



## Allen Township Board of Supervisors

### Meeting Minutes June 14, 2022 7:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, June 14, 2022 at 7:00 P.M. at the Allen Township Fire Company Building, located at 3530 Howertown Road, Northampton, PA. Mr. Hassler led the audience in the Pledge of Allegiance to the Flag.

- 1. Roll Call:** Present: Dale Hassler; Tim Paul; Paul Link; Jason Frack; B. Lincoln Treadwell, Jr., Esq; and Ilene Eckhart, Manager. Absent: Gary Behler; Andrea Martin, EIT and Stan Wojciechowski, PE, CME.
- 2. Announcements and/or Actions to Add New Items to Current Agenda:** No additional announcements or actions to add new items to current agenda.
- 3. Public Hearings:** No public hearings.
- 4. Public to be Heard:**

Bob Hosking, 243 Stagecoach Road, wanted to thank the residents in attendance at the meeting for their support of the request for a formal public meeting regarding the Indian Trail Road Bridge replacement project. Mr. Hosking reported that a petition to request a formal public meeting was circulated and resulted in 29 households signing the petition. This includes households on Indian Trail Road, Millrace Road, Kohls Road, and Stagecoach Road. He noted that only 2 people refused to sign the petition. Mr. Hosking provided the reason for the petition being that with the amount of money being spent on the bridge replacement, other factors must be considered. Mr. Hosking stated that how the community is evolving should be reflected in the plan. He reported the increase in traffic on Indian Trail Road as well as the increased speed of drivers, limited sight distance, and problematic driveways. He believes traffic calming measures should be in place. Mr. Hosking stated that some of the concerns are life-threatening and some are quality of life issues. Mr. Hosking also mentioned that he enjoyed the 2022 Spring Allen Township Newsletter although he was disappointed that there was no mention of the bridge replacement project in it. Mr. Hosking was distraught that the majority of people in the immediate area of the Indian Trail Road Bridge replacement project were not aware of the plan to replace the bridge. He is requesting that the Township "step-up" to PennDOT and request a necessary public meeting.

Bill Szupper, 3615 Kreidersville Road, stated that he has resided here for 22 years as of January. Mr. Szupper voiced concerns of his neighbor's current pool business (Aqua Pool & Supply Inc. at 3742 Kreidersville Road) after the business and property was sold. He stated that the business seems to be very successful and he has not had the chance to meet the new owners of the business and property. Mr. Szupper stated that the business has expanded and grown since its sale. He is concerned about the zoning parameters that were put in place 20-25 years ago and if they were still relevant to the business today and if they were being adhered to.

Charles Stettler, 480 Millrace Road, voiced his concerns regarding the rocks in cages placed by State to close the arch in the Indian Trail Road Bridge. He said this has caused 10 feet or more of damage including roots that have come up along with rocks. He would like to have this evaluated before the bridge is replaced to address his concerns. Mr. Paul requested to see the design and how the bridge will be built. Mr. Hassler stated he assumes PennDOT would be able to answer this and other questions at the requested public meeting if and when it is held. Mr. Hassler stated that he believes the old arch Mr. Stettler is speaking of is from the old millrace that was there and that this was closed off 10 years ago.

Tom Molchany, 4744 Indian Trail Road, stated that he understood that the section of Indian Trail Road that is in Allen Township is a PennDOT road and that the section in Lehigh Township is a township road. Mr. Molchany voiced his concerns regarding truck traffic on Indian Trail Road. He stated that he understands that the Township cannot restrict truck traffic for the Allen Township section of this road but is requesting that Lehigh Township become more involved to restrict truck traffic on the Lehigh Township portion of Indian Trail Road. He request that Lehigh Township utilize their police force to restrict trucks on Indian Trail Road. Mr. Molchany noted that 30 years ago he was not allowed to have his driveway on Indian Trail Road due to the sight distance. His driveway had to be located on Millrace Road. He stated that the sight distance does not matter when there is heavy traffic moving at a faster than posted speed. Mr. Molchany also stated his dissatisfaction with the lack of weight limits being imposed for the Indian Trail Road Bridge while the Cementon Bridge will be able to maintain a weight restriction after it is rebuilt. Mr. Molchany partially blames FedEx for the increased truck traffic. He also believes that having a DOT presence on Indian Trail Road may resolve truck traffic problems for residents.

Ruth Lesko, 4904 Indian Trail Road, spoke of how she and her husband, Jeffrey, have lived at their residence for 43 years. She stated that in the time they have lived here their house has been hit 3 times. Ms. Lesko reports that the most recent crash into their home resulted in over \$30,000 worth of damages. Ms. Lesko stated that she is concerned that bridge repairs and improvements will only cause people to drive faster which would increase the likelihood of another vehicle hitting their home. She reports that she has witnessed vehicles driving 70 MPH on Indian Trail Road. Ms. Lesko stated that she will not allow her grandchildren in the front yard due to safety concerns with people speeding past her home. She is worried someone will lose their life on Indian Trail Road.

Mike Krupa, 37 Arrowhead Lane, stated that Bill Szupper is his neighbor. Mr. Krupa stated that he has the same concerns as Mr. Szupper regarding the business (Aqua Pool & Supply Inc. at 3742 Kreidersville Road) across the street. Mr. Krupa clarified that no one wants to stop the property owners from running their business. Mr. Krupa requests that Aqua Pool & Supply Inc. go through the proper channels that are required by Allen Township just as he had to do when he built his home 10 years ago. He continued to explain that residents choose to live in Allen Township because they enjoy the open space and being in the country without having to listen to construction.

Gene Clater, 75 Arrowhead Lane, stated that Bill Szupper and Mike Krupa are his neighbors. Mr. Clater wanted to inform the Board of a previous variance that was granted to Don Hall, owner of Lehigh Valley Aqua Pools formerly located at 3742 Kreidersville Road. He states that Don Hall's business was ruled to be a home occupation and he was granted a home occupancy permit. Mr. Clater reported that there was no problem with the former business's practices since they abided by the granted 1988 variance which allowed 7 vehicles and an accessory building. Mr. Clater continued to summarize that Mr. Hall was directed to keep the business "low-key" and park the vehicles behind the accessory building and to the side of the building. According to Mr. Clater, since the property was sold to Mr. Bast, owner of Aqua Pool & Supply Inc., there are now 12 to 15 vehicles and inappropriate outdoor storage that is 12-15 feet from the property line. Mr. Clater voiced concerns of the business evolving from a home occupation business to a full contract business with 8 to 15 seasonal employees. He also spoke of a conversation that he had with Mr. Treadwell regarding the business. Mr. Clater said that the Supervisors do not want to go through 10 years of litigation to stop the business. He also mentioned the Pennsylvania Doctrine of Natural Expansion and stated that this states a non-conforming business cannot be stopped from expanding but that restrictions may be placed on the expanding business. Mr. Clater questioned why restrictions have not been placed by the Township that reflects the township ordinances. He is requesting that a hearing be held before the Zoning Hearing Board.

**5. Approval of Minutes:** Mr. Link made a motion to approve the minutes of May 10 and 24, 2022; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**6. Reports – All Reports with exception of the Treasurers Report noted as “on file”.**

**A. Treasurer:** Mr. Link made a motion to approve the Treasurers Report and the Paying of the Bills; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**B. Solicitor:** On file.

**C. Engineer:** On file.

**D. Planning/Zoning/Code Enforcement:** On file.

Ms. Eckhart reported that the June Planning Commission meeting is cancelled due to there being no submissions. She also reported that two submissions are expected for the July Planning Commission meeting. The expected submissions are for Stone Ridge Final Phase and a Special Events Venue Proposal.

For zoning, Ms. Eckhart reported that for industrial developments there were UCC reviews for the warehouses at 651, 700, and 740 Cesanek Road. For residential there have been several rooftop solar installations, sheds, fences, above ground pools, and decks zoning permits issued.

For code enforcement, Ms. Eckhart stated that there have been reports to Code Enforcement relating to grass cutting issues, general cleanup, property complaints, warehouse complaints, truck complaints, traffic complaints.

**E. Road Superintendent/Public Works Leader:** On file.

**F. Fire Company:** On file.

**G. Emergency Management Coordinator:** On file.

**H. Parks:** On file.

Ms. Eckhart reported that the Howertown Park ad hoc committee meeting was initially planned for a few weeks ago but had to be rescheduled to July. She also reported that the Kreidersville Covered Bridge property was surveyed and this has been completed. The plotting of the survey should be completed within the next few weeks. Ms. Eckhart informed the Board that loss/stray dogs are becoming an issue. She reported that a dog was abandoned and left tied to a tree in the Allen Township Dog Park this morning.

**J. Nazareth Council of Government:** On file.

**K. First Regional Compost Authority:** On file.

**L. Stormwater:** On file.

## **7. Unfinished Business**

**A. Request for Proposals for Facility Study – Status/Update #2:** Ms. Eckhart provided an update. She mentioned that the mandatory walkthrough was held last Tuesday and 8 firms attend. The question period has been satisfied. Only one question was asked during this period. This was addressed in addendum 2. She reports that there was a slight modification to the schedule which is noted in addendum 1. The submission deadline for proposals is June 24<sup>th</sup> at 1pm. Ms. Eckhart also noted that additional documentation was provided to the firms relating the cracks in the garage along with copies of the garage plans. She noted that the study is

fairly on schedule. Ms. Eckhart informed the Board that within the next month or two that the Board may wish to discuss interviews of firms.

## 8. New Business

**A. Resident Petition Request for Public Meeting PennDOT District 5-0 Indian Trail Road Bridge Replacement:** Ms. Eckhart read the petition request aloud. The petition is requesting a public meeting with the Allen Township Supervisors and representatives from PennDOT District 5-0 to discuss the replacement of the Indian Trail Road Bridge. She reported that she did reach out to the PennDOT representative immediately in response to the presented petition. Ms. Eckhart noted that in 2020 when the display plan was provided to the Township, that it was posted on the website. She also reports providing a copy to Mr. Hosking when he requested a copy. Ms. Eckhart explained that usually PennDOT needs to hold a meeting when there is a major project like this. No meeting was held at the time due to the COVID-19 pandemic. Ms. Eckhart noted that she also reached out to the Acting Regional Director for the DEP. She explained that she was told that the DEP would require a meeting as this is a step in their permitting process. Her understanding is that PennDOT has not acquired this permit as it is currently outstanding. PennDOT will need to obtain this permit from the DEP before beginning the project. Ms. Eckhart stated that given the lack of a permit, a July commencement of the project does not seem feasible. Ms. Eckhart reported that PennDOT has informed her that a meeting will be held with PennDOT representatives who will be in attendance. There will be a period for questions from the public followed by a comment period. The DEP will have an allotted amount of time to officially respond to the comments and concerns raised by the residents. Ms. Eckhart believes that a virtual meeting would be a bad idea and she is hoping that the meeting will be held in-person. She said that she informed the DEP that they may be able to use the Fire Company building to hold the meeting. An official notice of the meeting would need to be run in the PA Bulletin. Ms. Eckhart said that the notice would also be posted on the Township's website as well as social media accounts. Mr. Link made a motion to allow the meeting to be held at the Fire Company, seconded by Mr. Paul. On the motion, by roll call vote, all Supervisors present voted yes. Ms. Eckhart reports that as of today she has not received an estimated date range for a meeting. Mr. Hosking requested that the Township request that PennDOT mail a letter to all of the residents in the area when a meeting date and time are set.

**B. Request of NAZ COG – Amendment to Include Hanover Township, Northampton County:** Ms. Eckhart provided background on the request. In order for Hanover Township, Northampton County to join NAZ COG all member municipalities must accept the request to allow the requesting municipality to join. Mr. Link made a motion to accept the request for Hanover Township, Northampton County to join the Nazareth Council of Government; seconded by Mr. Frack. On the motion by roll call vote, all Supervisors present voted yes.

## 9. Public to be Heard:

John Weiss, 401 Millrace Road, stated that he drove his motorcycle through the warehouses and the “rent-a-cop” caught him and informed him that it was private property. Mr. Weiss informed the security officer that there is no sign indicating such. The security officer stated there is one on Seemsville Road. Mr. Weiss questioned the Board if this is private property. Mr. Hassler informed Mr. Weiss that it is a private road and stated that it has not been turned over to the Township at this time. Mr. Weiss questioned if the Township would be paying to fix the road when it is turned over to the Township. Mr. Hassler stated that the condition of the road is the reason the Township has not taken ownership yet. He stated that it would need to be fixed before the Township would take ownership. Mr. Weiss questioned the amount of money being laundered at the unoccupied warehouse properties.

Gene Clater, 75 Arrowhead Lane, questioned the topic of the executive session for pending litigation that was mentioned at the April 26<sup>th</sup> Board of Supervisors meeting. Mr. Treadwell responded that this was regarding the Lappawinzo. Mr. Clater stated that the topic of the pending litigation is required to be announced according

to the Sunshine Act. Mr. Treadwell responded that if the topic is pending litigation, the participants do not need to be identified due to there being no actual participants yet. Mr. Treadwell stated that the potential participants do not need to be notified of any pending litigation. He further explained that if there is a case name and filed litigation then a name must be publicly noted.

Bob Hosking, 243 Stagecoach Road, wanted to voice his concerns and the concerns of other neighbors who did not speak at the meeting regarding the severity of the safety concerns and measures that need to be taking relating to site distance safety, speed, traffic calming, drainage, truck restrictions, etc. He stated that this is a residential area and not a state highway.

There being no further comments or business the meeting, Mr. Link made a motion to adjourn, seconded by Mr. Frack. The meeting was adjourned at 7:45 PM.

Respectfully submitted,

Ilene M. Eckhart