the owner of Lot 5 and the contractor who installed the infiltration structures and stormwater collection systems, in addition to being signed by a Professional Engineer licensed in the State of Pennsylvania. (Preliminary Plan approval condition, added as Note 81 in the Final Plan referenced herein)*
7. *The Applicant or owner of Lot 5 shall provide a post-occupancy traffic impact study and assessment to the Township (including specifically the months of November and December and while school is in session) within three years, or earlier as determined in the sole discretion of the Allen Township Board of Supervisors, from the issuance of the certificate of occupancy for Lot 5, as well as be responsible for any appropriate remediation/funding, if necessary, as determined by the Allen Township Board of Supervisors for areas where levels of service drop below the levels identified in the Traffic Impact Study dated December 13, 2013. The post-occupancy traffic impact study update and assessment shall initially study the traffic generated by the use of Lot 5. In the event that the traffic generated by the use of Lot 5 is higher than that identified in the Traffic Narrative for Lot 5 dated June 28, 2017, then the post-occupancy study shall be expanded to include the Radar Drive/Willowbrook Road intersection, the West Bullshead Road/ Willowbrook Road intersection, and the un-signalized lot 1 and lot 5 driveways, as well as additional intersections, identified by issues related to traffic generated from this site, as requested by Allen Township. Levels of service of any traffic movements on or affecting Willowbrook Road shall not drop below the levels identified in the Traffic Impact Study dated December 13, 2013. (Preliminary Plan approval condition, added as Note 82 in the Final Plan referenced herein)*
8. *The Applicant and Owner agree that the Township will not issue a Certificate of Occupancy for any structure on Lot 5 until such time as the traffic improvements to Willowbrook Road and Race Street (to the intersection of Airport Road), as identified in the Rockefeller Group Industrial Subdivision Plans, are substantially completed to a condition adequate (as determined in the sole discretion of the Township) to support the anticipated traffic levels for the uses on Lots 1 and 5. (Preliminary Plan approval condition, added as Note 83 in the Final Plan referenced herein)*
9. *The Applicant or owner of Lot 5 shall designate a professional engineer, licensed in the State of Pennsylvania, to be responsible for assisting the Applicant or owner of Lot 5 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, approval of escrow requests and subsequent submission to Allen Township, submission of as-built plans and construction completion certifications, and signing paperwork and termination requests required by PADEP/NCCD permits. (Preliminary Plan approval condition, added as Note 84 in the Final Plan referenced herein)*
10. *Plan note 67 shall be revised to replace “any and all class 8 trucks” with “trucks with a GVWR of 10 tons or more or which classified as WB-40 or larger”. (Preliminary Plan approval condition, Note 67 was revised in the Final Plan referenced herein)*
11. *The following Plan Notes shall be added to the Plans:*
  - a. *Condition 3 contained herein;*
  - b. *If truck stacking beyond the maximum queue limit occurs in a manner that has a negative effect on ingress/egress to the site from Willowbrook Rd, the owner of Lot 5 shall provide additional measures to address truck queuing. Truck stacking on Willowbrook Rd, where queues exceed the length of the turning lanes, is not permitted; and if this condition presents itself, the Applicant or*

*owner of Lot 5, its successors or assigns will be responsible for remediation of such condition, with such remediation to be to the satisfaction of Allen Township. (Preliminary Plan approval condition, added as Note 76 in the Final Plan referenced herein)*

*c. The Applicant and Owner agree that the total acreage of the residual “non-buildable” lot to the west of Lot 5, and within the bounds of Allen Township, which contains SWM facilities integral to the proposed development of Lot 5, shall have an easement appurtenant to Lot 5 that provides for the perpetual location of stormwater facilities. (Preliminary Plan approval condition, added as Note 77 in the Final Plan referenced herein)*

*d. Ingress and egress to Lot 5 via the southern access driveway shall be restricted to the following movements:*

*Trucks: right turn in and right turn out only*

*Cars: all movements are allowed*

*(Preliminary Plan approval condition, added as Note 78 in the Final Plan referenced herein)*

*12. This approval is contingent on the FAA issuing a Deed of Release for those lands involved in this Rockefeller Development Group subdivision/land development application.*

*13. The following LNAA provisions shall be satisfactorily addressed:*

*A. Grant of any easements as part of the overall stormwater management plan.*

*(Preliminary Plan approval condition, added as Conditions of Approval Note 2 in the Final Plan referenced herein)*

*14. The following Stormwater Management requirements shall be satisfactorily addressed:*

*A. Approval by the LVPC of the Act 167 related stormwater designs.*

*B. Completion of the SWM maintenance agreement by all owners of property containing stormwater facilities that serve this project, including BMP Operations and Maintenance Plan and easements for municipal access and maintenance, if necessary.*

*15. The following comments regarding the existing and proposed utilities shall be satisfactorily addressed:*

*A. An Agreement from the City of Bethlehem to provide water to the subdivision shall be provided. (Agreement has been provided) Also, an acknowledgement from the City of Bethlehem regarding Allen Township road opening requirements in the event of a need to open up Willowbrook Rd, including provisions for maintaining a reasonable level of traffic flow on Willowbrook Road shall be provided.*

*B. Acknowledgement from UGI regarding Allen Township road opening requirements in the event of a need to open up Willowbrook Rd, including provisions for maintaining a reasonable level of traffic flow on Willowbrook Road shall be provided.*

*C. Acknowledgement from the Telecom provider regarding Allen Township road opening requirements in the event of a need to open up Willowbrook Road, including provisions for maintaining a reasonable level of traffic flow on Willowbrook Road shall be provided.*

*D. Documentation from PPL regarding their approval of intended Rockefeller Development Group work in the PPL right-of-way shall be provided.*

*16. The Applicant or owner of lot 5 shall prepare a cost estimate in accordance with the PA MPC, and execute an escrow agreement for all Required Improvements.*

*17. The Applicant or owner of lot 5 shall execute any Developer’s Agreements required by Allen Township.*

*18. The Applicant, Owner, or owner of Lot 5 shall execute Deed(s) of Dedication for all dedicated improvements.*

19. *The Applicant or owner of Lot 5 shall obtain approval of an E&S Plan from the Northampton County Conservation Districts and/or DEP, and obtain an NPDES Permit prior to the commencement of any construction activities.*
20. *The Applicant or owner of Lot 5 shall pay all required recreation fees prior to recording the Plans.*
21. *The Applicant or owner of Lot 5 shall obtain highway occupancy permits from Allen Township for all driveways shown on the approved Subdivision Plan.*
22. *The construction of the Route 329 improvements at the Kopper Penny intersection and the Savage Road intersection as well as the Route 329 bridge replacement (to the extent identified on the current PennDot plan submission prepared by Langan Engineering) shall commence prior to the recording of this Final Plan. Upon written request of the Applicant, the Allen Township Board of Supervisors, in its sole discretion, may allow for the recording of the Final Plan prior to the commencement of the construction referred to in this Condition #22, if said Board determines that the construction will be commenced within an acceptable time period subsequent to the recording of the Final Plan.*

*Conditions 1, 2, 3, 11, 12, 13, 14, 16, 17, 20, and 22 shall be completed, to the satisfaction of Allen Township, prior to the recording of the Lot 5 Plan. All other conditions shall be satisfied within the time period specified below, unless the Allen Township Board of Supervisors approves an extension request.*

*It is recognized that with this Final Plan conditional approval, the following requirements of the Code of the Township of Allen are hereby deferred by the Board of Supervisors: (Sections 22-406-J, 22-407-11, 22-409, 22-502.4.K, 21-303.B, 21-306)*

1. *Sidewalks along the site frontage on the Western side of, and parallel to, Willowbrook Rd - North and South of the Northern site entrance, as well as sidewalks shown at the South entrance to the site are deferred. The internal sidewalks along the Northern access drive, which connect the employee parking areas and building to the pedestrian crosswalks at the intersection with Willowbrook Road, and the sidewalks immediately to the South of the Northern entrance which are necessary for connecting the intersection crosswalks shall be constructed. All other sidewalks, internal to the site, are not included in this deferral shall be constructed.*
2. *LANTA bus stop accommodations are deferred until such time as LANTA agrees to service the area, and then shall be built to a specification that is agreed to by the Owner of Lot 5, LANTA and Allen Township.*
3. *Construction of the southern access snowscraper is deferred until such time as deemed necessary by either the Owner of Lot 5 or Allen Township.*

*The following Waivers with Modification have been granted by the Board of Supervisors relative to the identified sections of the Code of the Township of Allen:*

1. *8-229(4)E: In carbonate areas, post-development 2-year runoff volume leaving site shall be 80% or more of the pre-development runoff volume. Modification: Conformance demonstrated using the PA DEP calculation methodology.*
2. *8-229(9)F: No infiltration practice shall be designed to recharge runoff from a contributing watershed larger than 2 acres. Modification: The proposed basin will receive more than 2 acres of drainage where the all proposed inlets conveying runoff to the basin area proposed with water quality inlet inserts to provide additional water quality.*
3. *8-231(8)C: Pipe outlet arrangement shall provide complete out-letting of all detained water, unless provisions for permanent ponding have been approved. Modification: To infiltrate, the water must pond and be allowed to recharge into the soil layer to demonstrate compliance with both the Township's and PA DEP stormwater regulations.*



4. *8-231(8)D: A detention basin, if utilized in an area of limestone geology, shall be lined with synthetic impervious liner as more specification described in Subsection (J). Modification: The proposed infiltration basin must be able to infiltrate to meet the Township and PA DEP recharge requirements; otherwise, a liner would prevent infiltration.*
5. *8-231(8)F.(3): Interior slopes shall not be steeper than a ratio of 4:1 horizontal to vertical. Modification: A 3:1 slope is proposed. A 3:1 slope is industry conventions, preferred by the FAA to deter wildlife, and the slope is gentle enough for maintenance.*
6. *8-231(8)H: If the maximum water depths as stipulated in Subsections (F) and (G) above area exceeded, a four-foot high chain link fence is required around the detention ponds. The fence shall be landscaped from adjacent streets and properties. A fenced detention pond shall have a maximum berm side slope of 4:1. Modification: A steeper slope is required to comply with FAA requirements.*
7. *8-231(8)K: The minimum slope of the bottom of a detention pond shall be 2% toward the outlet structure. Modification: Level bottoms are proposed for the bioretention basin and infiltration basin to allow for infiltration, evapotranspiration, and uptake of pollutants into the plant material. The level bottom is conformance with PA DEP design standards for bioretention and infiltration basins.*
8. *22-411(7)F: Driveway widths, driveways for multi-family, mobile home parks, and all non-residential subdivisions and developments shall not exceed thirty (30) feet in width and shall be clearly defined by use of curbing. Modification: The proposed northern driveway is designed to comply with PennDOT standards for medium volume driveway based on the expected average daily trip (ADT); therefore, it is necessary to exceed the 30' width.*

*The Applicant and Owner understand these conditions and agree to comply with all of the above conditions by December 31, 2019.*

#### **E. Rockefeller Lot 4 Land Development Plan – Preliminary/Final Conditional Approval:**

Mr. Joseph Fitzpatrick, Esq. was present on behalf of Rockefeller Development Group (applicant/developer) and the developer's design professionals from BL Companies to address the Board seeking approval for the Rockefeller Lehigh Industrial Development Lot 4 Plan. The recommendation was granted to conditionally approve the plan at the Allen Township Planning Commission meeting of November 20, 2017.

Mr. Pierce questioned the existing stormwater easements. Mr. Jose Lazo, PE of BL Companies indicated the plans will be revised to vacate the stormwater easement and a new blanket easement will be called out on the plans. Mr. Pierce indicated that this is a Township easement so he was unsure how the developer proposes to vacate it. Mr. Fitzpatrick indicated that the abandonment of the existing stormwater easement would be further subject to a new blanket easement in favor of the Township as depicted on the revised easement.

Mr. Treadwell reviewed the draft conditional approval motion in italics below. Following some further discussion, Mr. Pierce made a motion to conditionally approval the Rockefeller Lehigh Industrial Development Lot 4 in italics below, further subject to the abandonment of the stormwater easement rectified to the satisfaction of the Township Solicitor; seconded by Mr. Behler. Mr. Hassler questioned the extension of the Radar Drive contained in the Planning Commission recommendation. Mr. Treadwell indicated that the condition is more restrictive in both the design and the extension of Radar Drive is more restrictive on the Lot 4 plan, as was indicated on the Rockefeller Industrial Subdivision approval. Mr. Clater further interjected regarding some of the traffic analysis assumptions concerning Willowbrook and West Bullshead Road. On the motion, by roll call vote, all Supervisors present voted yes.

*The Preliminary/Final Plan for Land Development Plans entitled, "Preliminary/Final Land Development Plans – Rockefeller Lehigh Industrial Development – Lot 4," dated July 28, 2017 and last revised November 6, 2017, prepared by BL Companies, consisting of Sheets 1 through 29 of 29 (the "Lot 4 Plan") is hereby GRANTED Preliminary/Final Plan Approval subject to the Owner and Applicant agreeing to satisfy the following conditions:*

1. *The Applicant must satisfy all comments contained in the Township Engineer review letter dated October 13, 2017 and any subsequent letters issued pursuant to the review of any resubmitted Lot 4 Plan, or stormwater plans, calculations, and details, including all comments contained on "marked up" plans exchanged between the Township Engineer and the Applicant's Engineer.*
2. *The Applicant shall obtain approval of PA-DEP Planning Module and provide documentation to the satisfaction of the Township covering the installation, operation and maintenance of the sanitary sewer and water facilities.*
3. *Prior to recording of the Lot 4 Plan, the following activities related to the replacement of the Willowbrook Road bridge over the Catasauqua Creek, straightening and re-profiling of Willowbrook Road between W. Bullshead and the Wayne Grube Park, and the improvements to the W. Bullshead/Willowbrook Rd intersection (including signalization) must be commenced, and secured with the appropriate financial security as applicable, to the satisfaction of Allen Township:*
  - a. *The overall design and layout of Willowbrook Road for the area between W. Bullshead Rd and the Wayne Grube Park shall generally be consistent with the design as proposed in the 2013 TIS prepared for the RGDC Subdivision submission, unless otherwise modified by the Board of Supervisors. It is the intent of this condition to avoid the closing of Willowbrook Road during the bridge replacement if at all feasible.*
  - b. *Submission of a preliminary bridge design to Allen Township and Northampton County that shows a three-lane bridge, to be built while the existing bridge remains in service, and such design approved by Northampton County and Allen Township,*
  - c. *Acquisition of, or options to acquire, sufficient ROW to accommodate the overall design and layout of Willowbrook Rd, to include a dedicated northbound left turn lane of sufficient length at W. Bullshead Rd. as proposed by RGDC as a result of the 2013 TIS,*
  - d. *PennDot and Allen Township approval of the plans for the signalization of the W. Bullshead/Willowbrook Rd intersection, such design to be consistent with the design and layout of Willowbrook Rd as described in subparagraphs a through c of this condition 3,*
  - e. *Submittal of any applications for required DEP permits, NPDES permits, PennDot permits and Allen Township permits.*
  - f. *Once the above are satisfied, the Plan Set for the above is to be submitted to the Allen Township Board of Supervisors for their review and once approved shall be incorporated into the Preliminary/Final Plan for Lot 4.*

*All aspects of this particular condition must be completed, to the satisfaction of Allen Township, before this Preliminary/Final Plan may be recorded.*

4. *Any extension of Radar Drive, beyond the limits shown on the Lot 4 Plan shall require the submission of a written request and supporting TIS by an applicant, and a separate written approval by the Allen Township Board of Supervisors, after recommendation by the Township Planning Commission. This condition supersedes any conditions related to Radar Drive contained in the RGDC Subdivision Plan approval dated August 14, 2014.*
5. *The timing for the construction of the improvements in condition #3 above shall be as follows:*

- a. *The Required Plan improvements are to be incorporated into the Improvements Agreement documentation and financial security for this land development plan. The posting of the financial security for the county bridge shall occur prior to the recording of the Lot 4 Plan.*
  - b. *Prior to, or within one month of, recording of this land development plan, construction shall commence on the improvements identified in #3 above, upon written request of the Applicant, the Allen Township Board of Supervisors may extend the time for commencement of construction as it determines, in its sole discretion, to be reasonable.*
6. *The Applicant or owner of Lot 4 shall provide the township engineer with a certificate of completion stating the infiltration structures and stormwater collection systems were installed in accordance with the approved plan, and in accordance with the Allen Township Stormwater Management Ordinance. The certification shall be signed by the owner of Lot 4 and the contractor who installed the infiltration structures and stormwater collection systems, in addition to being signed by a Professional Engineer licensed in the State of Pennsylvania.*
7. *The Applicant or owner of Lot 4 shall provide a post-occupancy traffic impact study and assessment to the Township (including specifically the months of November and December and while school is in session) within three years, or earlier as determined in the sole discretion of the Allen Township Board of Supervisors, from the issuance of the certificate of occupancy for Lot 4, as well as be responsible for any appropriate remediation/funding, if necessary, as determined by the Allen Township Board of Supervisors for areas where levels of service drop below the levels identified in the Traffic Impact Study dated December 13, 2013. The post-occupancy traffic impact study update and assessment shall initially study the traffic generated by the use of Lot 4. In the event that the traffic generated by the use of Lot 4 is higher than that identified in the Traffic Narrative for Lot 4 dated September 18, 2017, then the post-occupancy study shall be expanded to include the Radar Drive/Willowbrook Road intersection, the West Bullshead Road/ Willowbrook Road intersection, and the un-signalized lot 1 and lot 5 driveways, as well as additional intersections, identified by issues related to traffic generated from this site, as requested by Allen Township. Levels of service of any traffic movements on or affecting Willowbrook Road shall not drop below the levels identified in the Traffic Impact Study dated December 13, 2013.*
8. *The Applicant and Owner agree that the Township will not issue a Certificate of Occupancy for any structure on Lot 4 until such time as the traffic improvements to Willowbrook Road and Race Street (to the intersection of Airport Road), as identified in the Rockefeller Group Industrial Subdivision Plans, are substantially completed to a condition adequate (as determined in the sole discretion of the Township) to support the anticipated traffic levels for the uses on Lots 1, 4 and 5.*
9. *The Applicant or owner of Lot 4 shall designate a professional engineer, licensed in the State of Pennsylvania, to be responsible for assisting the Applicant or owner of Lot 4 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, approval of escrow requests and subsequent submission to Allen Township, submission of as-built plans and construction completion certifications, and signing paperwork and termination requests required by PADEP/NCCD permits.*
10. *The following Plan Notes shall be added to the Plans:*
  - a. *Conditions 3-8 contained herein;*
  - b. *If truck stacking beyond the maximum queue limit occurs in a manner that has a negative effect on ingress/egress to the site from Radar Dr, the owner of Lot 4 shall provide additional measures to address truck queuing. Truck stacking on Radar Dr, where queues exceed the length of the turning lanes, is not permitted; and if this condition presents itself, the Applicant or owner of Lot 4, its successors or assigns will be responsible for remediation*

*of such condition, with such remediation to be to the satisfaction of Allen Township, including but not limited to the construction of a 3<sup>rd</sup> (turning) lane on Radar Drive.*

11. *This approval is contingent on the FAA issuing a Deed of Release for those lands involved in this Rockefeller Development Group subdivision/ land development application.*
12. *The following LNAA provisions shall be satisfactorily addressed:*
  - B. *Approval of the building height.*
13. *The following Stormwater Management requirements shall be satisfactorily addressed:*
  - a. *Approval by the LVPC of the Act 167 related stormwater designs.*
  - b. *Completion of the SWM maintenance agreement by all owners of property containing stormwater facilities that serve this project, including BMP Operations and Maintenance Plan and easements for municipal access and maintenance, if necessary.*
  - c. *Issuance of a NPDES Permit for the stormwater management design.*
14. *The following comments regarding the existing and proposed utilities shall be satisfactorily addressed:*
  - a. *An Agreement from the City of Bethlehem to provide water to the subdivision shall be provided. Also, an acknowledgement from the City of Bethlehem regarding Allen Township road opening requirements in the event of a need to open up Radar Dr, including provisions for maintaining a reasonable level of traffic flow on Radar Dr shall be provided.*
  - b. *Acknowledgement from UGI regarding Allen Township road opening requirements in the event of a need to open up Radar Dr, including provisions for maintaining a reasonable level of traffic flow on Radar Dr shall be provided.*
  - c. *Acknowledgement from the Telecom provider regarding Allen Township road opening requirements in the event of a need to open up Radar Dr, including provisions for maintaining a reasonable level of traffic flow on Radar Dr shall be provided.*
15. *The Applicant or owner of lot 4 shall prepare a cost estimate in accordance with the PA MPC, and execute an escrow agreement for all Required Improvements.*
16. *The Applicant or owner of lot 4 shall execute any Developer's Agreements required by Allen Township.*
17. *The Applicant, Owner, or owner of Lot 4 shall execute Deed(s) of Dedication for all dedicated improvements.*
18. *The Applicant or owner of Lot 4 shall obtain approval of an E&S Plan from the Northampton County Conservation Districts and/or DEP, and obtain an NPDES Permit prior to the commencement of any construction activities.*
19. *The Applicant or owner of Lot 4 shall pay all required recreation fees prior to recording the Plans.*
20. *The Applicant or owner of Lot 4 shall obtain highway occupancy permits from Allen Township for all driveways shown on the approved Subdivision Plan.*

*Conditions 1, 2, 3, 5, 10, 11, 12, 13, 15, 16, 18, and 19 shall be completed, to the satisfaction of Allen Township, prior to the recording of the Lot 4 Plan. All other conditions shall be satisfied within the time period specified below, unless the Allen Township Board of Supervisors approves an extension request.*

*It is recognized that with this Preliminary/Final Plan conditional approval, the following requirements of the Code of the Township of Allen are hereby deferred by the Board of Supervisors: (Sections 22-406-J, 22-407-11, 22-409, 22-502.4.K, 21-303.B, 21-306)*

- 1. Sidewalks along the site frontage of, and parallel to, Radar Dr as well as internal sidewalks that would connect to the frontage sidewalks are deferred. All other sidewalks, internal to the site, are not included in this deferral shall be constructed.*
- 2 Sidewalks along Radar Dr frontage with accessible ramps at the private drive entrances are deferred.*
- 3. LANTA bus stop accommodations are deferred until such time as LANTA agrees to service the area, and then shall be built to a specification that is agreed to by the Owner of Lot 4, LANTA and Allen Township.*

*The following Waivers with Modification are also granted by the Board of Supervisors relative to the identified sections of the Code of the Township of Allen:*

- 1. 8-229(4)E: In carbonate areas, post-development 2-year runoff volume leaving site shall be 80% or more of the pre-development runoff volume. Modification: Conformance demonstrated using the PA DEP calculation methodology.*
- 2. 8-229(9)F: No infiltration practice shall be designed to recharge runoff from a contributing watershed larger than 2 acres. Modification: The proposed basin will receive more than 2 acres of drainage where the all proposed inlets conveying runoff to the basin area proposed with water quality inlet inserts to provide additional water quality.*
- 3. 8-231(8)C: Pipe outlet arrangement shall provide complete out-letting of all detained water, unless provisions for permanent ponding have been approved. Modification: To infiltrate, the water must pond and be allowed to recharge into the soil layer to demonstrate compliance with both the Township's and PA DEP stormwater regulations.*
- 4. 8-231(8)D: A detention basin, if utilized in an area of limestone geology, shall be lined with synthetic impervious liner as more specification described in Subsection (J). Modification: The proposed infiltration basin must be able to infiltrate to meet the Township and PA DEP recharge requirements; otherwise, a liner would prevent infiltration.*
- 5. 8-231(8)F.(3): Interior slopes shall not be steeper than a ratio of 4:1 horizontal to vertical. Modification: A 3:1 slope is proposed. A 3:1 slope is industry conventions, preferred by the FAA to deter wildlife, and the slope is gentle enough for maintenance.*
- 6. 8-231(8)H: If the maximum water depths as stipulated in Subsections (F) and (G) above area exceeded, a four-foot high chain link fence is required around the detention ponds. The fence shall be landscaped from adjacent streets and properties. A fenced detention pond shall have a maximum berm side slope of 4:1. Modification: A steeper slope is required to comply with FAA requirements.*
- 7. 8-231(8)K: The minimum slope of the bottom of a detention pond shall be 2% toward the outlet structure. Modification: Level bottoms are proposed for the bioretention basin and infiltration basin to allow for infiltration, evapotranspiration, and uptake of pollutants into the plant material. The level bottom is conformance with PA DEP design standards for bioretention and infiltration basins.*



*The Applicant and Owner understand these conditions and agree to comply with all of the above conditions by December 31, 2018.*

**F. Rockefeller Development Group Industrial Subdivision – Release #8:** Mr. Behler made a motion to grant the release in the amount of \$1,132,577.47 pursuant to the Township Engineers recommendation; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**G. Residential Curbside Yard Waste Collection – Resident Survey:** Mr. Hassler made a motion to distribute the resident survey with the change concerning the question if residents in the Township utilize the drop off/pickup location at the FRCA Central Processing located on Weaversville Road; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**H. MS4 Illicit Discharge Inspection Summary Report:** Mr. Cox reviewed the report in summary. Ms. Eckhart indicated that the kick off meeting for the PRP plan will be held in early December. Mr. Behler made a motion to accept the MS4 Illicit Discharge Inspection Summary Report as presented; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

### **New Business**

**A. Zoning Hearing Board - Membership:** Following some discussion concerning the vacancy which will be created due to Mr. Montanari's leave from the Board, Mr. Behler made a motion to advertise for letters of interest for the seat vacancy; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

**B. 2018 Reorganizational Meeting – Authorization to Advertise:** Mr. Behler made a motion to authorize advertisement of the 2018 Reorganization Meeting of Board of Supervisors for Tuesday January 2, 2018 at 6:00 PM; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

**C. Niebell Well Isolation Indemnification Agreement:** Mr. Hassler made a motion to authorize execution of the Neibell Well Isolation Indemnification Agreement; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

**D. Twinbrook Road – Children At Play Signage Request:** Mr. Hassler made a motion to install two Children at Play signs (north and south facing) on Twinbrook Road due to the proximity of the home to the roadway; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

**E. Ratification of Employee Discharge:** Mr. Pierce made a motion to ratify the action of the Township Manager (November 27, 2017) concerning the discharge of an employee; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**F. Appointment to Full Time Secretary/Accounting Assistant– Alysia Radford:** Mr. Behler made a motion to promote Alysia Radford to the full time position of Secretary/Accounting Assistant at the current rate and benefits package; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

**G. Appointment of Part Time Secretary/Accounting Assistant - Anita Rieker:** Mr. Hassler made a motion to hire Anita Rieker to the part time position of Secretary/Accounting Assistant at the rate prior to her retirement of the position of Full Time Administrative Assistant in 2016; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

**H. Cancellation of December 26, 2017 Board of Supervisors Meeting:** Mr. Hassler made a motion to cancel the meeting of December 26, 2017; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes. Mr. Hassler requested the Board consider changing the first regular Supervisors meeting from the second Thursday of each month to the second Tuesday of each month in 2018.

**I. Allen Township Volunteer Firefighters Appreciation Dinner:** Mr. Behler made a motion to fund the cost of an Appreciation Dinner for active volunteer firefighters and their spouses (who have been active in the past year at the determination of the Fire Chief) in appreciation for their service to the Township; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes with the exception of Mr. Hassler who abstained.

**Public to be Heard:** Mr. Richard Novak, Bally Drive, questioned the Rockefeller Lot 4 & 5 Land Development Plans approvals and voiced concern regarding the highway improvements and assumptions of the issuance of certificate of occupancies. Mr. Novak questioned if the Board issued the certificate of occupancies without the completion of full improvements as required. Mr. Treadwell summarized that the Subdivision approval conditions which created the lots to be developed as Fed Ex and Lot #5 occupancy requirements related to highway improvements. He further explained the traffic engineer for the developer has submitted an engineering opinion regarding the minimum improvements required to open the facilities. Mr. Treadwell indicated that the Board did not issue occupancy as the adequacy of highway improvements would need to be determined by the Township's engineer in the future. Mr. Novak appreciated the summary but questioned why the Board could consider occupancy if the improvements could reasonably decide short of all of the improvements being completed. Mr. Pierce responded that the developer has spent a great deal of money to develop the sites. Mr. Treadwell concluded this would need to be determined when occupancy is requested.

Ms. Beverly Moore, Drexel Drive, questioned the Dashuta variance requests. She was concerned about the plantings proposed on Township property and who would be responsible for the plantings. Mr. Treadwell indicated that the plantings would become the Township's to maintain. The plantings are an offering to the Township. This has not been agreed by the Township as of yet. Mr. Pierce indicated that the Zoning Hearing Board would decide these items.

There being no comments from the public the meeting adjourned at 8:50 PM.

Respectfully submitted,

Ilene M. Eckhart  
Manager