

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
September 26, 2007**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting on Wednesday September 26, 2007. The Vice-Chairman called the meeting to order at 6:10PM.

Present were:

*Dr. Alan Dilsaver	- Chairman	Timm A. Tenges	- Manager, Secretary/Treasurer
Robert S. Kucsan	- Supervisor	Lori B. Seese	- Zoning Administrator
Eric E. Nagle	- Vice Chairman	Kelly J. Sullivan	- Office Clerk
Ricky T. Johnson	- Supervisor	Gary Asteak	- Solicitor
Patrick J. Murphy	- Supervisor	Albert Kortze, P.E.	- Engineer

Absent was:

Tammi Dravec - Assistant Secretary/Treasurer

* Dr. Dilsaver arrived late (7:55PM)

Approval of Minutes

Motion to approve the meeting minutes from August 22, 2007 was moved by Mr. Johnson and was seconded by Mr. Kucsan. Mr. Murphy abstained. The motion carried.

Reports

Mr. Nagle acknowledged the receipt of the Financial Report for July and August 2007, the Non-Uniformed Pension Actuarial Valuation as of January 1, 2007, Lower Nazareth Township 2006 Financial Statement, the Zoning Administrator's Report for July and August 2007, and the Hecktown Vol. Fire Company August 2007 Incident Report.

Correspondence

There was no discussion under correspondence.

Subdivision/Land Development

Ashley Development – Sewer Easement - Present were: Mark Bahnick, Van Cleef Engineering; Richard Brooks, Ashley Development; and Attorney James Broughal.

Mr. Bahnick presented an easement needed from the Chrin property. Mr. Chrin is not willing to give the easement to Ashley Development. Ashley Development is asking Lower Nazareth Township to consider condemnation to acquire the property. Mr. Bahnick presented two drawings depicting the location of the easement.

Attorney Broughal stated that Ashley Development will reimburse the Township for any fees associated with the condemnation.

Nazareth Borough Municipal Authority has declined to take the action to condemn the property. However, if Lower Nazareth Township condemns, the Authority will take the transfer.

Mr. Tenges explained why sewer is important to Lower Nazareth Township. Motion to authorize Mr. Asteak to start the paperwork to begin condemnation was moved by Mr. Johnson and seconded by Mr. Kucsan. The motion carried unanimously.

Mr. Asteak said the paperwork would be ready for the October 10th meeting.

Ashley Development – Holding Tank and Sanitary Sewer Pump & Haul Agreements –

Mr. Tenges explained why the agreements are necessary.

Ashley Development stated they will use the wet well until the system is complete.

Holding Tank Agreement – Authorization to Execute – Motion to authorize execution of this agreement was moved by Mr. Murphy and seconded by Mr. Johnson. The motion carried unanimously.

Sanitary Sewer Pump & Haul Agreement – Authorization to Execute – Motion to authorize execution of this agreement was moved by Mr. Murphy and seconded by Mr. Kucsan. The motion carried unanimously.

Trio Farms Clubhouse- Preliminary/Final – Time Extension – On behalf of Ashley Development, Van Cleef Engineering granted a time extension through October 10, 2007. Motion to accept the time extension was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried unanimously.

Mocha Abe – Preliminary/Final Land Development – Time Extension – On behalf of Abraham Zegeye, Hanover Engineering granted a 90-day time extension. Motion to accept the time extension was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried unanimously.

Halteman Farms Subdivision – Time Extension – On behalf of Halteman Farms, Joseph Piperato granted a time extension through December 31, 2007. Motion to accept the time extension was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried unanimously.

Heritage Farms Estates – Sewage Facilities Planning Module – Resolution #LNT-24-07 – Motion to approve Resolution #LNT-24-07 was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried unanimously.

ProLogis Building #2 – Revised Final Land Development – Resolution #LNT-25-07 –

Present were: Attorney Stan Margle, Brian Evans, and Joel Widders.

Mr. Margle reviewed the proposal for the Board of Supervisors. It was submitted to Palmer Township and they will review the revised plan administratively.

Mr. Margle had a problem with Mr. Kortze's review letter. Comment number one under Final Land Development Requirements states fire lanes shall be labeled and dimensioned on the plan. Mr. Margle noted that Chief Seip waived that requirement for building #1 and they would like the same waiver for building #2.

Mr. Kortze would like Chief Seip to prepare a letter for Building #2. Mr. Kortze reviewed his September 20th letter recommending final approval. He stated his comment regarding fire lanes may be waived if Chief Seip submits a letter waiving that requirement.

Motion to approve Resolution #LNT-25-07, with the requirement that the Fire Chief is consulted about the waiver, was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried unanimously.

Lower Nazareth Commercial Park – Waiver Requests –

Present were: Engineer Rocco Caracciolo, Lew Ronca, and Steve Kerbacher.

Mr. Caracciolo reviewed the proposed project and waivers, the realignment of Mikron Road, lot line adjustment, and office addition.

Mr. Tenges explained the plan status to the Board of Supervisors.

Mr. Tenges spoke in favor of sidewalks in this development since the Township is trying to get sidewalks installed. Mr. Kucsan agreed that sidewalks should be installed. Mr. Murphy and Mr. Johnson also agreed.

The waiver request was not acted upon. However, the topic could be revisited at a later date.

Lower Nazareth Commercial Park – Preliminary Subdivision and Land Development – Mr. Kortze reviewed his September 24th letter. In reference to one of his comments, Mr. Kortze said if upon inspection, the sewer installation looks unsatisfactory, he recommends the entire sewer system be reconstructed.

Mr. Tenges disagreed. He believes the sewer system should be excavated in its entirety. The road should be reconstructed, not overlaid. Mr. Tenges stated a tremendous amount of fill has been placed on the adjacent site and asked if stormwater management calculations took that into account.

Mr. Kortze explained the process. The applicant is required to calculate the project as if the property were a meadow and not include the fill onsite.

Mr. Caracciolo stated he met with the Northampton County Soil Conservation district to review the proposal. He also met with Mr. Kortze and Mr. Kortze agreed to treat the site calculations as what is there today.

Motion to grant preliminary subdivision and land development approval subject to Mr. Kortze's letter with the entire road being reconstructed and the sewer system excavated was moved by Mr. Kucsan and seconded by Mr. Johnson.

Mr. Ronca says he provided Mr. Tenges with plans prior to installation of the sewer. It was his intent to also install water lines. He offered to install sewer lines in various areas at their expense. Mr. Tenges did not respond to him. Mr. Ronca felt that the complete reconstruction of the sewer is ludicrous.

Mr. Caracciolo had no problems with Mr. Kortze's recommendation to televise. Mr. Kortze reviewed the process to inspect a sewer line.

Mr. Tenges felt that the procedures are in place for reason and should be followed. Mr. Kucsan and Mr. Nagle agreed.

The motion carried.

THE BOARD TOOK A BRIEF RECESS FROM 7:10PM – 7:16PM

Estates at Deer Crossing – Preliminary Subdivision Plan –

Present was Engineer Steve Turoscy of Lehigh Engineering.

Mr. Kortze reviewed his September 25th letter. Mr. Turoscy had no problems with Mr. Kortze's letter. Motion to grant preliminary approval based on Mr. Kortze's letter was moved by Mr. Johnson and seconded by Mr. Kucsan. The motion carried unanimously

Mr. Tenges noted that they still have to work out widening issues with an adjacent property owner.

ProLogis – Hold Harmless Agreement – Authorization for Execution – Mr. Margle explained the need for the agreement. Motion to authorize the agreement for execution was moved by Mr. Murphy and seconded by Mr. Kucsan. The motion carried unanimously.

Regency Realty Group – Preliminary Subdivision – Time Extension – On behalf of Regency Realty Group, Tamer Ahmed granted a time extension through September 30, 2007. Motion to accept that time extension was moved by Mr. Johnson and seconded by Mr. Kucsan. The motion carried unanimously.

Regency Realty Group – CU2007-03 – Conditional Use Decision – Mr. Asteak open the hearing at 7:25PM to resume the deliberation portion.

All Board members were present at the August 22nd except for Mr. Murphy who received a copy of the transcript for his review. Testimony concluded at the August 22nd hearing. Mr. Tenges may provide comments to the Board.

Mr. Tenges stated there are still outstanding traffic issues as a condition of the opinion. The Wegmans issue should be addressed to Lower Nazareth Township's satisfaction. The internal control, in relation to traffic signals or a 4-way stop is to be resolved to the Township Staff's satisfaction.

Mr. Asteak stated that conditional approval could be granted and then the opinion could be written.

Mr. Tenges stated that the Board will attempt to satisfy Wegmans, National Realty and PADOT's concerns as much as possible.

Lower Nazareth Township wants the issues resolved by Final Land Development approval. Mr. Ahmed agreed.

Motion to grant Conditional Use Approval subject to final approval by the Board of Supervisors of the Opinion and Order was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried unanimously.

Regency Realty Group – Preliminary Land Development – Mr. Kortze reviewed his August 22nd letter. No revised plan was submitted since the August Board of Supervisors meeting. Motion to grant preliminary approval subject to the conditions of Mr. Kortze's letter was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried unanimously.

Supervisor's Comments

Mr. Kucsan and Mr. Nagle participated in a drill at Hanover Elementary School on Saturday. They commented that it was a very good exercise.

Mr. Kucsan attended the Colonial Regional Police Commission meeting on Monday.

Mr. Kucsan and Mr. Nagle attended the Nazareth Area Council of Governments meeting. The requirement for street signs to have 6" high letters presents an expense to townships, however if we go together with the COG we could get a better price. They also noted that composting is almost ready to start with the Allen 5. In addition, Mr. Kucsan heard that there will be a yearly fee of \$1/resident per the 2000 census. The authority will establish procedures for collection. There will be discussion on this at the County Convention. Lastly, it was discussed that the township should have at least one person on the Lehigh Valley Traffic Study Traffic Committee.

Mr. Nagle attended the Colonial Regional Police Commission meeting and received a letter from Bath. That letter will be discussed in further detail later in the meeting.

Mr. Johnson and Mr. Murphy had no comments.

Manager's Report

Employee Pension – 2008 Minimum Municipal Obligation (MMO) – Motion to approve the 2008 MMO at \$29,074.98 was moved by Mr. Johnson and seconded by Mr. Kucsan. The motion carried unanimously.

Township-Wide Clean Up Day – Saturday October 20, 2007 – Mr. Tenges stated that Clean-Up Day is scheduled for Saturday October 20th from 7:00AM- 1:00PM.

Rental Fee for CRPD – Mr. Tenges reviewed the rent figure for CRPD. They arrived at blended rate of \$16/square foot. Motion for approval of \$16/square foot for budgeting purposes for 248 Brodhead Road was moved by Mr. Johnson and seconded by Mr. Kucsan. The motion carried unanimously.

Equipment Purchase – Mr. Tenges requested authorization up to \$15,000 for the purchase of a frontier grooming mower with a 15-foot mower. He said the Township has been mowing with a 6-foot mower for several years. Motion to authorize Mr. Tenges up to \$15,000 to purchase a new mower was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried unanimously.

Mr. Tenges noted that they will piggyback off the state contract so no bidding will be necessary.

Zoning Ordinance – Mr. Tenges stated they are working internally on the Zoning Ordinance to comply with the Nazareth Area Council of Government Comprehensive Plan.

Engineer's Report

Carpenters Community Church – Security Reduction – Mr. Kortze reviewed his letter recommending a reduction from \$85,139.60 to \$27,132.20. Motion to approve the \$58,007.40 reduction was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried unanimously.

Solicitor's Report

Realty Transfer Tax Ordinance – Mr. Asteak reviewed the Realty Transfer Tax Ordinance. Motion to authorize Mr. Asteak to advertise the ordinance for adoption at the next meeting was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried unanimously.

DR. DILSAVER ARRIVES

Local Services Tax Ordinance – Mr. Asteak reviewed the ordinance.

Mr. Tenges stated that he spoke with Mrs. Garr and she brought up some good points. He doesn't like the way the ordinance was drafted. Mr. Tenges preferred to readopt the whole ordinance.

Motion to authorize Mr. Asteak to advertise the ordinance for adoption, subject to comments made by Mrs. Garr was moved by Mr. Nagle and seconded by Mr. Kucsan. The motion carried unanimously.

Opus East – Conditional Use Order and Opinion – Mr. Asteak reviewed the Order and Opinion. Motion to execute the Order and Opinion was moved by Mr. Nagle and seconded by Mr. Johnson. The motion carried unanimously.

Colonial Regional Police Commission –

Intergovernmental Agreement – Authorization to advertise the ordinance to authorize the purchase, operation and maintenance agreement was moved by Mr. Murphy and seconded by Mr. Nagle. The motion carried unanimously.

Bath Borough Questions – The letter is in regards to whether Hanover Township can rescind their withdrawal notice. Colonial Regional Police Commission agreed that Hanover Township could rescind their withdrawal.

Mr. Asteak stated that Bath Borough assumes Colonial Regional Police Commission has attempted to resolve by agreeing to allow Hanover Township to rescind their notice.

Mr. Nagle stated that Colonial Regional Police Commission voted on, but was not in dispute at the time.

The letter was discussed at length. Mr. Nagle suggested tabling the topic until the October 10th meeting.

Old Business

There were no comments under Old Business.

New Business

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There were no comments under New Business.

Payment of the Bills

Motion to approve the bills dated September 26, 2007 was moved by Mr. Nagle and seconded by Mr. Johnson. The motion carried.

Courtesy of the Floor

There were no comments under Courtesy of the Floor.

Conditional Use Hearings

Green Acres – CU2007-04 – Continuation – The hearing opened at 8:15PM. Mr. Asteak reminded the Board of this hearing. The applicant agreed to continue the hearing until the September 26th meeting. The Board is in receipt of a letter from Green Acres requesting a further continuance until the October 10th meeting. Motion to continue the hearing until the October 10th meeting was moved by Mr. Nagle and seconded by Mr. Johnson. The motion carried unanimously. The hearing will be held at the Nazareth Area Middle School.

THE BOARD TOOK A BRIEF 5-10 MINUTE RECESS AT 8:15PM

Industrial Developments International (IDI) – CU2007-02 – Continuation – The hearing was reopened at 8:32PM.

Present were: Attorney Blake Marles, Fidel Gonzalez, a representative from IDI, Griffith Jones; Attorney Charles Bruno, Engineer Brian Dillman, and Attorney Renee Feretti for Palmer Township.

Mr. Asteak reviewed the prior hearing dates and stated we are still in the midst of presentation by the applicant.

Blake Marles reviewed the testimony to date. He stated that they will be continuing into October because the applicant has not had an opportunity to review the transcript or the points in the Palmer Township letter.

Griffith Jones, environmental scientist, presented testimony on his qualifications and experience. A noise report was marked as exhibit #23 from September 26, 2007. Mr. Jones explained that he studied two locations along Newburg Road in order to prepare his report. He also reviewed the requirements of the Lower Nazareth Township Ordinance compared to the noises found during his study. They agreed to comply with Palmer Township's standards as well.

Mr. Jones' presentation included slides of various decibel levels, how noise comes down over a distance, what happens when there are various noise sources, perceived change in decibel levels, and noise levels taken on September 13th at the site.

Mr. Tenges felt the study may have missed the general point of the Township's concern. The report does not address quality of life noises such as back-up noises, employee noise, and radios. Those types of noise are what the Township is concerned about because they know from real-world experience that they exist. Mr. Jones stated he was not qualified to speak to those types of noises.

Mr. Kucsan agreed with Mr. Tenges. Many times the doors of the warehouses are left open in the summer due to lack of air conditioning. Mr. Murphy asked if there was anyway to mitigate the noise due to the open doors, such as air curtains. Mr. Jones said the curtains would help.

Ron Musselman, 3766 Newburg Road, inquired about the noise from the starting and stopping of trucks. Mr. Jones explained how the model works. Mr. Musselman also asked the distance from the proposed driveway to his house. (he received an answer later in the meeting)

Renee Ferretti asked if there would be other noises on the site. Mr. Jones answered that he is not qualified to do acoustical noises. She said that a berm must be essentially solid to reduce sound and inquired how a 50-foot break in the berm would affect the model. Mr. Jones stated that it would have an effect in front of

those properties but could to speak to how much. He said the quantity and density affects the strength of the noise barrier. Federal Highway Guidelines require 30 feet of dense evergreen vegetation.

Ms. Feretti inquired about the homes that sit at a higher elevation than the berm and Mr. Jones stated the berm would still break the noise. She asked about the stadium effect, which Mr. Jones said does not apply.

THE BOARD TOOK A 5 MINUTE BREAK AT 9:45PM

Pat McPherson, 213 Oxford Drive, asked about back-up beepers. They are as a safety precaution and there will be noise as part of backing up.

Ginger Buchser, 2731 Newburg Road, said it is 700 feet from the driveway entrance to her property line. She can hear traffic from Route 33 which is farther away. Mr. Jones said that traffic on the highway is going 70 mph and the volume is greater. She also inquired if the new road had been tested to which Mr. Jones answered no. Ms. Buchser stated that the area averages a wind speed of 12 mph and said that wind speed and direction would affect the way the sound travels.

Mr. Asteak inquired if it was Mr. Jones' expertise to study sound from an existing facility. Mr. Jones said it was, but he had not been asked to do that.

Frank Vinson, 210 Oxford Drive, inquired how good the study really is since there is corn in the fields at the time of the study.

Mr. Marles told Mr. Musselman that the distance from the road to his driveway would be 200 feet and the 250 feet to his residence.

350

amendment made 10/14/07

In reference to Ms. Ferretti's point that there will be a break in the berm, Mr. Jones said it would be minimal because the noise wouldn't be directly in front of the gap.

Regarding Mr. Tenges' comment about back-up noise and the noise from the loading docks, Mr. Jones said that the loading docks are on the interior part of the lot. Therefore the noise is directed the other way and is shielded visibly and physically from the residences.

Mr. Marles asked if a reduction in the speed limit would affect the sound on the new road. Mr. Jones said it would have a positive effect.

Fidel Gonzalez is the next witness – 10:15PM

The ordinance requirements of a Planned Business Development and Light Industrial were reviewed. Public water and sewer will be provided for this project. Land has been set aside for an on-site septic system in the event that it is needed. A covenant will be added to the plan requiring the property owner to maintain the plants set forth in the land development plan. Buildings will not be higher than 45 feet. They are meeting or exceeding the requirements for setbacks.

Requirements for a truck terminal, as required by the ordinance, were reviewed. This is not a truck terminal but because there will be more than 100 trucks a day; they are required to comply with the ordinance. Environmental requirements were also reviewed.

James Lee, 2719 Cresmont Avenue, inquired about water flow. Mr. Gonzalez said that runoff will be collected and mapped by underground and above ground stormwater detention ponds and then released to comply with Lower Nazareth Township and State Act 167 standards.

Mr. Lee stated the northeast corner is the lowest point and has a history of flooding. He asked if there would be any storm drains on Northwood Avenue. Mr. Marles objected since that is a requirement under the land development process. Mr. Asteak asked for assurance they would comply. Mr. Gonzalez stated they would comply and follow the Township Engineer's recommendations.

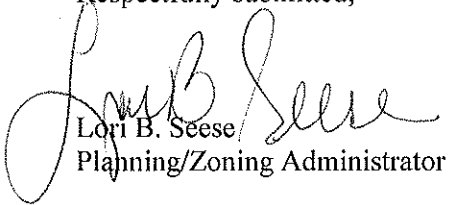
The hearing was continued until October 10th at the Nazareth Area Middle School. The Township meeting with run from 6PM until approximately 7PM and conclude immediately after with the IDI Hearing.

Adjournment

Motion to adjourn the meeting was moved by Mr. Nagle and seconded by Mr. Johnson. The meeting was adjourned at 10:40PM.

The Board of Supervisors held an executive meeting after the meeting adjourned.

Respectfully submitted,



Lori B. Seese
Planning/Zoning Administrator

LBS/tmd