



Allen Township Planning Commission

Meeting Minutes October 16, 2023 6:00 P.M.

A **General Meeting** of the Allen Township Planning Commission was held on Monday, October 16, 2023 at 6:00 P.M. at the Allen Township Fire Company Building, located at 3530 Howertown Road, Northampton, PA. Chairman Gary Krill led the audience in the Pledge of Allegiance to the Flag.

Roll Call:

Present: Gary Behler; Gary Krill; Paul Link; Felipe Resendez, Jr.; B. Lincoln Treadwell, Jr. Esq. Solicitor; Ilene M. Eckhart, Manager; and Stan Wojciechowski, PE, CME, Engineer (Barry Isett & Associates, Inc.)

Absent: David Austin; Andrea Martin, EIT (Barry Isett & Associates, Inc.)

Minutes: Ms. Eckhart explained that due to the minutes being released late in the afternoon of October 16, 2023. She indicated that the approval of minutes will be added to the November 20, 2023 meeting. All present Commissioners agreed to move the approval of minutes from the September 18, 2023 meeting to November 20, 2023.

Public to be Heard: There was no public to be heard.

Business Items:

A. High Meadow Subdivision, Phase 2 Final Plan: Attorney Joel B. Weiner, Wiener and Wiener LLP, introduced himself and indicated that he is representing OHI-HM, the developer for High Meadow Estates. Mr. Weiner explained in 2016 the High Meadow Estates was given a preliminary approval for the whole development, and final approval for Phase I. Mr. Weiner indicated that at some point there was an issue with obtaining sewage services from Northampton Borough. He explained that Northampton Borough did come out to look at the project and was able to start putting the sewage service plan together. He indicated that after Northampton Borough's project review, it became apparent that Phases I and II would need to be built together. Mr. Weiner further explained that the lender would prefer that both phases be built together to approve the project. He suggested that there is a benefit to building both phases together, as the water and sewer will be connected to Kreidersville Road and Cherryville Road. He explained that the water would be coming from Cherryville Road and the sewage would be coming from Kreidersville Road, and the developers will be building in both those areas it would make the most sense to build both phases at the same time. Mr. Wiener stated that tonight the developer is seeking approval for final approval of Phase II so it can be built with Phase I. He explained that both phases would be joined together under one (1) phase and stated that they both would be financially secured and bonded together. He indicated that an agreement has not been written, however the preference of combining the phases under one (1) phase name or keeping them separate but still having them built at the same would be up the Board of Supervisors. Mr. Wiener then introduced Scott Pasterski, PE, Keystone Consulting Engineers and Tony Ganguzza, Developer Coordinator.

Mr. Treadwell questioned how many phases there were in total. Mr. Weiner indicated that there are five (5) phases in total and the phases will all be the single-family homes as planned. He stated that the owners do have the National Pollutant Discharge Elimination System Permits, Highway Occupancy Permits (HOP), and other outside agency permits. Mr. Krill questioned if there was an agreement with the Northampton Borough Water Authority and if there would be adequate pressure. Mr. Ganguzza indicated that they did and that there would be adequate pressure. Mr. Wojciechowski questioned if they had a WQM for the pump station. Mr. Ganguzza indicated that they did. Mr. Krill questioned if they had a right of way for the utility lines from Northampton Borough up and along Kreidersville Road. Mr. Ganguzza indicated that they did. Mr. Krill suggested that Mr. Ganguzza and Mr. Pasterski do an overview of the project. Mr. Ganguzza referenced the preliminary plan drawing that showed the whole site. Mr. Pasterski indicated where each phase was on the drawing and indicated that they will comply with the Barry Issett Letter dated October 11th, 2023.

Mr. Krill questioned if they had PennDOT's approval for the development roads coming out onto Cherryville Road. Mr. Ganguzza indicated that they had PennDOT's approval for Kreidersville Road and Cherryville Road and have obtained the HOPs for both roads. Mr. Ganguzza referenced the preliminary plan drawing and indicated that Cherryville Road is on the left side of the map, which is where Phase I would start and where the water lines would be coming out of from 32nd Street. He explained that the water would come from 32nd Street then up by Cherryville Road and then it would make a right into the site of thirty-eight (38) building lots. He continued to explain that from there, the water lines would come down to High Meadow Drive to Kreidersville Road. He stated that the sewer pump station would be near the intersection of High Meadow Drive and Kreidersville Road. He explained that the pump station will only need to pump about four thousand (4,000) feet or so to the Borough of Northampton. He summarized that Kreidersville Road would have the sewage and Cherryville Road would have the water lines. Due to where the water and sewage are coming from different directions, Mr. Ganguzza explained that is why it was determined by the developer and the lender that the phases should be done at the same time. Mr. Wojciechowski explained that in order to get the pump station for Phase I, the developer would need to build the gravity sewer line all through Phase I and Phase II to put the pumping station in so it would make sense to build both phases. Mr. Ganguzza agreed and indicated that it would make sense to put the rest of the stormwater infrastructure in, curbing, and the paving for Phase II. Ms. Eckhart indicated that there are some existing residential properties that would tie into the new road system as well as some vacation of existing right of way. She questioned if Mr. Ganguzza or Mr. Pasterski could review which properties would be tied into the new road system. Mr. Ganguzza indicated that Spring Hill Road presently exists and will remain in place until Phase IV where there will be a cul-de-sac installed on the southern portion of Spring Hill Road. He explained that the cul-de-sac would be installed for emergency vehicles such as fire trucks. He also indicated that Phases III, IV, and V will all be completed around the same time. He predicted that by the middle of next year, they would be back to the Planning Commission to combine Phases III, IV, and V into one (1) construction. Ms. Eckart questioned how residents such as Mr. Burke and Mr. Talada would gain access. She indicated that currently two households utilize an existing PPL easement that is a rough driveway. Mr. Ganguzza stated that they will get tied in during Phase IV. Mr. Wojciechowski questioned if the Tepes' driveway would stay where it is and get tied in. Mr. Krill questioned if the residents, who will be affected by the development, are aware of what is going on. Mr. Ganguzza indicated that they are aware and that there is an agreement in place. Mr. Krill questioned if the Phase I road and the Phase II road will be installed and run through before Spring Hill Road is taken out. Mr. Ganguzza stated yes.

Mr. Behler questioned if there was a HOA associated with the development and if the HOA would be taking care of any type of infrastructure within the project from a maintenance standpoint. Mr. Weiner indicated that would be the intent of the HOA. He stated that there will be some areas that is left undeveloped and that would be the responsibility of the HOA. Mr. Wojciechowski questioned if they would take care of the maintenance for the pump station. Mr. Weiner stated that the HOA would be taking care of the maintenance for that pumping station. Mr. Krill questioned who would be responsible for the force main line from the pump station to Northampton Borough. He indicated that to his understanding that the line could not be added to meaning the different properties the line goes by could not be connected to the line. Mr. Ganguzza indicated that he was not

certain. Mr. Wojciechowski stated that he needed to check the Act 537 plan and see if there were other areas that sewage service could be provided to. Mr. Ganguzza believed that years ago it was discussed that there was an opportunity for residents to be tied into the line if they wanted to. Mr. Treadwell referenced the preliminary plan condition which read as follows:

“Ownership and maintenance of stormwater improvements, restricted open space, and sanitary sewer outside of the public right of way, it must be proposed in a manner acceptable to the Township.”

Upon reading the condition, Mr. Treadwell concluded that the stormwater facilities are clearly part of the HOA. Mr. Ganguzza stated that was correct and added that the High Meadow Drive has always been intended to be dedicated over to the Township. Mr. Wojciechowski indicated that the gravity sewers and the pump station would be owned by HOA. Mr. Ganguzza stated that the lines would be in the road right-of-way meaning that the lines would be the responsibility of the Township, however if the pump station is to be maintained by the HOA then it will be maintained by the HOA. He questioned if that was the wish of the Township, to have the HOA maintain the pump station. Mr. Krill stated that would be the Supervisors decision and Mr. Treadwell agreed. Mr. Treadwell indicated that it would be nice to not have to maintain the pump station, on the other hand somebody else maintains the pump station that has sewer going into Northampton Borough which is the Township’s responsibility. He explained that any lines or pump station that would require maintenance by the Township all goes into the user fee meaning that the maintenance would be cover by the fees. Ms. Eckhart asked if there was a low flow condition where water had to supplement the flow and that there was a meter. Mr. Ganguzza stated that was correct. Mr. Treadwell indicated that would help and referenced a previous question regarding Phase I and what thirty-eight (38) lots would do to the pump station. Mr. Ganguzza indicated that having more units would help which is why doing both Phase I and II would help with the flow. Ms. Eckhart questioned the planning module. Mr. Weiner indicated that they would look at the planning module. Mr. Ganguzza asked what the Township’s preference would be of who maintains the pump station. Mr. Treadwell stated that would be the Supervisors and he does not know what their answer would be. Mr. Krill questioned who would be maintaining the force main and who would be responsible if there was a blockage. Mr. Wojciechowski indicated that the Phase I final plans show that the sanitary sewer mains, force mains, and easements plus the sanitary sewer pump station and lot would be dedicated to the Township, however, it does not state who is maintaining the pump station, sanitary sewer mains, and force mains. Mr. Behler questioned what will become of the open space area. He indicated that there was previous discussion of the open space area having trails. Mr. Ganguzza indicated that there will be trails and that the HOA will be maintaining the open space. Mr. Behler questioned if the open space will be open to the general public or just the HOA residents. Mr. Ganguzza believed that it will just be the HOA residents. Mr. Weiner explained that there would be liability concerns if the trails were open to the public. Mr. Behler questioned how the HOA would enforce the public to not utilize the trails. Mr. Weiner indicated that they will place no trespassing signs or enter at your own risk to discourage the public from entering. He explained that in someway the trails will be marked as private. Mr. Ganguzza explained that the residents who own the private lots within High Meadow Estates may not want the average public coming in an using the trails.

Mr. Behler questioned if there would only be sidewalks on one side of the road. Mr. Ganguzza referenced the plans and indicated that the sidewalk will be on both sides. Mr. Behler questioned if they could place the sidewalks on both sides of the road. Mr. Weiner indicated that typically the homeowners do not want sidewalks so it may be a tough item to add to both sides of the road. Mr. Weiner explained that the development is a cluster meaning that there would be sections of the sidewalk where there are no homes. Mr. Link indicated that the homes are not sold yet so anyone who buys one will know that there is a sidewalk that comes with the property. Mr. Weiner explained that adding the sidewalks will increase the build price therefore the cost of ownership. He further explained that if the HOA maintains the sidewalks, then the HOA prices will go up. Mr. Krill questioned if there was a curb on both sides. Mr. Ganguzza indicated that there was. Mr. Krill questioned

who is responsible for maintaining the sidewalks in the open space areas. Mr. Weiner indicated that it is the HOA who is responsible for the open space sections. He explained that another issue is that installing sidewalks on both sides may affect the PDS permits because it would add impervious coverage. Mr. Wojciechowski indicated that cluster developments were removed from the Township's ordinance, and it may have stated that sidewalks were allowed on one side of the road. Mr. Behler indicated that it was probably a waiver or deferral for the sidewalks to be on one side. Mr. Wojciechowski stated that there was a deferral for concrete sidewalks along one side of the proposed and existing streets. He explained that the deferral indicated that the HOA would need to install the opposing sidewalk within ninety (90) days of being notified by the Board of Supervisors to do so. Mr. Krill indicated that if the developer puts the sidewalks in now then the developer will need to put it in, however, if the Township makes them put them in later then the HOA is going to have to put the sidewalks in and the homeowners will have to pay for it. Mr. Link and Mr. Behler both agreed that the sidewalks should be put in now and on both sides. Mr. Wojciechowski noted that if the sidewalks are put in by the HOA then the HOA will also need to pay for a revised NPDES permit. Mr. Behler indicated that it would be best if the sidewalks are put in from the start and not when the HOA will need to put them.

Mr. Behler questioned if the deferral would be called separately than the project. Mr. Treadwell indicated that if the Committee is to make a recommendation tonight then they could recommend that the applicant investigate and if possible put sidewalks on both sides of the road. Mr. Treadwell indicated that the developer could add sidewalks to the Phase I plan and then they would not need to go back for approval.

Mr. Krill indicated that in the past the developer could have bought the EDUs however they did not and then the EDUs were not available causing a delay in the project. Mr. Krill then questioned when the project is planned to start. Mr. Ganguzza indicated that the intent is to start the preliminary work this year such as the layouts and getting the soil erosion in place. He explained that if there is another mild winter, construction could start early this winter, if not then in the spring of next year. Mr. Krill stated that he would like to see an exact start date. Mr. Weiner indicated that it would be difficult to give an exact date due to possible events that would be outside of their control. He explained that if there is an economic collapse or an event where the banks are not able to lend on real estate or if DEP tells Northampton Borough that no sewage is going in then it would hinder the plans and construction. He indicated that if it was not the Bank's request to combine Phase I and Phase II then they would have had the financial security in place and would be able to move ahead right away. Mr. Krill indicated that there was certain monetary provision. He explained that the developers have \$1,000.00 per lot for recreation and in lieu of putting in recreating in, the developer has \$1,000.00 a lot to the Township. Mr. Krill indicated that prices have gone up. He expressed concern over the cost for the road improvements and indicated that back around 2008, there was \$59,000.00 for road improvements. He indicated that the prices of everything have gone up, but the monetary amounts part of this agreement have not gone up to match the price increases. Mr. Weiner indicated that financial security is based on the present cost and that they could not use old costs in terms of financial security. Mr. Treadwell indicated that Mr. Krill is discussing the roadway fee that is paid to the Township. Mr. Weiner acknowledged the concern and indicated that the project has taken on a lot of expenses. He noted that the project could have gone differently but unfortunately there were a lot of different items that were not foreseen. Ms. Eckhart indicated that the financial security was for a roadway improvement fee that if someone was asking to not widen or install sidewalk or curb there would be a fee, however, since that time the Township's Ordinance has changed, and the Township has rescinded that. Mr. Treadwell explained that the Township is asking the developer to put in a sidewalk on both sides of the road then the money would go down because it was for not installing the sidewalk. Mr. Treadwell explained that the Township's recreation land requirements is recreation land or a fee, so the \$1,000.00 might be because there is land and a fee as opposed to just a fee or just land. Mr. Wojciechowski indicated that the contribution was \$56,000.00 for the entire job and \$11,200.00 per phase to cover necessary traffic improvements for the project.

Mr. Ganguzza indicated that the PennDOT plans do require some widening at the intersections of Cherryville Road and Kreidersville Road. Mr. Krill questioned how many rooms the houses would be. Mr. Weiner indicated that he believed they would be at least three (3) bedrooms. Mr. Link questioned who would be building the homes. Mr. Weiner indicated that a lot of the agreements have confidentiality but explained that

it would be a national home building company that would be recognized. Mr. Link suspected that the developer would be putting in the roadways but someone else would be building the physical house. Mr. Krill questioned if they would just be selling the lots. Mr. Ganguzza indicated that was correct and the homes will all be single family. Mr. Resendez questioned when the cul-de-sac would be built and if the firetrucks would fit. Mr. Ganguzza explained that the cul-de-sac that was discussed was going to be built if Phase I is built alone, however, the other cul-de-sac would be built on Mr. Schwartz's land off of Spring Hill Road. Mr. Pasterski indicated that they would be built in Phase III, IV, and V. Mr. Krill questioned the diameter of the cul-de-sac. Mr. Wojciechowski indicated that it would be fifty-two (52) feet for the right-of-way and forty (40) feet for the curbing. Mr. Krill questioned if the firetrucks could fit. Mr. Ganguzza indicated that the cul-de-sac size is the standard size that you typically see in developments today.

Mr. Behler made the motion to recommend approval of the High Meadow Estates Phase II, as long as it has sidewalks on both sides and meets all the comments on the Barry Issett letter dated October 11, 2023; seconded by Mr. Link. On the motion, by roll call, all present Commissioners voted yes.

Mr. Behler made a second motion to recommend the Board of Supervisors to call in the deferral for the sidewalks on both sides of the road for High Meadow Estates Phase I; seconded by Mr. Link. On motion, by roll call, all present Commissioners voted yes.

Public to be Heard: There was no public to be heard.

Announcements: Mr. Krill announced that the next Planning Commission meeting will take place on Monday, November 20th, 2023 at 6:00 PM.

There being no further business, the meeting adjourned at 6:58 PM.

Respectfully Submitted,

Ilene M. Eckhart