



Allen Township Supervisors

4714 Indian Trail Road

Northampton, Pennsylvania 18067

Bruce Frack, Chairman
Dale Hassler, Vice Chairman
Larry Oberly
Alfred Pierce
Gary Behler

Brien Kocher, P.E.
B. Lincoln Treadwell, Jr., Esq.
Ilene M. Eckhart, Manager

ALLEN TOWNSHIP SUPERVISORS MEETING MINUTES

Tuesday, May 24, 2016

A General Meeting of the Allen Township Supervisors was held on Tuesday, May 24, 2016, at 7:00 P.M. at the Allen Township Municipal Building, 4714 Indian Trail Road, Northampton, Pennsylvania 18067. The Pledge of Allegiance to the Flag was led by Chairman Bruce Frack.

Roll Call: Bruce Frack - Present; Dale N. Hassler – Present; Alfred Pierce – Present; Larry Oberly - Present; Gary Behler - Present; B. Lincoln Treadwell, Jr., Esq. - Present; Brien Kocher, P.E. (Hanover Engineering Associates). – Present; and Ilene Eckhart – Present.

Public Hearings:

- A. **Roadway Improvement Fund/SALDO Amendment Ordinance #2016-02:** See full stenographic transcript. Mr. Oberly made a motion to open the hearing; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes. Mr. Treadwell provided a brief summary of the ordinance as follows, which adds the road improvement language to the Subdivision and Land Development Ordinance and further provides for a provision to allow relief for parcels greater than ten acres:

AN ORDINANCE OF THE TOWNSHIP OF ALLEN AMENDING THE CODE OF THE TOWNSHIP OF ALLEN TO DELETE CHAPTER 1, PART 8 (ROADWAY IMPROVEMENT FUND) IN ITS ENTIRETY; AMENDING CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), SECTION 22-407 (STREETS AND ROADS; SPECIFIC REQUIREMENTS) TO PROVIDE AN OPTION FOR PAYMENT TO THE ROADWAY IMPROVEMENT FUND IN LIEU OF THE CONSTRUCTION OF ON SITE ROADWAY IMPROVMENTS, CREATING AN EXCEPTION TO THOSE REQUIREMENTS FOR SUBDIVISIONS OF AGRICULTRAL PROPERTY THAT CREATE A NEW LOT OF TEN ACRES OR MORE, CLARIFYING THE ON SITE ROADWAY IMPROVEMENT CONSTRUCTION AND FEE IN LIEU OF CONSTRUCTION REGULATUIONS, AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN.

There being no comments from the audience, Mr. Pierce made a motion to close the hearing; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

Mr. Behler made a motion to Roadway Improvement Ordinance #2016-02 as published; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

Public to be Heard: Mr. Robert Nappa, 382 East Bullshead Road, voiced concerns regarding proposed work schedule for the Fed Ex Ground Hub. He indicated at his property Barn Swallow Farm and indicated he appreciated the Township's support in the barn renovation as a wedding venue. He indicated he was grateful to the Township on the focus to help preserve historic structures. He felt that if the wind is blowing east from the facility – there will be a significant amount of noise generated. He did not find this acceptable in light of his use of his property. He pleaded with the Board to limit the construction activity of the Fed Ex project to not include Friday and Saturday evenings. He expressed concerns that his start-up wedding venue would be effected negatively by the noise, light and dust potentially emanating from the site. He indicated that the noise would ruin everything he intended to do with his property. He questioned the Township's ordinances regarding the generation of noise. He further commented that the Rockefeller Group and other associated company's do not live in Allen Township and did not have a concern regarding the noise. He requested the Board's consideration to give him relief. Mr. Treadwell indicated the Township did not have an ordinance regulating the hours of operation. He further stated that the Developer's Agreement contained language regarding the construction operation parameters. Mr. Nappa felt this was a disaster for himself and his neighbors. Mr. Behler questioned if this was a business concern. Mr. Nappa indicated that this was a business concern for him for the Friday evenings and Saturday evenings. Mr. Behler indicated that the Planning Commission did approve the use. Mr. Behler suggested the Township try to reach a compromise with Fed Ex. Mr. Hassler stated that he did vote for the extended hours in an effort to get the construction operation over and done. Mr. Nappa felt this would dramatically affect himself and his neighbors. He indicated this start up year was critical. He further indicated it was not Allen Township or his fault that Fed Ex is behind schedule by two years. He did not hold the Township responsible since there was no ordinance to address the matter. Mr. Nappa further requested that the hours be further limited in the Summer only because the Winter was not as critical for people being out of doors.

Mr. Nappa requested the Township contact Fed Ex for consideration to his request. The Board agreed to reach out to Fed Ex regarding the limitation regarding Friday evenings and Saturday evenings especially concerning the Summer hours. Mr. Frack requested Mr. Nappa's schedule to share with Fed Ex. Mr. Behler requested more specificity regarding the dates. Mr. Nappa indicated he would submit the dates pursuant to the Board's request.

Unfinished Business

A. Sewage System Installation and Maintenance Agreement - Bernick: Ms. Eckhart indicated this item was placed back on the Board agenda regarding the \$5,000 escrow the Township maintains and Mr. Bernick's request to release. Mr. Behler requested the Township Engineers and Solicitors opinion regarding the necessity to hold the funds. Mr. Kocher responded that the agreement discusses what the Township can use the monies for including any enforcement action. Ms. Eckhart added that the current owner has paid the costs associated with the system, include tank pumping and maintenance. Mr. Kocher did not recall a situation where the Township has entered a private property to perform maintenance on the system. Mr. Treadwell felt the money was there as an extra insurance. He indicated the Board had a certain concern, ten years ago, when it was difficult to gain compliance. Mr. Hassler questioned if this was the only type of situation like this in the

Township. Mr. Pierce stated this was a very expensive, very specific type of septic system that needs to be maintained. Mr. Hassler was concerned and did not understand why the Township holds the monies because the previous owner has no control of the issues involved with the system because he is no longer the owner of the system. Ms. Eckhart interjected that the Township did have an instance of the property operating with the holding tank and the Township held security until the system was connected to public sewer. Mr. Pierce asked that if someone provides him with the letter stating that the escrow is no longer necessary and any failures would be taken care of, he would be agreeable with the release. Following some further discussion, regarding the circumstances which may have occurred with the sale, the Board agreed to contact the previous owner (Bernick) and request the copy of the settlement sheet and closing documents for review regarding this issue. Mr. Treadwell indicated he was not involved with the private transaction. Ms. Eckhart was directed to contact the Bernick property owner regarding documentation concerning the sale.

B. Stone Ridge – Construction Access: Mr. Tim Livengood was present to discuss the proposed 1C and 1D plan and providing a temporary linkage for the management of construction traffic during these future phases to Joseph Road. Mr. Hassler was concerned with placing construction traffic over the newly paved John Drive. Mr. Livengood indicated that was a question, but the Board also requested the wearing course on 1A and 1B. Mr. Behler was agreeable with the proposal but requested a stipulation which would hold Mr. Livengood responsible for any damages due to construction traffic within the future Stone Ridge phases. Mr. Behler indicated that the only alternative was to provide for construction access to Horwith Lane – but Mr. Livengood did not appear agreeable to that option. Mr. Livengood was agreeable to Mr. Behler’s stipulation and he felt that if John Drive is reconstructed with the proper stone base and asphalt course that it should not be a problem anyway. Mr. Livengood indicated that the issue with the previous construction of appears to be a failed subgrade condition. Mr. Frack also felt that if anything happens to Joseph or John during the phases of construction – Mr. Livengood will have to own up to it. Mr. Livengood described the boundaries of the proposed phases of 1C and 1D, at the request of Mr. Pierce. Mr. Livengood indicated that the loop would remain in a stone condition as well as all roads to the west of Joseph Drive (extension) would remain in the future phase areas. Mr. Pierce requested the confirmation of Mr. Livengood that the construction traffic would travel on John Drive to Joseph to enter the proposed phases which would be proposed for construction and not over the finished phases of 1A and 1B.

Following a lengthy discussion concerning options for the construction vehicle access to the future phases, Mr. Pierce made a motion to permit the Stone Ridge (proposed phases 1C and 1D) the construction traffic would travel on John Drive to Joseph to enter the proposed phases which would be proposed for construction and not over the finished phases of 1A and 1B, nor Phyllese, Hollow or Pine.

Mr. Pierce made a motion to allow construction of 1C and 1D to curb and base paving with the temporary stone connection to Joseph for construction vehicles at such time, with the wearing course of 1A and 1B and the prohibition of construction vehicles over 1A and 1B after final paving, with the completion of John Drive improvements by July 2016 and Joseph and the cross streets upon approval by the Board of Supervisors (with the approval of the Phase 1C and 1D plans) tentatively by the end of August 2016 with final paving of 1A and 1B by October 2016 with the condition that any deterioration of John Drive or the portion of Joseph Road (not within the Stone Ridge development) to be corrected by the applicant of the Stone Ridge Plan (Livengood); seconded by Mr. Oberly. On the motion, by roll call vote, all Supervisors present voted yes.

C. Draft Zoning Ordinance Amendment – Various Use and Text Changes – Recommendation from Planning Commission: Ms. Eckhart indicated that the text was recently

recommended by the Planning Commission (at their meeting of May 16th, 2016). Mr. Kocher indicated that he needs to provide language regarding the height provision. Mr. Hassler felt there were substantial changes and with the current Comprehensive Plan process shouldn't the Board wait. Mr. Treadwell explained the amendment is intended to address some of the holes in the current ordinance. The Board tabled the changes until a subsequent meeting.

D. Mark Powell, Century Land Development, discussion regarding zoning map amendment

request: Mr. Powell was present to discuss a zoning map amendment associated with Lot #1 of the Northampton Industrial Park Plan. He proposed moving the Zoning Boundary Line between the Highway Commercial and Industrial Commercial Zoning District boundary to increase the area of the Industrial Commercial Zoning District (on Lot #1). He felt the change was justified to allow for a larger building. He further suggested that the Highway Commercial Zoning area was too small for a true commercial user. He presented third party logistics potential tenants. He suggested the user of Lot #1 would be a web-based user, if the building could be made larger. He presented renderings of both types of buildings – one if the zoning boundary line is not amended; one if the zoning boundary line is amended. He felt it made sense to draw a more stable company to the site. He was concerned if Lot #1 is not changed that the lot will sit vacant. Mr. Pierce questioned the area of the change. Mr. Powell indicated approximately three acres is the subject of the change. Mr. Behler questioned the effect on traffic. Mr. Powell indicated that the traffic study accounts for the larger building. Mr. Pierce felt that since the extension of Savage Road was essentially abandoned – that it did support the concept of the change since the commercial users were to access the extension to Savage. Mr. Powell further indicated that the property owners association would remain the same, however the larger user would be more financial able to support the overall upkeep responsibilities. Mr. Frack questioned what else needs to be done should the zoning be changed. Mr. Powell stated they will need to amend the plan. Mr. Treadwell stated there is a process that needs to be followed. Mr. Hassler does not feel comfortable with the zoning change because it was put there for a reason and he does not want other developers to come in and ask for changes. Mr. Powell is just asking for 40% of the property to be changed. Following further discussion, Mr. Behler made a motion to authorize the Solicitor and Engineer to prepare a draft map amendment to change the northern portion of the Lot #1 parcel of the Northampton Industrial Park Subdivision Plan from Highway Commercial Zoning District to Industrial Commercial Zoning District with the draft being returned to the Board of Supervisors for discussion; seconded by Mr. Pierce. On the motion, by roll call vote, Mr. Behler voted yes, Mr. Pierce voted yes, Mr. Frack voted yes, Mr. Hassler and Mr. Oberly voted no.

New Business

A. PennDOT Winter Traffic Service Agreement – Draft Received from PennDOT and

Discussion: Following some discussion concerning the draft agreement submitted to the Township for consideration, the Board agreed to setup a meeting with PennDOT to express concerns regarding the past agreements including the inclusion portions of Seemsville Road.

B. Draft Ordinance – Use and Operation of Model Aircraft (Drones) and Amateur

Rockets: Ms. Eckhart presented a draft ordinance regarding the regulating of the usage of Model Aircraft (Drones) and Amateur Rockets. The Board will review the draft and discuss at a subsequent meeting.

C. Speed Bumps on Walker Drive: The consensus of the Board was to not consider any speed bumps or traffic calming measures in that area.

Public to be Heard: Mr. Donald Noll questioned what, if anything, will be done to maintain, monitor and/or control the noise at the Fed Ex property. Mr. Treadwell stated that the Township does not

have a meter or anyone authorized to utilize one. Mr. Pierce suggested recommending to Fed Ex to monitor their own noise levels to avoid complaints from residents. Mr. Noll also voiced concern regarding the handling of the request by the Supervisors and the manner in which the subject was titled on the meeting agenda.

There being no further business the meeting adjourned at 9:15 PM.

Respectfully submitted,

Ilene M. Eckhart
Manager