

PALMER TOWNSHIP BOARD OF SUPERVISORS
June 28, 2022
7:00 PM
GENERAL BUSINESS MEETING

The Palmer Township Board of Supervisors general business meeting was held on Tuesday, June 28, 2022, at 7:00 p.m. in the Municipal Building meeting room. The following were in attendance: Chairman Jeffrey Young, Vice Chairman Michael Brett, Supervisors K. Michael Mitchell and Joseph Armato. Supervisor Ann-Marie Panella was absent. Also in attendance were the Township Manager, Police Sergeant, Planning Director, Township Engineer, Director of Public Works-Parks-Utilities, Finance Director, Fire Commissioner, Township Solicitor, and the Assistant Township Manager.

1. PLEDGE TO THE FLAG

2. CONSENT CALENDAR

A. Approval of Minutes - June 13, 2022

INFORMATION

The Board is requested to approve the minutes of the June 13, 2022 meeting.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Joseph Armato. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

B. Disbursement of Funds - June 28, 2022

INFORMATION

The Board is requested to approve the disbursement of funds for June 28, 2022.

INFORMATION

Young said this disbursement totals \$367,655.94.

Motion: Approve, Moved by Supervisor Joseph Armato, Seconded by Supervisor Kendall Mitchell. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

3. OLD BUSINESS

A. Public Hearing - Exchange 12 - Conditional Use Application - Distribution Buildings in PI/C District

INFORMATION

1492 Van Buren Road - K8-10A1
PI/C District
Request by Exchange 12 LLC

This is a continuation of the conditional use hearing that began on April 26, 2022.

The Palmer Township Planning Commission reviewed the above-referenced item at their regular meeting of April 12, 2022.

The applicant, Exchange 12 LLC, is requesting conditional use approval for construction of two distribution buildings, one at 128,876 square feet and one at 138,743 square feet on a 36.63 acre lot. The property is located on the west side of Van Buren Road, south and east of Route 33, within the Planned Industrial/Commercial (PI/C) zoning district.

The property to the north is zoned PI/C and is undeveloped. The property to the south is zoned PI/C and is developed with a single-residential use. The property to the east across Van Buren Road is zoned PO/IP and is undeveloped. The Comprehensive Plan designates this area for non-residential use.

The applicant is seeking conditional use approval under the following provisions of the Zoning Ordinance:

- §190-125.G - Distribution center in the PI/C district; meeting the conditions of §190-210.B(23) as it refers to §190-210.B(33) - Additional requirements for a Trucking company terminal

The requested use requires conditional use approval in the Planned Industrial/Commercial (PIC) zoning district, subject to the performance criteria listed in the zoning ordinance.

By decision letter dated January 25, 2018, the previous applicant was granted special exception approval from the Palmer Township Zoning Hearing Board pursuant to Section 190-154.K of the Zoning Ordinance, to allow for construction of a driveway within the 100 year floodplain (Schoeneck Creek). As part of the Special Exception approval, the applicant is required to have all local, state, and federal governmental agencies having jurisdiction review and approve project impacts on the adjacent floodplain. The Zoning Hearing Board at their meeting of April 5, 2022 confirmed that the previous approval was still valid.

The Planning Commission previously considered an identical conditional use application by another developer. At their meeting of June 11, 2019, the Commission by a vote of 1-5 voted against a motion to recommend approval of the conditional use.

Recommendation: At their meeting of April 12, the Planning Commission unanimously recommended denial of the conditional use request by the Board of Supervisors on the basis that nothing had changed since their previous consideration of this request.

Deadline: The conditional use application was first submitted to the Township on March 31, 2021. The applicant has granted the Board of Supervisors an extension of time until April 30, 2022 to conduct a conditional use hearing.

DISCUSSION

Solicitor Bruno said, this conditional use hearing initially took place back in April and the Applicant presented two witnesses. I believe the Applicant will continue their presentation and I'm aware we have Protestants here tonight to present in opposition. Bruno reminded everyone that was sworn-in back in April, remain sworn-in.

Attorney VanLuvanee said, in reviewing the minutes of the April 12, 2022, Planning Commission meeting we request to add as exhibit A9.

Bruno then added the following exhibits to the record:

T15- Public notice for this matter being continued tonight that was published June 24, 2022

T16 - Published legal notice of June 21, 2022

T17 - Mr. VanLuvanee's letter granting an extension beyond the 45-days to hold a second hearing.

VanLuvanee said, Mr. Fiori completed his testimony in April and is subject to cross examination tonight. The Board and audience had no questions for Mr. Fiori.

VanLuvanee called Abraham Atiyeh, who stated he is a real estate developer for 40 years and has done anything from senior housing projects to single family homes. Atiyeh stated he still owns a number of projects and Exchange 12, LLC is owned by his family and he is the Principle of the LLC. Atiyeh went on to testify and comment on the following exhibits presented by Mr. VanLuvanee:

A1 - Deed of transfer of the property dated March 17 , 2022 showing prior ownership by Richard Stocker and Kathy Carlson to Exchange 12 LLC.

A2 - Zoning Map of the property

A3 - Google Earth aerial view of the property

Atiyeh went on to explain the surrounding properties and uses. He stated this parcel is currently vacant industrial land that is being farmed. We are proposing two distribution centers that we intend to design at one time, but build in two phases. Atiyeh said it is not typical to obtain tenants prior to attaining land use approval. VanLuvanee then reviewed the following exhibits with Mr. Atiyeh:

A4 - Palmer Township Conditional Use application

A5 - Traffic Impact Study submitted by Bohler Engineering

A8 - Township Staff Review Comment Sheet dated April 8, 2022

Atiyeh confirmed that they are prepared to adhere to the comment in the Township Staff Review Comments that states; "As no end user is identified, any potential tenants will need to submit an additional conditional use application, to be reviewed internally by the Zoning Officer, Planning Director and Fire Commissioner to confirm conformance with all conditions of approval." Atiyeh said, they will comply with the landscaping theme as stated in the Zoning ordinance.

Supervisor Mitchell asked, when you were before the Zoning Hearing Board (ZHB), did they not tell you the approval was conditioned upon you receiving approval from State and Federal agencies before it comes to this Board? Mitchell said, conditional

use approval also requires you to give us who the end user will be in the building. Bruno said, regarding Mr. Mitchell's first question, the ZHB stated this as a requirement in order for you to build in a floodplain. VanLuvanee said, he disagrees with that statement. Bruno asked Mr. Atiyeh, were you informed about the ZHB requirement? Atiyeh said, no. VanLuvanee said, I believe the ZHB decision speaks to itself. Mitchell asked, were you aware of the Planning Commission requirement prior to pulling permits. Atiyeh said, no. Planning Director, Cyndie Kramer said, the Planning Commission recommendation to the Board of Supervisors was to deny the application based on the prior application, which did not fulfill the prior ZHB application. Mitchell said, you are also supposed to let us know who the end user will be. VanLuvanee said, he disagrees that is what the ordinance requires. Bruno asked, were you aware of any requirement to identify the user of the property and what the use would be pursuant to this application. Atiyeh said, Palmer Township is the only community that asks who the tenant is before approving it. Why do you want to ask me this? No one has ever asked me this before when I was building a spec warehouse. Atiyeh said, it is illegal and improper to ask me who is going in the building before I build it. VanLuvanee said, he is instructing his client not to answer the questions. Bruno said, the Township ordinance requires the impacts be evaluated by the Board of Supervisors before a conditional use application can be approved. One determinant is always related to the health, safety and welfare of the citizens. Without identifying the user, an argument can be made that you didn't evaluate the impacts. It is clearly in the ordinance, and I believe the questions should be answered. After some discussion between attorneys, Mr. VanLuvanee said they will adhere to the condition to come back once the end user is identified. Bruno asked if they could confirm that an end user for these buildings has not yet been identified. Atiyeh said, nothing illegal or improper will be stored in the buildings. It will be a warehouse to service industry in the local community. It will be inspected by your fire inspector and code officer. It will have to be sprinklered and built to code.

Young asked, are you aware of any prior application that required approvals from federal and state agencies before the plan could be approved. Atiyeh said he didn't recall. Young asked, are you aware of any condition with this property that you will need state approvals. Atiyeh said, yes. We know we will need state and federal approvals. Atiyeh said, I don't care about prior applications. With my new application, I will have to comply with all state and federal requirements. VanLuvanee then asked to enter all exhibits to include the following that were not specifically discussed:

- A6 - ZHB decision letter dated January 25, 2018
- A7 - ZHB response to appeal letter dated April 13 2022
- A8 - was listed above and discussed
- A9 - The Pidcock Company review letter dated December 8, 2021
- A10 - The Pidcock Company review letter dated March 30, 2022
- A11 - Bohler Pavement Improvement Plan
- A12 - Colliers Traffic Impact Study

There were no further questions for Mr. Atiyeh from the Board or Audience.

Mr. Timothy Fisher, 68 Moor Drive, Highlands of Glenmoor, said they are an adult community located on Corriere and Van Buren Roads across the street from this 36 acre lot. We are opposed to this project and I have four witnesses to testify tonight.

Fisher entered exhibit O1 - Site Photo of the 36-acre property that has an unidentified tributary that runs through the property. Fisher said this is not the Schoeneck Creek. Fisher said, we believe there are several sections of the present zoning ordinance that the Applicant is not complying with and neither did the previous applicant, F-Greek. Fisher went on to enter the following exhibits and read the section of the ordinance they each referenced: O2 - Ordinance section 190-121 - reviewing the procedures for conditional uses. VanLuvanee objected stating the ordinance speaks for itself, they don't need to be read. Bruno said, in addition to being a resident, Mr. Fisher can you please provide your background. Fisher said he was a lawyer for 55 years in New York and Pennsylvania. I was a township solicitor for two townships and Mayor of a Borough. I am very familiar with this ordinance and I have experience in ordinances. Bruno overruled the objection stating it is noted. Fisher referenced section 190-121 and stated they believe the Applicant failed to prove with this submitted plan, and they are the same plans that F-Greek previously submitted. He went on to read section 190-148A - Environmental preservation, and 190-148 B, stating the Applicant hasn't addressed these requirement. Fisher then referenced his exhibit O3 - Ordinance section 190-154K(4) regarding grading and regrading of the land and section 190-154M - fill in the flood plane and section 190-154N(1)(c). VanLuvanee objected, stating this is not an application for subdivision or land development, it is for conditional use and this isn't relevant at this stage of the process. Fisher said we are only talking about conditional use here, it will come up that FEMA remapping has not been done and our exhibits will show you Bohler Engineering show extensive changes to the floodplain. VanLuvanee said, we acknowledge it will be reviewed at land development stage, but is irrelevant now. Bruno asked Mr. Fisher, why do you feel it is relevant at the conditional use level. Fisher said, in order to build in a floodplain you will need to get the maps done before hand. We have another witness that will testify to that. He then reviewed exhibit O16 - plan showing proposed changes in floodplain lines that was done by Bohler Engineering. Bruno said, it is in the January 25, 2018, ZHB decision that indicates in item number 3; "That pursuant to Section 190-154.K the Applicant is required to have all local, state and federal governmental agencies who have jurisdiction over this site relating to analyzing and approving the projected impact said development would have in this floodplain, review and provide approval before any final development approval is considered by the township." VanLuvanee said, we agree before the final land development approval it is needed. Fisher said, it is a precedent. If you don't have the remapping you shouldn't have a conditional use. I will have a retired architect to testify to this. VanLuvanee said, you are putting a burden on us. I expect to have to ask to continue this hearing based on what he will be presenting to be able to provide rebuttal. Fisher went on to exhibit O4 - 190-201 - conditional use requirements and discussed number 9 - grading and storm water and then section 190-208 - process for conditional uses – general standards. Fisher stated we believe this proposed project doesn't meet any of these requirements. Fisher went on to comment on the following exhibits:

O5 - Schoeneck Creek floodplain

O6 - Palmer Township Natural Features Map

O7 - 2001 FEMA (FIRM) Map

O8 - 2014 FEMA (FIRM) Map

O9 - Photo: unnamed tributary: Newlins Mill Road at Van Buren Road (4/20/19)

O10 - Photo: 1493 Van Buren Corner of Newlins Mill Road and Van Buren Road (4/20/19)

O11 - Photo: unnamed tributary water discharging on Chrin adjacent parcel (5/13/19)
O12 - Photo: water from Chrin property flowing onto 1492 Van Buren Road (5/13/19)
O13 - HOG letter dated June 5, 2019 to Township on flooding of Van Buren Road near site
O14 - ZHB decision letter dated January 25, 2018 on special exception use grant in floodplain
O15 - Noncompliance with terms and conditions of ZHB's grant of special exception
O16 - August 8, 2019 site plan showing proposed changes in floodplain lines
O17 - Section 190-154(H) and applicants failure to submit floodplain changes to FEMA
O18 - 2016 PA Commonwealth Court opinion on conditional use in floodplain

Fisher said, it is obvious that an unnamed tributary runs right across this property. Because of all the new development since 2018 in the industrial park this unnamed tributary has increased storm water.

O19 - Google Earth aerial map of Van Buren Road neighborhood with the two proposed conditional uses (1492 & 1493 Van Buren Road) superimposed thereon, and also the summary of traffic studies for 1492 & 1493 proposed conditional uses in yellow.

Fisher said, since 2018 he talked to each agency they would need approval from and there hasn't been anything applied for since back in 2017. Fisher referenced a legal case in the Commonwealth Court that was upheld for building in a floodplain, unless you get the required permits. Based on that, we feel you can reject this first hand.

Fisher said he would move to enter his exhibits and move on to his next witness. There was no cross examination for Mr. Fisher or questions from the Board or audience.

Gerry Genrich, 12 Moor Drive, said he has four years architectural experience and is registered in 14 states. He stated all submissions of this plan are identical to the 2019 Applicant submission. Genrich referenced exhibit O20 - review of planned development at 1492 Van Buren Road, noting this document is narratives that he would be talking about over the next six slides. Exhibit O21 - Recommendation: Create a Riparian Overlay. VanLuvanee said, he didn't have a problem with his architectural comments, but I believe he will be getting into engineering comments and his interpretation of the ordinance will speak to itself. Bruno asked Mr. Genrich if he had experience with issues involving engineering reviews of riparian overlays. Genrich said, he has 20-years experience in master planning, site development and city planning. Bruno noted, as matter of procedure, I need to make sure we have lawyers arguing objections and he asked if Mr. Fisher was representing the group tonight, or if he was only participating as a citizen. Fisher said, he is representing the group. Bruno added, if any objections have to be argued, they should be argued by Mr. Fisher. Bruno said, this gentleman has established experience allowing him to make opinions and I will allow him to testify. Genrich said, this exhibit shows the environmental impact of the natural assets of our community. They are disturbing the natural flow of the Schoeneck Creek. Exhibit O22 - connection status map, shows the bike trail presented for the community. The developer wants to put the bike path adjacent to Van Buren Road. Exhibit O23 - 1492 Van Buren Project overview, shows different

components we are trying to address tonight. Genrich stated, the southeast corner of this plan shows our community and that we are down wind from there property. The proposed floodway, lighting, noise and air quality will impact our quality of life. Genrich said, exhibit O24 - site section at the Schoeneck Creek, shows the existing topography along the creek with the subtle elevation moderation now, versus it with the buildings, which will result in increasing the flow of the Schoeneck Creek. Genrich said, the right-of-way for storm water won't be available in flooding conditions because it would be filled with water. Exhibit O25 - plan shows the southeast warehouse imposes 100-feet into the floodplain and exhibit O26 - plan shows the northwest warehouse will also be imposing on the floodplain.

There were no questions for Mr. Genrich from Mr. VanLuvanee, the Board or the audience.

Wayne Conrad, 41 Moore Drive, Highlands of Glenmoor, said he would be talking about the health risks caused by car and truck exhaust to their community. Conrad said, he read articles from the USDA and American Heart Association and would be giving testimony on what he learned from these articles. VanLuvanee objected stating he would just be generalizing information from articles he read. Fisher said, besides doing his research he lives in the development and can testify about the prevailing winds and how the gas generated from cars and trucks will impact our property. Bruno said, I don't believe the articles he researched qualify him as an expert in the field. Bruno said, his testimony needs to be based on this gentleman's qualifications and background. Conrad confirmed that he was not an expert in the field and he is not a scientist. VanLuvanee referenced their exhibit O27 - a summary of air pollution caused by car and truck traffic stating he objects to include this into the record due to what this witness can not do. Fisher said Exhibit O29 - List of relevant ordinances, shows the cause and impact on our development and exhibit O28 - view showing direction of northwest winds. Fisher said, this shows the wind is a fact in spreading the pollution. The northwest winds are prevailing and would carry it in to the Highlands community. Fisher said, in today's Morning Call, Northampton and Lehigh County residents called for a study to be made on truck emissions. VanLuvanee objected. Fisher then read the sections of the ordinance that applies and VanLuvanee continued to object. Bruno asked Mr. Fisher to remain with the facts. Fisher said, it is our position looking at the township zoning ordinance and Mr. Conrad testified showing the winds coming from the Northwest. Conrad said, the winds come from the northwest through the Highlands and it is apparent from where the mold forms. Conrad added, obnoxious gases are a health causing issue.

Chairman Young said, everyone in this room knows prevailing winds come from the northwest. Bruno said, Mr. Conrad cannot interpret articles that other people wrote and testify on those articles. Conrad said, it is a known fact that people affected by diseases are the elderly, due to their age. Our community, that is right across from this property, is a 55 and older community. Fisher said, our community's average age is 75-years of age and they are more susceptible to ailments than the younger population. Fisher said, we want to state various sections of the present ordinance that have to do with air pollutant and he went on to read sections 190-160 and 190-149. Fisher said their last witness, Dave Blackstone, can also testify how it would affect our way of life.

David Blackstone, 24 Moor Drive, Highlands of Glenmoor, said he moved here in 2006 and during that time he has been part of the leadership of the community. He is currently on the executive board and president of the association. The Highlands of Glenmoor (HOG) and its sister community Glenmoor are over the age of 55 deeded communities. Our average age is well over 75-years old. The majority are not employed, therefore we occupy our homes close to 24-hours a day. For the most majority of us, this is our final stop from a homeowners standpoint and we came here to stay. What makes our community unique is that we are a senior community. We are not interested in relocation. We are greatly influenced by our surroundings. The communities character, quality of life, and financial impacts are relevant to this land use. Section 190-208 specifies the process for conditional uses. VanLuvanee objected stating this is not testimony. Blackstone said, we request careful review and consideration by the Board of sections E(4) and D(8) which are addressed individually and we consider it more than perceptions. Blackstone said, the proposed use, I believe will be detrimental to the public health and safety of the community. This is difficult to evaluate fully because we don't know the end use. At minimum we know it will increase air pollution. Increased noise presents numerous issues. Many of our residents who live near the Majestic property keep their windows closed and don't use their decks because of truck noise. There have been 140 police department calls to nearby distribution centers in a two year period. Our residents are concerned of their safety and security. The storm water management has been discussed. The Glenmoor community is adjacent to the floodplain and it could affect their properties by flooding. A proposed use is not supposed to threaten the character of the area. We believe this does. We believe more than 700 seniors will be affected. Blackstone said, the township comprehensive plan talks about a balance of life and he read a section of the plan.

VanLuvanee asked Mr. Blackstone, you indicated you moved in to the community in 2006. Blackstone said, yes. Were you aware at that time that the properties were zoned industrial? Blackstone said, no. Did you make any effort to review the existing zoning? Blackstone said, no. Did you know your property was once zoned industrial before your community was built? Blackstone said, yes. VanLuvanee asked if he was aware that the comprehensive plan and land use maps show this property zoned industrial? Blackstone said that is true. VanLuvanee said, we applied for a distribution center. Do you agree that use is consistent with the zoning ordinance? Blackstone said, I'm not sure a distribution center is a use. Fisher asked Blackstone, when you bought your property it was part of Traditions of America, correct? Blackstone said, true. Fisher said, due to a zoning change, it allowed our community to be built and now 750 residents are surrounded by industrial use. Fisher asked if there isn't a new zoning ordinance being considered. VanLuvanee objected.

Fisher then requested admission of exhibits O1 through O33. After review of each ordinance, exhibits O18, O19, O27 and O30 were not admitted to the record.

Bruno then recommended, since there was a lot of information presented tonight, that we reconvene at a later time for deliberation. Bruno informed the Board that he believes there are legal issues for him to present to the Board in executive session. Mr. VanLuvanee said, based on a lot of information that was presented and some exhibits admitted over my objection, I would request to defer for rebuttal testimony. It was agreed to reconvene the hearing on August 8, 2022. Mr. VanLuvanee stated they

will waive any timing constraints should it be past the 45-day requirement and he will provide a letter to Mr. Bruno. VanLuvanee then made the request that Ms. Panella have the opportunity to review tonight's transcript so she can deliberate and listen to closing arguments at that time.

Fisher said, in regard to the exhibits and some not being admitted. Are any of them going to be shown to the Board prior to the hearing? Bruno said, they will not see any that weren't admitted. They are entitled to review the ones accepted into evidence.

B. Discussion of Zoning Ordinance

INFORMATION

The draft of the new Zoning Ordinance is now complete and available for view at: <https://bit.ly/PalmerZO>

The proposed timeline for public review and adoption is as follows:

The Board is requested this evening to authorize release of the draft ordinance for public review. This will begin a required 45-day review period during which:

- Links to articles about the proposed ordinance will be shared on the Township website, social media accounts, and newsletter;
- Hard copies of the proposed ordinance will be available for review at the Township Municipal Building;
- The proposed ordinance will be sent to Lehigh Valley Planning Commission for their review and comment;
- Notifications will be mailed to property owners whose properties will be affected by changes to the zoning map.

July 19 - Informational public meeting to be hosted by the Planning Commission

August 9 – Recommendation of the proposed ordinance (and any proposed modifications) by the Planning Commission

August 12 – Last day of the 45-day review period

August 23 – Required public hearing on the proposed public hearing to be held before the Board of Supervisors

Any substantial changes the Board might make to the proposed ordinance would require additional hearing(s). A vote on the enactment of the ordinance needs to take place within 90 days after the last public hearing.

DISCUSSION

Kramer said, she is happy to report that she has the completed draft of the new proposed ordinance. The proposed timeline for public review and adoption is: tonight we are requesting the Board to authorize the release of the draft ordinance for public review. That will begin the 45-day review period where it will be available in text format. It will be sent to the Lehigh Valley Planning Commission for review and comment and notifications will be mailed to any property owners affected. A Planning Commission

informational public meeting will be held on July 19, 2022, and on August 9, 2022, we are proposing recommendations at the Planning Commission meeting and then the last day of the 45-day review period is August 12. Then it would come to the Board of Supervisors on August 23, 2022, for a public hearing. At that time if there are any substantial changes the board would make, it would require additional hearings. Enactment needs to take place within 90-days of the last public hearing.

Supervisor Mitchell made a motion authorizing releasing the draft ordinance for public review.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Joseph Armato. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

4. PUBLIC COMMENT

Harry Graack, 1380 Van Buren Road, said he was glad to hear scheduling of the zoning hearings. Graack said, he wanted to speak to the Exchange 12 topic. Bruno said, the Applicant is no longer hear, you can't speak on that. Graack said, it's not on the application, it is to speak to the development on that land in general. Bruno said, I would recommend not to hear this tonight. The matter has been reschedule for another date and you can testify then when the Applicant is present. It's only appropriate if the Applicant and his Counsel are here. Young said, he agrees with the Solicitor. Graack said, I've sat through two meetings already and I wasn't able to speak because of time. Bruno said, you should have spoke during the public hearing on the matter.

Fisher asked if there was going to be a cost for the hard copy of the zoning ordinance. Williams said at this point, no. We won't be making hundreds of copies though. Kramer said, it will be available electronically and a hard copy will be at the township building for review. It is over 300 pages.

Young said, I think we should talk about when we have conditional use hearings that go on a long time, I don't see the point of our Department Heads being here unless they need to be part of the conversation. Williams said, they are waiting to do their reports.

5. REPORTS

Solicitor

Northwood Farms Phase 3, CMC Development, is requesting authorization to execute their Subdivision Improvements Agreement through October 31, 2022. Their current letter of credit is through February 28, 2023.

Brett asked on the status of the development. Tallarida said, the final wearing course is the last item. Most houses are built or framed. They will have an 18-month maintenance period. About 12-months in, if anything needs to be fixed, there may be

another period for fixing pot holes, etc. Brett asked, do they really need to wait until October 31 if houses are finished and occupied? Can we tighten that up a little so they aren't driving on base course. Tallarida said, the October date is tied to when paving has to be completed and it is typically related to weather. There is always something that could hang out there, like sinkholes. In most cases they are trying to complete it prior to October 31. Brett suggested September 30. Armato said, August 1. Tallarida said, if you do that, they may be coming back with four or five items that could require another extension. Tallarida said, it may work pushing the date up one month, but you may run into issues due to current construction delays.

Mitchell amended his motion to include the extension until September 30, not October 31.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Jeffrey Young. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

Rau Lane Subdivision, K & M Developers. Inc. is requesting authorization to extend their Subdivision Improvements Agreement through October 31, 2022. Their letter of credit is through May 25, 2023.

Tallarida said he just reviewed the as-builts today. The basin bottom is not stabilized with the growing season and that period is typically into September. They have issues with water soaking in fast enough. They are trying to do things to make the grass grow faster. Kramer added, this is a 15-unit development that fronts on two streets. The detention basin is in the backyard of each property and in the end it gets split to each parcel. Last fall we received complaints that the water wasn't draining in the basin. The Geotech Engineer then recommended they go in and dig up the bottom again. The Developer chose not to do that and he planted more seed. The residents are again complaining that the water is not draining. Kramer said, I don't want them to go into their maintenance period until this is fixed.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Joseph Armato. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

Carson, Lot 4W, Carson NW Quad, LLC, is requesting authorization to execute the requested Land Development Improvements Agreement through January 31, 2023. The letter of credit is through March 31, 2023.

Tallarida said, this is an access agreement that ties into the maintenance agreement to the south. They are on temporary access now. Until all improvements are completed, we request an extension. Duke has had correspondence regarding the roadway work,

but they are not done yet.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Michael Brett. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

Bruno had an extension request for A to Z Self Storage, Fenstermaker Enterprises, LLC, Tatamy Road, requesting until January 31, 2023, to record their plan, enter into an improvements agreement, post security, and satisfy all conditions associated with the plan.

Motion: Approve, Moved by Supervisor Joseph Armato, Seconded by Supervisor Kendall Mitchell. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

Rosemont East, Selvaggio T/A T&S Development, is requesting an extension through, August 31, 2022, to record their plan, enter into an improvements agreement, post security, and satisfy all conditions associated with the plan.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Michael Brett. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

Villages at Wolf's Run, Phase 1, Wolf's Run Land, LLC, is requesting an extension through December 31, 2022, to record their plan, enter into an improvements agreement, post security, and satisfy all conditions associated with the plan.

Tellarida said, we just responded to their design engineer and their plans are completed and they are finalizing cost estimates. They should be done sooner than the end of the year. Kramer said, their security is tied to the bridge improvements and that design has not been finalized yet.

Motion: Approve, Moved by Supervisor Michael Brett, Seconded by Supervisor Kendall Mitchell. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

Bruno had two litigation items for executive session.

Township Manager

Williams said, Northampton County has requested a letter of support from the Board of Supervisor related to our submission for the Hotel Tax Grant for community weekend. The request is for authorization for the Chairman to sign the letter of support endorsing our application for grant funding.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Michael Brett. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

Williams had three legal items for executive session.

Township Engineer

Tallarida said he would like to thank the Board for the opportunity to stand in for Ron Gawlik tonight.

Planning Director

Kramer reported that no plans were submitted for the July Planning Commission meeting.

Zoning Officer

Raudenbush said, there are two items for next Wednesday's zoning hearings. 2585 Liberty Street, is requesting a variance for an open front porch.

2411 Nazareth Road, Flaming Crab, is requesting window coverings that would exceed 20% of the window area. Raudenbush said, he would like to commend Rick Holjes who is going out and issuing violations. Young asked, what does the new draft pending ordinance says. Raudenbush said, he believes it remains the same.

Supervisors

Armato said, Tom Grube from the Environmental Steering Committee, went to Home Depot and they donated an electric lawn mower, weed eater and blower to the ESC. Armato thanked Tom for his efforts.

Armato also noted the Shade Tree Commission looked at the pine tree located in the police departments parking lot, and it is staying.

Mitchell reported he attending the Fire Department meeting last night and everything remains fine there.

Young said, Ann-Marie Panella went to the Recreation Board meeting last week in my absence. They had discussion about next year's budget to include pickle ball courts.

6. ADJOURNMENT

The meeting was adjourned at 10:13 p.m. with five legal items for executive session.

Motion: Adjourn, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Joseph Armato. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors Absent: Panella

Respectfully submitted,

Brenda DeGerolamo
Assistant Township Manager