

MINUTES AUGUST 5, 2020
UPPER NAZARETH TOWNSHIP BOARD OF SUPERVISORS

Meeting called to order at 7:00 p.m. by Chairman Mike Rinker. The meeting was conducted in a Hybrid format, with the Board, Attorney, Engineer and Staff physically present. All others participated virtually.

Pledge of Allegiance

Board members present were: Mike Rinker, Rob Disbrow, Scott Sylvainus, Donna Hirst and Kristin Mullen.

Also present were Township Solicitor, Gary Asteak, Township Engineer, Sean Dooley, Township Manager, Lisa Klem and Treasurer, Betty Parrish.

COURTESEY OF THE FLOOR

Mrs. Parrish read a statement sent to the Board from William Bartlett opposing the Tadmor Project.

Ms. Jeanne Morgano of 123 2nd St. urged the Board to vote no on the Tadmor Project.

Attorney Asteak stated Jason Mohap submitted a list of questions late in the day and those questions would be addressed by the Board during the presentation of the Tadmor Project.

APPROVALS

Motion was made by Ms. Mullen and seconded by Mr. Disbrow to approve the agenda. Motion carried by all voting aye. (5-0)

Motion was made by Mr. Rinker and seconded by Mr. Disbrow to approve the meeting minutes of July 1, 2020. Motion carried by all voting aye. (5-0)

Motion was made by Mr. Sylvainus and seconded by Ms. Mullen to approve payment of the bills. Motion carried by all voting aye. (5-0)

Motion was made by Mrs. Hirst and seconded by Mr. Disbrow to approve the June 2020 Financial and Treasurer's Report. Motion carried by all voting aye. (5-0)

EAGLE SCOUT PRESENTATION

Mason Rinker of Boy Scout Troop 74 requested approval to build a pavilion like structure behind the municipal building. The structure would consist of a 6' x 10' concrete pad, build a pavilion like structure around the pad to provide shelter from the elements, and lay stone around the area to eliminate lawn maintenance. A barrier is to be provided to protect the structure and anyone sitting underneath. A plaque will be added saying the structure is dedicated to those that serve Upper Nazareth Township.

Motion was made by Ms. Mullen and seconded by Mrs. Hirst to approve the Eagle Scout Pavilion Like Project for the Upper Nazareth Township Municipal Building. Motion carried by all voting aye. (5-0)

SUPERVISORS' COMMENTS

Mr. Rinker announced an Executive Session was prior to the meeting for personnel and litigation purposes.

Mrs. Klem stated that in light of the fact that Upper Nazareth Township received 6 ½ inches of rain on Tuesday, August 4, 2020, she would like to thank the Emergency Management Team, Fire Department, Police, Office Staff and Public Works Department in their efforts to make it safe for the Township. Mrs. Klem stated she was proud of the Emergency Management Team and the efforts everyone made in combating the effects of the storm.

TOWNSHIP ENGINEER

Mr. Dooley received Request No. 7, Letter of Credit Reduction for Heritage Village Phase 2, asking for a reduction in the of \$143,875.97 from \$849,186.85 to \$705,310.88.

Motion was made by Mr. Disbrow and seconded by Ms. Mullen to approve Heritage Village Phase 2 Request No. 7 Letter of Credit Reduction in the amount of \$143,875.97 from \$849,186.85 to \$705,310.88. Motion carried by all voting aye. (5-0)

Mr. Dooley provided the Board with his status report. Mr. Sylvainus asked about the progress on the bridge in Heritage Village. Mr. Dooley stated the permit has been issued and construction has begun.

TOWNSHIP SOLICITOR

Nothing at this time.

TOWNSHIP MANAGER/ADMINISTRATION

Mrs. Klem requested approval to purchase a TV for the conference room to use for presentation, webinars, etc. in an amount not to exceed \$1,000.00 and at a minimum of 60 inches.

Motion was made by Mr. Rinker and seconded by Mr. Sylvainus to approve the purchase of a TV for the conference room in the amount not to exceed \$1,000.00. Motion carried by all voting aye. (5-0)

APPROVAL OF DEPARTMENT REPORTS

Motion was made Ms. Mullen by and seconded by Mrs. Hirst to approve the May and June 2020 Fire, Police, Public Works and Zoning reports as submitted. Motion carried by all voting aye. (5-0)

PUBLIC WORKS

Nothing at this time.

POLICE DEPARTMENT

Police Chief Cope requested approval to purchase body worn cameras for the police department with donated funds and a \$5,000 grant from the Police Chiefs Association.

Motion was made by Mr. Disbrow and seconded by Mrs. Hirst to approve the purchase of Police Body Work Cameras from monies donated to the police department and PA Police Chiefs Associate in the amount of \$14,490.00. Motion carried by all voting aye. (50)

Police Chief Cope asked the Board to accept the resignation of part-time officer Troy Leonard.

Motion was made by Mr. Rinker and seconded by Mrs. Hirst to accept the resignation of part-time officer Troy Leonard. Motion carried by all voting aye. (5-0)

RECREATION

Discussion took place regarding the Township parks and whether to open to fields to organized sports and the pavilions for rental. The Board concurred that all should remain closed.

PLANNING & ZONING

Attorney Asteak stated the Developer is now appearing before the Board with both a preliminary land development plan and a preliminary subdivision plan. Both plans have been vetted by the Fire Company, LVPC, our Planning Commission. The Board has received a recommendation from the Planning Commission and communications from a variety of agencies that and have addressed considerations the Board must make. There are a series of waivers that have been requested by the Developer. The Developer will make a presentation to the Board regarding the plan and then proceed with the waivers the Developer has requested. The Board has before them the Planning Commission Minutes of March 12, 2020, a copy of communication from Nazareth Borough Municipal Authority addressing the private pump station, a letter from Environmental Engineering and Management regarding the sanitary sewer plan, a letter from LVPC providing their comments focused on stormwater calculations and a letter from the Upper Nazareth Fire Department. The Board also received a letter today from the Upper Nazareth Township Zoning Officer. That letter states “Based upon my review of the plans and documents submitted by the applicant, the proposed USE is a warehouse and is permitted in an I-2 zoning district.” You have a full set of plans pertaining to the land development and subdivision as well as supporting documentation has been submitted as required by Township Subdivision and Land Ordinance for preliminary plan requirements. The Board has received a letter from Jason Mohap with questions which will be addressed before the vote on this matter. Mr. Chairman please proceed with allowing the Developer to give their presentation and then we will begin addressing the waivers.

Attorney Kate Durso introduced Jim Vozar of JVI, LLC. An 870,000 s.f. warehouse is proposed on the northern part of the property and a 270,000 s.f. warehouse on the western part of the property. It has been agreed that JVI, LLC will rebuild Gun Club Road and improve the drainage in that area and vicinity. Over the past several months and years the Developer met with the Department of Environmental Protection, the Conservation District, LVPC, Nazareth Borough Municipal Authority to work through their comments. Once construction starts Gun Club Road will be rebuilt up to the intersection with Route 248. Within the project internal signage will be constructed to direct trucks to the north so they can access the state road and exit onto Route 248.

Mrs. Klem stated several questions are being asked of Attorney Asteak whether the Zoning Officer’s letter is a determination or a report. Attorney Asteak responded it is a report to the Supervisors.

Attorney Asteak mentioned the most important document provided is a multi-page report provided by Keystone Consulting Engineers which is a detailed analysis of both plans that contains conditions.

Mr. Disbrow questioned Mr. Vozar as to how the stormwater plan would handle the significant amount of rain that was just received on Tuesday. Mr. Disbrow stated during that storm there was a significant amount of water runoff. The Township saw what that can do without this project. How does this project impact stormwater runoff. Mr. Vozar deferred to their engineer, Nicole Galio of Maser Engineering. Nicole explained how the stormwater design has managed the runoff up to and including the 100-year design storm. The plan includes 2 underground facilities, 3 above ground detention basins, spray irrigation system, other vegetative swales to manage any of the water from the Tadmor site as well as any other water that flows through the site from other properties. All existing pipes will be replaced and some will be upsized. Mr. Disbrow stated during this storm about 95% of existing retaining ponds were spilling over as designed and questioned what would happen when the stormwater spills over and where it will go outside of your project area. Ms. Galio responded there are 3 above ground detention facilities, one located at the intersection of Route 248 and Gun Club Road and the overflow will be discharged into a swale which leads down to the Monacacy Creek. Two above ground basins are located on the property, one just south of driveway 2 which will discharge into another proposed channel and the third basin also discharges into a proposed swale alongside the road.

Ms. Mullen questioned why the design includes parking spaces exceed what is required. Mr. Vozar answered the building is being built on speculation and what is proposed is more than what is required. There is a minimum amount of parking required by zoning, but not a maximum. With the additional impervious coverage, our stormwater system is designed to accommodate the additional impervious.

Ms. Kathleen Leach asked why the Developer did not consider exiting onto Daniels Road. Mr. Vozar stated there is a small thin piece of property that does touch on Daniels Road. The thin piece of road is too narrow to install a road and the proper drainage. At Daniels Road the site distances are unsafe and it would not be appropriate to construct an intersection that would be unsafe. Ms. Leach asked if the Township was pursuing the cul-de-sac option that existing at one point. Mr. Dooley responded this was reviewed by the Township staff and connectivity among emergency management and vehicles was not conducive to this concept.

Attorney Asteak stated Mr. Mohap submitted a letter to the Township Manager dated August 5, 2020, listing numerous questions about the project. The questions were answered by Attorney Asteak, the Developer, the Engineer and the Board of Supervisors. Attorney Asteak stated the Township's examination has been pretty exhaustive of all of the questions provided by Mr. Mohap citing sections and subsections and directed the Board to the comment letter provided by KCE.

JVI, LLC requested waivers of SALDO Sections 741.10, 749.1, 749.3, 749.4, and 785 for Project Tadmor.

Motion was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve Project Tadmor waiver request of SALDO section 741.10 "where a Subdivision of Land Development abuts an existing collector, arterial or expressway classified street, the applicant will be required to install curbing along the street abutting the subdivision or land development, unless otherwise waived by the Township Board of Supervisors." Motion carried by a vote of 4-1 with Mr. Rinker opposed.

Motion was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve Project Tadmor waiver request of SALDO Section 749.1 "in all subdivisions of land developments where public streets or private streets are proposed, curbing shall be required. Curbing shall be provided on both sides of all streets and shall be required for all parking lot access drives and non-residential driveways." Motion carried by a vote of 3-2 with Mr. Rinker and Ms. Mullen opposed.

Motion was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve Project Tadmor waiver request of SALDO Section 749.3 “curbing shall be constructed in accordance with Township Standards along private streets.” Motion carried by a vote of 3-2 with Mr. Rinker and Ms. Mullen opposed.

Motion was made by Mr. Disbrow and seconded by Mrs. Hirst to approve Project Tadmor waiver request of SALDO Section 749.4 “sidewalks shall be located within the street right-of-way, no closer than (1) foot from the right-of-way line, and shall be a minimum of four and one-half (4 ½) feet wide, except along the collector and arterial streets, and adjacent to shopping centers, schools, recreation areas, and other community facilities, where they shall be a minimum of five (5) feet wide. Sidewalks shall be installed along both sides of all streets within the development and along the frontage of all existing streets as a deferral subject to the condition the Applicant provide a note on the Record Plan stating that at such a time LANTA provides public transportation within one-half mile of the Gun Club Road intersection with Driveway 1, then the owner shall provide public sidewalk access in conformity of existing SALDO. Final road width to be 24’ with 4’ sidewalks outside the railroad right-of-way.” Motion carried 4-1 with Mr. Rinker opposed.

Motion was made by Mr. Sylvainus and seconded by Mr. Disbrow to approve Project Tadmor waiver request of SALDO Section 785 “all surface and subsurface easements required by this ordinance or shown on the record plan shall be kept clear of any and all structures and obstructions including, but not limited to, buildings, trees, shrubs, driveways and berms. On surface drainage swale easements, fences shall not be constructed within the limits of the 100-year stormwater surface elevation. Grades, once established on the approved plan, shall not be altered without approval by the Board of Supervisors. A covenant shall be added to the Record Plan which contains the above maintenance note. Please refer to section 533.11(J) for additional requirements for individual lot grading plans conditioned on the following note being added to the Record Plan: Buffer Berming and Landscaping: If a surface or subsurface utility easement owner disturbs the buffer berming and landscaping required as part of the approved Land Development Plan, Developer/Property Owner must either restore the buffer berming and landscaping in kind or relocate the required buffer berming and landscaping into an area adjoining the easement. In the case of a required buffer berming and landscaping area must be relocated, Developer/Property Owner must submit a buffer berming and landscaping relocation plan to the Township for review. This plan will be reviewed as a revision to the approved land development plans with Township costs borne by the Developer/Property Owner. Construction of the relocated buffer berming and landscaping shall be completed within six (6) months of the end of the work in the utility easement.” Motion carried by a vote of 4-1 with Mr. Rinker opposed.

Attorney Asteak explained the Board now needs to approve Resolution No. 20-17 granting preliminary plan approval conditioned on NBMA requirements, LVPC letter dated 2/21/2020 and KCE’s letter dated 3/10/2020 and the Fire Department letter dated 3/3/2020 or deny approval and if approval is denied the Board must reference the section in the SALDO which would provide justification for the denial.

Motion was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve Resolution No. 20-17 Project Tadmor, 3363 Gun Club Rd., Preliminary Plan. Motion carried 3-2 with Mr. Rinker and Ms. Mullen opposed.

Motion was made by Mr. Sylvainus and seconded by Mr. Disbrow to approve Resolution No. 20-18 Project Tadmor Minor Subdivision conditioned on KCE letters of March 10, 2020 and February 11, 2020. Motion carried by a vote of 3-2 with Mr. Rinker and Ms. Mullen opposed.

Motion was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve Project Tadmor PennDot HOP application. Motion carried 4-1 with Mr. Rinker opposed.

EMERGENCY MANAGEMENT

Mr. Rinker reported Emergency Management responded to the storm impact.

SAFETY COMMITTEE

Nothing at this time

FIRE DEPARTMENT

Nothing at this time.

OLD BUSINESS

Nothing at this time.

NEW BUSINESS

Nothing at this time.

ADJOURNMENT

Motion was made by Mr. Disbrow and seconded by Ms. Mullen to adjourn at 8:50 p.m. Motion carried by all voting aye. (5-0)

Respectfully submitted,

*Betty Parrish
Recording Secretary*