



Allen Township Board of Supervisors

Meeting Minutes

February 26, 2019

7:00 P.M.

A General Meeting of the Allen Township Board of Supervisors, was held on Tuesday, February 26 2019 at 7:00 P.M. at the Allen Township Fire Company Building, 3530 Howertown Road, Northampton, PA 18067. The Pledge of Allegiance to the Flag was led by Chairman Oberly.

1. Roll Call: Present: Gary Behler; Bruce Frack; Larry Oberly; Dale Hassler; Gerald Montanari; B. Lincoln Treadwell, Jr., Esq, Robert Cox, PE, PLS, Ilene Eckhart, Manager.

2. Public to be Heard: Mr. Donald Knoll, 4040 Pinehurst Drive, requested the Board direct Mr. David Jaendl to address the questioned posed by Mr. Hassler at the February 14, 2019 meeting and further suggested that the Board not vote on the proposal until the questions are answered.

Eugene Clater, 107 Snow Hill Road, expressed concerns again regarding the right turn lane Howertown/Rt. 329 (southbound) right of way deferred until 18 months after the acceptance of the connector road. Mr. Treadwell explained that if the right of way for the lane in question is acquired then there is no deferral. If the right of way is acquired prior to May 1, 2019 the lane stays on the PennDOT plans. Mr. Clater was concerned that this was not enough time.

Mr. Clater felt the condition should be amended to 18 months after the occupancy of the last building constructed (of the six warehouses). Mr. Clater voiced concerns regarding levels of the service for the intersection at Rt. 329/Howertown Road if the turning lane is not constructed in time. Mr. Clater felt if the timeline is exceeded the Township will have to live with the condition forever. He felt cars would cut across Mud Lane. He felt this mortgaged the Township and was a dereliction of duties because the commitment of the developer needed to occur now. Mr. Treadwell felt there was an option for the Board to acquire the right of way and then the applicant would be obligated to build the right turn lane. Mr. Clater felt the point of leverage was now.

Sue Lindenmoyer, Mud Lane, expressed concerns regarding the truck traffic impact for the proposed development on Rt. 329. She was concerned that three traffic lights would not help the situation.

Joe Czenchitz, Atlas Road, voiced concerns regarding the incoming truck traffic. He felt this would be a big problem for the Township and he was concerned for the future impact to the Township. He was concerned the GPS sent trucks the quickest way.

3. Public Hearings: No public hearings.

4. Unfinished Business

A. JW Development/Northampton Business Center Subdivision and Land Development

Plan: Mr. David Jaindl, Applicant/Owner, responded to the questions asked by Mr. Hassler at the February 14, 2019 meeting. He indicated that he had not responded at that meeting due to a problem with his throat and had not voice.

Mr. Jaindl thanked the Board, staff and consultants as well as the public for working through the plan over the past twenty-six months. He noted relative to the traffic - that the PennDOT improvements were based on the ITE for the traffic studies- which generally three times of the traffic which will be generated by the project in his experience in development.

Mr. Jaindl addressed Mr. Hassler's February 14th questions, as follows:

1. Regarding the question concerning occupancy of the buildings, he responded his experience has been that the occupancy rate is over 95% occupancy for similar projects.
2. Regarding the question of the building on Rt. 33 sitting vacant, he responded the building has been sold.
3. Regarding the question of the donation of useable five acres of land versus \$56,000 cash contribution. Mr. Jaindl indicated that the donation was 44 acres with 32 acres as usable land. He noted this was up to the Board.

Mr. Hassler was concerned with the improvements at the intersection but there was no improvement down to the highway. Mr. Jaindl indicated that 80% of warehouse come and go on two lane highways. Mr. Jaindl provided an example of a two million warehouse occupancy with a very limited traffic impact which are handled by a two lane roadway. He indicated that the warehouses go where the land is zoned for them with the infrastructure in place such as water and sewer.

Mr. Hassler noted unfortunately it was zoned for the warehouses and shame on those people for planning it this way (including the removal of the 35-foot restriction). He said although the questions have been answered by the developer - but he did not feel that people were satisfied with the answers.

Mr. Jaindl further reviewed the following items which would be brought by the project that were not necessarily required and therefore enhancements: Rt. 329/Howertown Roadway improvements, dark sky lighting, additional landscaping and berming over and above the ordinance requirements, reorientation of buildings and elevation changes for added aesthetics, tax base increase, overnight truck and trailer parking, mast arm (overhang) for the Howertown access (at the request of the Township), easement of the open space area of 43 acres, Mud Lane water line extension, and truck turnaround.

Mr. Jaindl further indicated that he met with Mr. Gerald Neff at his property since the last meeting - concerning the condition of his access to Rt. 329 and his fears. Mr. Jaindl indicated he would not want to back out on Rt. 329 today. He felt he had a remedy for Mr. Neff and would be meeting with him today. Mr. Montanari asked if there were any other homes that had a similar condition. Mr. Jaindl noted that there are four homes with a similar condition. He stated he would look into this with the other homes.

Mr. Frack questioned the improvements along Howertown Road. Ms. Vigilante indicated that Howertown Road would receive stormwater improvements by way of the stormwater flow will be managed on the site instead of allowed to be free flowing down Howertown Road.

Eric Schoch, Esq. recapped the February 14th meeting items which were reviewed within the draft conditions and requested the Boards consideration for the conditional approval for the JW Development/Northampton Business Center Subdivision and Land Development Preliminary Plan:

1. *Regarding the measurement of the Mud Lane water line to be corrected to state 4,162 linear feet;*
2. *Regarding the additional Rt. 329/Howertown Road roadway intersection improvements, Mr. Schoch proposed if the southbound right turn cannot be built due to the need for the right of way, it would not be removed from the PennDOT plan for the February submission but that it would be removed several months later as long as a good faith effort has been made to acquire the right of way. Mr. Schoch will discuss the good faith due diligence to obtain the required right of way with the Township Solicitor. Mr. Treadwell further explained the 18-month maintenance period required following the construction of a roadway and required improvements; and*
3. *Regarding the after study language requirement from the Planning Commission recommendation, Mr. Schoch proposed using the requirements and required timeframe of the PennDOT after study with the Township having the ability to step in if for some reason PennDOT does not or if PennDOT requires the after study too early (which would miss some of the occupancy).*

Mr. Behler requested clarification regarding the Howertown Road truck height limitation mast arm access. Ms. Vigilante confirmed this was the item which was reviewed at the February 14th meeting. Mr. Behler would like to see this condition in the Final Plan. Messrs. Hassler and Oberly agreed with Mr. Behler regarding the installation of the truck height limitation mast arm be included with the Final Plan. Mr. Treadwell indicated the condition will be amended with condition I.9.

Additionally, Mr. Behler requested a longer period of time for the right of way for the Howertown southbound turn lane issue. Mr. Behler asked the applicant to consider an extension to the 18-months or in the alternative 18-months beyond the occupancy of the last building. Following some discussion, Mr. Schoch proposed 18 months after the after study timeframe, which would most likely provide a few more years. The Board was agreeable to amend the conditions to state 18 months beyond the timeframe for the after study.

Mr. Hassler still was not satisfied with forgoing the recreation fee. Mr. Jaindl requested the cash contribution for the final plan as a condition of the plan recording to be dedicated specifically for the proposed easement area. Mr. Hassler felt he would rather see the improvement in the Howertown Park due to the impact to the existing park by the Rt. 329

Improvements. Mr. Jaindl indicated he would like to speak to his partner regarding the contribution. Mr. Montanari voiced some concerns regarding access. Mr. Jaindl felt the property could be accessed from Mud Lane.

Mr. Treadwell indicated that the document before the Board would be amended to add the no truck mastarm, the 18-month after the required after study timeframe as well as the language changes concerning the Mud Lane water line measurement, the right of way for the southbound right turn lane and the timeline for the after study (as discussed before the Board at the meeting of February 14th). Mr. Treadwell indicated otherwise the plan is ready for Board consideration.

Mr. Frack made a motion to grant conditional Preliminary Plan subject to the draft motion document dated February 20th, 2019 with the discussed changes approval as follows:

The Preliminary Plan for the Subdivision and Land Development entitled, “JW DEVELOPMENT – SUBDIVISION/LAND DEVELOPMENT AND LAND DEVELOPMENT REVISED PRELIMINARY PLAN SUBMISSION FOR NORTHAMPTON BUSINESS CENTER”, dated June 5, 2017, last revised August 6, 2018 and supplemented by Fire Truck Turning Movement Plans (consisting of sheets 1 through 6 of 6), as last revised August 10, 2018, prepared by the Pidcock Company, consisting of Sheet 1 of 87 through Sheet 87 of 87 and including all supplemental drawings listed within the Index to Drawings on sheet 2 of 87 is hereby approved by recommended for approval to the Board of Supervisors of Allen Township subject to the Applicant agreeing to satisfy the conditions enumerated herein. For the purposes of this document the term “Applicant” shall mean JW Development Partners its successors, assigns or grantees.

The plan submission referenced above depicts the relocation of Seemsville Road and its intersection with Route 329. The approval for this relocation is outside of the jurisdiction of Allen Township. The Applicant has chosen to seek a Preliminary Plan approval recommendation from the Allen Township Board of Supervisors/Planning Commission prior to receiving the approval from the outside agencies which have jurisdiction over the proposed relocation of Seemsville Road. Allen Township has informed the Applicant that any subsequent plan submission that depicts Seemsville Road, and its intersection with Route 329, in a substantially (as reasonably determined by the Township) different location than shown on the plan referenced above will be treated as a new plan submission subject to the Township Ordinances in effect as of the date of that plan submission. The Applicant has the option to extend the 90 day MPC time period for action on its plan in order to allow for receipt of the necessary outside agency approvals for the Seemsville Road relocation. Instead, the Applicant has chosen to proceed with requesting this Preliminary Plan approval recommendation from the Allen Township Board of Supervisors/Planning Commission. As a result, and due to the fact that the proposed relocation of Seemsville Road is a critical component of this plan submission, a number of the conditions listed herein are designed to address the unknown aspects of the proposed relocation of Seemsville Road and its intersection with Route 329. This approval recommendation only addresses compliance with the Ordinances of Allen Township, and does not support nor oppose the outside agency approvals required for the construction of this project.

I. CONDITIONS TO BE SATISFIED PRIOR TO FINAL PLAN APPROVAL

1. The Applicant shall submit documents to the Township for approval providing that the owners of lots 1, 2, and 3 will be solely responsible for the perpetual maintenance and operation of:

(a) The common stormwater management facilities within the Subdivision/Land Development, as identified in the plan submission, both as notes on the Subdivision/Land Development cover sheet as well as a separate plan sheet specifically showing these common facilities;

(b) All costs associated with the traffic signal at the intersection of the relocated Seemsville Road (SR 3017) and State Route 329.

2. Allen Township acknowledges the Applicant's offer of a perpetual Conservation Easement for 40.33 acres located in the general area of the northeast wooded wetlands (as noted on the submitted plans), with access to be provided to the public. Details of such easement and associated access to be determined in discussions between the Applicant(s) and the Board of Supervisors. The Board of Supervisors acknowledges Planning Commission recommends that this offer satisfies the Code of Allen Township requirement that the Applicant dedicate recreation land to the Township or submit a fee in lieu thereof.

3. Applicant and the Township will agree to the timing of the Applicant's installation of approximately 4,162,395,000 linear feet of 8" water line along Mud Lane from roughly Howertown Road to East Allen Gardens Subdivision, with appropriate fire hydrants as determined by Allen Township, in lieu of Mud Lane frontage improvements, with the exception of appropriate stormwater management facilities along the Mud Lane frontage. Details of the construction timing and security will be included in the agreements referenced in condition II(1). After installation, said water line to be owned and maintained by Bethlehem Water Authority. Allen Township to be responsible for hydrant rental fees.

4. The Applicant shall comply with the substantive ordinance and technical engineering comments contained within the Barry Isett Associates review letters dated August 16, 2018, September 12, 2018 and October 10, 2018, to the extent that those comments are not specifically addressed by these conditions of recommendation, and in a manner consistent with The Pidcock Company's explanations and responses as reflected in its December 14, 2018 response letter, which the Township hereby acknowledges are acceptable. It is acknowledged that some of the comments contained within the review letter are information only, and that others will be addressed by future plan revisions or engineering clarifications. Any interpretations or clarifications of the comments contained in the review letter shall be resolved by the Township Manager and the Solicitor.

5. The Planning Commission recommends the Board of Supervisors hereby approves of the access drives at 36' versus the required 28' pursuant to the Chapter 27, Section 1413.B.8.

6. The Planning Commission recommends the Board of Supervisors hereby accepts a pond depth greater than permitted pursuant to Chapter 8, Section 231.8.F - such depth shall

be no greater than as ultimately included in Applicant's post-construction stormwater management plans.

7. The TIS proposed, and PennDOT approved, corridor improvement plans are to be made a part of the plan submission, and are to include the Howertown Road improvements, the Route 329/Howertown Road/Weaversville Road intersection improvements as well as all aspects of the Seemsville Road relocation and signalization. Any additional plans related to "by others" comments in the Applicant's subdivision plan submission, i.e. sanitary sewers, storm water conveyances, are also to be included as part of the plan submission. The additional plans prepared by Applicant's other consultants are part of the Applicant's submission and shall be referred to for the design details included in such additional plans.

8. The following notes shall be added to the plans and restrictions placed in the Declaration of Covenants (or similar document), the form of which shall be agreed upon before final plan approval, with the Declaration of Covenants (or similar document) being signed and recorded prior to final plan recording:

(a) Truck drivers shall be instructed Stating that trucks are not to be permitted to queue on Route 329 or any other public roadway located within Allen Township.

(b) The proposed storm water facilities located within the lots are to be owned and maintained by the lot owners or the Applicant. The common proposed storm water management facilities located within the development shall be owned and maintained by the Applicant. The Township of Allen has the right, but not the duty, to enter the premises for maintenance or repair purposes at the Applicant's expense.

(c) Any and all trucks with a GVWR of 10T or greater as well as all trucks classed a WB-40 or larger are prohibited from using Howertown Road (unless otherwise approved by PennDOT), Savage Road and Willowbrook Road north of Radar Drive, unless so permitted, in writing by Allen Township.

(d) It shall be the responsibility of each lot owner to keep all fire hydrants clear of snow during the winter season.

(e) Truck drivers shall be instructed, by the Applicant and/or Applicant's tenants, regarding acceptable routes between the facility and the nearest expressways with respect to the class of vehicle accessing the facility.

9. Applicant agrees to address the following:

(a) Maintenance of the "old" Seemsville Rd, to be determined between Allen and East Allen Township (and/or other applicable public entity) and documented in an appropriate inter-governmental cooperation agreement.

(b) Maintenance and responsibilities for any connector roads between "old" and "new" Seemsville Roads, to be determined between Allen and East Allen Township (and/or other applicable public entity) and documented in an appropriate inter-governmental cooperation agreement.

(c) Ownership responsibility for the proposed traffic signal at the relocated Seemsville Road/Route 329 intersection.

(d) Ownership and maintenance responsibilities for the proposed stormwater management facilities associated with the proposed relocated Seemsville, intersection with Rt.

329 and any other improvements associated with the PennDOT Highway Occupancy Permit(s).

(e) Maintenance responsibilities for the proposed traffic signal at the relocated Seemsville Road/Route 329 intersection, to include maintaining the synchronization and communications between the proposed traffic light and the Route 329 traffic signals in Allen Township.

As to the conditions at I.9(a) through (e) above, the Applicant and Allen Township shall cooperate with East Allen Township to address the above conditions as soon as possible.

II. CONDITIONS TO BE SATISFIED PRIOR TO RECORDING OF FINAL PLANS

1. The Applicant shall execute the required development and financial security agreements to provide for the construction of the improvements required by all applicable Township Ordinances, including completion of the stormwater management maintenance agreement, which shall contain Best Management Practice (BMP) Operations and Maintenance Plans and easements for municipal access and maintenance, if necessary.

2. The Applicant shall execute deeds of dedication, as required by the Township, for dedicated improvements and right of way acquisition.

3. The Applicant shall obtain, and submit to the Township, any and all required approvals from outside state, local, and federal agencies having jurisdiction over the project including, but not limited to:

(a) PA DEP and NPDES approvals;

(b) Approval of Erosion and Sedimentation plans from Northampton County Conservation District and/or PA DEP;

(c) PennDOT;

(d) Receipt of Act 167 Stormwater Management consistency letter from the LVPC relative to the stormwater management designs for both the subdivision as well as the stormwater management facilities associated with the Seemsville Road relocation;

(e) PA DEP approvals for the internal bridge over the Dry Run; and

(f) Permits from any outside agencies having jurisdiction over the wetlands encroachment and/or replacement.

Evidence of East Allen Township's approval is limited to East Allen's approval of the grading permit application currently under review by East Allen Township, since East Allen Township agrees that the project, as proposed, does not require subdivision approval.

4. The Final Subdivision/Land Development Plans shall include a narrative explaining lot owner/tenant mitigation procedures, facilities and responsibilities for snow and ice removal from inbound and outbound trucks.

5. The Applicant shall obtain the necessary approval from sanitary sewer and water service providers, including but not limited to:

(a) Approval of a PA DEP Planning Module;

(b) Execution of agreements with providers covering installation, maintenance and operation of sanitary sewer and water facilities.

6. *The Applicant shall submit to the Township an approved Erosion and Sedimentation Plan set prior to recording or prior to construction, whichever occurs first.*

7. *The Applicant shall obtain and/or submit the following as they pertain to the Traffic Impact Study and proposed roadway improvements:*

(a) *PennDOT approval of the engineering designs for the proposed roadway improvements and associated stormwater management control provisions on State Roads and issuance of Highway Occupancy Permit(s) for the same.*

(b) *Applicant must obtain PennDOT Highway Occupancy Permit(s) for the Route 329 and Seemsville Road (SR3021) improvements, along with permits for all proposed utilities in any/all PennDOT ROW's, and permits for the site's Howertown Road entrance, along with an HOP and signal permit, in accordance with the current TIS, approved by PennDOT, that requires turn lane improvements, at the Howertown/Weaversville-SR 0329 intersection and that allows for the construction of those improvements with the intersection realignment being consistent with that as represented in the Applicant's current plan submissions. Allen Township agrees to issue temporary occupancy permits (meaning permits allowing for installation of fixtures and fit out work prior to tenant occupancy) for the lots within the subdivision following the Applicant's completion of the relocation of the Seemsville Road intersection at Route 329 and the improvements at the site's Howertown Road entrance, further subject to any Uniform Construction Code requirements. All other traffic related improvements to Route 329, Howertown Rd, Seemsville Road (SR 3021), and the intersection of Route 329 and Weaversville Road/Howertown Road shall be completed prior to the issuance of Final Occupancy Permits for any of the lots within the Subdivision/Land Development, subject to condition II.8 below. Note 6 on 2A of 87 shall be revised to reflect this condition. Applicant agrees to address the considerations raised in the PennDOT review letter(s) of May 10th, June 13, and September 26th, 2018 and any review letters subsequently issued by PennDOT, as well as concerns raised by both Allen and East Allen Townships (with East Allen review limited to the grading permit application, the HOP design plans, the HOP right-of-way plans and the stormwater report for the HOP-related improvements).*

(c) *Applicant shall obtain, as part of the permitting process with PennDOT, approval for the expected volume of construction traffic that will be accessing Route 329 at the existing Seemsville Road intersection. Applicant shall be responsible for the construction and installation of any temporary traffic improvements and modifications as required by PennDOT.*

8. *Any necessary right of way, easements, or other property acquisitions required for the installation of any improvements depicted on the plans shall be the responsibility of the Applicant. The Applicant is attempting to acquire the right-of-way ("ROW") necessary to construct a southbound right turn lane ("Right Turn Lane") at the Howertown Road/Route 329 intersection. The Township acknowledges that the acquisition of the ROW requires the cooperation of the current owner of the ROW. The Applicant shall continue to seek approval from PennDOT for construction of the Right Turn Lane, until such time as the Applicant has demonstrated to the Township, and provided evidence of the same, that it has made all reasonable, good faith efforts to acquire the ROW. If the Applicant is not successful in acquiring the ROW, after making the efforts described herein, the Applicant may request*

approval from the Board of Supervisors to remove the southbound right turn lane from its' PennDOT application. If, at any time prior to the end of the 18-month maintenance period described in the Subdivision and Land Development Ordinance and the Development Agreements, the Township acquires the ROW, it may notify the Applicant of said acquisition, and require the Applicant to submit an application to PennDOT for approval of the construction of the Right Turn Lane. The Applicant shall submit such application within 45 days of the receipt of the Township's notification of acquisition of the ROW. In the alternative, the Applicant and the Township may agree to postpone the submission of the PennDOT application to a time agreed upon by both parties. After submission of the application, the Applicant shall proceed promptly, in good faith and with due diligence, to obtain PennDOT approval of the application for construction of the Right Turn Lane. Upon receipt of PennDOT approval for construction of the Right Turn Lane, the Applicant shall construct the same within six (6) months of the date of receipt of the HOP for the Right Turn Lane. Planning Commission recommends that the Applicant and the Board of Supervisors address the timing of the construction and installation of the southbound right turn lane on Howertown Road as a part of any Preliminary Plan Approval that may be forthcoming.

9. All finally approved PennDOT HOP plans shall be included in the record plan set.

III. PERMANENT CONDITIONS OF APPROVAL

1. The Applicant's Traffic Impact Study and related documentation show all truck traffic to and from the proposed development to be routed between Rt 329 and the development's eastern entrance via Seemsville Road. The Applicant agrees that under normal operation conditions, trucks to and from the development will be prohibited from using Howertown Rd (between Rt 329 and Kreidersville Rd) as well as Seemsville Rd and Allen Drive, both to the north of the development. This condition shall also be acknowledged in the PennDOT HOP applications, including the PennDOT driveway access HOP application and related permits. The Applicant shall install and maintain appropriate signage at the exit from the development onto Seemsville Rd, noting no left turns for trucks.

2. The Applicant shall designate a professional engineer, licensed in the State of Pennsylvania, to be responsible for assisting the Applicant in the administration of the construction project for all aspects including, but not limited to, design modifications, interpreting plans and specifications, approving all shop drawing submittals and coordinating those with Allen Township, obtaining approvals from Allen Township when needed, approval of escrow requests and subsequent submission to Allen Township, submission of as-built plans and construction completion certifications, and signing paperwork and termination requests required by PADEP/NCCD permits, and coordination of any HOP improvements related to the site development..

3. All designated open space associated with lot 1, 2, and 3 shall comply with Allen Township's Open Space Ordinance planting specifications.

4. No Final Occupancy Permits will be issued until all traffic related improvements to Route 329, Howertown Road, Seemsville Road (S.R. 3021), the proposed Seemsville Road, and the intersection of Route 329 and Weaversville Road/Howertown Road, subject to condition II.8, , are completed to the satisfaction of PennDOT and the Township. Allen

Township agrees to issue temporary occupancy permits (meaning permits allowing for installation of fixtures and fit out work prior to tenant occupancy) for the lots within the subdivision following the Applicant's completion of the relocation of the Seemsville Road intersection at Route 329 and the improvements at the site's Howertown Road entrance, further subject to any Uniform Construction Code requirements.

5. *The Preliminary Plan approval does not verify or confirm the wetlands delineation submitted by the Applicant.*

6. *The Applicant must provide evidence to the Township that the traffic signal facilities proposed for Route 329/ Seemsville Road (SR 3017) intersection will be owned by a responsible municipal or other public entity once constructed and installed. All costs associated with maintenance and operation shall be borne by JW Development, its successors or assigns.*

7. *The Applicant shall obtain Highway Occupancy Permits from Allen Township for all internal driveways shown on the approved Subdivision/Land Development Plans.*

8. *The September 29th, 2017, last revised April 6, 2018, Traffic Impact Study (prepared by Langan) submitted by the Applicant, and the PennDOT review letter dated May 10, 2018, June 13, 2018 and September 26, 2018 are predicated on the ITE 152 Use (High Cube Warehouse) for each of the lots 1, 2, and 3. All building plans and occupancy permits for these lots shall require the Applicant to certify that their traffic generation will be consistent with and ITE 152 Use. Any ITE Use that generates a traffic load greater than the assumptions contained in the Traffic Impact Study will require a follow-up Traffic Impact Study to determine if any additional roadway improvements are needed, with appropriate remediation being provided by the owners of those lots generating the additional traffic. After final build out and occupancy of the project, the Applicant has been informed that it will be required to perform a PennDOT TIS after-study. In the event that PennDOT does not require such an after study, or requires it prior to the issuance of any Final Certificate of Occupancy for each building located within the project, then, , and within two years thereafter, if overall peak hour traffic generation is greater than that projected in the noted TIS, then, at Allen Township's discretion, Applicant may be required to perform a TIS after-study (in accordance with Section 27-1409(m) of the Township Zoning Ordinance) to determine if any additional roadway improvements are needed, with appropriate remediation by the Applicant. Any such after study is to be performed under the same conditions (time of year and times of day) under which the noted TIS was performed, unless otherwise required by PennDOT.*

9. *The future construction or provision of LANTA bus stop(s), as well as pedestrian access, shall be deferred until such time as LANTA agrees to provide service to the Subdivision/Land Development. The Applicant shall be responsible for construction, to include sufficient lighting, and maintenance of such facilities at such time as service is proposed by LANTA, subject to Allen Township review and approval.*

10. *The Planning Commission recommends approval Board of Supervisors hereby approves of the following waivers or deferments associated with this plan submission:*

- a. 8-231.8.K: A waiver from meeting the minimum slope of the bottom of a detention pond of 2 percent toward the outlet structure.
- b. 22-406.K(e): A deferral from the requirement of installing sidewalk along the proposed public street.
- c. 22-406.H, 22-407.1 & 22-407.2: Waivers from the requirements in these sections relating to the widening and improving of Howertown Road and Mud Lane. As a condition to the granting of these waivers, the Applicant has agreed to install a water line along Mud Lane (which shall be identified on the Plans) and to construct certain improvements to Mud Lane and Howertown Road (which shall be identified on the Plans).
- d. 22-502.5.D: A waiver from the Preliminary Plan Submission requirements for Design Calculations and Construction Details.
- e. 22-502.5.J: A waiver from the requirement to acquire the NCCD Letter of Approval of the Soil Erosion Control (E&S) Plan as part of the Preliminary Plan submission.
- f. 22-502.5.M: A waiver from the requirement to obtain the NPDES construction permit as part of the Preliminary Plan submission.
- g. 8-243.E.: A modification from the requirement to provide an Environmental Site Design Assessment, acknowledging that all information requirement by such Environmental Site Design Assessment has otherwise been provided in other materials submitted for review.

Motion seconded by Mr. Montanari. All yes with exception of Mr. Hassler who voted no.

- B. Amendment to Intergovernmental Service Territory Agreement NBMA/City of Bethlehem Municipal Authority Water Service West Side of Willowbrook Road:** Mr. Hassler made a motion to approve and acknowledge the Amendment to the Intergovernmental Service Territory Agreement NBMA/City of Bethlehem Municipal Authority; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.
- C. Personnel Policy and Procedures Manual Draft Amendments:** Mr. Montanari made a motion to accept the recommended amendments to the Personnel Policy and Procedures Manual seconded Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.
- D. RFP Responses for Non Uniformed Pension Plan Investment Services:** Mr. Behler made a motion to approve the Proposal of RJ Hall to provide investment service for the Allen Township Non-Uniformed Pension Plan; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

5. New Business

- A. Stipulation of Counsel – Assessment Change TM Identifier K4-22-1E:** Mr. Frack made a motion to approval the assessment appeal stipulation of counsel approval; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.
- B. Authorization to Re-Advertise April 23, 2019 Meeting to April 30, 2019:** Mr. Behler made a motion to authorize the advertisement necessary to change the Board of Supervisors meeting from

April 23rd to April 30th; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

C. Seasonal Summer Help: Mr. Montanari made a motion to approve Jared and Jacob Hunsberger as season summer help; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

6. Public to be Heard: Sue Lindenmoyer, Mud Lane, questioned the access to the proposed easement property proposed by the JW Development Plan due to the mud. Mr. Oberly suggested Ms. Lindenmoyer review the parks plan and the recommendation of the Allen Township Park, Recreation and Open Space Study Committees work on the recent plan. Mr. Montanari was concerned regarding parking. Ms. Lindenmoyer questioned the noise generated by the project. Mr. Treadwell noted that the Township has a noise ordinance.

Mr. Jack Zelkin, Orefield, questioned the 5 percentile time for the trucks turning lane. He further questioned how the warehouse could be built without access to public sewer. Mr. Oberly clarified that the proposed warehouses have access to public sewer and water. He questioned the availability to extend water and sewer to the western area of the Township.

Joe Czenchitz, Atlas Road, voiced concerns again with truck traffic coming into the area. He felt everyone would be impacted regarding what happens in Allen Township.

7. Adjournment: There being no further comments or business the meeting adjourned at 8:05 PM.

Respectfully submitted,

Ilene M. Eckhart