

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES  
August 26, 2020**

The Lower Nazareth Township Board of Supervisors held a virtual meeting on Wednesday August 26, 2020. The Chairman called the meeting to order at 6:30PM.

Present were:

James S. Pennington	-	Chairman	Gary Asteak	-	Solicitor
Stephen A. Brown	-	Supervisor	Albert R. Kortze	-	Engineer
Robert J. Hoyer	-	Supervisor	Lori A. Stauffer	-	Manager
Amy L. Templeton	-	Supervisor	Tammi Dravec	-	Secretary/Treasurer
			Lori Seese	-	Planning/Zoning Administrator

Absent was:

Martin Boucher - Vice Chairman

*\*\*\* The Chairman indicated that the Board held executive sessions to discuss legal matters. \*\*\**

**Subdivision & Land Development**

Creazzo Subdivision Waiver – Applicant Cory Creazzo, 540 Country Club Road, was present to request a right of way waiver. Mr. Creazzo is requesting a driveway gate within the Township ROW. A motion was moved by Mr. Hoyer and was seconded by Ms. Templeton to approve the waiver. The motion carried. Solicitor Asteak explained the execution of the agreement, including recording at the courthouse.

Lower Nazareth Township / Hanover Township Sewer Agreement Amendment – Attorney Davis attended via Zoom. Engineer Terry Degroot attended in person. J.G. Petrucci project requires sewer therefore the existing agreement needs to be amended. A motion was moved by Mr. Hoyer and was seconded by Mr. Brown to approve the amendment. The motion carried.

**Approval of Minutes**

A motion was moved by Mr. Brown and was seconded by Ms. Templeton to approve the August 12<sup>th</sup> meeting minutes. Mr. Pennington abstained as he left the meeting early. The motion carried 3-0.

**Reports** (*Reports are available to review at the Township Office and on our website.*)

Mr. Pennington acknowledged the receipt of the Financial Report for July 2020.

**Supervisors' Comments**

There were no comments under Supervisors' Comments.

**Solicitor's Report**

Solicitor Asteak noted that the Township has been granted tax exempt status for the Newburg Inn property.

**Engineer's Report**

There were no comments under Engineer's Report.

### **Manager's Report**

**LNT – Hecktown Fire Agreement – Airparks** – Ms. Stauffer explained that to receive funds through our grant they are requiring an agreement between Lower Nazareth and Hecktown Fire Company. A motion was moved by Mr. Brown and was seconded by Ms. Templeton to approve the agreement. The motion carried.

**Newburg Park Dog Park** – At our last meeting, Ms. Stauffer received authorization for Mr. Kortze to prepare to advertise this project for bids. Since that time of the three quotes received, one quote is a COSTARS vendor. The quote is \$32,179.00 through Tri Boro Fencing Costars #008-648 which is in line with Mr. Kortze's estimate. A motion was moved by Ms. Templeton and was seconded by Mr. Hoyer to authorize the contract. The motion carried.

### **Payment of the Bills**

A motion was moved by Ms. Templeton and was seconded by Mr. Brown to approve payment of the bills dated August 26<sup>th</sup>. The motion carried.

### **Courtesy of the Floor**

There were no comments under Courtesy of the Floor.

### **Conditional Use Hearing**

**Kevin and Theresa Moyzan: Fantastic1948, LLC (CU2020-04)** – Solicitor Asteak reopened the hearing at 6:48pm. The proposal is for an exercise club on Country Club Road. Attorney Tom Schlegel, Kevin Moyzan, applicant, and Mike Jeitner, Bohler Engineering were present.

Solicitor Asteak noted the issues to be reviewed and the applicant provided responses.

**Glare** – Mr. Jeitner presented an exhibit on lighting depicting light levels including along the property lines. Lighting plans do not take into effect any foliage. Hoyer inquired on security lighting. Jeitner explained spillover levels for that type of lighting only extend a foot or two beyond the light itself.

**Noise** – Mr. Jeitner presented an exhibit on noise levels. He used a personal example of attending a baseball game where he measured sound levels. Those levels were at 65-68 decibels during a play and 58-60 decibels during normal game play. He noted that fans were spread out around the field. He also took noise readings from Route 33 which were 67-68 decibels. Kevin Moyzan noted there would be no play by play loudspeaker announcements; only announcements of game starting or ending.

**Hours of Operation** – Mr. Moyzan noted times would be 2:30pm – 9:00pm – Monday – Thursday. Friday, Saturday, and Sunday would be 8am – 10pm/11pm during summer hours. Ms. Templeton asked what months? Mr. Moyzan stated spring, summer, and early fall. Solicitor Asteak inquired if Mr. Moyzan thought 11pm was little late? Mr. Moyzan replied 11pm is a drop-dead time. Mr. Hoyer inquired if 9pm was too limiting? Mr. Moyzan would prefer not to limit to that. An earlier end time would mean a 7pm start or shutting down a game early. Mr. Pennington asked if 10pm would be a good compromise. He noted that he is looking for a reasonable cut-off and time to get younger drivers home before midnight. Mr. Pennington told Mr. Moyzan he could always revise conditions in future in they were too limiting.

**Traffic Operations** – Solicitor Asteak inquired about parking and traffic flow. Mr. Jeitner noted that parking is adequate to meet needs especially during a tournament. Jeitner with 4 teams per field, plus staff and coaches, 290 spots are required, and the plan depicts 325-350 spots. He also noted that you will not have cars coming and going at same time as players need to arrive prior to their start time.

Alternative Options – Board will act on overall plan – will need to revisit it going alternative

Scoop of Activities – Mr. Moyzan stated they are big baseball fans, but the fields will be multipurpose to allow for soccer, lacrosse, and field hockey.

Solicitor Asteak closed the record at 7:34pm. A motion was moved by Mr. Brown and seconded by Ms. Templeton for Solicitor Asteak to draft the opinion and order subject to conditions based on these items. The motion carried.

Colts Run South II (CU2020-02) – Hearing opened at 7:41pm. Solicitor Asteak reviewed application.

Present for applicant Ron DelSerro - Attorney Joseph Piperato, Engineer Lewis Rauch, Lehigh Engineering, and Thomas Comitta, TCA.

Also present was neighboring property owner Patricia Fuisz and her attorney Thomas Elliot.

Attorney Piperato queried Mr. Rauch on requirements for a cluster development including lot size, as well as public water and public sewer. Mr. Rauch reviewed an existing condition plan and the cluster development plan proposal. Six open space lots will remain throughout the development. Numerous lots are currently farmed in total or partial. Farming can continue on some of those lots. Park land is suitable for active and passive recreation. It was noted that deed restrictions on open space areas are required. Mr. Rauch noted that this development's open space would permit people to connect to Township Park by crossing Hecktown Road.

Mr. Elliot discussed with Attorney Piperato and Mr. Rauch that improvements would be required to open space prior to public dedication. He inquired on specifics, like playground equipment etc. Attorney Elliot also inquired about improvements to Hecktown Road. There was discussion on the stub road as well as snowplow access and turnaround.

Attorney Elliot inquired what party would control the emergency access? Attorney Piperato stated that is unknown for sure at this time but they are proposing the HOA will maintain and be responsible. Solicitor Asteak stated that the Township has that ability and can address the issue when the time comes. Attorney Elliot preferred that issue be addressed now and wants agreement that the entrance will remain closed.

Beverly Fuisz, 180 Green Pond Road, attended via Zoom. Ms. Fuisz is concerned traffic will travel fast on the straightened road and inquired about speed limit. Solicitor Asteak stated a speed study would be done to determine speed limit. Since Hecktown Road is 30mph/35mph, Ms. Fuisz proposed 30mph, as she is concerned about getting into/out of her driveway. Solicitor Asteak stated again that would need to await study. Ms. Fuisz also asked if there is a plan to install a sidewalk on her side of street because she does not want one. Mr. Rauch replied no.

*Brief recess 8:50 – 9:00pm*

Mr. Comitta testified. (see April 17<sup>th</sup> letter)

Attorney Elliot queried Mr. Comitta. One of his concerns was dead end road problems such as dumping, illicit activities.

Mr. Hoyer noted he would prefer one acre lots and more open space. Attorney Piperato noted that a cluster development allows for farmable land. The 1-acre lots while allowing for more open space, would not allow for farmable land.

Lindsay Wallace, 266 Timothy Avenue, noted concern about burden to community.

Beverly Fuisz, 180 Green Pond Road, posed numerous questions...why cluster housing...too many homes, traffic burden to school, etc. She also has concern about animals/rodents due to fields of crops. She inquired how much of open space are recreational and is it safe for children under utility lines? Mr. Comitta stated that whatever Lower Nazareth Board wants for the open space the applicant will do.

Ms. Fuisz also discussed the tree removal and grading on the applicant's property. She wants them replaced and grading restored or see Township's approval for the removal and grading.

Attorney Elliot discussed the driveway for Patricia Fuisz with Mr. Rauch.

Attorney Elliot requested numerous documents. Solicitor Asteak noted that he had plenty of time and opportunity to request these documents prior to this evening.

Attorney Elliot called Patricia Fuisz, 206 Green Pond Road, to testify. She provided a statement of the impact of this project to her life.

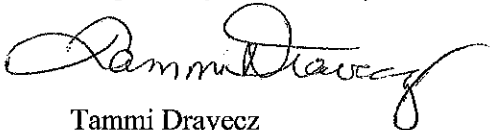
Solicitor Asteak gave the public an opportunity to give comments. The record will remain open so Attorney Elliot can file RTK request, review those documents, and provide additional testimony at next meeting.

Beverly Fuisz, 180 Green Pond Road, stated she agrees with Patricia Fuisz and Ms. Wallace's concerns and is opposed to cluster housing and closing of Green Pond. She also wants all documents requested by Attorney Elliott. Solicitor Asteak stated she is free to submit RTK request.

Solicitor Asteak stated we will reconvene at our September 9<sup>th</sup> meeting at 6:30pm. New Zoom access information will be provided by Township Staff and will also be available online.

**Adjournment** - The meeting adjourned at 10:05PM.

Respectfully submitted by,



Tammi Dravec  
Secretary/Treasurer

**Lower Nazareth Township  
Bills To Be Approved  
August 26, 2020**

**GENERAL FUND CHECKING ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
20410	Naughton Energy Corporation	Equipment Motor Fuel	\$ 2,381.13
20411	Pitney Bowes Purchase Power	Postage	\$ 520.99
20412	Signal Service, Inc.	Traffic Signal Maintenance	\$ 296.00
20413	Brian's Professional Cleaning	Municipal Building Maintenance	\$ 225.00
20414	PAPCO	Equipment Motor Fuel	\$ 1,331.37
20415	Karen A. Mengel, RPR, CSR	Stenographer	\$ 225.00
20416	NJ Advance Media	Advertisements	\$ 228.00
20417	Fraser Advanced Info Systems	Copier Supplies	\$ 14.88
20418	Asteak Law Offices	Legal Services	\$ 5,753.75
20419	Stotz & Fatzinger Office Supply	Office Supplies	\$ 12.40
20420	Powerco, Inc.	Public Works Equipment Parts/Supplies	\$ 118.80
20421	TransEdge Truck Centers	Public Works Equipment Parts/Supplies	\$ 29.55
20422	Whitehall Turf Equipment	Public Works Equipment Parts/Supplies	\$ 89.21
20423	Best Line Equipment	Public Works Equipment Parts/Supplies	\$ 201.31
20424	Wayne & Tiffany Aravich	Real Estate Tax Refund	\$ 28.80
20425	Robert & Lori Bauer	Real Estate Tax Refund	\$ 27.89
20426	Byron Butcher	Real Estate Tax Refund	\$ 19.96
20427	Pamela Cooper	Real Estate Tax Refund	\$ 21.62
20428	Joseph & Margaret Ferry	Real Estate Tax Refund	\$ 34.11
20429	Martha McNichol	Real Estate Tax Refund	\$ 76.32
20430	Christopher & Michelle Sandone	Real Estate Tax Refund	\$ 28.84
20431	Kumud Shrestha	Real Estate Tax Refund	\$ 41.46
20432	Michael & Theresa Yavorski	Real Estate Tax Refund	\$ 16.88
20433	East Penn Sanitation	Trash Removal	\$ 195.50
<b><i>Total General Fund Checking...</i></b>			<b><u>\$ 11,918.77</u></b>

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**PAYROLL ACCOUNT**

August 28, 2020

**\$ 44,270.67**

**MASTER ESCROW ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
2616	Lower Nazareth Township	Building Permit	\$ 440.00
2617	County of Northampton	Parcel ID	\$ 5.00
2618	Northampton County Recorder of Deeds	Plan Recording	\$ 65.00
2619	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 13,811.04
2620	Asteak Law Offices	Legal Services	\$ 4,750.00
<i>Total Master Escrow Account...</i>			<b><u>\$ 19,071.04</u></b>

**CAPITAL RESERVE SEWER-SIGNALS ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
536	Signal Service, Inc.	Traffic Signal Maintenance	<b><u>\$ 30,165.89</u></b>

**CAPITAL RESERVE EQUIPMENT REPLACEMENT ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
1263	Fulton Bank, NA	Lease Payment	\$ 16,242.60
1264	Fulton Bank, NA	Lease Payment	\$ 34,950.60
<i>Total Capital Reserve ER Account...</i>			<b><u>\$ 51,193.20</u></b>

**DEVELOPMENT & INSPECTION ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
2001	Nazareth Area School District	Building Permit Refund	\$ 1,002.86
2002	Lower Nazareth Township	Zoning Permit	\$ 50.00
<i>Total Development &amp; Inspection Account...</i>			<b><u>\$ 1,052.86</u></b>

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**OPEN SPACE ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
1501	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	<b>\$ 12,395.23</b>

**RECYCLING / REFUSE ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
1600	East Penn Sanitation	Clean Up Day	<b>\$ 4,288.25</b>