



Allen Township Supervisors

4714 Indian Trail Road

Northampton, Pennsylvania 18067

Larry Oberly, Chairman
Dale Hassler, Vice Chairman
Bruce Frack
Gary Behler
Gerald Montanari

Robert J. Cox, P.E., P.L.S.
B. Lincoln Treadwell, Jr., Esq.
Ilene M. Eckhart, Manager

ALLEN TOWNSHIP SUPERVISORS MEETING MINUTES

Tuesday, February 27, 2018

A General Meeting of the Allen Township Supervisors was held on Tuesday, February 27, 2018 at 7:00 P.M. at the Allen Township Fire Company Building, 3530 Howertown Road, Northampton, Pennsylvania 18067. The Pledge of Allegiance to the Flag was led by Chairman Larry Oberly.

Roll Call: Larry Oberly – Present; Bruce Frack – Present; Dale N. Hassler – Present; Gerald Montanari– Present; Gary Behler - Present; B. Lincoln Treadwell, Jr., Esq. - Present; Robert Cox, P.E., P.L.S. (Barry Isett & Associates, Inc.) – Present; and Ilene Eckhart – Present

Public Hearings: No scheduled Public Hearings.

Public to be Heard: Mr. Oberly briefly reviewed the policy concerning public input.

Mr. Robert Hosking, 243 West Stagecoach Road, questioned the petition submitted to the Township several months ago regarding the closure of West Stagecoach Road. He indicated the last communication was that the Township needed to investigate the extent of ownership and therefore if the Township had the ability to close the certain section in question. Ms. Eckhart responded the Township has performed some historic research concerning very old survey records and would be further analyzing these records in accordance to the ownership issue.

Mr. Hosking further questioned the specific criteria to determine whether the land development proposal listed on the agenda this evening could or could not be approved. Mr. Treadwell responded regarding the specific zoning criteria applicable to the Jaendl Watson Land Company Howertown Land Development Plan. Mr. Hosking questioned if there was a cost benefit analysis and an environmental impact study. Mr. Treadwell further described the review process and the zoning of the land for the proposed used which is a use permitted by right.

Glen Spiece, 14 Redwood Drive, questioned the zoning designation of the land adjacent to Seemsville Road. He felt running a driveway or public road through the Low Density Zoning District was a violation of the intent of the Township's Zoning Ordinance. Mr. Treadwell indicated that the land to be developed is within the Industrial Commercial Zoning District.

Keith Hamlin, 13 Redwood Drive, indicated that the development and roads must be in compliance with the Comprehensive Plan. He noted that there are no proposed roads on the Official Map to service the property. Mr. Hamlin felt the Township has the right to refuse the road. Mr. Treadwell clarified that the road is not a lot nor a separate use. Mr. Hamlin was very concerned about the number of trucks using the proposed road. Mr. Treadwell indicated that the applicant was proposing to build the road. Mr. Hamlin further cited sections of the 1999 Comprehensive Plan which he felt did not allow large developments north of Rt. 329. Mr. Hamlin asked the Board to consider updating the Official Map, in light of the proposed roadway expansion.

Anthony Czonska, 3559 Howertown Road, stated that it was his understanding that many years ago the Allen Supervisors made a mistake by zoning the Jaindl land the way it is zoned today (Industrial/Commercial). He indicated although the Township may be stuck due to this past decision, he requested the proposed development was too intense. He asked that the development be minimized as much as possible.

Unfinished Business

A. Jaindl Watson Land Company, Mud Lane and Howertown Road Improvements and General Development Issues, Discussion: Mr. David Jaindl was present along with the following partners and/or representatives concerning the proposed Jaindl Watson Land Company Preliminary Land Development Plan: Craig Halverson, Watson Land Company; Eric Schock, Esq.; Annmarie Vigilante PE of Langan; and Bruce Anderson, PE, of the Pidcock Company.

Mr. Jaindl indicated that he was not maximizing the density on the property and was not seeking approval this evening. He indicated he was seeking direction on several issues as the plan proceeds before the Planning Commission.

Mr. Jaindl indicated that he brought his consultant team this evening to discuss several issues which are in the Board purview and requested feedback on these items as he proceeds through the plan review process currently before the Planning Commission.

Mr. Bruce Anderson, PE, the Pidcock Company, presented an overview of the project.

Mr. Anderson further addressed the first issue for which Board direction was necessary is the location of the waterline. Mr. Anderson noted that the Board, in December 2017, provided direction regarding the waterline in the shoulder of the roadway. He explained the waterline in the shoulder location would unfortunately conflict with stormwater inlets. He presented a sketch for the Boards consideration showing an alternative location due to the conflict. The sketch proposed the waterline within 11' of the edge of curb within the travel lane of the roadway. He stated this provides a better location for the valve boxes in the middle of the travel lane, eliminates bends and fittings in the waterline to navigate around the stormwater inlet boxes and provides an appropriate work zone area for crews to safely stage future maintenance and repairs. The 11' offset is also consistent with the City of Bethlehem response letter.

In response to the request for the proposed waterline location at 11' from the edge of curb within the travel lane of the roadway, Mr. Behler stated he was of the opinion it did not belong in the roadway at all and if the Board considers locating the line in the roadway that the roadway should then be considered private. Mr. Hassler stated that the Board previously stated the waterline should be placed

in the shoulder to allow the roadways to be open and have a lesser impact. Mr. Hassler stated the Board already voted on the issue for placement in the shoulder. Mr. Oberly questioned Mr. Cox regarding the issue. Mr. Frack was concerned with access during the winter months in light of the deep freeze cycles. He felt the waterline belonged under the asphalt. Mr. Cox did not have a problem no matter the location. He indicated that the valve boxes should not be in the wheel path within the travel lane. Mr. Cox recommended the location be somewhere within the street and that the water line would not need work for forty to sixty years. Ultimately the Township would determine the location of the facilities. Mr. Montanari questioned who is responsible for road repairs in the future stemming from the water line. Mr. Cox deferred that future agreements would dictate. Mr. Treadwell indicated that the Township ordinance requires utility repairs be performed by the utility providers. Mr. Frack felt that the pipes and future maintenance of the roadways should be developers. Mr. Montanari and Mr. Frack felt the water line should be located in the street. Mr. Hassler referenced the prior vote of the Board, as did Mr. Behler. Mr. Frack made a motion authorize placement of the waterline within the proposed street 11' from the curblin location; seconded by Mr. Montanari. On the motion, by roll call vote, Mr. Frack – yes; Mr. Behler – no; Mr. Hassler – no; Mr. Montanari – yes; Mr. Oberly – yes.

Eric Schock, Esq. (Fitpatrick, Lentz and Bubba) present on behalf of Jaindl Watson requested the Board's input regarding the process within the ordinance concerning the recreation fee in lieu of open space dedication matter, as raised in the Township Engineer's letter of review. Mr. Schock indicated that the fee of \$200 could be paid, but at this time the developer would like to know the Township's guidance before the plan is further designed. Mr. Oberly indicated he was not prepared to discuss this issue at this time due to late receipt of the request. Mr. Behler questioned that early on the Township requested consideration for some trails in the wooded area of the site and was this now something the applicant did not wish to pursue. Mr. Jaindl responded that he was seeking direction based on Township Engineer's comment in the letter of review, would propose the cash contribution but would also defer discussion to a later date. Mr. Schock felt if the fee were to be paid that the comment would be resolved. Mr. Jaindl was looking for this guidance in preparation for the plan coming back to the Board following the Planning Commissions review. Following some further discussion, the Board opted to table the item.

AnnMarie Vigilante, PE, Langan, present on behalf of Jaindl Watson, requested a deferral of the boundary road improvements for Mud Lane. Ms. Vigilante, noted the project was not designed to contribute traffic to Mud Lane and the second driveway onto Howertown Road was provided at the request of the Township in order to provide a second passenger vehicle access point to the proposed project. Ms. Vigilante further indicated that the development team continues to work with PennDOT regarding the improvements necessary to support the site. Ms. Vigilante indicated the Howertown Road improvements are currently submitted for PennDOT consideration to include the following items: the construction of 150' southbound left turn lane, a future 100' dedicated northbound left turn lane and 12' wide through lanes for approximately 1,800 feet along the frontage with associated pedestrian and ADA improvements. She further indicated the improvements will also include the construction of 5' shoulder on either side of the street. Mr. Oberly indicated he would need additional time to review. Mr. Treadwell questioned the intent of the deferral. Mr. Jaindl responded the Township can request funds in lieu of the cost of the upgrades or to invest the funds at another location such as Howertown Road at the time when the Township would want the improvements installed.

Ms. Vigilante further requested the Board's consideration regarding the Horwith Lane comments to include improvements for Horwith Lane. Ms. Vigilante indicated Horwith Lane was not part of the PennDOT scoping application for the TIS as it did not meet the criteria for the analysis. She noted that

additional traffic, still allows the PennDOT level of service criteria. She further noted the northbound approach will realize a delay greater than the existing condition. She understood there is a proposed development for the property, which has requested a PennDOT scoping application, on the south side of Rt. 329 along the adjacent frontage which would access Horwith Lane and provide a more substantial impact. She requested the Board consider a nominal contribution in lieu of any improvements to Horwith Lane in light of these reasons. Ms. Vigilante further clarified that Jaindl Watson was required to include Liberty's traffic in the Jaindl Watson TIS. Additionally, she noted Liberty was not required to study Horwith Lane, even though Horwith Lane is located within a few hundred feet of their access. Mr. Frack questioned the existing cross pipe located in the area north of the existing Howertown Road bridge and would this be addressed. Ms. Vigilante responded that if the pipe is located in the widened area then the pipe would need to be addressed. Following some further discussion, the Board opted to table the item.

The general public requested the applicant to remain for public comment. Mr. Treadwell suggested the Board consider public comment at this time for this agenda item. On the further question, from an audience member concerning item B under Unfinished Business on the agenda, Mr. Treadwell clarified that the item on the agenda this evening is the Township and Rockefeller plan to address improvements to the Rt. 329 corridor and has been on the books since 2007.

Eric Miller, 7516 Miller Drive, questioned the Jaindl submission timeframe of December 2016. Mr. Treadwell confirmed the timeframe. Mr. Miller further questioned why nothing has been presented to East Allen Township due to the relocation of Seemsville Road. Mr. Jaindl indicated that he had plans to meet with East Allen Township (since November 2017) and that he would be meeting with East Allen Township in the near term. Mr. Jaindl further indicated he would be discussing with the Northampton Area School District the relocation of Seemsville Road. Mr. Jaindl indicated there were various plans for the property. Mr. Miller was concerned with the waste of time and money if Seemsville Road could not be relocated. Mr. Jaindl did not feel that PennDOT would not permit traffic onto Seemsville Road if not moved.

Marci Vogel, 73 Marshall Run, requested access to the minutes on the Township website. She further questioned the reason to update the Comprehensive Plan and the timing. Mr. Oberly responded the Comprehensive Plan took over fourteen months to compile and the twenty-year timeframe was not a mandate. She questioned the cost to build the new road to go through the Jaindl development. She was under the impression that the Township was paying for the construction of the new road. Mr. Oberly explained the construction of the proposed roadway, which was last discussed to be a future public road, would be funded by Mr. Jaindl. She was further concerned about the truck use on certain roads and the number of trucks on certain roads in the Township. The new truck restriction signage recently installed on Weaversville Road was briefly discussed. Ms. Vogel was concerned about the volume of warehouse development and the impact on the quality of life, infrastructure and environment. Mr. Treadwell reviewed the 2017 Zoning Ordinance amendment in response to Ms. Vogels concerns.

Cory Fenstermaker, 7652 Seemsville Road, voiced concerns regarding properties being hit by vehicles over the years in this area. He was further concerned regarding truck use for certain roads that should not be utilized. He further questioned Allen Township's future intent to operate a Township police department. Mr. Fenstermaker felt the truck traffic should be routed to Howertown Road instead of Seemsville due to the hill but he really favored neither. He further commented he would prefer to smell turkeys over diesel fuel.

John Kelhart, 4065 Pinehurst Drive, commented that he has FedEx in his backyard. Mr. Kelhart questioned the access for the truck traffic if Seemsville Road was not an option. Mr. Jaindl indicated the original plan proposed Seemsville operating in the current location, with the project access road on Seemsville. Mr. Kelhart questioned PennDOT criteria for the proposed design. Mr. Jaindl indicated that the relocation was found to be acceptable by PennDOT (of the location of Seemsville Road 650' to the east). Mr. Kelhart was concerned about the lack of roadway infrastructure to service the warehouse projects proposed as they would be constructed prior to the improvements of the various major roadways. Mr. Kelhart questioned if the occupancy permit could be withheld until the roadway improvements (in the region) were completed. Mr. Kelhart felt the roadway improvement should be coordinated in order to minimize the impact to area motorists, as well as the future warehouse occupants.

Lori Sugra, 314 Nor-Bath Boulevard, voiced concerns regarding the existing traffic congestion on Nor-Bath Boulevard, including truck traffic. She reviewed the various timeframes of daily congestion and the intersection deficiencies.

Louis Corominas, 6175 Weaversville Road, hoped Ms. Sugra's presentation impacted on the Board. He further commented on Weaversville Road and PennDOT's recent response to a local citizens group, named CARD (Citizens for Accountability and Responsible Development). Mr. Corominas explained the group recently sent correspondence to the Pennsylvania Department of General Services regarding the proposed relocation of Seemsville Road across Northampton Area School District property. He questioned Mr. Jaindl's representatives regarding the feasibility of the relocation of Seemsville Road across NASD pursuant to the deed language references. Erich Schock noted the NASD would be performing an investigation concerning the compliance regarding the language noted by Mr. Corominas. Mr. Corominas further noted it was interesting that the term "investigation" was utilized by Attorney Schock as this was the exact language utilized by NASD in denying a right to know request regarding this subject. Mr. Corominas requested the Board of Supervisors consider the outside approval of the Commonwealth. Mr. Jaindl noted he would be requesting East Allen's concurrence regarding the relocation of Seemsville Road.

Eugene Clater, 107 Snow Hill Road, urged the audience to stay for the next agenda item involving the Rt. 329 improvements. He presented the Board with information from multiple traffic study. He was concerned regarding the lack of investment for improvements by the Jaindl Watson proposal on the Rt. 329/Howertown intersection. He felt that collective input would be needed to make a long term improvement at this intersection, including the developer, PennDOT and the Township. Mr. Clater felt the opportunity was a minor realignment of the northern/southern legs of the intersection to improve service to the intersection given the split phasing. He felt this was a generational opportunity for the long term improvement to the intersection. He urged the Board not to lose the opportunity.

Theo Protsko, 4433 Seemville Road, voiced concerns regarding the future expansion of the proposed development including the manufacturing use. She provided the example of the Concept Science explosion in Hanover Township, Lehigh County. She further noted the truck volumes produced some confusion at the recent NASD meeting. Ms. Vigilante responded that the proposed truck projection was 1,560 two way based on the reduced building footprints. Ms. Protsko questioned the acceptable depth of pipe.

Robert Hosking, 243 West Stagecoach Road, explained the Board of Supervisors had many avenues available to reject the plan. Mr. Hosking felt the water quality impacts to the stream could not be

mitigated. He was further concerned about air quality impacts and the association to the water quality impacts. He felt this would effectively kill the Dry Run Creek. He felt that these impacts could not be mitigated. He felt the stormwater basin would in the end cost the Township money. He was insensed that the Township would allow the moving of the tower lines to accommodate additional warehouses. Mr. Hosking cited the Pennsylvania Constitution with regard to preservation of natural resources. He concluded that the Township did not need additional warehouses and the people of Allen Township did not want the warehouses. He also questioned why the Township did not have an Environmental Advisory Committee.

Rita Swift, 403 East 10th Street, voiced humanitarian concerns with regard to the environmental impacts associated with the proposal. She indicated the people do not want the development. She noted if this isn't stopped the Township will look like the "crappy" environment of Newark. She noted the applicant did not care about the community and asked the project be solar powered.

B. Rt. 329 Status and Construction Schedule, Presentation: Mr. Robert Cox, PE, Township Engineer, provided a report of the Township's ongoing assistance facilitating the Rt. 329 Improvements as provided by the Rockefeller Development Group. Mr. Cox reviewed the schedule along with the detour which would accommodate the bridge replacement. In addition, Nor-Bath Boulevard would be widened from just east of the Savage/Nor-Bath intersection with turn lanes at all legs. He further explained the Nor-Bath/Howertown Road will also gain turn lanes. Both signals at Nor-Bath Boulevard with Savage and Howertown Road will be synchronized which will provide a much better level of service. He noted the improvements at these intersections will be very beneficial. He noted the improvements were not related to the development on the agenda this evening. Mr. Cox explained the first phase would include the replacement of the bridge over the Dry Run Creek on Nor-Bath Boulevard. The bridge will be closed during replacement and a detour will be in place. The bridge will be replaced during the school Summer recess. The detour will be setup by May 28th and Rt. 329 will be closed at the location of the bridge. The detour will send eastbound traffic onto Savage Road and then back to Weaversville to a temporary signal at the intersection of Atlas Road and Weaversville Road. The detour will also be westbound with traffic onto Weaversville to Atlas to Savage and then back to Nor-Bath Boulevard. This temporary detour will be in place from late May until about the 30th of August. It is in this timeframe, the vertical grade will be corrected, the new bridge will be installed and the area in the bridge footprint widened. Mr. Behler made a motion to authorize the Township Manager to produce a township mailing concerning the detour, publish a full page display advertisement in the Northampton Press and plan an informational meeting for the topic with a date to be determined by the Township Manager preceding the commencement of the construction work; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present votes yes. On the question from the audience, Mr. Oberly indicated that notices would be sent to the adjoining municipal offices. Mr. Hosking questioned the moneys to perform these functions. Mr. Oberly indicated that the costs of these items will be funded as the entire project has been funded by the Rockefeller Development Group as part of the commitment to the Township. Ms. Eckhart further clarified that the project is different in that even though the improvements are to be performed on a Commonwealth roadway, the application for the highway occupancy permit is the Township therefore the Township is responsible for the notice requirements appropriate to educate the community.

C. Resolution 2018-09 – Authorization Acquisition of Rt. 329 Right of Ways: Mr. Treadwell summarized the draft Resolution 2018-09 concerning the acquisition of right of ways by non-adversarial eminent domain. He explained the resolutions provided for the clearing of title, which is required by PennDOT, in lieu of a full opinion of title for the following tracts right of way consisting

of a portion of Northampton County tax map parcel numbers; L4-9-8-0501, L4-9-8C-0501, L4-9-7-0501, L4-9-7B-2-0501, L4-9-7B-0501, L4-12-1D-0501, L4-12-1B-0501, and L4-12-1-0501, which are properties owned by MRS. Lands (Horwith), Stone Ridge Meadows, LLC Horwith Leasing and Dale and Barbara Miller. The clear title is a requirement of PennDOT accepting the right of way. Mr. Treadwell indicated that he has discussed the donations of the strips of land which are the subject of right of way areas. Mr. Mike Horwith was present in support of the Resolution. Mr. Hassler stated he was not comfortable with the takings due to the content of the Resolution obligating the general revenues of the Township nor did he agree with the Township utilizing the eminent domain power. Mr. Treadwell explained the obligation of general fund revenues was necessary in order to exercise the authority of the taking and further explained that the properties involved with the resolution have indicated that the right of way areas were being donated. Mr. Behler indicated that although he agreed in principal with Mr. Hassler he viewed the Resolution before the Board this evening as a procedural in nature due to the title issues and would otherwise support Mr. Hassler in his stance. Mr. Behler made a motion to approve Resolution 2018-09 concerning the non-adversarial action of eminent domain as drafted; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes, Mr. Hassler noted reluctance. Mr. Hassler was concerned if any of the property owners demanded compensation for properties. Mr. Treadwell indicated that the property owner did have thirty days to state a request for compensation and at that time the Township could withdraw from the action.

New Business

A. Availability Issue 2018 Chevrolet 3500 HD (Per Order approved 2/13/18) - Alternatives: Ms. Eckhart explained that the supplier of the 2018 Chevrolet 3500 HD approved by the Board of Supervisors at their meeting of February 13, 2018 has indicated that the production of the 2018 model has ceased, pursuant to General Motors. She provided the Board with a quotation for the 2019 model of the Chevrolet 3500 HD which would be available for delivery in August 2018 at an increased cost of \$1,500. She further indicated that the quote holds the value of the 2005 Ford F350 trade at \$18,000 as originally quoted. Following some further discussion, Mr. Behler made a motion to amend the order and provide for the 2019 model at an increase in cost of \$1,500 over the previously approved contract; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

B. Transfer of Sewer EDU's Liberty Property Trust to Dale Miller: Mr. Treadwell outlined the request of Greg Davis, Esq. (representing Century Commerce Center LLC Liberty) dated February 26, 2018 which requested the Boards consideration to transfer two EDU's to Mr. Dale Miller for service to his property located at L4-9-7B, at no cost to Mr. Miller. Following some further clarification by Mr. Treadwell concerning the process, Mr. Hassler made a motion to authorize the transfer of two EDU's previously purchased by Liberty Property Trust to Mr. Dale Miller for service to his property located at L4-9-7B at no cost as the subject EDU's have been paid by Liberty Property Trust in December 2016; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

C. Willowbrook Road Widened Portion – Concerns: Mr. Hassler explained a recent scenario where he was passed on the widened section of Willowbrook Road. Additionally, he has been told one of the volunteer firefighters was also passed. Mr. Cox explained his experience as well. Mr. Hassler proposed shutting the job down until the requested safety improvements are made to the roadway. Mr. Treadwell requested the Rockefeller Development Group (with representatives present in the audience) communicate the issue to their site contractor. Mr. Eugene Clater, Snow Hill Road, voiced further

concerns regarding the darkness of the corridor given the widening. Mr. Montanari suggested reflective inlaid markers.

Relative to this issue, Mr. Cox further presented renderings of proposed replacement bridge locations for the Willowbrook Road Bridge over the Catasauqua Creek. The rendering was provided to assist in future discussions to resolve this issue with the design engineer (Pidcock) on behalf of the responsible developer (Rockefeller Development Group).

D. Change of Meeting Locations for March Board of Supervisors Meetings: Based on the attendance of the recent meetings, Mr. Oberly announced that the March meetings would be advertised for a change in locations to the Fire House.

Public to be Heard: Mr. Mike Sugra, 314 Nor-Bath Boulevard, voiced concern regarding continued truck traffic within the newly posted Weaversville Road area. He was further concerned regarding the proposed environmental issues associated with the Jaindl Watson proposal. He questioned who would monitor the idling trucks. He questioned the traffic studies and felt that the proposal was a bad fit for the area.

John Kelhart, 4065 Pine Hurst Drive, questioned the replacement of the Willowbrook Road bridge as mentioned this evening. He was concerned this would promote truck traffic north of the Fed Ex site. He further questioned the replacement of the bike lane decals along West Bullshead Road and the further policing of the bike lane. He questioned the enforcement. Mr. Oberly indicated that the State Police do enforce the bike lane when the proper signage is in place. Mr. Kelhart was concerned with the traffic trip enforcement. Mr. Oberly noted that whether the Board wanted the project or not – the Board had to operate within the law. Mr. Oberly also indicated that the Township did not necessarily control all of the changes in the Township.

Pete James, 1039 Atlas Lane, voiced concern about the various proposed developments and the impact on the community as a whole. He felt the thirteen warehouses proposed and the proposed development for Willowbrook landlocked the Township. Mr. Oberly corrected that Willowbrook has not proposed a plan for 800-homes in Allen Township. Mr. James further questioned the deferment request discussed this evening relative to the Jaindl Watson project. Mr. Oberly explained the deferment of a SALDO requirement procedurally. Mr. James further commented on the Horwith Lane intersection improvements and the PennDOT trip criteria. Mr. James was suspect of the comment made by the representative of the developer. Mr. James questioned the detour route associated with the Rt. 329 bridge replacement. Mr. Oberly noted the detour has been engineered and approved by PennDOT. In conclusion, Mr. James questioned the change on the City of Bethlehem waterline motion change. Mr. James further noted that he was disappointed in a comment by the Township Engineer concerning the water line as he felt the water line would break in fifty years.

Valerie Snyder, 350 E. Prospect Drive, voiced concern regarding the vein on which Keystone Cement performs blasting. She was concerned with blasting implications associated with the location of the vein. She asked for the Board's assistance to oppose the project. Mr. Oberly indicated that he could not use public opinion to violate the law.

Robert Bysher, 1275 Weaversville Road, voiced concerns regarding the court proceeding associated with the appeal of rezoning of the 155 acres in East Allen Township. Mr. Bysher stated although Mr. Jaindl had a by-right plan he did not have a right to pollute the air he breathed. Mr. Bysher requested

the Board obtain the data from the Lehigh Valley Freight Movement Study under way by the Lehigh Valley Planning Commission. Mr. Frack noted that this part of the Commonwealth has been underfunded by PennDOT for years but other areas have been funded. Mr. Frack also indicated that cars outweigh the number of trucks by far. In closing, Mr. Bysher asked Mr. Jaindl consider other uses other than warehousing.

Eric Miller, 7516 Miller Drive, responded to Mr. Frack's concern and how possibly multi-municipal planning may help. He felt that the municipalities could say no to a proposal if in a multi-municipal plan. He questioned the proposal for Seemsville Road and the ownership of the proposed cul-de-sac. He questioned what would happen if Allen Township refused to take ownership. Mr. Oberly indicated this was not determined. He asked the Board to consider ways to deny the plan and/or possibly resubmit under the new ordinance. Mr. Oberly questioned if Mr. Miller was proposing taking away the rights of the property owner to create a way to reject the plan. Mr. Treadwell interjected that the Township would follow the rules.

Mr. John Swankowski, 11 Jennings Run, questioned the improvements to Rt. 329 and the funding. Mr. Cox responded the funding is being provided by Rockefeller and others. Mr. Treadwell clarified that Mr. Clater's comment pertains to the north and southbound legs of the Rt. 329/Howertown intersection. Mr. Treadwell noted the improvement involves the cooperation of a property owner that is not responding. Mr. Swankowski was concerned with the construction of the intersection multiple times and he found this unacceptable.

There being no further comments from the public the meeting adjourned at 10:10 PM.

Respectfully submitted,

Ilene M. Eckhart
Manager