

Allen Township Supervisors

4714 Indian Trail Road

Northampton, Pennsylvania 18067



Larry Oberly, Chairman
Dale Hassler, Vice Chairman
Bruce Frack
Gary Behler
Gerald Montanari, Sr.

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

December 11, 2019

The Express Times – Legal Advertising Dept.

ATTENTION:LEGAL ADVERTISING

Please advertise the following in your newspaper on December 23, 2019 and December 30, 2019.

An affidavit is requested along with the invoice.

Per state law, a full copy proposed amendments and supporting documents are attached for your records.

PUBLIC NOTICE: CURATIVE AMENDMENT TO ZONING ORDINANCE

Notice is hereby provided pursuant to Sections 609.1, 610 and 916.1 of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. §§ 10609.1, 10610 and 10916.1, that the Board of Supervisors of Allen Township ("Supervisors") will hold a public hearing on Tuesday, January 14, 2020, commencing at 7:00 pm at the Allen Township Fire Company Building located at 3530 Howertown Road, Northampton, PA 18067. The purpose of the hearing will be to take testimony and receive evidence in connection with an application filed by Trustees of the Trust for Willow Brook Farm under Paragraph Four of the C. T. Fuller Revocable Agreement of Trust dated August 7, 1987, as amended (the "Willow Brook Trust"), and the Alexandra H. Fuller Family Trust dated November 8, 2011 (the "Alexandra Family Trust" ("Applicant"), collectively referred to as "Landowners", claiming that the Allen Township Zoning Ordinance ("Ordinance") is exclusionary, arbitrary and unduly restrictive and confiscatory.

The property which is the subject of the Application is located on the west side of Willowbrook Road, east of Howertown Road, and south of West Bullshead Road. The property is identified by the following tax map parcel number: M4-6-2-0501; contains approximately 211.5 acres and is currently zoned Low Density Residential (R1).

Landowners assert that the R-1 zoning of the undeveloped portions of the Willow Brook Property constitutes impermissible spot zoning, is confiscatory, arbitrary and irrational, and prevents the reasonable use of the undeveloped portions of the Willow Brook Property, and is therefore invalid. Additionally Landowners allege that the Township Subdivision and Land Development Ordinance is unduly restrictive as in pertains to the maximum number of Townhouse Units allowed per structure, and the width of local roadways.

In order to cure the claimed invalid the zoning of the undeveloped portions of the Willow Brook Property, Landowners request the adoption by the Board of Supervisors of a Zoning Ordinance

Phone: (610) 262-7012

www.allentownship.org

Fax: (610)262-7364

amendment referred to as a curative amendment: (a) rezoning a 55.47 acre portion of the Willow Brook Property, on the west side of the Catasauqua Creek, to the R-2 zoning district so that it can be developed with 73 age-restricted single-family detached dwellings, 48 age-restricted semi-detached dwellings, and 54 age-restricted townhouses ("West Tract"); (b) rezoning a 38.04 acre portion of the Willow Brook Property, on the east side of the Catasauqua Creek, to the R-3 zoning district so that it can be developed with 214 multifamily dwellings ("North Tract"); and (c) rezoning a 42.26 acre portion of the Willow Brook Property, on the east side of the Catasauqua Creek, to the R-3 zoning district so that it can be developed with 322 multifamily dwellings ("South Tract"). The development that would be so permitted is depicted on a Willow Brook Farm Challenge Plan dated December 1, 2018, prepared by Philip C. Seibert, RLA ("Challenge Plan"). A copy of Landowner's Proposed Curative Amendment Challenge to the Zoning Map and Subdivision and Land Development Ordinance, as well as the Challenge Plan is available at the Township Municipal Office as described below.

Based upon its claim that the Ordinance is invalid, the Applicant has filed a curative amendment ("Amendment") pursuant to Sections 609.1 and 916.1 of the MPC. The Zoning Map Amendment, which would amend the Official Zoning Map of the Township of Allen to rezone the areas noted on the Challenge Plan from the Low Density Residential (R-1) zoning district to the Medium Density Residential (R-2) zoning district and from the Low Density Residential Zoning District (R1) to the High Density Residential Zoning District (R3). Based upon its claim that the Ordinance is invalid, the Applicant has filed a curative amendment ("Amendment") pursuant to Sections 609.1 and 916.1 of the MPC that would amend Article VIII, High Density Residential District, Section 27-804.3.1 to read as follows: "The maximum number of townhouse units per structure is eight." Based upon its claim that the Ordinance is invalid and that the Zoning Ordinance and Subdivision Ordinance conflict in certain areas regarding street requirements (Section 27-804.3.E of the Zoning Ordinance and Section 22-406.K of the Subdivision and Land Development Ordinance), the Applicant has filed a curative amendment ("Amendment") pursuant to Sections 609.1 and 916.1 of the MPC. The Subdivision and Land Development Ordinance Amendment that would amend Part 4, Required Improvements and Design Standards, Section 22-406.K of the Allen Township Subdivision and Land Development Code, to read as follows:

"K. Local streets shall have the following minimum widths for single family detached lot subdivisions, townhouse and multifamily subdivisions and or non-residential developments:

- (a) Forty (40) foot right-of-way.
- (b) Two twelve-foot traffic lanes.
- (c) Two eight-foot parking/gutter lanes.
- (d) Total paved width 40 feet.

All buildings must have frontage on a public or private street, with curb and sidewalk."

The Challenge documents, Challenge Plan, proposed Amendments and supporting documents may be examined at the Allen Township Fire Company Building located at 3530 Howertown Road, Northampton, Pennsylvania, during normal business hours, Monday through Friday, from 9:00 a.m. to 4:00 p.m. In addition, pursuant to Section 610 of the MPC, 53 P.S. § 10610, attested copies of the proposed Amendments and supporting documents have been filed in the Northampton County Law Library (669 Washington Street, Easton, PA 18042) and at Express Times newspaper.

ALLEN TOWNSHIP
BOARD OF SUPERVISORS
ILENE M. ECKHART, MANAGER

END OF NOTICE TO BE PUBLISHED

If you have any questions concerning this submission please feel free to contact me.

Sincerely,

Ilene Marie Eckhart
Manager
ALLEN TOWNSHIP

ENCLOSURES