



Allen Township Planning Commission

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ALLEN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Monday, January 21, 2019

A **General Meeting** of the Allen Township Planning Commission was held on Monday, January 21, 2019 at 7:00 P.M. at the Allen Township Fire Company Building, 3530 Howertown Road, Northampton, Pennsylvania 18067. The Pledge of Allegiance to the Flag was led by Chairman Gary Krill.

Roll Call: Gary Behler - Present; Gary Krill - Present; Louis Tepes, Jr. – Present; Paul Link- Present; David Austin - Present; Robert Cox, P.E., P.L.S. (Barry Isett & Associates, Inc.) – Present; B. Lincoln Treadwell, Jr. Esq. - Present; and Ilene M. Eckhart – Present

Reorganization of Commission: Mr.Behler made a motion to nominate Mr. Krill as Chairman; seconded by Mr. Austin. On the motion, by roll call vote, all Commissioners voted yes with the exception of Mr. Krill who abstained.

Mr. Krill made a motion to nominate Mr. Behler as Vice Chairman; seconded by Mr. Link. On the motion, by roll call vote, all Commissioners present voted yes with the exception of Gary Behler who voted no.

Approval of Minutes: Mr. Behler made a motion to approve the minutes of November 19, 2018; seconded by Mr. Tepes. On the motion, by roll call vote, all Commissioners present voted yes.

Public to be Heard: Mr. Behler thanked Mr. Eugene Clater for his many years of service to the Township. He appreciated the recognition.

Mr. Clater asked if Mr. Krill would accept comments during the meeting. Mr. Krill requested that the comments be made now.

Mr. Clater, 107 Snow Hill Road, presented specific information from the PennDOT review concerning the project before the Commission this evening with the focus on the southbound right turn lane at the Rt. 329/Howertown Road intersection. Mr. Clater asked that the Commission make some provision in their considerations to not forego the southbound turning lane because he felt it was essentially to the function of the intersection in light of the traffic projects contained in the various traffic impact studies for the area.

Ted Lindenmoyer, 766 Mud Lane, voiced concern that the project was not providing enough roadway improvements in comparison to the FedEx Ground Hub improvements in the southern area of the Township.

Gerry Neff, Nor Bath Boulevard, was concerned that the Seemsville Road intersection should be moved further east and was concerned that he would not be able to get out of his property.

Sue Lindenmoyer, 766 Mud Lane, was concerned when the project is built that the project will be able to operate 24/7. Mr. Treadwell noted there were no restrictions in the ordinance other than the noise ordinance. He clarified that the decibel level in the noise ordinance would be based on a certain decibel level at the property line.

Business Items:

A. JW Development Northampton Business Center, Revised Land Development Plan Submission of August 6, 2018, Applicant/Owner: JW Development Partners (formerly JW Jaindl Land Company/David Jaindl): Ms. AnnMarie Vigilante, PE, Langan, Bruce Anderson, PE, Pidcock Company and Eric Schoch, Esq. were present to discuss the draft recommendation of conditions. Mr. Schoch updated that the applicant has been finalizing and coordinating with the Northampton Area School District and East Allen Township.

Mr. Anderson provided an overview of the project.

Ms. Vigilante explained the mitigation and relocation of Seemsville Road and the status of the PennDOT review. She noted that PennDOT directed moving the Seemsville Road/Rt. 329 intersection 600 feet to the east. She further explained the improvements of Seemsville Road which take into account provision for the School District to develop the property with a school in the future.

Ms. Vigilante described the Howertown access improvements. Ms. Vigilante summarized hat the current Rockefeller development, which is being constructed currently. She added that for the Jaindl Watson project, additional east bound, north bound and south bound right turn lanes.

Mr. Behler was concerned with the additional cul-de-sac at the old Seemsville Road area. He felt that two entry and exit points should be required.

Mr. Schoch referred to Mr. Clater's comments regarding the right turn lanes on Rt. 329 (Howertown Road). He indicated if the land is not available – the applicant could not perform the improvement. Mr. Behler questioned what type of commitment would the developer be wishing to make if the land can be made available. Mr. David Jaindl felt that ten years was a bit long. He indicated that it could be secured financially. Mr. Behler suggested that the attorneys review what would be an acceptable measure to secure the improvement. Mr. Treadwell indicated ultimately this would be up to the Board of Supervisors. Mr. Schoch noted that if the owner changes its mind or the Township chooses to become involved at some point – the applicant would then need to live up to the obligation to build the lanes. On the question from Mr. Austin regarding the use of new technology at the intersection, Ms. Vigilante indicated that without the removal of the split phasing the additional turn lanes are the only mechanism

to improve the situation. Ms. Vigilante indicated that the overall intersection does improve with the turning lanes. Mr. Schoch noted that the contribution for the turning lanes was voluntary. Mr. Behler felt the condition would need to be further developed before the matter goes to the Board of Supervisors for consideration.

Mr. Behler further raised some of the comments from the October 2018 Township Engineer's letter of review, regarding inlets and swales along Howertown Road. Ms. Cox clarified that some relocation of the stormwater features on Howertown could be fairly easily resolved. Mr. Anderson stated he is agreeable to work with Mr. Cox to resolve the issues.

Mr. Behler further raised some concerns which pertained to the limitation on the access of trucks from entering Howertown Road. He wanted to know what else could be physically constructed other than the turning lane. Ms. Vigilante indicated that the width of the driveway would be prohibitive to the access by trucks. Mr. Behler suggested an overhead height restriction mechanism. Mr. Jaindl indicated that he would consider the issue regarding this request with the final plan. Mr. Krill questioned the access by fire trucks and snow plow trucks. Ms. Vigilante indicated the access was designed for fire trucks and snow plows.

Mr. Krill was concerned with the fire protection notes with regard to the sprinkler system, stand pipes and risers. He indicated that the note is specific to Building #2 and it should apply to all of the buildings. Mr. Anderson was not sure but stated it was tight for the fire lane for Building #2. Mr. Krill was concerned regarding the application of the note to the other five buildings. Mr. Krill further noted the diagrams throughout should further be corrected to reflect the Storz and connections for Allen Township – not the Bethlehem threads.

Mr. Treadwell presented the draft recommendation motion which has been in process since August 2018. Mr. Treadwell indicated that the version which was last circulated to members last week included the comments of the applicant.

Per the draft recommendation, Mr. Behler voiced concerns with the use of the word “substantially” on page #1, which reads “Allen Township has informed the Applicant that any subsequent plan submission that depicts Seemsville Road, and its intersection with Route 329, in a substantially different location”. Mr. Behler felt that the Board of Supervisors should determine the interpretation of “substantially”. Mr. Schoch noted the attorneys would develop additional language which would clarify the intent.

Mr. Behler voiced concerns regarding page 2 pertaining to the Bethlehem water line. On the question from Mr. Krill regarding the size of the line 8” or 12”, Mr. Jaindl indicated that he was going construct whatever the Township would require to be installed.

Mr. Behler voiced concerns regarding page 3 the last paragraph concerning the statement in the condition “informational purposes only”. Mr. Treadwell noted the applicant has agreed to the change in the language.

Mr. Behler voiced concerns regarding page 4 stating “truck drivers shall be instructed”. He emphasized that everything should be done make truck access difficult and communicate this appropriately with signage and access design.

Mr. Behler voiced concerns regarding page 6 stating the temporary occupancy time frame. He would like to see a time limit and that the roadwork is completed prior to the final occupancy permit. Ms. Vigilante indicated that PennDOT would require the applicant to have all of the roadway work done prior to opening the driveways. Additionally, she explained that the construction access would also be governed by the stormwater management permit.

Mr. Behler voiced concerns regarding page 7 which related to the Intergovernmental Cooperation Agreement. Mr. Behler clarified that the agreement would need to be resolved before final plan approval. Mr. Behler further requested that the East Allen Township comments from their December meeting be explained. Ms. Vigilante indicated that stormwater management will be improved in this area to improve certain areas along Seemsville Road. Ms. Vigilante indicated that the applicant will be meeting with East Allen Township to resolve later this week. Mr. Behler requested that the outcome of the East Allen Township comments of review be provided.

Mr. Treadwell suggested all of the comments reference by Mr. Behler and Shoch would need to be moved to the area of the recommendation that would be required to be satisfied before Final Plan. Mr. Treadwell further noted that the condition on page 7 concerning the two-month timeframe to reach an agreement with East Allen Township will be changed to state “as soon as possible” in lieu of the two-month time frame.

Mr. Behler voiced concern regarding page 9 and the temporary occupancy permit and the UCC requirement.

Mr. Behler voiced concern regarding page 10 and the language concerning an after study. This would keep language requiring an after study if for some reason PennDOT does not require the study or at what time.

Mr. Behler voiced concern regarding the waiver of Section 22-406.K (e) which should state a deferral instead of a waiver.

Mr. Krill voiced concern for the timeframe to meet the recommended conditions until 2022. Mr. Behler further generally commented that the intergovernmental agreement was critical to this plan. Mr. Behler was concerned with the preliminary plan and the ability to begin site work. He was further concerned about the School Districts role with the stormwater management ownership and maintenance responsibilities.

Mr. Treadwell stated the application has a current extension until February 28th, 2019. He further stated that the Board of Supervisors has requested a minimum of two meetings and thirty days following a Planning Commission recommendation prior to considering a plan.

Mr. Behler restated comments which he made early in the review process of the plan - he restated on a personnel level he did agree with the community regarding the warehouses mainly due to the traffic generated by the project but as a member of the Board of Supervisors and Planning Commission he was bound by the law and could not vote just based on his opinion because the projects complies with the ordinance requirements of the Township other than some very minor waivers which were legitimate, With this being said, Mr. Behler made a motion to recommend the draft preliminary conditional approval for the JW Development/Northampton Business Center with following conditions and the modifications discussed and agreed before the Commission this evening:

The Preliminary Plan for the Subdivision and Land Development entitled, "JW DEVELOPMENT – SUBDIVISION/LAND DEVELOPMENT AND LAND DEVELOPMENT REVISED PRELIMINARY PLAN SUBMISSION FOR NORTHAMPTON BUSINESS CENTER", dated June 5, 2017, last revised August 6, 2018 and supplemented by Fire Truck Turning Movement Plans (consisting of sheets 1 through 6 of 6), as last revised August 10, 2018, prepared by the Pidcock Company, consisting of Sheet 1 of 87 through Sheet 87 of 87 and including all supplemental drawings listed within the Index to Drawings on sheet 2 of 87 is recommended for approval to the Board of Supervisors 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 depicts the relocation of Seemsville 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 Preliminary Plan recommendation from the Allen Township Planning Commission prior to receiving the approval from the outside agencies which have jurisdiction over the proposed relocation of Seemsville Road. Allen Township has informed the Applicant that any subsequent plan submission that depicts Seemsville Road, and its intersection with Route 329, in a substantially (as reasonably determined by the Township) different location than shown on the plan 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 the Seemsville Road relocation. Instead, the Applicant has chosen to proceed with requesting this Preliminary Plan recommendation from the Allen Township Planning Commission. As a result, and due to the fact that the proposed relocation of Seemsville Road 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 relocation of Seemsville Road and its intersection with Route 329. This recommendation 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 FINAL PLAN APPROVAL

1. The Applicant shall submit documents to the Township for approval providing that the owners of lots 1, 2, and 3 will be solely responsible for the perpetual maintenance and operation of:

(a) *The common stormwater management facilities within the Subdivision/Land Development, as identified in the plan submission, both as notes on the Subdivision/Land Development cover sheet as well as a separate plan sheet specifically showing these common facilities;*

(b) *All costs associated with the traffic signal at the intersection of the relocated Seemsville Road (SR 3017) and State Route 329.*

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. Details of such easement and associated access to be determined in discussions between the Applicant(s) and the Board of Supervisors. The Planning Commission recommends 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 5,000 linear feet of 8" water line along Mud Lane from roughly Howertown Road to East Allen Gardens Subdivision, with appropriate fire hydrants 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. Details of the construction timing and security will be included in the agreements referenced in condition II(1). After installation, said water line to be owned and maintained by Bethlehem Water Authority. Allen Township to be responsible for hydrant rental fees.*

4. *The Applicant shall comply with the substantive ordinance and technical engineering comments contained within the Barry Isett Associates review letters dated August 16, 2018, September 12, 2018 and October 10, 2018, to the extent that those comments are not specifically addressed by these conditions of recommendation, 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 Planning Commission recommends the Board of Supervisors approval of the access drives at 36' versus the required 28' pursuant to the Chapter 27, Section 1413.B.8.*

6. *The Planning Commission recommends the Board of Supervisors accept 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.*

7. *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*

Seemsville Road relocation and signalization. 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.

8. *The following notes shall be added to the plans and restrictions placed in the Declaration of Covenants (or similar document), the form of which shall be agreed upon before final plan approval, with the Declaration of Covenants (or similar document) being signed and recorded prior to final plan recording:*

(a) *Truck drivers shall be instructed Stating that trucks are not be permitted to queue on Route 329 or any other public roadway located within Allen Township.*

(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 Applicants expense.*

(c) *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 (unless otherwise approved by PA DOT), 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.*

9. *Applicant agrees to address the following:*

(a) *Maintenance of the “old” 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.*

(b) *Maintenance and responsibilities for any connector roads between” old” and “new” Seemsville Roads, to be determined between Allen and East Allen Township (and/or other applicable public entity) and documented in an appropriate inter-governmental cooperation agreement.*

(c) *Ownership responsibility for the proposed traffic signal at the relocated Seemsville Road/Route 329 intersection.*

(d) *Ownership and maintenance responsibilities for the proposed stormwater management facilities associated with the proposed relocated Seemsville, intersection with Rt. 329 and any other improvements associated with the PennDOT Highway Occupancy Permit(s).*

(e) *Maintenance responsibilities for the proposed traffic signal at the relocated Seemsville 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.*

As to the conditions at I.9(a) through (e) above, the Applicant and Allen Township shall cooperate with East Allen Township to address the above conditions as soon as possible.

II. CONDITIONS TO BE SATISFIED PRIOR TO RECORDING OF FINAL PLANS

1. *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.*

2. *The Applicant shall execute deeds of dedication, as required by the Township, for dedicated improvements and right of way acquisition.*

3. *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 Seemsville Road relocation;*

(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 application currently under review by East Allen Township, since East Allen Township agrees that the project, as proposed, does not require subdivision approval.

4. *The Final Subdivision/Land Development Plans shall include a narrative explaining lot owner/tenant mitigation procedures, facilities and responsibilities for snow and ice removal from inbound and outbound trucks.*

5. *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.*

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

7. *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 Seemsville 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 relocation of the Seemsville 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, Seemsville 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 II.8 below. Note 6 on 2A of 87 shall be revised to reflect this condition. Applicant agrees to address the considerations raised in the PennDOT review letter(s) of May 10th, June 13, and September 26th, 2018 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.

8. 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 Planning Commission recommends that the Applicant and the Board of Supervisors address the timing of the construction and installation of the southbound right turn lane on Howertown Road as a part of any Preliminary Plan Approval that may be forthcoming.

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

III. 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 Seemsville Road. 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. 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 Seemsville Rd, noting no left turns for trucks.

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, 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, and coordination of any HOP improvements related to the site development..

3. All designated open space associated with lot 1, 2, and 3 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 (S.R. 3021), the proposed Seemsville Road, and the intersection of Route 329 and Weaversville Road/Howertown Road, subject to condition II.8, , are completed 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 relocation of the Seemsville 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 Preliminary 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/ Seemsville Road (SR 3017) 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, it successors or assigns.

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 May 10, 2018, June 13, 2018 and September 26, 2018 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 and 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 issuance of any Final certificate of occupancy for each building, and within two years thereafter, if overall peak hour traffic generation is greater than that projected in the noted TIS, then, at Allen Township's discretion, Applicant may be required to perform a TIS after-study 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.

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. *The Planning Commission recommends approval of 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(e): A deferral from the requirement of installing sidewalk along the proposed public street.*

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. *22-502.5.D: A waiver from the Preliminary Plan Submission requirements for Design Calculations and Construction Details.*

e. *22-502.5.J: A waiver from the requirement to acquire the NCCD Letter of Approval of the Soil Erosion Control (E&S) Plan as part of the Preliminary Plan submission.*

f. *22-502.5.M: A waiver from the requirement to obtain the NPDES construction permit as part of the Preliminary Plan submission.*

g. *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.*

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 _____, 2022 [this date shall be 3 years from the date of Preliminary Plan approval by the Board of Supervisors], we recognize that the plan is disapproved without further action required by the Allen Township Planning Commission or Allen Township Board of Supervisors. We also understand that we are responsible for providing the required number of original mylars and print copies for recording purposes, and that we must satisfy all outstanding Township Engineer and Legal costs associated with this Subdivision/Land Development/Land Development Plan. We are authorized to accept these terms and conditions on behalf of the Applicants.

Motion seconded by Mr. Tepes. On the motion, by roll call vote all Commissioners present voted yes.

Public to Be Heard: Mr. Donald Noll, Pinehurst Drive, requested if the development occurring in East Allen was required to be taken into consideration as part of the improvements.

Mr. Noll further questioned if the conditions of approval would be passed down to future tenants. Mr. Treadwell indicated that the conditions are on the applicant as the property owner.

Gerry Neff, Nor Bath Boulevard, questioned if the Board of Supervisors gets to say where Seemsville Road will come out. Mr. Neff was concerned and asked if he should take his concerns to East Allen Township and PennDOT. He further voiced concerns regarding the School District.

Sue Lindenmoyer, 766 Mud Lane, voiced concerns regarding the fire comments. Mr. Krill clarified he referenced the fire issue regarded ventilation during the time of a fire. She further questioned the truck storage area. Mr. Krill noted that this was to avoid truck idling and allow for trucks to plug in. Mr. Cox indicated there a no stormwater improvements.

Chris Herschman, Mud Lane, questioned the noise concerns and air monitoring. She asked how the air would be monitor. Mr. Treadwell responded the Township would not monitor air quality that was a DEP issue. Mr. Treadwell indicated that the records on tenancy would be available at the Township building.

John Swankowski, 11 Jennings Run, questioned the addition of the truck storage area. Mr. Treadwell indicated that the truck storage area would be for the use of the project area only.

Mr. Swankowski was further concerned about the Township's maintenance of the old Seemsville and the connector road. Mr. Austin clarified that old Seemsville road and the connector would be maintained by the Township.

Ted Lindenmoyer, 766 Mud Lane, questioned why more rooftop solar power was not being considered? He was further concerned that people could not conceptualize these things until they are built. People won't realize what has hit them until it has hit them.

There being no further business, Mr. Behler made a motion to adjourn at 9 PM; seconded by Mr. Link. On the motion, by roll call vote, all Commissioners present voted yes.

Respectfully submitted,

Ilene M. Eckhart