



Allen Township Board of Supervisors

Meeting Minutes February 22, 2022 7:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, February 22, 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: Gary Behler; Dale Hassler; Paul Link; Tim Paul; Jason Frack; B. Lincoln Treadwell, Jr., Esq., Ilene Eckhart, Manager; Andrea Martin, EIT
2. **Announcements and/or Actions to Add New Items to Current Agenda:** No additional announcement or actions to add new items to current agenda.
3. **Public Hearings:**
 - A. **Mixed Use Village Zoning Ordinance # 2022-01 Draft Amendment ***
 - B. **Mixed Use Village Subdivision and Land Development Ordinance #2022-02 Draft Amendment ***

*** (Draft Amendments relative to the Willow Brook Farm and Alexandra H. Fuller Family Trust Zoning Ordinance Validity Challenge/Curative Amendment Concept Plan):**

Mr. Marc Kaplin, Esq. of Kaplin and Stewart and Jim Constantine, Planner (LRK), were present on behalf of the Trust.

Mr. Behler made a motion to open the hearing; seconded by Mr. Link. On the motion, by roll call vote, all members present voted yes.

Mr. Treadwell provided background regarding the Curative Amendment filed in 2018. Representatives provided an update regarding the preparation of a grading plan to accompany a future presentation (at a continuance on March 22, 2022). Board members provided feedback regarding the current drafts. A full stenographic record of this hearing will be transcribed by Veritext, the Township's vendor and placed within the Township files regarding this matter. Following the presentation and comments, Mr. Behler made a motion to continue the hearing until the Board meeting of March 22, 2022 at 7 PM; seconded by Tim Paul. On the motion, by roll call vote, all Supervisors present voted yes.

4. **Public to be Heard:** Keith Hanlon, 13 Redwood Drive, complained regarding the large volume of truck traffic on Seemsville Road. He complained regarding the noise produced by jake brakes. He felt it was very out of hand and why were they being routed to Seemsville Road. Mr. Hassler responded that the trucks are traveling to the Northampton Cogeneration Plant. Mr. Hanlon indicated were not

these trucks were only supposed to utilize Rt. 329. Ms. Eckhart explained that the Cogeneration plant has essentially split the truck routes between Kreidersville Road and Seemsville Road. She indicated she has been in communication with representatives from the plant. Additionally, she indicated she asked PennDOT to consider a truck restriction study or brake retarder appropriate. She indicated that the Commonwealth would not consider a restriction without a reason that fits their criteria. Mr. Hassler indicated people should contact their State Representative. Mr. Hassler explained dump trucks are utilized in lieu of the prior type of truck, which was a longer trailer type truck. He further indicated

Lee Wagner, commented regarding the truck traffic issue on Seemsville Road. He felt it was like a war-zone. He noted that the State should get rid of the intersection at Seemsville Road and Old Carriage Road so that they would not have to continually use the jake brakes.

5. Unfinished Business

A. Act 537 Plan Update: Ms. Martin explained the proposal of Northampton Borough to resolve the rate issue. She reiterated the timeline of the Joint Act 537 Plan submission to PA DEP. She noted that the draft plan will contain two alternatives: alternative one for the Northampton Borough Service area with an ultimate need and timeline and alternative two for the Catasauqua Borough option for 800 EDU capacity (availability would be sufficient for Willowbrook Farms proposal as the mixed used density area and existing structures). More information is needed to determine if any additional flow could be accepted over that amount for the Catasauqua alternative. She indicated Catasauqua seems very willing to have a future discussion regarding the future connections. Following some additional discussion, Mr. Treadwell indicated the rate issue related to the current litigation should be discussed in executive session. Ms. Martin indicated the process to amend the Act 537 Plan, once adopted, was a simplified process in comparison to the full Joint Act 537 Plan and the process the Township would undergo if the Catasauqua Alternative needed to be implemented.

6. New Business

A. Receipt of 2022 Tax Duplicate and Presentation to Real Estate Tax Collector for Collection Based on Assessed Valuation of \$233,429,200: Mr. Behler made a motion to present the Real Estate Tax Collector with the duplicate for collection pursuant to the assessed valuation of \$233,429,200; seconded by Mr. Link. On the motion, by roll call vote, all Supervisors present voted yes.

B. Resolution #2022-09 Statewide Local Share Grant Application – Sewer Cleaning and Televising Equipment: Ms. Eckhart explained last fall the Township applied for this same equipment under the Local Share Monroe and Lehigh/Northampton grant program. She indicated awards for this program have not been acted upon. She indicated the Local Share Statewide Program that is now open – for the same project for which you applied to LSA Monroe and Northampton Lehigh, in case we are not awarded on the original application. She recommended the funding application for Sewer cleaning and televising equipment for \$172,278 based on the estimates received. Mr. Behler made a motion to adopt Resolution 2022-09; seconded Paul Link. On the motion, by roll call vote, all Supervisors present voted yes.

C. Kreidersville Covered Bridge Association request for use of former social hall space for monthly meetings: Ms. Eckhart indicated the Association has requested the use of the former social hall space for their monthly meetings. She indicated meetings are the third Tuesday of each month. The Board discussed options to address this request and indicated that the Field House at Howertown Park should be made available for the meeting for the time being due to the former social hall still housing fire company property and the current municipal offices no longer having a space available.

Public to be Heard:

The Board held a brief executive session to discuss ongoing litigation.
There being no further business the meeting adjourned at 8:09 PM

Respectfully submitted,

Ilene M. Eckhart

ALLEN TOWNSHIP BOARD OF SUPERVISORS

In Re: Public Hearing

A. Mixed Use Village Zoning Ordinance #2022-01
Draft Amendment and

B. Mixed Use Village Subdivision and Land
Development Ordinance #2022-02 Draft Amendment.

PUBLIC HEARING

Held on February 22, 2022, commencing
at 7 p.m. at the Allen Township Fire Company,
3530 Howertown Road, Northampton, Pennsylvania,
and stenographically recorded by Deborah K.
Marshall, Registered Professional Reporter.

BEFORE:

TIM PAUL

JASON FRACK

PAUL LINK

GARY BEHLER, VICE CHAIRMAN

DALE N. HASSLER, CHAIRMAN

B. LINCOLN TREADWELL, ESQ. SOLICITOR

ILENE M. ECKHART, MANAGER

ANDREA MARTIN

STAN WOJCIECHOWSKI, (VIA PHONE) ENG.

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1
2 APPEARANCE:
3 KAPLIN STEWART
4 BY: MARC KAPLIN, ESQ.
5 1700 Market Street, Suite 1005
6 Philadelphia, PA 19103
7 mkaplin@kaplaw.com
8 For Fuller Family Trust
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1 MR. HASSLER: Call the meeting to
2 order. Roll call.
3 MR. PAUL: Tim Paul. Here.
4 MR. FRACK: Jason Frack. Here.
5 MR. LINK: Paul Link. Here.
6 MR. BEHLER: Gary Behler. Here.
7 MR. HASSLER: Dale Hassler. Here.
8 Stan Wojciechowski, I believe, is on the phone.
9 MR. TREADWELL: Linc Treadwell.
10 Here.
11 MS. ECKHART: Ilene Eckhart. Here.
12 MR. HASSLER: Any announcements or
13 actions to add items to the agenda?
14 MS. ECKHART: Nothing.
15 MR. HASSLER: Public hearings?
16 MR. TREADWELL: We have one public
17 hearing tonight that references two potential
18 amendments. One to the subdivision and land
19 development ordinance, and the other to the
20 zoning ordinance.
21 So the first order of business would
22 be a motion to open the public hearing.
23 MR. BEHLER: I'll make a motion to
24 open the hearing.
25 MR. LINK: I'll second.

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2
3 INDEX TO WITNESS
4 James Constantine-- 9
5 Martin Fins--18
6 John Wichner -- 20
7 Michael Stadulis -- 27
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1 MR. HASSLER: We have a motion and a
2 second to open public hearing. Any questions?
3 If not, roll call?
4 MR. PAUL: Tim Paul. Here. Yes.
5 MR. FRACK: Jason Frack. Yes. Here.
6 MR. LINK: Paul Link. Yes.
7 MR. BEHLER: Gary Behler. Yes.
8 MR. HASSLER: And myself, yes.
9 MR. TREADWELL: So as I said, there
10 are two potential ordinance amendments. The
11 first Ordinance 2022-01 which is a potential
12 amendment to the zoning ordinance.
13 The second is ordinance 2022-02,
14 which is a potential amendment to the
15 subdivision and land development ordinance.
16 Both of these ordinances or the potential
17 amendments are the result of the curative
18 amendment that was filed by the Fuller Family
19 Trust back in 2018, I think. The ordinances
20 were both advertised.
21 Ilene, do you have the dates of that?
22 MS. ECKHART: So that was January
23 26th and February 3rd.
24 MR. TREADWELL: Both ordinances were
25 advertised on the dates that Ilene just

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1 mentioned for the public hearing tonight. In
 2 addition, both were sent to the Lehigh Valley
 3 Planning Commission. Both were also sent to the
 4 Allen Township Planning Commission.
 5 The Allen Township Planning
 6 Commission, at its last meeting, recommended
 7 approval of both ordinances. However,
 8 specifically held out the building height/how
 9 many stories are allowed in the multi family
 10 apartment units for the Board of Supervisors to
 11 further delve into and consider.
 12 The purpose of tonight's hearing is
 13 for the discussion of both ordinance amendments.
 14 There are representatives here from the Fuller
 15 Family Trust. And they will show you, it looks
 16 like a PowerPoint presentation that will have
 17 some visuals.
 18 We will then have the opportunity for
 19 the public to comment and the board to ask any
 20 questions. So, with that being said, I'll turn
 21 it over to Attorney Kaplin.
 22 MR. KAPLIN: Thank you, Linc. Good
 23 evening, Members of the Board. I think that
 24 Linc has accurately stated how we're here.
 25 We have spent a great deal of time,

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1 probably two or three years, working with the
 2 Township, to try and come up with a plan and an
 3 ordinance that would be appropriate for the
 4 Fuller property; the Willowbrook Farm.
 5 We started to make progress when we
 6 brought Jim Constantine in, our land planner.
 7 And he set forth, creating a plan. It wasn't a
 8 fully engineered plan, but it was a plan. What
 9 we propose to do here.
 10 And the ordinance has had a number of
 11 readings before the Planning Commission, a joint
 12 meeting. And we have resolved, in my view,
 13 everything except the one at issue about the
 14 height and the number of stories.
 15 And about two months ago, the Fuller
 16 family entered into an agreement with Equis
 17 Capital Partners that, coincidentally, I
 18 represented in multiple transactions in the
 19 Delaware Valley for the last 15 years. And they
 20 are the cream of the crop of the developers I
 21 know.
 22 And they started to dig in and try
 23 and see -- they were taking Jim's plan and how
 24 do we make Jim's plan work in the context of the
 25 grading and all of that.

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1 And we've had discussions back and
 2 forth. And what we are going to propose tonight
 3 is that we would like to go through everything.
 4 And we have Equis' architects and land planners,
 5 part and partners, working with Jim, working
 6 with the Fuller family.
 7 And we are trying to work out a plan
 8 that will get as absolutely as close to possible
 9 as your concern. We understand your concern.
 10 So we're not asking you to vote tonight. We
 11 will be back. And we hope to have a plan or
 12 plans in the next ten days or so. We would like
 13 to show it to you. We would like to show it to
 14 staff.
 15 Dale, we would like to show it to you
 16 to get your input. And hopefully, we can now
 17 understand in more detail, what it will mean to
 18 build apartments up near Willowbrook, where it's
 19 level and then as you all know, it comes down.
 20 We've got what we think are
 21 magnificent golf views, but we've got to make it
 22 work the right way. So that's our game plan.
 23 Linc and I have talked about that. We think
 24 that's the most prudent thing. We solved an
 25 awful lot of problems. We've got one more to

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1 solve.
 2 So tonight, I'm going to turn this
 3 over to Jim Constantine. He is the author of
 4 the plan and the primary author of the
 5 ordinance. We'll let him explain to those of
 6 you who haven't seen this and to the public,
 7 what we're involved with. Thank you.
 8 * * *
 9 JAMES CONSTANTINE, having been first
 10 duly sworn, was examined and testified as
 11 follows:
 12 MR. CONSTANTINE: Ilene, I know you
 13 had the lights off before. I don't know whether
 14 that helps. I'll be pretty quick on this
 15 presentation, which begins with a couple of
 16 views for orientation looking at the site.
 17 So this is east, Willowbrook Farm you
 18 can see the historic ring for equestrian use,
 19 stables. This is looking northwest, towards
 20 Willow Green. In the distance, there's West
 21 Bullshead Road and then some of the historic
 22 barns and equestrian facilities in the
 23 foreground, as well as some of the homes that
 24 are occupied.
 25 This is looking east towards Grube

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1 Park. And there is the Fuller family home, West
 2 Bullshead Road. Willowbrook Road.
 3 The site has an existing waterway,
 4 which certainly creates, you know, an
 5 interesting feature and something to work
 6 around. Certainly to protect. The creek also
 7 sets up tremendous opportunities for some of the
 8 trail system that will come. I'll share that
 9 because there will be a public trail, and
 10 obviously unique places that could be a benefit
 11 to the community at large to experience them.
 12 There are existing tree masts in
 13 several locations on the site. We are
 14 preserving -- 50% of the site is open space. We
 15 want to try to listen to the land and work with
 16 as many of trees as possible. Because they will
 17 create the setting.
 18 And then, of course, there's history
 19 on the site. There is the kiln. There are
 20 historic -- this is an old stone barn. Other
 21 barns, some of which we intend to try to keep
 22 and restore. Others may not.
 23 The vision that really came about
 24 here at this site was to try to create a mixed
 25 use village. There's recreation that's here

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1 today of a mixing in a small amount of
 2 commercial uses, for instance, in some of the
 3 old restored buildings. And then residential
 4 that is within it, walkable. Has a different
 5 feel and meets different standards.
 6 And that is really what's contained
 7 in this ordinance, is the ability to create a
 8 new village that has some of the characteristics
 9 of older hamlets and villages that exist
 10 throughout the region.
 11 That includes both the mixed small
 12 scale commercial uses, which take place in the
 13 barns, and a variety of types of housing from
 14 single family homes to twins, town homes, and
 15 multi family. But all mixed in.
 16 And so the variety is really what
 17 makes the mixed use village experience
 18 different, and the fact that it's all very
 19 pedestrian friendly. And that goes to some of
 20 the parking and street standards that I'll
 21 highlight as well.
 22 So the key elements; first, we have
 23 equestrian and golf on the site today. So this
 24 actually already is a mixed use place and a
 25 place with history that is recognized. It has

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1 visitors. We think a lot of the folks in the
 2 township and elsewhere have positive experiences
 3 at the site. So those golf and equestrian uses,
 4 we intend for now, to retain and really have
 5 sort of the core of the recreation mixed use, as
 6 well as a place you can go and get a bite to
 7 eat.
 8 The public trail system from the
 9 park, up at this corner and then coming out the
 10 site and heading in this direction would connect
 11 to the NorBath Trail, as well as to the Delaware
 12 and Lehigh Trail in this direction. And there
 13 obviously are lots of places to walk within the
 14 community and beyond just on the trail. But
 15 that is a major public access. It's something
 16 the county has in their plans. It is something
 17 that we incorporated.
 18 Then there's a village center, which
 19 really takes place at the core of the site.
 20 Beyond that, I should also point out, there are
 21 existing -- the Willowbrook subdivisions; phase
 22 one and phase two, that have been built and are
 23 taking place already on the site.
 24 And then really, new neighborhoods
 25 that add to that. So a residential neighborhood

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1 that sort of fills in at this location. Another
 2 neighborhood that fills in over here. And then
 3 up near FedEx and the other large warehouse
 4 facilities along Willowbrook Road is an area
 5 that we've designated for the multi family
 6 neighborhood, in part, it is better transition
 7 use of that location. And some of the multi
 8 family also can occur in village center.
 9 The total number of new residential
 10 units is limited to 700. There are some
 11 existing, about a dozen existing residences and
 12 different buildings on the site today.
 13 And then there is sort of a concept
 14 plan that you're going to be seeing come in.
 15 But in placing some of the uses in these
 16 locations but with some of the pattern as it
 17 gets fine grain and goes through preliminary
 18 engineering, we'll adjust and fit the site
 19 better. This is, as Marc indicated, a high
 20 level land plan.
 21 So in the village center, there is an
 22 intent to sort of move towards that. And then
 23 take some of these historic buildings and really
 24 restore them with some unique uses to make it a
 25 group hub or day care facility or a restaurant.

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1 Perhaps some sort of a small convenience store
 2 for the residents that are on the site.
 3 The village center takes place here,
 4 around some of these existing buildings. This
 5 is the old stone barn. You can sort of see how
 6 the idea is to knit and integrate the
 7 neighborhood filled with small scale, walkable
 8 streets and then housing that basically sets up
 9 this village feeling at the center.
 10 Here is the equestrian and the golf
 11 facility, so you could see the mixed use knits
 12 everything together. These barns here, there's
 13 the historic stone barn. This Dutch barn is
 14 located over here by the bridge, over the creek.
 15 And some of the existing roads that we'll talk
 16 about and show you were intended to be kept at a
 17 narrow lane width, which is what they exist at
 18 today, handling traffic.
 19 And then within the neighborhoods,
 20 there are places for the homes, town homes,
 21 twins. In some cases singles to front on green
 22 spaces. Multi family can do that, as well. But
 23 everything really creates this walkable street
 24 scape with village feel. And that's achieved by
 25 thinking about where the parking goes. The

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1 design of the streets. And not having some of
 2 the problems that you've had in the past where
 3 the streets become over parked. And part of
 4 that is because of where the parking is.
 5 This is a community that we designed
 6 in Lancaster County. And it has a walkable
 7 village streetscape. Parking that's behind, in
 8 a variety of different ways. I'll show you
 9 first, the streets have limited parking. It
 10 doesn't occur everywhere. We have standards in
 11 there for fire protection areas carefully worked
 12 out on our streets.
 13 But the major parking for these
 14 townhomes and twins is with alley, with rear
 15 access driveways, with surface parking behind
 16 the multi-family or an alley with garages off of
 17 it as shown here, so that the streets aren't
 18 over parked with the sort of congestion that
 19 you've experienced out here today.
 20 We know that we try to design this
 21 out of this community because of the front
 22 driveways and the fact that garages aren't used
 23 for cars and cars are in the driveways and the
 24 cars spill out on the street. Then we have a
 25 safety issue, which the township is well aware

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1 of.
 2 So our streets provide for restricted
 3 on street parking. The majority of resident
 4 parking is behind. So this really becomes guest
 5 parking or a temporary resident spot for a
 6 couple of hours, but not for permanent resident
 7 parking, and ample space for fire access.
 8 So in fact, these streets will have
 9 greater access for fire protection in the
 10 streets that are there today.
 11 But it will also allow for buildings
 12 to frame the street and for porches and stoops
 13 and windows and a pedestrian friendly experience
 14 that makes it a much more walkable and village
 15 feel. And all of these things are integrated
 16 together.
 17 One other comment on the streets. We
 18 have some wonderful narrow lanes and some
 19 locations on the site today. These were 12
 20 feet. There's little pull over shoulder areas
 21 that are soft paved with gravel. This is the 13
 22 foot, it is now a boulevard, around Fuller
 23 Drive.
 24 And so the plan allows for these
 25 streets to remain and for additional pull off

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1 areas to be there. We know they work today.
 2 We're really appreciative of the fact that the
 3 Township worked with us to try to keep that
 4 character of the site.
 5 Then lastly, I just wanted to end on
 6 multi-family neighborhood, which is up in that
 7 corner of the site, which is in the midst of
 8 walking through I'd say a real deeper dive of
 9 land planning, preliminary engineering, looking
 10 at the grades. It is a site that's flatter,
 11 near Willowbrook Road, then starts to drop off.
 12 And it is challenging.
 13 But the intent is from our
 14 standpoint, trying to have as much of the multi
 15 family really feeling that we've shown you with
 16 these images all along. And what we've asked
 17 for is to try to keep it in a situation that,
 18 you know, doesn't become a full three story
 19 building.
 20 So with that, I'll turn it back over
 21 to Marc.
 22 MR. KAPLIN: Thank you, Jim. That's
 23 really our presentation.
 24 We've spent so much time together
 25 getting to this point. So, as Jim said and I

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1 said, we're going to come back to you with that
 2 upper right-hand corner, in some more detail, so
 3 that you will see what we're talking about. And
 4 we are going to try and get that to the two
 5 story, a requirement that you want us to do.
 6 I have my team here to answer any
 7 questions from the public. Thank you.
 8 MR. HASSLER: Does anybody from the
 9 public wish to speak and question anything on
 10 this? State your name under oath.
 11 * * *

12 MARTIN FINS, having been first duly
 13 sworn was examined and testified as follows:
 14 MR. FINS: My name is Martin Fins.
 15 I live at Willow Green Condo Association. My
 16 question is, how much of the traffic that's
 17 going to be created is going to actually come
 18 out on Bullshead Road or Fourth Street?
 19 We already have, coming out of Willow
 20 Green, some significant problems at certain
 21 times of the day. Catasauqua High School, you
 22 know, coming and going. It's very tough to get
 23 in and out of our complex. So have you given
 24 any thought to that? Because I don't know what
 25 the access is going to be for your development

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1 from Bullshead. But it could be a significant
 2 problem for us and your people.
 3 MR. KAPLIN: Let me try and give you
 4 half of the answer. And you heard this. You
 5 asked basically the same question when we were
 6 at the Planning Commission. I believe it was
 7 you.
 8 MR. FINS: No, it wasn't me.
 9 Somebody that looks like me?
 10 MR. KAPLIN: I'm sorry. I apologize.
 11 But yeah. It was virtually the same question.
 12 And there was an extended conversation about
 13 what we will commit to do and be required to do.
 14 I think we ended up with, we're going have an
 15 overall traffic improvement plan at the
 16 beginning. And it will take into consideration
 17 getting -- at least us getting in and out of
 18 Bullshead and getting in and out of the main
 19 entrance opposite Radar Road. And I believe a
 20 right in or a right out.
 21 We promise to look at the
 22 intersection of West Bullshead and Willowbrook.
 23 And I think I understand what you were talking
 24 about, about the traffic coming out and there is
 25 some type of offset intersection, I believe,

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1 where you come out.
 2 So, we're going -- we are going --
 3 I'm sorry if I got the facts wrong. But we are
 4 going to deal with overall traffic for us
 5 getting in and out on an overall basis. And
 6 then the improvements that are determined will
 7 be built as we build sections.
 8 John, I'm sure I botched that about
 9 where the traffic is coming from. Is there
 10 anything that you want to add to that?
 11 * * *

12 JOHN WICHNER, having been first duly
 13 sworn, was examined and testified as follows:
 14 MR. WICHNER: I'm John Wichner with
 15 McMahan Associates.
 16 So during land development, we would
 17 prepare a full transportation impact study. It
 18 is the counts of the existing traffic. Layered
 19 on top of that, population growth, plus traffic
 20 associated with different phases of this
 21 proposed development.
 22 And what Mr. Kaplin had talked about
 23 was doing that overall study and then looking at
 24 when each of the necessary improvements that
 25 would need to come on line, based upon unit

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1 counts and things like that.
 2 But the study area for the traffic
 3 study does include West Bullshead. It does
 4 include Willowbrook. It does include the site
 5 frontage, as well as the driveways for your
 6 development, as well.
 7 MR. HASSLER: Is there anyone else
 8 that would like to comment at this time? If
 9 not, is there anyone from the Board that would
 10 like to make a comment or anything? Any
 11 questions to ask?
 12 MR. LINK: I would just like to see
 13 their next drawing.
 14 MR. HASSLER: Yes. I'm concerned
 15 about the next drawing. Because as stated, to
 16 even get this far, it was agreed upon two
 17 stories only. And the last picture, drawing I
 18 saw, was three stories with a garage underneath.
 19 That's considered a story, in my book.
 20 MR. KAPLIN: I understand that.
 21 MR. HASSLER: And that's totally, in
 22 my book, unacceptable.
 23 MR. KAPLIN: Well, okay.
 24 MR. HASSLER: So you have your
 25 homework that needs to be done.

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1 MR. KAPLIN: Look, that's why --
 2 fortunately for us, Equis came along and said,
 3 we've got to solve this problem.
 4 And I said to the Fuller people, we
 5 would love to get the zoning changed. But let's
 6 do it right. So we're going to take the time.
 7 And we're going to come back. We're going to
 8 show you, so it won't be a pig in a poke.
 9 MR. HASSLER: I'm asking you to go up
 10 to the apartments right up the road, a half mile
 11 from where you are right now, at Willow Ridge
 12 Apartments. Take a look at them. There's a
 13 little bit of off grading there but yet they're
 14 still under the two stories. Make it like that.
 15 We are happy with that. No issues. The fire
 16 department is happy with that. Make them like
 17 that. No issues. Other than that --
 18 MR. KAPLIN: Dale, trust me. We've
 19 spent a hell of a lot of time and I didn't want
 20 to rush it tonight.
 21 MR. HASSLER: Okay.
 22 MR. KAPLIN: We didn't want to bring
 23 in something that was half baked. We got work
 24 to do. We've got choices between at least right
 25 now, we've got choices between an enormous

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1 amount of retaining walls and moving dirt, which
 2 we don't think is a great idea. And we're
 3 trying to figure it out.
 4 We may swap a little land. We may
 5 move some things around. Get a little more flat
 6 ground. But, we hear you. And the only thing I
 7 can say is, we're working on it.
 8 I did not come in here tonight saying
 9 it has been three years, or it has been four
 10 years, approve this. We will be back.
 11 MR. HASSLER: Okay. Because we got
 12 this far because I trusted you and said -- and
 13 you said there was only going to be two stories.
 14 Then I see a drawing that's three stories.
 15 You're asking me to trust you. Okay? So --
 16 MR. KAPLIN: You saw that drawing.
 17 So understand why you saw that drawing. You saw
 18 that drawing because Equis started to get
 19 involved. And they gave us a drawing. It is
 20 two stories on one side. And it was either -- a
 21 three story town house on the other. And I gave
 22 it to Linc. I said, is this going to cause a
 23 problem?
 24 I didn't say, adopt the ordinance. I
 25 said, we'll come back. We'll deal with it

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1 later. So the trust me part, I hope you will
 2 trust us a little further. And we're going to
 3 bring you as good a solution as we can. And
 4 we'll talk about it.
 5 MR. HASSLER: Okay. That's all I
 6 have to say.
 7 MR. KAPLIN: Thank you.
 8 MR. BEHLER: I have a comment. It is
 9 on the zoning, on Page 5, Number 9. We talked a
 10 little bit at the Planning Commission link. It
 11 was in regards to that specific sentence that I
 12 was not comfortable about, where it says, any
 13 non residential uses proposed in the village
 14 center in addition to those specifically set
 15 forth above will be permitted by conditional use
 16 only.
 17 And my comment at Planning Commission
 18 was, I wanted to make sure that there basically
 19 wasn't going to be any industrial uses. When it
 20 says any non residential uses, that is pretty
 21 much anything non residential. I just wanted to
 22 make sure there was something in there that
 23 industrial uses would not be allowed.
 24 I think you had said something like
 25 you were going to fine tune that a little bit?

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1 MR. TREADWELL: I think what I had
 2 said at the Planning Commission was that that
 3 was kind of a catch all. There are a number of
 4 non residential uses that are permitted in the
 5 village center, as you can see on the previous
 6 page, that I think we all agree to. And that
 7 sentence to me, was a catch all. It certainly
 8 wasn't meant to permit any industrial uses.
 9 MR. KAPLIN: Linc, let's just add
 10 something of the same character, of same
 11 character as those listed on the prior page.
 12 MR. BEHLER: That will satisfy.
 13 MR. KAPLIN: We don't want
 14 industrial.
 15 MR. BEHLER: We don't, either. I
 16 want to make sure it doesn't happen.
 17 MR. TREADWELL: While we're on that
 18 zoning ordinance, at the Planning Commission, we
 19 also had a discussion about what type of
 20 structure would be -- I'm on Page 6 of the
 21 zoning ordinance.
 22 Subparagraph (e)(5). We also had a
 23 discussion of what type of structure would be
 24 permitted in the open space. And I think at
 25 that time at the Planning Commission, the

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1 property owner had discussed that there may be
 2 some existing halfway house-type structures on
 3 the golf course that would be allowed in the
 4 open space. But I think we need to clarify
 5 either here or at the next time we're here
 6 talking about this, what type of structure we're
 7 talking about, allowing in the open space.
 8 Because structure could mean a lot of things as
 9 well.
 10 MR. KAPLIN: That one, we want to be
 11 able to resolve. We're not looking for
 12 structures other than the type of structures
 13 that are there now. And what we really
 14 concentrated on, I think, was, is that what do
 15 you call? The halfway house?
 16 MR. TREADWELL: It is like a snack
 17 shack.
 18 MR. KAPLIN: Well, that's the easy
 19 one. The other one that we have to answer is
 20 the clubhouse.
 21 MR. STADULIS: We agreed to keep that
 22 out of the open space calculation.
 23 MR. KAPLIN: Right. That's the way
 24 we resolved that.
 25 MR. BEHLER: How many structures are

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1 there? Can we just agree to take structures out
 2 all together? I mean, there can't be that many
 3 there now, right, that are in what we consider
 4 the open space area?
 5 * * *
 6 MICHAEL STADULIS, having been first
 7 duly sworn, was examined and testified as
 8 follows:
 9 MR. STADULIS: We spoke about
 10 specifically excluding the grill from the open
 11 space, at the Planning Commission meeting.
 12 MR. BEHLER: I do remember that.
 13 MR. STADULIS: So what we call the
 14 halfway house is, as what Mr. Treadwell said, it
 15 is a snack shack. You could get a soda, get a
 16 beer, get golf balls, things like that. It is
 17 really an accessory use.
 18 The item that we discussed last time
 19 was, was the grill/restaurant, whatever you want
 20 to call it, really accessory to the golf course?
 21 I thought it was. The Planning Commission
 22 disagreed with me. And I conceded. I said we
 23 will exclude it from the open space calculation.
 24 MR. BEHLER: I'm just trying to clean
 25 this up a little bit to make it easy that

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1 there's no question what that really means. I
 2 think that's what Linc was trying to get to.
 3 MR. TREADWELL: We can do that.
 4 MR. BEHLER: Also, be careful of the
 5 use of the word, halfway house. Because that
 6 does mean something else.
 7 MR. TREADWELL: We're going to call
 8 it a snack shack.
 9 MR. STADULIS: It used to be by the
 10 9th hole of an 18 hold course, which was
 11 halfway.
 12 MR. TREADWELL: I have one other
 13 issue that I thought the board should discuss.
 14 It is in the proposed amendment to the
 15 subdivision and land development ordinance.
 16 And it is on Page 17, at the top, sub
 17 paragraph (a). And it talks about the sanitary
 18 sewer system being dedicated to the Township or
 19 an applicable authority.
 20 I think we should clarify what
 21 portion of the sanitary sewer system we're
 22 talking about. I assume we're not talking about
 23 laterals or internal pipes. Right? It is
 24 probably the mains within the roadway or within
 25 existing easements. I don't think that the

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1 township wants to own any pipes going to
 2 individual units?
 3 MR. KAPLIN: No. No. I agree with
 4 you.
 5 MR. TREADWELL: Okay.
 6 MR. KAPLIN: And for as long as I've
 7 been doing this, there's always been this issue
 8 that I've seen. I represented a sewer authority
 9 a long time ago. And when there's a sewer
 10 problem, the home owner calls the sewer
 11 department. Doesn't call anybody else.
 12 So, it is a decision that you will
 13 want to make as to what do you want to have
 14 control over? We'll draw the line wherever you
 15 want. And it is easy to draw the line where the
 16 lateral connects at the curb stop.
 17 MR. TREADWELL: Most of the projects
 18 that are located in Allen Township, that the
 19 Township -- where the Township owns the sewer
 20 lines, we own the lines in the road. Anything
 21 from the road, in to the property, we don't. So
 22 --
 23 MR. BEHLER: I don't see any reason
 24 why we would treat this any different from that.
 25 MR. KAPLIN: We wouldn't want it,

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1 either.
 2 MS. MARTIN: Just a comment. I
 3 believe the sewer code that we have established
 4 already dictates where that line is. Because
 5 not all properties have a clean out -- not
 6 really a curb stop -- but a clean out or
 7 anything at that property line. Sometimes it
 8 will say curb line. Sometimes it will say clean
 9 out. But I believe we have that defined. So if
 10 you want to change the language to say in
 11 accordance with the Township adopted ordinance
 12 or the rules and regulations, that will satisfy
 13 it, I think.
 14 MR. KAPLIN: That's fine. That's
 15 fine.
 16 MR. TREADWELL: That's all I have.
 17 MR. HASSLER: I saw a hand raised in
 18 the back? Anybody else? Okay.
 19 So with no other comments, we're just
 20 going to continue this hearing. March 22nd.
 21 Does that work for everybody?
 22 MR. KAPLIN: Let's do that. We
 23 should be able to get all this work done by
 24 then.
 25 MR. TREADWELL: If you want to make a

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1 motion to continue this public hearing until the
 2 March 22nd, 2022 Board of Supervisors meeting,
 3 that would be appropriate motion.
 4 MR. HASSLER: Mr. Kaplin, if you can
 5 forward that information to us before that
 6 meeting?
 7 MR. KAPLIN: Absolutely. If
 8 possible. Let me see what it is. But if
 9 possible, we would like to meet before the 22nd.
 10 But let me find out what I'm talking about. And
 11 we will absolutely get it to you beforehand.
 12 And we'll decide whether there's something new
 13 to the conversation or not.
 14 MR. TREADWELL: You need a motion to
 15 continue it to the March 22, 2022 Board of
 16 Supervisors.
 17 MR. BEHLER: I'll make that motion.
 18 MR. PAUL: Second.
 19 MR. HASSLER: We have a motion to
 20 continue to March 22nd. Any questions? If not,
 21 roll call.
 22 MR. PAUL: Tim Paul. Yes.
 23 MR. FRACK: Jason Frack. Yes.
 24 MR. LINK: Paul Link. Yes.
 25 MR. BEHLER: Gary Behler. Yes.

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1 MR. HASSLER: And myself. Yes.
 2 (Concluded at 7:39 p.m.)
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1 CERTIFICATE

2 I do hereby certify that the aforesaid
 3 testimony was taken before me, pursuant to
 4 notice, at the time and place indicated; that
 5 said deponent was by me duly sworn to tell the
 6 truth, the whole truth, and nothing but the
 7 truth; that the testimony of said deponent was
 8 correctly recorded in machine shorthand by me
 9 and thereafter transcribed under my supervision
 10 with computer-aided transcription; that the
 11 deposition is a true and correct record of the
 12 testimony given by the witness; and that I am
 13 neither of counsel nor kin to any party in said
 14 action, nor interested in the outcome thereof.
 15
 16
 17
 18
 19 *Deborah K. Marshall*
 20 Deborah K. Marsnall, RPR
 21 Notary Public
 22
 23
 24
 25

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