



## **Allen Township Board of Supervisors Meeting Minutes June 24<sup>th</sup>, 2025 6:00 P.M.**

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, June 24<sup>th</sup>, 2025, at 6:00 P.M. at the Allen Township Municipal Building, located at 50 Snow Hill Road, Northampton, PA. Mr. Behler led the audience in the Pledge of Allegiance to the Flag.

### **1. Roll Call:**

Present: Gary Behler; Paul Link; Dale Hassler; Jason Frack; B. Lincoln Treadwell, Jr., Esq.; Ilene Eckhart, Manager; Layla Denissen, EIT Engineer (Barry Isett)

Absent: Tim Paul; Michael Schwartz, PE, Engineer (Gilmore & Associates, Inc.)

### **2. Announcements and/or Actions to Add New Items to the Current Agenda:**

### **3. Public Hearings:** None.

### **4. Public to be Heard:** Mr. Treadwell provided an update on the 1438 Willowbrook Road site, stating that there has been ongoing communication with the Department of Environmental Protection (DEP) concerning a notice of violation issued to the property owner. He mentioned that the Township's zoning violation notice has been appealed, and the next step is a hearing with the Zoning Hearing Board. In response to Mr. Behler's inquiry about a timeline, Ms. Eckhart indicated that a mid-July hearing date allows her ample time for a proper notice to be generated. Mr. Hassler questioned what more the Township could do in the interim, as it is just out of hand. Mr. Link requested an executive session to discuss potential litigation, to which Mr. Treadwell responded that such sessions are always included at the end of each agenda. Mr. Hassler stated that he frequently drives by the site and has seen firsthand what the problems are.

A resident of McNair Drive expressed frustration over early morning noise coming from American Disposal, which has been disturbing her son's sleep during summer break, with operations starting as early as 6:55 AM. She questioned whether a sound barrier wall would be installed if the business is to continue, and questioned the Board on whether they would tolerate living under such conditions. She criticized the previous owner for profiting from the site's sale and then moving to another Township, suggesting he anticipated these issues. Mr. Behler agreed with Mr. Hassler on the need for quicker action but noted that potential litigation requires proper procedure and executive sessions. The Board collectively acknowledged the urgency. The resident also raised concerns about increasing taxes despite declining quality of life and noted that several neighbors are attempting to sell their homes, with realtors avoiding weekday open houses due to the business. Mr. Frack indicated that the Board is in a united understanding of the issue at hand, explaining that the Township is doing what it can while following all legal processes necessary. Mr. Behler reiterated that the next step is a Zoning Hearing Board meeting in the next two to three weeks and encouraged residents to attend. Mr. Link stated that the current operations are not permitted, but the site owner is unlikely to stop operations due to the potential profits. When asked what residents can do, Mr. Behler

affirmed the Township's commitment to resolving the issue in solidarity with the community.

Ms. Nancy Toshman, a resident of 114 Gray Drive, voiced serious concerns about the impact of activities at the adjacent property site. She described persistent loud noises every morning that cause her windows and floors to vibrate and have even caused cracks in her basement foundation. Ms. Toshman also reported strong chemical odors, including a chlorine-like smell that causes eye irritation and has resulted in a diagnosed allergic reaction, noting that the chemicals may be an attempt at masking the garbage odors. She raised concerns about the impact on residents' health and the wildlife. She indicated that the appearance of ticks, snakes, rats, and the disappearance of birds have all been noted since the new ownership. Ms. Toshman said she had contacted lawyers but found legal help too costly and questioned how long residents must wait for action, until someone gets seriously ill? Mr. Link reminded that the site owner, not the Township, should be held accountable, while Mr. Treadwell clarified the difference between individual and municipal legal routes, recommending residents unite for stronger legal standing. Ms. Eckhart added that certified notices for the Zoning Hearing Board will be sent to nearby residents and encouraged them to attend and speak out. Despite her efforts to rally neighbors previously, Ms. Toshman found little support, but she thanked the Board for listening and reiterated the urgency of the issue.

Ms. Jo-Ann Novatnack, a resident of 312 McNair Drive, described the noise from American Disposal as "horrendous", noting that despite the company's posted hours of 7:00 AM to 3:30 PM, she has observed trucks backing into the site as late as 3:27 PM, raising concerns about the site's operational control. She shared a personal health concern, explaining that she was recently diagnosed with Lyme disease. Ms. Novatnack described herself as someone who generally avoids outdoor activity due to her dislike of heat and outdoor work, preferring to stay indoors. However, she assisted her husband with lawn repairs on May 3<sup>rd</sup>, and by May 25<sup>th</sup>, she began suffering from severe headaches that lasted for 10 days. After a doctor's visit, she was diagnosed with Lyme disease despite not noticing any ticks on her during the outdoor activity. Her comments noted the seriousness of residents' quality-of-life concerns.

Mr. Nicholas Takacs, resident of 202 Walker Drive, indicated that there are continuous issues with trucks backing into the American Disposal site on Willowbrook Road. He plans to attend the upcoming Zoning Hearing Board meeting with video evidence, including decibel readings as loud as a jackhammer, to support his claims. Mr. Takacs outlined three approaches for addressing the issue: pursuing legal action through the Township, highlighting DEP violations related to vehicle and site operations, and potentially initiating a community lawsuit. Mr. Link noted that Ms. Eckhart has also been in communication with the DEP. She reported that the most recent update from DEP indicated the notice of violation remains unanswered and the agency is expected to request further documentation based on annual reporting to continue its investigation.

## **5. Unfinished Business**

**A. 1438 Willowbrook Road – Update (*Item moved from C*):** Mr. Behler indicated that item C was previously discussed.

**B. Syncarpha Allen 1 Solar Farm (Kreidersville Rd.) – Curbing Issue:** Mr. Steve Cohn, of Syncarpha, provided a brief overview of the follow-up on the solar farm that was approved on March 25<sup>th</sup>, which was voted to receive the preliminary and final approval for their land development plans for the solar farm on Kreidersville Road. He further explained that as part of the approval, a waiver for the curbing and sidewalk requirement was provided in the SALDO. He explained that as drawings were approved, it was overlooked that the Zoning Ordinance also has a similar requirement for sidewalk and curbing. He noted that while the SALDO waiver has been obtained, the Zoning Ordinance waiver is available for granting by the Board, which is what is being sought. Ms. Denissen clarified that the Zoning Ordinance section has a width requirement for the access drive, requiring the access drive to be curbed. When the access was changed, at PennDOT's request, the access drive was narrower than the previous plans, explaining why the waiver was not requested in changing the width. She noted that the only request is for permission not to have a curb put on the access drive. Ms. Denissen indicated that the zoning section allows the Board of Supervisors to modify the requirements; even as it is a zoning requirement, it would not need a variance. Mr. Behler

requested confirmation that a waiver is still required, to which Mr. Treadwell indicated that it requires the Board to take official action that the curb is not required under that section. Mr. Treadwell questioned if the request is only for the Syncarpha Allen 1 project, not both. Mr. Link requested confirmation on which section this is for, to which Ms. Denissen indicated that it is one section, Zoning Ordinance Section 27-1413.B8. Mr. Link made a motion to modify the requirement to not require a curb on the access drive; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

**C. Personnel Policy:** Ms. Eckhart indicated that she had circulated the changes made to the document, noting that most of the changes made were in the FMLA Policy. There were some revisions made on the repeatability of it in a given calendar year, and there were some other adjustments to modernize the language. Noting that she and Mr. Treadwell had worked with the Township's Labor Law Attorney based in Philadelphia, and that the document is ready for action. Mr. Hassler made a motion to approve the update of the personnel policy; seconded by Mr. Link. On the motion, by roll call vote, all present Supervisors voted yes.

## **6. New Business:**

**A. Ratification of Appointment of Acting/Interim Zoning Officer:** Ms. Eckhart indicated that the current Zoning Officer is on leave and she is seeking to be reappointed to carry out the duties, some of which she has already done for some time. Mr. Hassler made a motion to appoint Ms. Ilene Eckhart as the interim Zoning Officer; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

**B. Executive Session (tentative):** Mr. Behler noted that there was a request for an executive session to discuss potential litigation.

## **7. Public to be Heard:** None.

## **8. Next Meetings:** Mr. Behler announced the upcoming meetings. All meetings and events will be held at the Allen Township Municipal Building. These meetings and events are as follows:

- Board of Supervisors – Tuesday, July 8<sup>th</sup>, 2025 6:00 PM
- Planning Commission – Monday, July 21<sup>st</sup>, 2025 6:00 PM
- Board of Supervisors – Tuesday, July 22<sup>nd</sup>, 2025 6:00 PM

## **9. Adjournment:** There being no further business, the meeting adjourned at 6:32 PM.

Respectfully Submitted,

Kimberly Rodriguez-Colon