

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
AUGUST 11, 2014**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting at the Lower Nazareth Municipal Building on Wednesday August 11, 2014. The Chairman called the meeting to order at 6:35 PM.

Present were:

James S. Pennington	-	Chairman	Albert Kortze	-	Engineer
Eric E. Nagle	-	Supervisor	Gary Asteak	-	Solicitor
Robert S. Kucsan	-	Supervisor	Timm A. Tenges	-	Manager, Secretary/Treasurer
Martin J. Boucher	-	Supervisor	Tammi Dravec	-	Assistant Secretary/Treasurer
			Lori B. Seese	-	Zoning Administrator

Absent was:

Gerald R. Green - Vice Chairman

Subdivision and Land Development

Chestnut Avenue Associates – Lafayette Bank – Improvements Agreement – Authorization to Execute – A motion was moved by Mr. Boucher and was seconded by Mr. Kucsan to authorize the agreement for execution. The motion carried.

Estates at Deer Crossing – Improvements Agreement – Authorization to Execute – A motion was moved by Mr. Boucher and was seconded by Mr. Kucsan to authorize the agreement for execution. The motion carried.

Lehigh Valley East 2 – Logistcenter East – Improvements Agreement – Authorization to Execute – A motion was moved by Mr. Kucsan and was seconded by Mr. Boucher to authorize the agreement for execution. The motion carried.

Manager's Report

2014 Road Rehabilitation Project – LNT-01-14 – Bid Results – Mr. Tenges reported that the lowest bidder, Mt Caramel came in at \$75,330.33. Mr. Tenges reminded the Board that this project will be for Little Creek Drive. A motion was moved by Mr. Boucher and was seconded by Mr. Nagle to award the bid. The motion carried.

Paver Purchase – Mr. Tenges reported that we abandoned the lease agreement with Merchants Bank and opted to purchase the paver outright.

***** Brief recess 7:40pm -7:48pm *****

Continuation: IDI Conditional Use Hearing CU2013-02

Solicitor Asteak stated that we would be continuing the hearing this evening and gave a brief background of the application before the Board. Testimony concluded on June 9th and this evening council will provide closing arguments. Solicitor Asteak stated that the public comment portion has also concluded. All of the supervisors present this evening have certified that they have either attended or read the transcript from all the hearings. Mr. Green will need to do so after he reads tonight's transcript. It was also noted that the Board received the Memorandums of Law.

Blake Marles was first to give his closing argument of behalf of the applicant. Mr. Marles discussed warehousing versus trucking terminal, the existing warehouses across the street, and stated that the land has been zoned light
Board of Supervisors Minutes
August 11, 2014

industrial since 1989. He reminded the Board that in 2007/2008 the same applicant proposed a similar, but larger, project which was approved at that time. That project was closer to residential areas than the current proposal. In addition Phillips Feed is even closer to residents and does not offer the buffering that IDI is proposing.

Mr. Marles stated that a Conditional Use is a permitted use. He discussed the applicant's role and the objector's role in the conditional use process. Mr. Marles then discussed the Board's review of the many months of testimony and the decision making process. Traffic improvements will involve other developers, not just IDI, and will be reviewed during land development. Mr. Marles noted that site line drawings are not required, however IDI did them because they knew the Board would want to see them. He went on to discuss sound, air quality, and stormwater management.

Mr. Marles provided the Board with a list of statements made by objectors describing the conditions that currently exist. They say they fear these exact conditions will come from IDI, yet even though these currently conditions exist, home values are still good and residents still deem this area as a desirable place to live. Mr. Marles believes the study on the impact on real estate values was flawed. While some people will not want to live near a warehouse, others may look past that because they like the home and/or the area.

Mr. Marles concluded his closing argument.

*** Brief recess 7:55pm – 8:03pm ***

Solicitor Asteak stated that due to family commitments, we will conclude no later than 9:00pm this evening and resume on September 10th, 6:30pm, during our regular Board of Supervisors meeting.

Nick Noel represents George Cortelyou, 3141 Val Vista Drive, argued that the land is not zoned light industrial because it was changed to a mixed use overlay district. The Comprehensive Plan pointed out conflict with residential zones and light industrial zones. The mixed overlay district addressed this conflict.

Mr. Noel discussed issues with the traffic report, sound expert, air quality, stormwater management, and the effects on the neighborhood; including property values.

Mr. Noel concluded by stating that this activity does not relate in scale to nearby activity. His client bought his home based on the zoning map which depicted a mixed use overlay district. Mr. Noel added that with this level of development the Mineo's land will not be able to be used as mixed overlay.

Mr. Nagle asked whether he has proof that the Board has the authority to require air quality studies. Mr. Noel stated that the zoning ordinance states about toxicity.

Michael Vargo represents the Spitale family on Oxford Drive, one of the closest residents to the facility. He discussed the definition of distribution and warehouse vs truck terminal. Mr. Vargo believes that this facility meets both definitions; therefore this building is not allowed here. However, if the Board determines that it is a warehouse, then they still need to ensure the requirements of the ordinance are met.

Mr. Vargo discussed the fact that Oxford Drive is a dead end street and cars attempt to use it as a short cut from Route 248 to Newburg Road.

In closing, he asked that the Board apply common sense to testimony heard. Mr. Vargo stated that we've been here before. He asked the Board to limit the hours of operation to limit impacts of traffic. It worked before and went all the way to the PA Supreme Court.

Solicitor Asteak stated that we will hear from Joel Scheer & Charles Elliott when we reconvene on September 10th.

Adjournment

The meeting adjourned at 8:55PM. The hearing continues September 10th at 6:30pm.

Respectfully submitted by,

A handwritten signature in cursive script that reads "Tammi Dravec". The signature is written in black ink and is positioned above the printed name and title.

Tammi Dravec
Assistant Secretary/Treasurer