

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of February 13, 2020

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, February 13, 2020, in the Township Building. Present were: Pamela Berlew, Jay Benfield, Scott Sylvainus, Township Manager Lisa Klem, Zoning Officer John Soloe, Township Solicitor Gary Asteak and Township Engineer Dr. Sean Dooley. Absent: Jim Campana and Wilhelmina Donnelly.

APPROVAL OF MINUTES:

Motion was made by Mrs. Berlew and seconded by Mr. Sylvainus to approve the January 9, 2020 meeting minutes. Motion carried with all voting aye (3-0).

COURTESY OF THE FLOOR:

Jason Mohap of 3600 Gun Club Road presented a document from a group of Upper Nazareth Township citizens asking the Commission to read the questions pertaining to Project Tadmor, respond to them and enter them into the minutes.

NEW BUSINESS: None

OLD BUSINESS:

Project Tadmor – Preliminary Plan/Minor Subdivision Resubmission.

Jim Vozar of JVI, LLC, the developer for Project Tadmor, Nicole Galio of Maser Consulting Engineers and Atty. Kate Durso of Fitzpatrick, Lentz and Bubba presented their plan and reviewed the KCE letter section by section dated February 11, 2020. They were also looking for the review letter from the UNT Fire department chief which they have not received yet. They also discussed/requested the waivers as included in the same KCE letter.

Mrs. Berlew made a motion seconded by Mr. Sylvainus to recommend a waiver of SALDO section 785 along the southern property line and that the buffer berm and plantings can remain in this permanent private easement. Motion carried with all voting aye (3-0).

A motion was made by Mr. Benfield and seconded by Mr. Sylvainus to recommend a waiver for SALDO section 749.1 from the installation of curbing along the south side of the private road labeled Driveway 1 leading to the n/f Hildenbrand and n/f Beatty properties and that the roadway will be pitched from the south side to the north side to promote stormwater runoff. Motion carried with all voting aye (3-0).

A motion was made by Mrs. Berlew and seconded by Mr. Sylvainus to recommend a waiver for SALDO section 749.3 from the construction of 7" reveal curbing to 6" reveal curbing along the north side of Driveway 1 (private street). Motion carried with all voting aye (3-0).

A motion was made by Mrs. Berlew and seconded by Mr. Sylvainus to recommend a waiver for SALDO section 749.10 from the installation of curbing along SR 946 (Daniels Road). Motion carried with all voting aye (3-0).

A motion was made by Mr. Sylvainus and seconded by Mrs. Berlew to recommend SALDO section 749.4 is waived/deferred on the current development, however the plan shall contain a note that at such time as Lanta provides public transportation within the vicinity of the intersection with Driveway 1 (private

street), then owner shall provide public sidewalk access in conformity of existing SALDO. Motion carried with all voting aye (3-0).

Public Comment:

Jason Mohap asked where the spray irrigation system was located in reference to the pipeline on the property. Nicole Galio explained where it was located on the plans and explained how it works.

Mr. Sylvainus read the Upper Nazareth Township Citizens Group questions (see attached) that were presented earlier in the meeting and they were addressed by the applicant, the Planning Commission, the Township Engineer and the Township Solicitor.

Brian Sayago of 3070 Newburg Road asked what would be stored on site. Mr. Vozar explained they are built on speculation and don't know at this time.

Wendy Colussi of 3288 Gun Club Road asked about the stormwater retention on site, could contaminates get into the ground water contaminating the well water of the neighbors. Mr. Vozar explained the sprinkler system releases the water less than the DEP regulations require. Mr. Benfield explained that if the well was constructed properly, the surface water can't get into the well.

Mr. Sylvainus explained that there was no action to be taken on the plan tonight and that they would need to submit something by next Thursday to come back next month.

Mr. Sylvainus mentioned the next Planning Commission meeting is March 12, 2020 and the submission deadline is February 20, 2020 at 3:00 p.m.

ADJOURNMENT:

Motion was made by Mrs. Berlew and seconded by Mr. Sylvainus to adjourn the meeting at 9:38 p.m. Motion carried 3 - 0.

Respectfully submitted,
Jay Benfield, Secretary

UNT Planning Commission
100 Newport Avenue
Nazareth, PA 18064

February 13, 2020

Planning Commission Members & UNT Officials:

A group of township citizens would like the following questions entered into the record of this meeting. We request that these questions, pertaining to various aspects of Project Tadmor, be answered wholly or in part, before the Planning Commission takes official action on this proposal. As a group, we have attempted to ask these questions at various meetings over the course of the past year -to no avail. At those meetings, we were either ignored, told we didn't have the right to speak, or were given incorrect or incomplete information. We should be given the same amount of time to review the plans and have our questions addressed, as does every other concerned party.

It is apparent the residents of UNT have not been privy to outside agency review letters thus far. This, coupled with agendas being posted 48 hours prior to meetings, puts the residents at a disadvantage. This limited access to records prior to meeting prevents residents from adding pertinent and relevant information to the discussion.

The very purpose of a Planning Commission meeting is to ensure there is open dialogue with the public regarding this project (or any project). Instead, the Planning Commission posts agendas at the last minute (which hinders the public's right to know) and fails to respond to nearly all correspondence from our group.

It is our sincere hope that Upper Nazareth Township officials will become more transparent with its citizens, as it is part of your fiduciary responsibility.

Thank you in advance. We look forward to receiving the answers to these questions.

Respectfully,

Upper Nazareth Township Citizens Group

Enclosure

UNT Planning Commission
100 Newport Avenue
Nazareth, PA 18064

February 13, 2020

RE: Questions Pertaining to Project Tadmor:

1. Do the cuts and fills balance for grading the site since the developer is proposing 20+ foot deep cuts for trench excavations for utilities and for removal of fill on the site?
2. Will the soil limitations in hydric and hydric component soils support the building properly over the existing unconsolidated and non-compacted fill?
3. How will the developer address this situation for assuring the building foundation will be adequate to support 35+ high foot roofs? Have snow loads during winter been taken into account?
4. Will pile driving be required on site for the footers? If so, will the hours pile driving is taking place be monitored so that the nearby residents do not have to endure the noises associated for extended periods of time and throughout the night?
5. Since there are hydric soils present in the basin, are the proposed retaining walls and fill in the basin area sturdy and safe? What assurances do residents have that these walls will be stable and are simply not landscaped walls?
6. Since there are proposed trenches on site, coupled with the present soil limitations, how will the trenches be "dewatered" and where will all of the excess groundwater be accounted for during the construction and earth moving phases of this project?
7. Since UNT has not received a review letter from NCCD, what assurances do the residents have that the **proposed** grading operations will be consistent with the **actual** grading operations once building begins? How will the engineer enforce grading operations if the **actual** earthmoving turns out to be greater than the **proposed** earthmoving?

8. Once construction begins, if more excavation is needed, how will the township monitor proper shoring techniques for the building, basin, retaining walls, etc.?
9. Based on submitted plans, all sides of the two buildings prohibit access to fire apparatus due to storm-water BMP's and tractor, trailer, and employee parking; no fire lanes have been demonstrated on the plans. Have these plans been reviewed by the Upper Nazareth Fire Department and the Northampton Emergency Management Department for the respective comments? Even though the facilities will be equipped with sprinklers, does UNT Fire Dept. have enough aerial ladder trucks that can safely span the building(s) in case of a fire?
10. Currently, there is no proposed landscaping in some of the grass areas to block out light and noise pollution. Has a noise study been provided by the developer? Also, what measures will the developer be utilizing to prevent excess usage of backup beepers for the hundreds of trucks that will be on the property at any given time?
11. The main basin discharge is to be released into an unprotected channel; is that channel accustomed or stabilized properly for receiving constant runoff year-round? What assurances do residents have that additional flooding or erosion will not take place in this channel or anywhere downstream? Can you please demonstrate/describe what will happen if the emergency spillway is activated? Where will this extra runoff go? Gun Club Road? Monocacy Creek?
12. How will the fill from the installation of the PennEAST Pipeline be disposed? How will Project Tadmor coordinate with the construction of the PennEAST Pipeline to help prevent excess traffic, excess soil, and the storage of rock spoils to/from the construction site?
13. How will the residents be protected from the constant dust generated from all the earthmoving occurring on this site; both from Project Tadmor and the PennEAST Pipeline?
14. The Karst Study indicates there are ghost lakes present on this site. Have pinnacles been identified and will drilling, blasting, and the use of rock pickers be utilized for the project? Is there a need for a rock crusher for this project? Is there a need for a portable cement patch plant, especially for the footers and walls of the distribution center?

15. How will the residents be protected from the noise produced by the HVAC systems located on the roofs of the facilities? Is this addressed in the developer's plan/proposal?
16. If this facility handles cold products, how will the noise associated with such operations be kept to a minimum? How will noise associated with refrigerated trucks be mitigated?
17. What assurances do the residents have that this facility will not have huge ammonia compressors on the roofs in order to cool the building should cold storage be one of the building's functions?
18. If the developer chooses to change the scope of the project, including but not limited to, more earthmoving operations, how can the residents be assured the township will make the developer resubmit to the PC or even the BOS when the township has not yet addressed the illegal land filling operations that have already taken place within the scope of this project?
19. Will the residents be privy to the review of the land developer agreements before the project begins earthmoving operations? In not, why?
20. What type of fencing is proposed for this project?
21. Has the developer submitted a post storm-water management plan to the township for review?
22. What is the proposed road reconstruction sequence for Gun Club Road with respect to Project Tadmor and the PennEAST Pipeline? Is there a plan in place to ensure that if the road is fixed by the developer it is not destroyed when construction of the Penn EAST Pipeline begins?
23. How will school bus traffic be handled during the construction of Project Tadmor?
24. How will school bus traffic be handled during the construction of the PennEAST Pipeline?
25. Since the township does not have a certified planner or qualified individual with land development planning experience on staff, why has the township not employed an independent outside planning agency to review this plan especially since this is the largest earthmoving and most intense traffic generator project ever proposed in UNT?

26. Has a Phase 1 and/or Phase 2 environmental study (and the appropriate documentation) been submitted to the PC for their review for Project Tadmor?
27. As documented in the November storm-water submission, the Army Corps of Engineers forced the removal of fill from this proposed project site; has this removal been shown/documentated on existing plans? Has this removal of fill been incorporated into the current storm-water plan?
28. Has all correspondence between all property owners, developers, outside agencies, and UNT regarding the removal of fill from stream been made available to the public?
29. Have any areas of fill or earth disturbance outside of the area (stream bed) the Army Corps of Engineers addressed in the November storm-water submission been addressed by the township in any way? If not, why?
30. If the PC members are aware of the removal of fill ordered by the Army Corp of Engineers, why is the PC still continuing to review the Project Tadmor plan when the illegal fill is in violation of the SALDO and UNT zoning ordinances?
31. Why has the PC not recommended placing a cul-de-sac on Gun Club road preventing any traffic from entering the facility from the south?
32. Is the PC aware that the liquid fuels tax applies to cul-de-sacs so long as there is a 40-foot bulb radius present?
33. How can storm-water pre-development cover conditions be determined for volume control when a good portion of the site has been already filled or disturbed?
34. Have the proposed grading plans for sewer, water, and other utility work for offsite improvements been submitted to UNT for the review?
35. The upstream watershed areas to this site will have over 120 acres of drainage running through the site. This runoff currently is dispersed over acres of flat area. Even though the basin is dug into the existing man-made fill and natural earth, this runoff must be controlled through the storm-water basin to eliminate flooding of Gun Club Road; how will this basin be sufficiently de-watered during winter conditions between storm events when the ground is frozen and unable to handle the capacity of runoff?
36. Did the LVPC issue a non-compliance review letter to UNT relating to the Act 167 storm-water management plan?