

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
CURATIVE AMENDMENT HEARING MINUTES
September 18, 2014**

The Lower Nazareth Township Board of Supervisors held a special meeting at the Lower Nazareth Township Municipal Building on Thursday September 18, 2014. The Chairman called the meeting to order at 6:30 PM.

Present were:

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

Absent was:

Martin J. Boucher - Supervisor

Curative Amendment Hearing- Stone Post Meadows – K&S Development Curative Amendment

Solicitor Asteak re-opened the hearing and gave a brief recap of the previous meeting. Solicitor Asteak stated that assuming testimony does not conclude this evening, the Board will resume the hearing on October 22nd at 7:30pm at the Lower Nazareth Township Municipal Building.

Recall that James Preston represents K&S Development; Karl Kline represents AAA; Donald Miles, represents Robert and Beverly Hoyer (Buzas Greenhouse) and Ronca (Wind-Drift); and Kate Durso represents Woodmont Properties.

Mr. Kline called his first witness, Steve Lindemann, AAA Northampton County. AAA is involved in this hearing due to concerns over traffic. Mr. Lindemann discussed numerous accidents at the intersection Hecktown and Country Club Roads as well as at Route 33. He is also concerned that increased traffic will affect business.

Mr. Lindemann discussed drainage concerns. Exhibit #1, dated April 2014, depicts water ponding on the property at Hecktown and Country Club Roads. Mr. Lindemann feels that increased development will increase the drainage issues.

Mr. Preston cross-examined Mr. Lindemann about drainage and traffic. Mr. Preston noted that Stone Post will be required to contain the stormwater on their property and not add to the current conditions at that location. Mr. Preston discussed the requirement for a traffic study and improvements to the intersection which will actually improve current conditions. Mr. Lindemann would like to see a traffic study by an independent contractor that studies intersections beyond Country Club and Hecktown Roads.

There were no questions from Ms. Durso or Mr. Miles.

Gene Miller, 4237 Hecktown Road, questioned whether current and proposed development has added to issues.

Douglas Frey, 4185 Madison Drive, questioned the timing of traffic studies. He believes that you would get different counts in January versus during the springtime.

**Board of Supervisors Minutes – Curative Amendment Hearing
September 18, 2014**

Mr. Miles noted that a number of his witnesses: Mr. Ronca, Mr. Bickert, Ms. Capecci, and Ms. Crook are unable to attend tonight. Mr. Miles requested that they have an opportunity to testify at the October 22nd meeting.

Mr. Miles called his first witness, Township Manager, Timm Tenges. Mr. Tenges was asked to identify numerous documents. No questions from the attorneys or public.

Mr. Miles called his next witness, David Berryman, Chief Community Planner at Lehigh Valley Planning Commission (LVPC). After verifying that Mr. Berryman was authorized, by the LVPC, to testify this evening, he discussed a LVPC letter that was sent to Ms. Seese in regards to the Curative Amendment challenge.

Mr. Preston inquired about LVPC's involvement in developing the NAZCOG Multi-Municipal Comp Plan. He went on to discuss numerous points in Mr. Berryman's letter. Mr. Preston continued by reviewing the Comp Plan.

Ms. Durso clarified that his letter stated that he has no issue with apartments on that property, just the approach by the applicant. Mr. Berryman agreed, they would rather see that an amendment provide for apartments in all OP zones, not just this property.

Mr. Kline clarified that LVPC didn't have adequate information to make a decision. Mr. Berryman noted that not all municipalities involved have adopted and/or implemented the plan.

Mr. Miles, questioned Mr. Berryman if there was an implementation agreement? That is unknown to Mr. Berryman.

Mr. Preston questioned Mr. Berryman's comments on sewer access. He also questioned LVPC's review of the Curative Amendment and their desire to have evidence as part of their review.

There were no public questions.

Mr. Nagle questioned Mr. Berryman's "falls short" comment.

Solicitor Asteak LVPC was contracted to develop and draft the plan. He pointed out that it was never contemplated to have a joint zoning ordinance. He inquired if Mr. Berryman had heard Mr. Doyle and Mr. Gilchrist's testimony? Mr. Berryman answered that he was not present for Mr. Doyle however he did hear part of Mr. Gilchrist's testimony. Solicitor Asteak also inquired about LVPC's requirement of extension evidence and wondered to what degree should the Board hold this letter?

The Board took a brief recess - 7:40pm – 7:50pm

Mr. Miles called his next witness, Lori Seese, to identify numerous documents. No questions from attorneys or public.

Mr. Miles called his next witness, Robert Hoyer, 365 Country Club Road. He noted that he owns and operates a business which has been family owned and operated since 1938. Mr. Hoyer also owns nearby farmland. He noted concerns about traffic, the effects on Louise Moore Park, school taxes, and the intensity of use. Mr. Hoyer feels it will have a serious effect on his family business. Traffic already backs up at the intersection of Country Club and Newburg Roads. This could affect access to the parking area for his business. Mr. Hoyer feels that corner could be better utilized and it could have less of an impact on the Township. He questioned whether emergencies

services would be adequate to service that intensity. Mr. Hoyer has no objection to the current zoning of Office Park.

Mr. Preston inquired about benefits from placing property into Ag Security.

Ms. Durso and Mr. Kline had no questions.

Mr. Green questioned traffic accidents at the intersection of Country Club and Newburg Roads.

Mr. Miles called his next witness, Beverly Hoyer, 365 Country Club Road. She clarified the secured farmland. She discussed the overflow parking across the street and how an increase in traffic will affect crossing the street to use that parking lot. People that have lived here, have farming in their roots and those that have moved into the area enjoy the open farmland. She understands development, but the area is small and has country farm roads. Mrs. Hoyer also noted that food comes from here and is concerned about pollution. Mrs. Hoyer also felt that high density next to agriculture is not a good thing.

Mr. Preston confirmed if Mrs. Hoyer was "ok" with the current OP zoning.

Ms. Durso and Mr. Kline had no comments.

Gene Miller asked if they had concerns over the movement of farm equipment with the increased traffic. Ms. Hoyer stated that normally stay on their 85 acres; however sometimes they have to use the roads to access other property. Traveling on the roads is scary; traffic is crazy especially when people attempt to pass. Mr. Miller, playing devil's advocate, inquired why Ms. Hoyer was not welcoming new residents to buy flowers? Ms. Hoyer didn't believe apartment people would buy flowers.

Solicitor Asteak discussed Preserved Farmland. Ms. Hoyer stated that the development rights are sold and the land can never be developed.

Mr. Preston clarified that even if sewer is installed preserved farmland cannot be development.

Solicitor Asteak noted that if Mr. Miles called witnesses they would not be permitted to give comments later.

Mr. Miles called his next witness, Mrs. Kathy Nonnemacher, 185 Country Club Road. She stated that this development will be next door and behind her. She noted that traffic continues to get worse; Dump trucks get off of Route 33 at Hecktown to access Bethlehem Township because William Penn Highway is worse. Mrs. Nonnemacher also discussed park traffic and farm traffic. She stated that this is current traffic conditions which will get worse. Mrs. Nonnemacher noted increased taxes; if Mr. Kucsan thought the police situation would affect taxes, this will be worse. She closed by discussing Louise Moore Park. Once the apartments are built there will be 24/7 access to the park. She worries that after hours people will "trash" the place. People come from all over to use the park because it is the most beautiful park around.

There were no questions from the attorneys.

Mr. Miles called his next witness, Lisa Reyes, 291 Jefferson Place. She is concerned how the development of one property will increase Township's population by 12-35%. Ms. Reyes fears the impacts on school, property taxes, property values, and traffic. Ms. Durso questioned Jefferson place location. There were no other questions

Mr. Miles called his next witness, Gayle Kozak, 4231 Country Club Road. She owns and operates Hope Lock Farm, since 1977. From her farm she can see Route 33 and Route 22 ramps. Ms. Kozak feels that this development will have negative impacts on established businesses. No were questions.

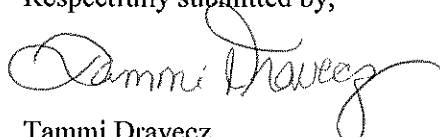
Mr. Miles called his next witness, Georgeanne Seyfert, 256 Saddle Drive. Her side yard is along Hecktown. Ms. Seyfert has two small children so she has traffic concerns. She is concerned about the impacts on school; which is already bursting at the seams. Ms. Seyfert questioned what will happen to land owners who pay the taxes. She is also concerned about Louise Moore Park and keeping it safe. Lower Nazareth Township is unique; country living surrounded by city. There were no questions.

Mr. Miles called his next witness, Colleen Kasey, 4363 Eisenhower Drive, who echoed all previous comments. She noted that her husband's company calls Lower Nazareth Township the golden nugget. She loves living here but the traffic increases her travel time immensely. They chose to live in Lower Nazareth because of the density. Mr. Preston questioned how her husband gets to work. There were no other questions.

Mr. Miles called his next witness, Mr. DeGroot. Due to the expected length of his testimony he will be heard at the next hearing.

Testimony concluded for the evening around 8:35pm. The hearing will continue on October 22nd at 7:30pm at the Lower Nazareth Township Municipal Building.

Respectfully submitted by,



Tammi Dravec
Assistant Secretary/Treasurer