

Allen Township Supervisors

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Brien Kocher, P.E.
Ilene M. Eckhart, Manager

ALLEN TOWNSHIP SUPERVISORS MEETING MINUTES

Thursday, August 14, 2014

A General Meeting of the Allen Township Supervisors was held on Thursday, August 14, 2014, 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 Paul Balliet.

Roll Call: Paul Balliet - Present; Larry Oberly - Present; Alfred Pierce - Present; Dale N. Hassler – Present; Bruce Frack - Absent; Brien Kocher, P.E. Hanover Engineering Associates, Inc. – Present; Jim Milot, Hanover Engineering Associates, Inc. – Present; B. Lincoln Treadwell, Jr., Esq. - Present; and Ilene M. Eckhart – Present

Public to be Heard: Mr. Balliet stated he wished to thank the Planning Commission for all their work throughout the process, the Allen Township Volunteer Fire Company and Ms. Eckhart.

Robert Nappa, 382 East Bullshead Road, requested that Allen Township delay a vote on the final plan approval until the Hanover Township traffic study is completed. He voiced further concern regarding the Traffic Study prepared by Pidcock Company on behalf of Rockefeller Group. He urged no action on the final plan approval and requested a new traffic study be produced by the developer. He further felt the Township would violate the Zoning Ordinance provisions of Chapter 1409 if approval is granted to the Rockefeller Group Subdivision

Jackson Eaton, Esq, Solicitor Hanover Township, Lehigh County presented a letter to the Board explaining the position of the Hanover Township, Lehigh County Council.

Bruce Paulus, Chairman Hanover Township, Lehigh County, voiced concerns on behalf of the Hanover Township, Lehigh County Council with respect to the Rockefeller Subdivision and the Fed Ex Land Development plans before the Board of Supervisors. He thanked the Board for their positive remarks in July to their Council. He noted a remaining issue of the traffic

conditions in the area of Airport Road/Route 22 Hanover Township. He stated concerns regarding the ability for Rt. 22 and Airport Road (north) to absorb additional traffic during peak times. In addition, he noted traffic congestion ramifications to Postal Road if the development proposals go forward. He voiced further concerns regarding Rt. 22 traffic problems that Hanover felt would occur to increase if the project was constructed. Mr. Paulus requested a limited study from the Rt.22 interchange with Airport Road as recently outlined by Hanover Township's consultant, Gilmore and Associates, be required and completed prior to final plan consideration by Allen Township.

Jackson Eaton, Esq., Solicitor Hanover Township, Lehigh County noted on the drafted conditions before the Supervisors, he felt a limited traffic study described by Mr. Paulus be completed prior to the recording of plans due to the time that would be necessary to meet conditions of approval. Mr. Eaton did not feel that the traffic study as proposed by Hanover Township would impede the progress of the project. Mr. Eaton further questioned the Township's provisions regarding remediation of the outcomes of the traffic study. Mr. Treadwell explained intent of the Planning Commission recommendation includes provisions for future remediate if the traffic study outcomes were incorrect. Mr. Eaton was concerned that the condition has "no teeth".

Mr. Balliet questioned Mr. Eaton concerning the shopping center in Hanover Township and if there was a traffic study. Mr. Eaton indicated that there was a traffic study conducted.

Mr. Treadwell clarified that Messrs. Paulus and Mr. Eaton did not object to the preliminary approvals (before the Board) associated with the Rockefeller Subdivision and Fed Ex Land Development Plans but that Messrs. Paulus and Eaton objected to the final plan approval associated with the Rockefeller Subdivision and Fed Ex Land Development Plans until Gilmore Associates performs the studies that were alluded to by Messrs. Paulus and Eaton. Mr. Eaton confirmed this was the request of Hanover Township, Lehigh County Council. Mr. Treadwell explained that deadline to act on the plans is August 15, 2014 and includes: a Preliminary/Final Subdivision Plan (submitted by Rockefeller Development Group); a Preliminary/Final Land Development Plan (submitted by FedEx) and a Final Land Development Plan (submitted by Fed Ex). Mr. Treadwell indicated that the Municipalities Planning Code requires the Board of Supervisors to act upon the plans submitted, as the plans are submitted, in 90-days unless an extension of time is granted by the applicant. The risk is that of a deemed approval and the Board does not have the authority to basically "split" the application from Preliminary/Final into independent Preliminary and Final submissions. Mr. Eaton responded that he felt the MPC does not unilaterally permit the developer to state the application status and that the Board has the authority to approve, always as a preliminary plan. He felt the deadline for final plan approval could not begin until a preliminary plan is filed. He felt, and it was Hanover Township's position, that only a preliminary plan approval would be allowed under the MPC.

Public Hearings: No public hearings scheduled.

Approval of Minutes: Mr. Oberly made a motion to approve the minutes of July 2014 with corrections as noted seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

Reports

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

B. Solicitor: On file.

C. Engineer:

i. Rockefeller Group Preliminary-Final Subdivision, Planning Module: Mr. Kocher indicated that the Planning Module has been submitted for action. He reviewed the content, which is to provide for sewer from the subdivision with transmission through Hanover Township lines with treatment to Catasauqua Borough Treatment Plan. Mr. Pierce made a motion to approve as described by Mr. Kocher; seconded by Mr. Oberly. On the motion, by roll call vote, all supervisors present voted yes.

D. Zoning Officer: On file.

E. Code Enforcement: On file.

F. Road Superintendent/Public Work Director: On file.

G. Fire Company: On file.

H. Emergency Management Coordinator: On file.

I. Parks: On file. Ms. Eckhart requested the Board look at the proposed sign design and the draft rules for the Savage Road Dog Park. She asked the Board to review these materials for the next meeting.

Unfinished Business

A. Quarry Hill Estates Subdivision – Request for Waiver – Paving Specifications: Mr. Diechmeister presented a request for waiver regarding the pavement specification requirements. Mr. Kocher explained the waiver and the approval of the modification as previously granted to various developers. The Board deferred the issue for further discussion at their meeting of August 26, 2014.

B. Supervisor Oberly statement – Gilmore report: Mr. Oberly provided the following statement: *“Much of Mr. Robert Nappa’s presentation to the Allen Board of Supervisors speaks out against approval of the project based on 2 main points. The first is that Allen Township should carefully read the Gilmore letter prepared for Hanover Township Lehigh County regarding the Traffic Impact Study done by the Pidcock Company, and secondly that if we were to proceed with the project, that we would be in violation of section 1409 of the Allen Township Zoning Ordinance. After reading carefully the Gilmore letter to Hanover I would like to offer the following comments:*

1. *The Gilmore letter sent up flags immediately based on its description of a project in Allentown Township. A mistake that is repeated in the document. This leads me to believe that the author of the letter had never even visited here. Being unable to correctly identify the location of the project.*
2. *The Gilmore letter purports to expand the scope of the Traffic Study beyond the normal limits created by Section 1409 of the Allen Township Zoning Ordinance. In fact the evidence of due diligence by the Planning Commission with respect to 1409 is found in the application for the original Traffic Study where we find that requests were sent to each area municipality asking them to note if projected developments in their municipalities might impact on the Traffic Study. These requests were sent Certified Mail with return receipts. Not a single Municipality responded that they had any such development in process.*
3. *The Gilmore letter alleges that sight distances at intersections along Willowbrook Road in Allen Township are too short based on a speed limit of 50 MPH when the speed limit of the roadway is 35 miles per hour. Another hint that the engineer never visited our project site.*
4. *The Gilmore letter questions the Trip Generation estimates of the Traffic Impact Study, citing the ITE Trip Generation Manual. Correspondence between Pidcock, PennDOT, Rockefeller, Allen Township, Hanover Township and their respective engineers noted that the ITE Manual in question does not accurately model for this type of use. In a letter from District 5 office to the above, PennDot acknowledged and concurred with the justification and methodology proposed for the traffic study. They also required a follow-up traffic study be completed at full build out to confirm the projections that would be shared with both PennDot and the municipalities.*
5. *The Gilmore letter continues to focus on US Route 22, which is outside of the Traffic Impact Study primarily because it is outside of the control of either Allen Township or Hanover Township Lehigh County. In addition it must be noted that much of the FedEx truck traffic associated with this project is already on US Route 22 in order to access the current facilities of FedEx Ground operations in Northampton County and Lehigh County.*
6. *The Traffic Impact Study which was completed using the methodology as previously described and completed by the Pidcock Company has been accepted by the consulting engineers of PennDot (Penonni), Allen Township, the City of Bethlehem, and Keystone Consulting Engineers who represent Hanover Township Lehigh County, who I might add offered comment that was addressed in the TIS. In addition the TIS was provided to the Lehigh Valley Planning Commission and their engineering staff which reviewed and discussed the study and offered NO Negative COMMENT on the study. The study included roadways and intersections in both Lehigh and Northampton Counties and 3 Communities served by LVPC.*
7. *Finally, I look at the company that proposes to move here. FedEx Ground is a company that delivers packages in a time sensitive environment. It is inconceivable to me that they would build here without looking closely at the roadway infrastructure required to meet their needs. It makes no sense to me that they would come here and spend more than \$200 Million dollars to park cars on US route 22 or any other roadway in our communities.*

I personally consider the Gilmore letter as unsubstantiated and the claim that Allen Township has failed in its efforts to comply with section 1409 to be without merit.”

C. Rockefeller Group Preliminary-Final Subdivision Plan:

- i. Public Comment: Mr. Eugene Clater, Snow Hill Road, commented regarding the traffic study provided by Pidcock Company on behalf of the Rockefeller Development Group.

He noted that he concurred with Mr. Oberly's statement regarding the traffic study and the project. In addition, he explained at the Township's request a northern access route study was conducted by the developer (essentially Rt. 329 and associated intersections). He indicated input from the above parties was requested by PennDOT at the onset of the scoping study. Mr. Clater reviewed six engineering firms were involved with the production and review of the traffic impact study: Pidcock Company (Rockefeller Group, applicant/developer), Hanover Engineering Associates (Allen Township); Lehigh Valley Planning Commission, PennDOT along with their consultant Pennoni and Associates, and Keystone Consulting Engineers and Gilmore and Associates (Hanover Township, Lehigh County). He further noted that the original scope of improvements associated with the project was identified through the official PennDOT process in August 2013. The scope was clearly outlined and affirmed through the Traffic Impact Study (November 2013) and communicated to the above noted parties. He stated concern, which after these formal requests for affirmation of the scope of the study, suddenly there is a later request for a change to the scope pursuant to the request of Hanover Township, Lehigh County. He felt it was neither fair nor proper pursuant to the process. He noted in order to stop this development due to Route 22 traffic related concerns – then it would only be proper to place a moratorium on all development within the Lehigh Valley which has access potential to Route 22, including the City of Allentown and Hanover Township, Lehigh County.

Mr. Clater noted the checkpoints developed throughout the Planning Commission's recommendation to the Board of Supervisors, including particular plan notes which will require post development reassessment of the traffic actually generated and remediation requirements. He explained that the specific requirements allow the Township the future flexibility to concentrate remediation on intersections which were identified through the Northern Access Traffic Study.

Mr. Clater commented at length regarding the submitted Gilmore and Associates report and the overall review of the Allen Township Planning Commission regarding the traffic study process involved with the project.

Ron Gawlick, P.E. Pidcock Company on behalf of the Rockefeller Group, responded to several comments made earlier regarding the Gilmore report. He reiterated that he had received the Gilmore report, concerning the traffic study prepared by Pidcock Company relative to the project, just prior to the last meeting. He indicated that PennDOT District 5-0 and PennDOT Central Office reviewed and approved the traffic study prepared on behalf of the developer. In addition, Mr. Gawlick stated that Pidcock provided a response letter that addressed thirty points contained in the Gilmore report and presently only two comments remain for further discussion/review.

Kim Nappa, 382 East Bullshead Road, voiced concerns regarding consideration of the approval - as in her opinion no one wants the project. She concluded this was a disaster for the Township.

Following some further explanation by Mr. Treadwell concerning the process regarding the approval of subdivision and land development plans, Mr. Hassler questioned the sidewalks and given the safety aspect – would Rockefeller Group be willing to put in the sidewalks at the onset of the project. Representatives present from Rockefeller Group acknowledged that they would be willing to install the sidewalks. Mr. Hassler made a motion to remove the deferral and require the sidewalks to be required to be installed. There being no second, the motion died. Mr.

Treadwell reviewed the draft waivers/deferrals as outlined in the attached document entitled, “The Rockefeller Group Allen Township Industrial Subdivision, Allen Township, Northampton County Preliminary/Final Plan Waivers/Deferrals Board of Supervisors Meeting of August 14, 2014”, last revised August 13, 2014.

Mr. Pierce made a motion to grant the waivers and deferrals for the Rockefeller Group Preliminary-Final Subdivision Plan draft approval dated August 13, 2014 as described by Mr. Treadwell and attached; seconded by Mr. Oberly. On the motion, by roll call vote, Mr. Hassler – no; Mr. Oberly – yes; Mr. Pierce – yes; Mr. Balliet – yes. Motion carried.

Mr. Treadwell reviewed the draft conditions of approval as outlined in the attached document entitled, “The Rockefeller Group Allen Township Industrial Subdivision, Allen Township, Northampton County, Preliminary/Final Plan Conditional Approval, Board of Supervisors Meeting of August 14, 2014”, last revised August 13, 2014. Mr. Treadwell clarified that some final language needs to be inserted in conditions with regard to added plan sheet 51A.

Mr. Pierce made a motion to grant conditional approval for the Rockefeller Group Preliminary-Final Subdivision Plan, subject to the 21 conditions as proposed by the Allen Township Planning Commission recommendation, as outlined by Mr. Treadwell and attached, the approval of suitable mitigation regarding the delayed traffic review, adjustment to Zoning Section 27-1413.B.1 and SALDO Section 22-405 G and 22-415.12 ; seconded by Mr. Oberly. On the motion, by roll call vote, Mr. Hassler – no; Mr. Oberly – yes; Mr. Pierce – yes; Mr. Balliet – yes. Motion carried.

D. FedEx Ground Hub Preliminary-Final Land Development Plan: Mr. Treadwell reviewed the draft waivers/deferrals as outlined in the attached document entitled, “FedEx Ground HUB Land Development, Allen Township, Northampton County, Preliminary Plan Waivers/Deferrals, Board of Supervisors Meeting of August 14, 2014”, last revised August 5, 2014 . Mr. Pierce made a motion to grant the requested waivers and deferrals for the FedEx Ground Hub Preliminary-Final Land Development Plan as stated in the August 13, 2014 draft waivers and deferrals as reviewed by Mr. Treadwell and attached; seconded by Mr. Oberly. On the motion, by roll call vote, Mr. Hassler – no; Mr. Oberly – yes; Mr. Pierce – yes; Mr. Balliet – yes. Motion carried.

Mr. Treadwell reviewed the draft conditions of approval dated August 13, 2014 as outlined in the attached document entitled, “FedEx Ground HUB Land Development, Allen Township, Northampton County, Preliminary Plan Conditional Approval, Board of Supervisors Meeting of August 14, 2014”, last revised August 13, 2014.

Mr. Pierce made a motion to grant plan approval for the FedEx Ground Hub Preliminary-Final Land Development Plan conditioned upon FedEx complying with the Allen Township Planning Commission recommendation draft dated August 13, 2014 as reviewed by Mr. Treadwell and attached, with adjustments as necessary to Zoning Sections 27-1404.2.C, 27-1413.B(1) and 27-1422.8; seconded by Mr. Oberly. On the motion, by roll call vote, Mr. Hassler – no; Mr. Oberly – yes; Mr. Pierce – yes; Mr. Balliet – yes. Motion carried

E. FedEx Ground Hub Preliminary-Final Land Development Plan, Phase I: Mr. Treadwell reviewed the draft waivers/deferrals as outlined in the attached document entitled,

“FedEx Ground HUB Land Development, Allen Township, Northampton County, Preliminary/Final Land Development Plans Phase I Waivers and Deferrals, Board of Supervisors Meeting of August 14, 2014” last revised August 13, 2014.

Mr. Pierce made a motion to approve the waivers and deferrals for the FedEx Ground Hub Preliminary-Final Land Development Plan, Phase I pursuant to the August 13, 2014 Allen Township Planning Commission recommendation as reviewed by Mr. Treadwell and attached; seconded by Mr. Oberly. On the motion, by roll call vote, Mr. Hassler – no; Mr. Oberly – yes; Mr. Pierce – yes; Mr. Balliet – yes. Motion carried.

Mr. Treadwell reviewed the draft conditions of approval of August 13, 2014 as outlined in the attached document entitled, “FedEx Ground HUB Land Development, Allen Township, Northampton County, Preliminary/Final Land Development Plan Phase I Conditional Approval, Board of Supervisors Meeting of August 14, 2014”, last revised August 13, 2014.

Mr. Pierce made a motion to grant conditional plan approval of the FedEx Ground Hub Preliminary-Final Land Development Plan, Phase I with the approval pursuant to the August 13, 2014 Allen Township Planning Commission recommendation as reviewed by Mr. Treadwell and attached; seconded by Mr. Oberly. On the motion, by roll call vote, Mr. Hassler – no; Mr. Oberly – yes; Mr. Pierce – yes; Mr. Balliet – yes. Motion carried

New Business -No New Business

Public to be Heard: Ms. Bette Harding, indicated she was upset at the tone of the approvals as granted and by who made the motions. She felt an apology was in order to the Township residents.

Mr. Edward Diechmeister, stated support for the FedEx project.

Mr. Balliet made a motion to adjourn; seconded by Mr. Oberly. On the motion, by roll call vote all Supervisors present voted yes.

Respectfully submitted,

Ilene M. Eckhart