



**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
LCCC CAMPUS - LISA JANE SCHELLER COMMUNITY SERVICES CENTER
JUNE 2, 2025**

Chairman Dennis Klusaritz called the meeting to order at 7:00 PM, followed by the Pledge of Allegiance and a moment of silence. In attendance were Supervisors Ronald J. Heintzelman and Al Geosits, Solicitor Thomas Dinkelacker and Rocco Beltrami, Manager Randy Cope, Director of Operations Jeff Mouer, Engineers Steve Gitch, Dave Alban and Scott Pasterski, Director of Finance/Treasurer Seth O'Neill, and Secretary/Deputy Treasurer Jess Koenig.

ANNOUNCEMENTS

1. A Planning Commission executive session was held on May 25, 2025 to review legal issues relating to the TCNE plan review process, a Board of Supervisors executive session was held on May 30, 2025 to review legal issues relating to the TCNE plan review process, and a Board of Supervisors executive session held on June 2, 2025 to review legal issues concerning the TCNE Plan and Planning Module.
2. The Municipal Offices will be closed Thursday, July 3rd in observance of the Fourth of July Holiday.
3. The Township received the following proposal for addition to the North Whitehall Township Agricultural Security Area:

Rochel Ferreira	2128 Ranch Rd.	6.76 acres +/-
	2120 Ranch Rd.	<u>11.32 acres +/-</u>
		18.08 acres +/-

APPROVAL OF PREVIOUS MINUTES

Upon motion by Dennis Klusaritz, seconded by Al Geosits, the minutes of the Board of Supervisors Meeting of May 12, 2025 were approved. Roll call: Dennis Klusaritz - yes; Al Geosits - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

TREASURER'S REPORT

Upon motion by Al Geosits, seconded by Ronald J. Heintzelman, the May Treasurer's report and checks # 20210 – 20299 were approved as presented. Roll call: Dennis Klusaritz - yes, Al Geosits - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

PRESENTATIONS:

1. John Carson – Township Building Renovation update

OLD BUSINESS: No old business

NEW BUSINESS:

RESOLUTIONS:

RESOLUTION 06-02-25

**INTENT TO ISSUE PROMISSORY NOTE & APPOINT
BOND COUNSEL & FINANCIAL ADVISOR**

Upon motion by Al Geosits, seconded by Dennis Klusaritz, the Board approved Resolution 06-02-25 authorizing the Township's financing team to take preparatory action required in order for the Township to undertake the financing of an upcoming capital project, as described in the Resolution. Roll call: Dennis Klusaritz - yes; Al Geosits - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

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RESOLUTION 06-02-25A

BUDGET APPROPRIATION

Upon motion by Dennis Klusaritz, seconded by Al Geosits, the Board approved Resolution 06-02-25A approving an appropriation of \$21,000 from the unrestricted fund balance of the General Fund to replace damaged speed boards and repair damage to the Levans Recreation Park Barn. Roll call: Dennis Klusaritz - yes; Al Geosits - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

MOTIONS:

NEW HIRE

FIRE CODE ADMINISTRATOR

Upon motion by Dennis Klusaritz, seconded by Ronald J. Heintzelman, the Board approved the hiring of Jim Steward as the Fire Code Administrator. Mr. Steward's first day of employment is set for June 23, 2025. Roll call: Dennis Klusaritz - yes; Al Geosits - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

POLAK SETTLEMENT AGREEMENT

AUTHORIZATION TO EXECUTE

Upon motion by Al Geosits, seconded by Dennis Klusaritz, the Board approved the Polak Settlement Agreement and release and granted authorization for Township Manager Randy Cope to execute the agreement. Roll call: Dennis Klusaritz - yes; Al Geosits - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

ZONING HEARING BOARD SOLICITOR

APPOINTMENT

Upon motion by Dennis Klusaritz, seconded by Al Geosits, the Board appointed Attorney Jeffrey Fleischaker of Gross McGinley as the Zoning Hearing Board Solicitor for the remainder of the 2025 year. Roll call: Dennis Klusaritz - yes; Al Geosits - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

AUTHORIZATION TO USE FIRE POLICE

A NIGHT IN THE COUNTRY

Upon motion by Dennis Klusaritz, seconded by Al Geosits, the Board authorized the use of the North Whitehall Township Fire Police as mutual aid for parking and traffic control for the "A Night in the Country" event being held on August 16th, 2025 with a rain date of August 17th, 2025. Roll call: Dennis Klusaritz - yes; Al Geosits - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

Chairman Dennis Klusaritz turned the meeting over to Attorney Tom Dinkelacker to conduct the public comment portion of the meeting in regard to the proposed Nexus 78 Land Development Plan. Please see the attached transcript for the public comments.

NEXUS 78 LAND DEVELOPMENT

PRELIMINARY/FINAL WAIVER

Upon motion by Al Geosits, seconded by Dennis Klusaritz, the Board approved the applicants request for a waiver of SALDO Section 375-363.A(2) to authorize its Plan to be reviewed as a preliminary final land development plan. Roll call: Dennis Klusaritz – yes; Al Geosits - yes; Ronald J. Heintzelman – yes. There were no public comments on this item

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NEXUS 78 LAND DEVELOPMENT

Upon motion by Dennis Klusaritz, seconded by Al Geosits, the Board denied the Nexus 78 Land Development Plan, dated April 29, 2024, last revised April 10, 2025, with the formal decision containing among other things the reasons for the denial, to be issued in accordance with Section 508 of the Municipalities Planning Code. Roll call: Dennis Klusaritz – yes; Al Geosits – yes; Ronald J. Heintzelman – yes. There were no public comments on this item.

NEXUS 78 SEWER PLANNING MODULE

Upon motion by Dennis Klusaritz, seconded by Ronald J. Heintzelman, the Board denied the Planning Module for TCNE North Whitehall Township 2, LLC, PADEP Code No. NWT-2-39917259-2 for the Nexus 78 Warehouse Project. Roll call: Dennis Klusaritz – yes; Al Geosits – no; Ronald J. Heintzelman – yes. There were no public comments on this item.

MANAGER'S REPORT – No Manages Report

COMMENTS FROM THE FLOOR (Non-agenda items) – No comments from the floor.

ADJOURNMENT Meeting adjourned 10:04 PM.

Respectfully submitted,

Jessica Koenig, Secretary/ Deputy Treasurer

NORTH WHITEHALL TOWNSHIP
PLANNING COMMISSION HEARING

* * *

NOTES OF NEXUS 78 LAND DEVELOPMENT, WAIVER REQUEST

Taken at Lehigh Carbon Community College
4525 Education Park Drive, Schnecksville,
Pennsylvania, the Lisa Jane Scheller Community
Services Center Building 7 on Monday, June 2,
2025, commencing at 7:00 p.m., by Leandra M.
Stoudt, RPR, CBC, CCP, CRR, CCR-NJ, Notary Public.
BEFORE NORTH WHITEHALL TWP. BOARD OF SUPERVISORS:
TOWNSHIP MANAGER RANDY COPE
TOWNSHIP DIRECTOR OF OPERATIONS JEFF MOUER
TOWNSHIP PLANNER KEVIN MURPHY
TOWNSHIP ENGINEER STEVE GITCH
TOWNSHIP ENGINEER SCOTT PASTERSKI
TOWNSHIP ENGINEER DAVE ALBAN
TOWNSHIP SOLICITOR TOM DINKELACKER, ESQ.
TOWNSHIP SOLICITOR ROCCO BELTRAMI, ESQ.

DENNIS KLUSARITZ, SUPERVISOR
AL GEOSITS, SUPERVISOR
RONALD J. HEINTZELMAN, SUPERVISOR
JESSICA KOENIG, SECRETARY/DEPUTY TREASURER
SETH O'NEILL, FINANCE DIRECTOR/TREASURER

FITZPATRICK LENTZ AND BUBBA
By: Ms. Catherine Durso, Esq.
-- for the Applicant Nexus 78

Also Present: Scott Pasterski and Brooks Cromer
of Keystone, Eric Kaufman of HRG, Judith Stern
Goldstein of Gilmore & Associates, Inc, Barry
Henry of Trammell Crow Company, Jason Engelhardt
of Langan Engineering, Benjamin Guthrie of TPD,
John Pollock of Trammell Crow Company

1 (Roll Call.)

2 SECRETARY KOENIG: Supervisor Dennis
3 Klusaritz?

4 SUPERVISOR KLUSARITZ: Here.

5 SECRETARY KOENIG: Supervisor Al
6 Geosits?

7 MR. GEOSITS: Here.

8 SECRETARY KOENIG: Supervisor Ron
9 Heintzelman?

10 MR. HEINTZELMAN: Here.

11 SECRETARY KOENIG: Attorney Tom
12 Dinkelacker?

13 MR. DINKELACKER: Here.

14 SECRETARY KOENIG: Attorney Rocco
15 Beltrami?

16 MR. BELTRAMI: Here.

17 SECRETARY KOENIG: Engineer Steve
18 Gitch?

19 MR. GITCH: Here.

20 SECRETARY KOENIG: Engineer Dave
21 Alban?

22 MR. ALBAN: Here.

23 SECRETARY KOENIG: Engineer Scott
24 Pasterski?

25 MR. PASTERSKI: Here.

1 SECRETARY KOENIG: Township manager
2 Randy Cope?

3 MR. COPE: Here.

4 SECRETARY KOENIG: Director of
5 operations Jeff Mouer?

6 MR. COPE: Jeff is here. I think
7 he's out --

8 SECRETARY KOENIG: Okay. Public
9 works director Rick Holtzman is not present.
10 Finance director/treasurer Seth O'Neill?

11 MR. O'NEILL: Here.

12 SECRETARY KOENIG: Secretary Jessica
13 Koenig. I'm present. And Mike Kukitz director of
14 grants, preservations and trails is not present
15 this evening.

16 (Supervisor meeting went through
17 their agenda, 7:00 p.m. to 7:27 p.m.)

18 MR. KLUSARITZ: The next one on the
19 agenda is the Nexus 78 land development
20 preliminary/final.

21 Is the applicant present?

22 MS. DURSO: Yes.

23 MR. KLUSARITZ: Okay, at this time
24 I'll turn it over to our solicitor Tom
25 Dinkelacker.

1 MR. DINKELACKER: Okay. Thank you,
2 Dennis. By way of brief background I'm sure a lot
3 of you here tonight were here at the Planning
4 Commission meeting last Thursday night. If you
5 weren't, we'll just run through some issues very
6 briefly and give you a little background and then
7 we'll move on with the evening.

8 The plan that is present today is a
9 plan for a warehouse. It is slightly over 500,000
10 square feet. The plan itself is dated April 29,
11 2024 and was last revised April 10, 2025. Am I
12 right, guys? That's the dates?

13 (Applicants all nod heads.)

14 MR. DINKELACKER: April 29, 2029
15 plan, I believe it's been through the Planning
16 Commission three times. Once, a year ago for a
17 preliminary presentation, and then I believe it
18 was in front of -- basically late winter, early
19 spring. It was in front of Planning Commission
20 just Thursday night past. We're here tonight for
21 the Board of Supervisors to ultimately to take
22 action on the plan.

23 The Planning Commission had six
24 members present that night. It's a nine member
25 board. One member had recused himself because of

1 conflict of interest, making it an eight-member
2 board. Two of the members could not be present,
3 so we had six people, which was a quorum.

4 The planning commission recommended
5 6-0 to approve what was called a waiver request to
6 allow for the submission of a preliminary final
7 plan. That's kind of technical. But also, the
8 Planning Commission recommended 6-0 to deny the
9 plan.

10 The Planning Commission is a
11 recommending body only and that's why the plan is
12 before the supervisors tonight for action, and
13 supervisors must take action tonight. This is the
14 last point in time that they can act.

15 So what we're going to do is -- I'm
16 sorry, let me go back for a second.

17 When the supervisors taking action
18 tonight it will basically be a motion to -- a
19 motion can be a motion to approve the plan, a
20 motion to approve with conditions to the plan, or
21 a motion to deny the plan.

22 Whatever the motion is and the
23 decision is tonight, it gets followed up with a
24 written decision that my office will prepare. And
25 under the municipalities planning code we have 15

1 days to issue that written decision, and then
2 parties who disagree with that decision are
3 allowed to appeal that to the Court of Common
4 Pleas of Lehigh County.

5 What we're going to do tonight is
6 we're going to follow the procedure that had been
7 generally followed by the planning commission. I
8 will give Attorney Durso or her client the
9 opportunity to provide an overview with respect to
10 the plan to the extent that she desires. We will
11 then hear from the township consultants.

12 Tonight we have, from Keystone
13 Consulting Engineers, Steve Gitch, Dave Alban and
14 Scott Pasterski. Steve and Dave are both civil
15 engineers that usually deal with land development
16 issues such as stormwater and other related types
17 of issues. Scott is a traffic engineer.

18 We normally would have Judy Goldstein
19 from Gilmore and Associates and Eric Kaufman with
20 HRG. Eric is a traffic engineer hired by the
21 township to do an independent analysis, I believe,
22 of the traffic impact study that was done for
23 this.

24 Unfortunately, Judy and Eric cannot
25 be here tonight. They were both here for the

1 planning commission and their comments and their
2 letters are all of record.

3 Then what we will do when we're done
4 hearing from the township consultants, I will give
5 Attorney Durso and representatives of the
6 developer to raise any issues with the township
7 traffic consultants that they believe should be
8 issued. We'll then turn to the public for
9 comment.

10 The public comment, I think looking
11 at the crowd, will probably be the longest part of
12 this meeting. We have to be very careful because
13 we have a hard stop on this meeting probably
14 somewhere around quarter to 11 or 11:00. Because
15 after we're done with the plan, the Board of
16 Supervisors will have to take action on the plan.

17 When we're done with that plan, we'll
18 look at the planning module, which is a
19 Pennsylvania Department of Environmental
20 Protection sewer related document. We're going to
21 take a look at that. That will take a few
22 minutes. Then we have the rest of the meeting to
23 still conclude and be out of here, I believe, by
24 11:30. We have to actually start clearing out at
25 11:30, so that the college can shut down at

1 quarter to 12. So we have a hard stop. I'm
2 hoping that everybody who signed up we can give
3 five minutes to speak. That's what we did last
4 time.

5 If it looks like we're not going to
6 be able to do that, we might have to shorten the
7 amount of time people can comment. So when it
8 comes to comment, let me ask you to do and
9 consider a number of things.

10 Please get right to the point. And
11 also try not to be repetitive. If you agree with
12 the previous speaker just say that you agree. We
13 understand that. Many of the issues at this point
14 have been discussed and they have been discussed
15 by the consultants, by the developer, and by the
16 citizens.

17 They've been discussed over and over,
18 and everybody at this point is pretty much aware
19 of what those issues are. Let's try to be
20 succinct, to the point and not use up five minutes
21 just for the sake of speaking. A lot can be said
22 in two or three minutes if you -- if you get to
23 the point.

24 One of the rules is that we ask every
25 citizen when they get up, to state their name and

1 give their address. And that's not because we're
2 prying, we just want to make sure that that
3 information gets into the minutes and is part of
4 the record that you had an opportunity speak.

5 What will happen is, I believe, Jeff
6 Mouer will come around with a microphone so you
7 don't have to get up and walk up here. We'll walk
8 to you, and try to move this along as quick as
9 possible.

10 When we're done with public comment,
11 I want to give Attorney Durso and the developers
12 as much time as they need to respond and make any
13 comments. We will give them the opportunity to
14 make a comment after a speaker if they feel that's
15 important. Basically, we want to give everybody a
16 fair opportunity to speak tonight.

17 Now, just so everybody understands,
18 there have been a number of documents that have
19 been submitted by the developer, by the township
20 consultants, by township staff and by citizens.

21 You can be assured that all documents
22 have been shared with members of the Board of
23 Supervisors just as they have been with all
24 members of the Planning Commission. So if you've
25 submitted a document, it is part of the record in

1 this case, and it has been shared directly with
2 the supervisors, no matter who submitted it. If
3 something gets submitted, I automatically share it
4 with Attorney Durso because we have a good faith
5 process when we deal with land developments.
6 That's that the Township and developer work in
7 good faith with respect to a plan. And that's the
8 law of Pennsylvania.

9 Also, so everybody knows, Al Geosits
10 is a member of the planning commission. So Al has
11 been involved with this plan since day one.

12 And Dennis Klusaritz has been with
13 the last two Planning Commissions and he's also
14 heard just about everything everybody has to say.

15 Mr. Heintzelman has not been at the
16 Planning Commission meetings, but I know that he's
17 been -- he has received all the documents and is
18 up to speed on what's happening.

19 So please keep those kind of things
20 in mind when we're -- when you're up and you're
21 speaking so we can move this along and make sure
22 that everybody get a fair opportunity to speak.
23 If it turns out -- the people that I have that
24 have signed up to speak are on these documents.

25 I'll go down the list in the order

1 people signed. If we get to the end and we have
2 some time, if anyone else didn't sign, I'll ask if
3 anybody else wants to speak.

4 Let me just ask though quickly. This
5 signup sheet is for the whole meeting, and we have
6 public comment after the meeting, as well.

7 Is there anybody who has signed up on
8 this or has signed in on the sign-in sheet to
9 speak that does not intend to speak with respect
10 to the warehouse plan?

11 Okay. So I'm going to assume right
12 now we have 23 speakers. I'm going to assume
13 everybody who signed wants to speak concerning the
14 warehouse plan. I think what we'll do since we
15 have 23 speakers, to make sure we have enough
16 time, we'll limit it to four minutes instead of
17 five. Because we just have a full night here
18 tonight. So we'll ask you to conclude your
19 comments in four minutes. We won't cut you off
20 mid sentence. But at that point, we ask you to
21 wrap it up.

22 Okay. Yes, Dennis, go ahead.

23 MR. KLUSARITZ: Do you think we
24 should act on the waiver first?

25 MR. DINKELACKER: What we will do is,

1 when we get to the point of all of the comment
2 being in, and we turn to motions, we will first
3 look at the developer's request for a waiver,
4 which is a waiver to treat the plan as what's
5 called a preliminary final plan. We'll do that
6 first. And then the second we'll go on to merits.
7 We'll do all comment first. Okay?

8 Kate, I'll ask you is there
9 anything you would like to present at this point
10 or John or somebody from your side?

11 MS. DURSO: John will do a brief
12 introduction and we'll be as efficient as we
13 possibly can.

14 MR. DINKELACKER: Thank you.
15 Appreciate that.

16 MR. POLLACK: Thank you supervisors
17 for hearing us and hearing our presentation
18 tonight. My name is John Pollack, I'm a principal
19 in Trammell Crow companies Northeast regional
20 office in Conshohocken, Pennsylvania.

21 For more than a year we've been
22 working with the township on our project called
23 Nexus 78. It's a 501,000 square foot warehouse
24 located near the corner of Orefield Road and 309.

25 We've worked diligently during that

1 time to respond to and address comments from the
2 township staff and consultants to create a plan
3 that is legally permitted within the township. At
4 this point in the process, we believe we've
5 addressed everything within the property lines
6 that has been requested of the township's experts.

7 We will comply with any outstanding
8 minor items, which we've indicated in our
9 responses to the review letters that we've
10 received so far.

11 Aside from those we'll comply items,
12 everything outstanding relates to outside
13 agencies. When I say outside agencies, I'm
14 referring to PennDOT for the traffic and the
15 driveways, the County Conservation District for
16 the stormwater management, and the DEP for our
17 on-site septic system.

18 As you know, the Township's Planning
19 Commission voted on Thursday to not recommend
20 approval of our project to the Board of
21 Supervisors. It's our opinion that the reasons
22 cited for that determination are not legitimate
23 reasons for the Board of Supervisors to deny our
24 plan.

25 There are ordinances in place within

1 the township, as well as Pennsylvania's MPC that
2 strictly dictate what can and cannot be done on
3 private property. Elected and appointed officials
4 are meant to enforce these ordinances. They're
5 not meant to change the rules or bend to the will
6 of residents just because they don't want to be
7 responsible for making an unpopular decision.

8 In prior projects, when we've had a
9 by right plan within the township. By, by right,
10 I mean, not a conditional use or a special
11 exception for warehouse, we have always
12 successfully moved forward with our projects.
13 In some cases that has involved an appeal to the
14 county court, who has ruled in our favor.

15 The problem with denying a plan and
16 saying we'll let the court decide, is you're
17 really transferring the costs to the residents.
18 To date, Trammell Crow company has been paying the
19 bills. Every review by your planners, engineers
20 and legal representatives has been paid for by us
21 as the applicant and developer, which totals more
22 than six figures. And once an appeal process
23 begins those future costs are then footed by the
24 residents.

25 During Thursday's Planning Commission

1 meeting it was noted a few times that we are
2 forcing a vote and potentially not being flexible
3 with the township. That is not true. It should
4 be noted that we have granted four extensions to
5 the township. On July 3rd, 2024, we granted an
6 extension to October 8th of 2024.

7 On September 17th, '24 we granted an
8 extension to February 4th, 2025.

9 On December 19th, 2024 we granted
10 another extension to May 6th of 2025.

11 And finally on April 30th, 2025, we
12 granted an extension to June 3rd, 2025, tomorrow,
13 for action.

14 So tonight, we hope to answer the
15 board's questions and discuss the project as a
16 whole. We won't convince everyone to love this
17 project. But I hope we can convince the board
18 that our project is legally permitted and should
19 be approved according to Pennsylvania's MPC and
20 the township's ordinances. Thanks.

21 MR. DINKELACKER: Kate, anything else
22 that you want to present at this point?

23 MS. DURSO: Not at this point.

24 MR. DINKELACKER: Thank you very
25 much. Thank you, John.

1 I should add for everybody here that
2 we have a stenographer present. People, this is
3 not a hearing. People aren't being sworn in.
4 There will not be witnesses, per se. But the
5 stenographer is here at the requests of the
6 developer. Since public meetings may be recorded
7 it's perfectly legitimate to have a stenographer
8 here reporting what was said. So whatever you say
9 it will be taken down, and it will be in a
10 transcript that will be preserved.

11 Okay. What we'll do at this point,
12 and I know that a lot of people here at this point
13 are familiar with the consultant review letters.
14 I'm going to turn it over to Keystone Consulting
15 engineers and maybe start with Scott --
16 Mr. Pasterski, who is the traffic engineer.

17 I think everybody knows the traffic
18 has been a big issue in this matter and I'm going
19 to ask Scott if he could run through the review
20 letters, recognizing also that people have had
21 access to review them. Also you've -- we did this
22 on Thursday night, as well. If you can take us
23 through that.

24 Then Kate, if you have any questions
25 or comments for any of your folks, you can direct

1 them to Scott.

2 MS. DURSO: Sure.

3 MR. PASTERSKI: Okay. Yeah, I will
4 attempt to be -- on Thursday evening we did
5 prepare a pretty exhaustive review to the Planning
6 Commission and to those in the audience, and I
7 hope to be more concise this evening.

8 We did issue an April 29th, 2025
9 letter pertaining to traffic. And I won't go
10 through every comment. I'll hit the highlight, as
11 I said, in hopefully a more concise manner. I do
12 think it's important to make sure we hit the same
13 points so that everything is clear.

14 Comment number one, where I'll spend
15 the most time, SALDO sections 375-57(c) and
16 section 375-57(k)(1). Back this up. We strongly
17 recommend that the Board of Supervisors consider
18 mandating that tractor-trailer traffic be
19 restricted from egressing the site at only the --
20 to mandate that tractor-trailers egress to the
21 site at the Orefield Road driveway, which is a
22 right turn only driveway.

23 And that further that tractor-trailer
24 traffic be restricted from making a left turn on
25 to Route 309. And I think the plan is coming up

1 in a moment here. It might be helpful to keep
2 your eye on the plan as I'm describing this for a
3 picture.

4 And I will have to say off the bat as
5 I said Thursday evening, we're not categorically
6 saying that the Route 309 access is unsafe for
7 tractor-trailer traffic. I do acknowledge that
8 proposal prepared by the consultants for the
9 applicant does meet PennDOT's minimum standards.
10 However, I think we can very clearly demonstrate
11 that tractor-trailer egress making a left turn
12 onto 309 is a much less safe alternative. It's
13 much safer for tractor-trailer traffic to egress
14 on Orefield Road.

15 We'll be, again, drawing a comparison
16 between the two driveway locations, specifically
17 for the traffic that would be destined southbound
18 on Route 309.

19 So getting right to the chase here,
20 the driver -- so there would be --

21 MS. KEVIN MURPHY: Is this the one
22 you want?

23 MR. PASTERSKI: That adequately shows
24 309 driveway. It doesn't show Orefield Road, but
25 we'll work with this for now. North is to the

1 left of the page, south to the right of the page,
2 just for orientation.

3 Right off the bat, let's consider for
4 a moment the driver's judgment of traffic apps.
5 The driver pulling out of the Orefield Road
6 driveway only has to scan one direction of traffic
7 and make a much simpler judgment to decide whether
8 or not to enter the stream of traffic by looking
9 to the driver's left. Whereas at the Route 309
10 driveway, the driveway's attention is divided by
11 looking in both directions.

12 The other -- this intensifies as we
13 go here. There's more traffic on Route 309 than
14 Orefield Road, approximately, eight times more.
15 Making the potential for making the gaps fewer and
16 further between putting more pressure on the
17 driver to make a good decision.

18 I have one bit of fact I didn't have
19 on Thursday evening, which I thought was relevant.
20 The vast majority of traffic accidents that occur
21 in the United States are due to driver error.
22 Although we cannot categorically say this driveway
23 is unsafe, we do create a very slim margin for
24 success when we could eliminate or widen that
25 margin greatly by pushing the trucks over to

1 Orefield Road. Any way, moving on.

2 The next point, comparing the
3 driver's judgment of traffic apps, is that there's
4 significant higher speeds on 309 than Orefield
5 Road. There was a speed study done by TPD
6 indicating 53 mile an hour, 85th percentile speeds
7 in the northbound direction. There was not a
8 speed study prepared for Orefield Road. It is
9 posted at 40 miles an hour. The point being,
10 speeds are -- I think we all agree, are
11 significantly greater on 309 than Orefield Road
12 given the nature of the roadway.

13 And more speed is going to make that
14 driver decision to make a left turn onto 309
15 southbound that much more difficult. Again,
16 whereas Orefield Road lower speeds would make that
17 decision a lot -- a lot easier to make.

18 Last but not least, is trucks take a
19 long time to accelerate and get up to speed. And
20 I think the other consultant from the township,
21 HRG, indicated it was about 60 seconds for a
22 tractor-trailer to make a left turn out of the
23 Route 309 driveway and come up to speed.

24 I don't have numbers on Orefield
25 Road. But it's going to be a lot less -- or it

1 will be a lot less impactful because they're only
2 crossing a single direction of travel.

3 So moving on to conflicts. Just
4 looking at raw numbers and averages, the potential
5 for conflict. The point of conflict of travel
6 paths is referred to a conflict point in
7 transportation engineering.

8 Out of the Orefield Road driveway,
9 the driver's only have to negotiate a single
10 conflict point. As the drivers would make a right
11 turn out they have to enter the stream of traffic
12 in one location and that's it.

13 Whereas, at the 309 driveway
14 tractor-trailers need to cross two conflict
15 points. One for the northbound traffic and one
16 for the southbound. And, given, as I mentioned
17 before, about the increased volume of traffic on
18 309, which is approximately 8 times higher than
19 the westbound traffic on Orefield Road, and
20 considering two conflict points as opposed to one.
21 In round numbers, that's about a 16 times greater
22 likelihood of conflict occurring at the 309
23 driveway for left turning tractor-trailers than at
24 the Orefield Road driveway.

25 And I should have said at the outset,

1 any time conflict points occur where travel
2 streams cross each other, there's a potential for
3 accidents. We're not talking about eliminating
4 all accidents, but we're trying to minimize the
5 risk, give our residents and tractor-trailer
6 operators the best chance.

7 Last, is looking at, you know, we
8 hope and pray this doesn't happen, but if a
9 conflict were to occur where would the conflict be
10 more severe and where would it be less severe?

11 Considering the Orefield Road
12 driveway, which is a skewed right turn out, the
13 angle of the potential collision is at a more
14 oblique angle with that being much smaller than 90
15 degrees. So any -- as the vehicle moves down the
16 road it has kinetic energy. It's energy due to
17 the motion of the vehicle.

18 If it were to strike a vehicle coming
19 out due to a lack of judgment, a portion of that
20 energy would be absorbed by both the striking and
21 struck vehicle. If the angle of attack or
22 collision is oblique, less of that energy is
23 transferred into the vehicles and therefore, the
24 intensity of any potential injuries or worse would
25 be less.

1 Compare that to the Route 309
2 driveway, where the majority of the
3 tractor-trailer motion or movement out of the
4 driveway, the angle of collision would be very
5 close to 90 degrees. So the full force of that
6 kinetic energy would need to be absorbed by both
7 the striking and struck vehicle.

8 Again, something I did not mention at
9 the Planning Commission meeting, but I thought of
10 after the fact was, we're all familiar in
11 tractor-trailers they have those red and white
12 reflectors across the bottom of the trailer,
13 that's a hazard. And majority of a
14 tractor-trailer making a left out of Route 309 is
15 going to be the trailer. And you might notice
16 it's about eye level. So it makes it -- the
17 collision very dangerous collision should it
18 occur. I do not wish to be overly dramatic, but
19 the word guillotine comes to mind. Moving on.

20 The -- the speed of the road also
21 greatly impacts the conflict severity. As I
22 mentioned before, the northbound traffic 85th
23 percentile speeds were recorded at 53 miles an
24 hour, and for now as the basis of comparison
25 compared to the 40 mile an hour posted speed on

1 Orefield Road, speeds are approximately 33 percent
2 higher on the northbound travel lane of 309 as
3 opposed to Orefield Road.

4 However, the severity of the
5 accidents is not 33 percent more kinetic energy.
6 The energy is what causes the damage in the
7 accident, what causes injuries, what causes
8 fatalities in severe situations.

9 That energy is not 33 percent higher.
10 It's actually 75 percent higher because of the
11 kinetic energy equation. It's one half mass times
12 the velocity squared, velocity of squared. So the
13 relationship is not linear relationship like
14 speed, it's an exponential relationship. So
15 therefore a little fun fact of physics indicates
16 that it's much greater. Even a little bit of
17 speed goes a lot further than you may think it
18 would.

19 Two more things. Driver's are more
20 likely to have to wait to make her their gap at
21 the Route 309 driveway making a left as opposed
22 to -- because they have a more harder time finding
23 a gap. They have more potential for frustration.
24 Psychologically speaking, we all know people that
25 are frustrated tend to make poor judgments.

1 Again, with the underlying premise that most
2 accidents are caused by driver error, people
3 making misjudgment, it happens all the time. Even
4 to the most careful drivers. Our narrow -- our
5 window of success is getting more narrow and more
6 narrow and more narrow, the more of these
7 considerations layer on top of each other. Again,
8 there's a much better alternative than Orefield
9 Road.

10 Lastly, it's just a common sense --
11 common sense reason is that there's a traffic
12 signal currently at Orefield Road and Route 309.
13 So we believe that tractor-trailer traffic headed
14 to points south on 309, Route 22 and other points
15 south, would be much better served making that
16 left on to 309 with the aid of a traffic light as
17 opposed to winging it. I should not say winging
18 it, but opposed to going and being in the go for
19 it mode, to try to find a narrow gap and get out
20 onto Route 309.

21 So those are the main comments we had
22 as it related to the location of driveways on the
23 site. We believe the Orefield Road for egress
24 would be much -- a much safer alternative.

25 Other -- a couple other quick

1 comments in the letter. We are asking that the
2 applicant submit a traffic impact study, the most
3 recently revised traffic impact study to PennDOT.
4 The most recent revision was completed. The
5 township's request was not submitted to PennDOT.
6 We believe it would be important for the permit
7 unit to see the revised traffic study and to see
8 the impact that the new distribution and
9 generation of traffic has on the traffic
10 conditions.

11 Another important point is that the
12 study that was approved by PennDOT only included
13 the final condition, which included the Route 309
14 betterment project improvements. It did not
15 include interim condition. Since there's no
16 guarantee the betterment project would be in place
17 when they would like to open the facility, we
18 believe it's important for PennDOT to see the
19 interim study. In our opinion, there's a high
20 likelihood that PennDOT would require mitigating
21 improvements if they had the opportunity to review
22 that supplement to the study they previously had
23 approved by the department.

24 The interim plan was submitted by the
25 applicant, which showed a stop bar pushed, I

1 believe it was 41 feet back from the intersection.
2 Again, we believe PennDOT will take exception to
3 these revisions and require additional
4 improvements that are not currently depicted on
5 the plan.

6 We believe there will also be a
7 double level of service drop in the northbound
8 movement, which is typically something that
9 PennDOT would frown upon, which would not let go
10 without mitigation, most likely.

11 And lastly, moving on for a moment to
12 the final condition. The betterment project for
13 the westbound left-turn lane Orefield Road, where
14 currently there is no left-turn lane. It's a
15 single lane. In the betterment condition, it
16 would add a 75 foot left-turn lane. The applicant
17 proposes to just simply use that as part of their
18 study. And they made a couple points, perhaps
19 they'll make it again, that currently there's no
20 left-turn lane. So it's better than it was.

21 But our point remains, or our
22 concern remains, that a single tractor-trailer
23 will occupy that entire left turn lane and the
24 second tractor-trailer or car or motorcycle for
25 that matter, will not be able to fit in the turn

1 lane, and will cause backups and overflow of that
2 turn line on a regular basis. We are requesting
3 that the applicant coordinate with PennDOT to
4 extend the length of the westbound left turn lane
5 into the betterment project to 225 feet, which
6 would meet PennDOT's current standard in
7 accordance with PennDOT publication 46.

8 Actually, I'm sorry, there is one
9 more comment. We also had requested that
10 directional and restrictions signage be provided
11 on the site, to both direct tractor-trailer
12 traffic to the Orefield Road driveway for
13 southbound traveling trucks, and to the 309
14 driveway way for northbound destined trucks.

15 The applicant, in the last meeting,
16 did agree to provide directional signage, however
17 stopped short of agreeing to provide restriction
18 signage. But we feel both are important.

19 Thank you. That concludes the
20 summary. Any questions from the supervisors?

21 MR. DINKELACKER: Kate, any responses
22 at this point that you wish to make?

23 MS. DURSO: Yes. First, the interim
24 improvement plan was provided to PennDOT in
25 October. And as noted in our response letter,

1 PennDOT advised that we should include the
2 detailed plans for that when we make the next
3 resubmission. So the detailed plans for interim
4 improvements will be submitted to PennDOT for
5 review by the permit and signal unit. As it
6 relates to signage, we stated we would have
7 internal signage to direct southbound trucks
8 towards the Orefield Road access drive.

9 As it relates to the section cited in
10 the SALDO, we would submit that neither section of
11 the SALDO that has been cited being 375-57(c) and
12 section 375-57(k)(1) authorize the supervisors to
13 include as a condition a prohibition on a left
14 turn out of the site onto Route 309.

15 Section 375-57(c) specifically states
16 any recommendations are subject from comments from
17 PennDOT, and any professional traffic studies that
18 have been submitted. Both the TPD traffic study
19 that was submitted and accepted by PennDOT, as
20 well as the Township's own independent traffic
21 study done by HRG, neither of those required a
22 prohibition on left turn from out -- using the
23 access drive on Route 309.

24 As it relates to SALDO section
25 357-57(k)(1), that pertains to coordinating widths

1 and grades, and specifically references the
2 provisions of the state traffic impact fee
3 amendments to the Pennsylvania municipality
4 planning code. These amendments do not authorize
5 the municipality to prohibit making westbound turn
6 lanes at the Route 309 driveway.

7 Additionally, the township has not
8 adopted an Act 209 study, which would allow for
9 those types of reviews to happen. In fact, the
10 North Whitehall Township's Comprehensive Plan of
11 2023 states, as a high priority the preparation of
12 an Act 209 study to implement traffic impact fees,
13 which has not been adopted or proceeded with by
14 the township.

15 We also would submit that the
16 roadways are under the jurisdiction of PennDOT.
17 The state highway law provides that only PennDOT
18 may issue permits for the streets and driveways
19 onto state highways on those terms and conditions
20 established in the PennDOT regulations.

21 So we would submit, based on all that
22 information, that the township does not have the
23 authority, in those cited SALDO sections, to
24 attach a condition prohibiting a left-turn lane
25 out of the site. We have said repeatedly, at the

1 various planning commission meetings we've
2 attended, that we do not believe that the
3 tractor-trailers will make that left-turn lane,
4 especially during heavy traffic times.

5 MR. DINKELACKER: Everybody, do me a
6 favor and let's not -- let's not engage in that.
7 That's just going to slow us down tonight. Let's
8 let Miss Durso speak and not interrupt, and
9 besides, it's not polite. Let's, please, hold off
10 on that.

11 MS. DURSO: It would be an easier
12 turn movement for them to go through the site and
13 come out Orefield Road. However, we're following
14 the guidance of PennDOT, which is not requiring
15 that restriction to occur for purposes of issuance
16 of the HOP. Ben, anything I missed? Okay.

17 MR. DINKELACKER: Scott, anything you
18 want to ask before I open it up to the board to
19 ask questions?

20 MR. PASTERSKI: No.

21 MR. DINKELACKER: Any board members
22 want to ask questions of Mr. Pasterski?

23 MR. GEOSITS: What are the traffic
24 counts on 309 and Orefield Road?

25 MR. PASTERSKI: As far as volumes of

1 traffic?

2 MR. GEOSITS: Yes.

3 MR. PASTERSKI: I would have to pull
4 that up. I don't have that.

5 MR. DINKELACKER: Ben, do you have
6 current traffic counts ready?

7 MR. PASTERSKI: I think Ben would be
8 better to answer faster.

9 MR. GUTHRIE: Good evening. My name
10 is Ben Guthrie with traffic planning and design.
11 We prepared the traffic impact study for this
12 development.

13 MR. DINKELACKER: I think the
14 question is current traffic counts.

15 MR. GUTHRIE: So based on PennDOT's
16 records, the average daily traffic on Route 309 in
17 the vicinity of the site is 21,862 vehicles per
18 day. The average daily traffic on Orefield Road
19 is about 5,337 vehicles per day.

20 MR. GEOSITS: What's the date of
21 that, or year?

22 MR. GUTHRIE: I believe this is 2022
23 data. Sometime in the past few years. I can --
24 so these are counts for clarity. These are counts
25 these are provided by PennDOT. We also did

1 supplemental traffic counts at several points over
2 the past five year period. Most recently in 2024.
3 We're happy to share any of that data. It's all
4 included in the traffic study.

5 MR. GEOSITS: Well, what did your
6 data show? What did your counts show?

7 MR. GUTHRIE: Our counts are focused
8 on the morning and evening peak hours, so it's not
9 apples to apples comparison. But, you know,
10 PennDOT's count data is updated regularly, and
11 this was the latest data available at the time the
12 traffic study was prepared.

13 MR. PASTERSKI: The applicant did
14 also submit -- we had requested -- the counts that
15 were initially performed did not include what was
16 called an initial queue. It doesn't include the
17 over saturated traffic that didn't make it through
18 the light the first time. So we did ask them to
19 provide an analysis, which they did submit, and we
20 have not fully reviewed it yet. But we are -- we
21 are in the process of doing that.

22 MR. GEOSITS: You did take a traffic
23 count. From what day, what time, and what was the
24 number?

25 MR. GUTHRIE: So the most recent

1 traffic counts we did out there, at the four
2 intersections that we studied, were in 2024. At
3 the intersection of Route 309 and Shankweiler Road
4 that was Tuesday, October 22nd, 2024. At the
5 intersection of 309 and Orefield Road, the counts
6 were conducted on Monday, September 19th, 2024.
7 And the two other study area intersections, the
8 counts were conducted in June -- June 3rd, 2024.

9 MR. GEOSITS: What were the numbers?

10 MR. GUTHRIE: Those are morning and
11 evening peak hour counts. I can give you hourly
12 volume at each intersection if that is helpful.

13 MR. GEOSITS: That's fine, whatever
14 you got.

15 MR. GUTHRIE: So focusing on the
16 intersection of Route 309 and Orefield Road, due
17 to its proximity of the site on September 19th,
18 2024 the total traffic passing through the
19 intersections during the morning peak hour was
20 1,785 vehicles. And during the weekday p.m. peak
21 period, it was 1,792 vehicles.

22 MR. GEOSITS: That's a peak hour?

23 MR. GUTHRIE: Yes, during the busiest
24 hour, between 3:45 and 4:45 p.m.

25 MR. PASTERSKI: I'll ask a question,

1 Ben, quickly. I believe the counts you're
2 referring to from 2024 were the ones that they
3 counted the vehicles that cleared the
4 intersection. It doesn't include the counts that
5 wanted to clear but couldn't?

6 MR. GUTHRIE: Great question. So at
7 the township engineers review, one of the
8 comments -- one of the questions they asked was
9 about, is there a standing queue at the
10 intersection of Route 309 and Orefield Road during
11 peak periods where there's more traffic
12 approaching the intersection that can get through
13 during the busiest times?

14 So we supplemented this traffic data
15 with observations conducted via video from a
16 drone. We updated our analysis to account for the
17 queued vehicles that were present at the
18 intersection, that did not make it through the
19 intersection. So we did -- the most recent
20 version of the traffic study has been revised to
21 incorporate that number.

22 MR. DINKELACKER: Ben, what's that
23 number on the queued vehicles?

24 MR. GUTHRIE: I don't have that
25 immediately in front of me there.

1 MR. PASTERSKI: We're still in the
2 process of reviewing that. I'm not saying we're
3 okay with it. I am not saying we are not okay with
4 it. We still need to get our head around that.

5 MR. GUTHRIE: Since the township, in
6 this case, did have HRG conduct an independent
7 traffic study, while their data was collected on
8 different days and under slightly different
9 assumptions, their findings and conclusions were
10 generally consistent with what we found.

11 MR. DINKELACKER: Ben, we'll probably
12 going to be moving it along. Can you check your
13 file and see what that queued vehicle count is,
14 and interrupt us when you get that?

15 MR. GUTHRIE: Yeah, of course.

16 MR. DINKELACKER: Okay. Thanks. Any
17 other questions for Scott or for the developer?
18 From the board?

19 MR. DINKELACKER: Al or Ron?

20 MR. GEOSITS: No, I'm good.

21 MR. DINKELACKER: What I'm going to
22 do is -- Kate, anything else you want before we
23 leave this topic, temporarily?

24 MS. DURSO: No, we're fine.

25 MR. GUTHRIE: If I may, I do have the

1 queued data in front of me.

2 MR. DINKELACKER: Thank you.

3 MR. GUTHRIE: These were recorded via
4 drone on Tuesday, February 25th, 2025. During the
5 morning peak hour, we counted one northbound
6 vehicle that -- I'll pause for a minute to give
7 technical background. What this is counting is
8 not the longest queue that's observed. What this
9 is recording is at that moment when the light
10 turns yellow, the number of cars that did not get
11 through that cycle, so that they can be properly
12 accounted for in the traffic analysis.

13 And so after watching the peak
14 period, during the morning peak hour, there was
15 one northbound vehicle that did not get through
16 the intersection. And 13 southbound vehicles that
17 did not get through the intersection. I'll say,
18 this is the average of three -- the three signal
19 cycles during the peak period.

20 One eastbound vehicle, on average,
21 did not get through, and one westbound vehicle, on
22 average, did not get through. During the periods
23 we looked at, the highest we saw was 17 southbound
24 vehicles did not get through on one cycle.

25 During the evening peak hour, which

1 was during the peak period beginning at 4 p.m.,
2 there were no standing queues. So during each
3 cycle on February 25th, the intersection was
4 clearing.

5 MR. DINKELACKER: Okay.

6 MR. KLUSARITZ: Did you do any counts
7 going west on Orefield Road?

8 MR. GUTHRIE: We did counts just at
9 Orefield Road as it approaches Route 309.

10 MR. KLUSARITZ: So you did the counts
11 going west, is that what you're saying?

12 MR. GUTHRIE: Yes. What we do is
13 document the intersection during the busiest
14 periods in the morning and busiest periods in the
15 afternoon, including in this case the school peak.
16 We record each vehicle as it approaches the
17 intersection. Doesn't continue east, doesn't
18 continue west. Basically, is the northbound left
19 or a southbound right. So we have both number of
20 vehicles arriving from the east on Orefield Road
21 and going to the east on Orefield Road.

22 MR. KLUSARITZ: Okay. I don't have
23 anything further.

24 MR. DINKELACKER: Anybody else?
25 Okay. And Kate nothing else?

1 MS. DURSO: Nope. Good.

2 MR. DINKELACKER: Let's go on to, if
3 we could, to -- well, Scott, I should ask you
4 anything else you want to raise at this point?

5 MR. PASTERSKI: Not at this point.

6 MR. DINKELACKER: I'll pass it on to
7 Steve or to Dave to handle your report. And if
8 you can summarize that for the board and for the
9 audience, please.

10 MR. GITCH: Sure. Thanks, Tom.
11 Kevin, do you have a plan that would show the
12 entire parcel? A grading plan or conceptual plan
13 that might show -- unlike traffic and roadway
14 improvements, which has obviously generated
15 deservedly so much discussion and input. The
16 general review of the land development site, where
17 we look at grading, slopes, stormwater management,
18 sewage and water service, et cetera, as has been
19 stated, we've been working on this for more than a
20 year now. We work with the developers and
21 engineers on those items.

22 And I believe the majority of the
23 remaining items in our letter are not items of
24 disagreement, but items where the developer has
25 acknowledged the comments, and that they will

1 comply with said comments.

2 I believe the other night planning,
3 we discussed sewage and water services, is one of
4 the things we discussed. Currently, in this area,
5 there's no public water or public sewer available.

6 As part of this development, the
7 applicant would be extending public water. I
8 believe, it was approximately 7,000 feet southward
9 on 309 to the site. As far as, there is no --
10 again, no public sewer service in this area.

11 The applicant's proposal is to do a
12 large land-based drip irrigation system. In
13 addition to the testing required for the primary
14 system in accordance with our ordinance, they also
15 have tested for a replacement area, as well.

16 Again, some of the items here tend to
17 be more conditions that are typically granted. I
18 don't know if we have a significant number of
19 outstanding items on the general review of the
20 overall land development.

21 MR. DINKELACKER: Steve, where are we
22 on post construction stormwater management plan?

23 MR. GITCH: Yes, my understanding is
24 that the developer's engineer is going to be
25 making the submission to the conservation

1 district. I believe one of the reasons they had
2 not, they were waiting to see if any other
3 significant changes had come out of any of the
4 planning reviews. I'll refer to Jason on that, if
5 he has an update on their submission to the Lehigh
6 County Conservation.

7 MR. DINKELACKER: Jason, I know you
8 gave us an update. I think the other night. But
9 maybe you can do it again for the people that are
10 here.

11 Where are we with submissions to the
12 LCCD and stormwater management, that type of
13 thing?

14 MR. ENGELHARDT: Sure. Jason
15 Engelhardt with Langan Engineering, the site
16 engineer on the project. So the stormwater design
17 has been through Lehigh Valley Planning Commission
18 and their Act 167 consistency process, and have
19 made some revisions that have been provided to the
20 township. They ultimately deemed the project
21 consistent with the Act 167.

22 We've had numerous informal reviews
23 with Lehigh County Conservation District, and a
24 formal reapplication review. And we had -- that's
25 ready to be submitted to them. But, again, was

1 waiting until we passed these recent meetings to
2 make that submission.

3 MR. DINKELACKER: So what -- so
4 where -- at the present time then, there has not
5 been a formal submission of the -- of the post
6 construction stormwater management plan to LCCD
7 for review? Am I getting that right?

8 MR. ENGELHARDT: That's correct. We
9 addressed numerous comments, as well as comments
10 from your engineer, but we have not formally
11 submitted the conservation plan.

12 MR. DINKELACKER: And the
13 conservation district review process would
14 actually then review the plan submitted, and they
15 can recommend changes to the plan? Or how does
16 that work?

17 MR. ENGELHARDT: Yes, again, they've
18 recommended some as we've gone along the
19 preapplication process. But, yeah, they will
20 certainly have technical comments.

21 MR. DINKELACKER: In your experience,
22 does the township play a role in that process or
23 have a right to play a role in that process with
24 the Lehigh County Conservation district?

25 MR. ENGELHARDT: The township is

1 usually attending some of those meetings. And
2 getting copied on those materials.

3 MR. DINKELACKER: Has input into
4 those materials?

5 MR. ENGELHARDT: Well, again, we're
6 addressing the comments from the conservation
7 district. So, generally, that's -- that's, you
8 know, the township is informed of that process and
9 is copied on those materials. But it's usually in
10 response to their request for submission.

11 MR. DINKELACKER: Does the plan -- if
12 the plan changes, does the township have the right
13 to review and comment on those changes?

14 MR. ENGELHARDT: I -- that's a --
15 that's a legal question, I guess. I imagine they
16 do.

17 MR. DINKELACKER: In your experience,
18 has that happened?

19 MR. ENGELHARDT: Generally, not.
20 There are not dramatic changes when we're this far
21 along in the process because we had so many
22 preapplication meetings and reviews, that we're
23 really dealing with technical details. The spray
24 irritation system, spray heads. The location of
25 spray heads may get adjusted some. The area may

1 get shifted slightly. It generally doesn't change
2 the layout of the plan or site plan related items.

3 MR. DINKELACKER: Thank you. Steve,
4 or Dave, anything else in response?

5 MR. GITCH: No, I would tend to agree
6 with Jason on that. If there is some type of
7 significant change though that would be warranted
8 by some comment from the conservation district,
9 such as, you know, on a subdivision, maybe a
10 roadway realignment or lottery configurations,
11 certainly that would be significant enough that I
12 believe it would have to come back.

13 But, again, on a commercial site like
14 this, again, as Jason said, some of the technical
15 things are spray heads, locations of those spray
16 heads and things that would not impact the general
17 site layout itself. But we are, as Jason said, we
18 tend to -- we'll sit in on those Zoom meetings and
19 we are privy to comments that are made by the
20 conservation district.

21 MR. DINKELACKER: Okay. Do any
22 supervisors have any questions for anybody on
23 aspects of Steve's report?

24 MR. KLUSARITZ: I do not.

25 MR. GEOSITS: No.

1 MR. DINKELACKER: Ron?

2 MR. HEINTZELMAN: Nope.

3 MR. DINKELACKER: There appear to be
4 no responses. Kate, do you want to add anything
5 on those issues?

6 MS. DURSO: We have nothing to add on
7 those issues.

8 MR. DINKELACKER: Dave Alban, do you
9 have anything separate at this point other than
10 what Steve has addressed?

11 MR. ALBAN: The only thing I'll add
12 is that, you know, along with the LCCP as an
13 outside agency, as well as PennDOT, you know, they
14 do not have their HOP PennDOT approval yet. So
15 there could be, you know, plan changes with the
16 PennDOT review and approvals with the HOP. Again,
17 you know, to reiterate, if they're significant
18 enough, they may possibly have to be before the
19 Planning Commission or board depending what those
20 changes are, if there needs to be changes or major
21 changes to the stormwater, site layout, driveway
22 lay-out or anything that PennDOT may additionally
23 require.

24 MR. DINKELACKER: Thank you.
25 Anything else guys? Anything else?

1 MS. DURSO: Not at this time.

2 MR. DINKELACKER: Okay.

3 We do not have Judy here tonight.

4 Judy Gilcrest -- I'm sorry, Judy Goldstein has
5 done review for Gilmore and Associates. Kevin, do
6 you have her review letter handy? Can you just
7 run through some of the comments for the board
8 with the audience?

9 MR. MURPHY: Yes, sir.

10 MR. DINKELACKER: I think there were
11 a number of comments and there were some she was
12 talking about as being conditions or requesting
13 additional information.

14 MR. MURPHY: Yes, sir. There were
15 two comments, in particular. The more simpler
16 comment -- my name is Kevin Murphy, I'm the
17 township planner. I don't believe I was
18 introduced earlier.

19 The simpler comment was that the
20 environmental conditions listed in the review
21 letter are usually conditions of approval tacked
22 on at the end. So that's the simply one.

23 The other item mentioned before was
24 that the full movements at Orefield during the
25 interim and betterment project one turn has not

1 been addressed. I know the applicant tonight said
2 they will be addressed in the future pending full
3 submission, and that the turning movement
4 northbound on 309 and turning right on to Orefield
5 have not been fully address either. That's her
6 comments from the last meeting.

7 MR. DINKELACKER: Kate, any comments
8 or questions or anything on that, that you would
9 like to add?

10 MS. DURSO: Nothing to add.

11 MR. DINKELACKER: Okay. And are
12 there any questions by the board with respect to
13 these issues?

14 MR. HEINTZELMAN: No.

15 MR. GEOSITS: No.

16 MR. KLUSARITZ: No.

17 MR. DINKELACKER: Any questions at
18 this point by the board with respect to any other
19 aspects of the plan? And, certainly, questions
20 might arise as the public speaks or as there are
21 responses -- other responses from the developer.
22 But are there any other questions at this moment
23 that the supervisors have?

24 MR. KLUSARITZ: No, the questions I
25 had were asked at the last planning commission

1 meeting. So I'm good.

2 MR. DINKELACKER: Okay. Al, anything
3 else?

4 MR. GEOSITS: I don't have anything.

5 MR. DINKELACKER: Ron, anything else
6 at this time?

7 MR. HEINTZELMAN: No.

8 MR. DINKELACKER: Okay. Kate, before
9 I turn it over to citizens, is there anything of a
10 general context that you want to add?

11 MS. DURSO: Not at this time.

12 MR. DINKELACKER: Okay, what we'll do
13 is -- it's 8:20. Let's start with the citizens.
14 We'll perhaps see how we do by about 9:00 and
15 where we are, and maybe take a short break at 9:00
16 for everybody.

17 So I'm going to just go down in the
18 order folks have signed up. We're going to give
19 four minutes. We'll see how we do on that.

20 So the first speaker is Kelly
21 Sullivan. Her address is Buck Run, Schnecksville,
22 PA 18078. Go ahead, Kelly. Thank you.

23 MS. SULLIVAN: At the Planning
24 Commission meeting I spoke about the paramount
25 issues of honesty, accountability, protection of

1 the residents and compliance with the laws.

2 With the Planning Commission 6-0 vote
3 rejecting the developer's plan, the members showed
4 that they wanted to protect our residence and
5 comply with our laws.

6 I'm now asking you, our three elected
7 supervisors, to be equally honest and accountable
8 and vote against this dangerous project in order
9 to protect North Whitehall's residents and comply
10 with our ordinances.

11 The developers representative
12 incorrectly stated that this project is allowed
13 under our ordinances, when it is clearly not
14 because it is a trucking terminal warehouse and it
15 has an access point on to Orefield Road.

16 Those two issues are dispositive and
17 call for you to immediately reject this proposal
18 in order to comply with the law.

19 This following of the law is not the
20 bending to the will of the public, as developers
21 representative argued. It's following the law and
22 protecting the public.

23 Protecting the public from danger is
24 what I want to focus on today. Section 375-54 of
25 North Whitehall SALDO provides, no subdivision or

1 land development shall occur in such way that
2 would significantly threaten the public health and
3 safety, and that includes traffic hazards.

4 Our own ordinance specifically
5 recognizes that traffic hazards are something so
6 serious to the public health and safety, that they
7 are a cause to reject a land development plan.

8 In this case, the developer's plan,
9 by its own acknowledgement and based on statements
10 by residents, as well as the Parkland school
11 district, have shown that this trucking terminal
12 warehouse can never be erected with a plethora of
13 unfixable traffic hazards. At the Planning
14 Commission meeting, after hearing another
15 resident's comments on the traffic studies, the
16 developers own traffic consultant, Ben, admitted
17 there is nowhere on Orefield Road that has as a
18 desirable line of sight distance for trucks to pull
19 out from the proposed site.

20 With that admission, how has this
21 plan been allowed to even get this far? Why have
22 the township consultants immediately not flagged
23 this and said that this project must be rejected
24 because it is a complete public hazard based on
25 the simple measurable figure?

1 This is now your chance to be
2 accountable and protect the residents by rejecting
3 this unsafe project. This statement, that there's
4 no desirable line of sight distance on Orefield
5 Road, is troubling in and of itself. However,
6 what is even more troubling is that the line of
7 site figure provided is likely a more favorable
8 number than it should be because the developer is
9 trying to push this hazardous project through
10 without obtaining full information.

11 There's been no speed study done on
12 Orefield Road, which would increase the line of
13 sight distance needed, because as the Claudio's
14 stated at the last meeting, the average speed on
15 Orefield Road is well over the posted speed limit.

16 Additionally, there has been no line
17 of sight given for pulling out to the left, even
18 though the developer has admitted that employee
19 vehicles would turn left, and they could easily
20 have a tractor-trailer turn left if their GPS told
21 them to do that.

22 I'm one of many resident that have
23 experienced UNFI drivers constantly disobeying the
24 law and going on Coplay Creek Road because their
25 GPS tells them to do that. This is a complete

1 danger because Coplay Creek is not equipped for
2 truck traffic, and these trucks ripped up yards,
3 blocked traffic, often at school bus stops,
4 knocked down street signs and destroyed the
5 roadway causing unsafe situations for all who
6 travel or live on these roads.

7 MR. DINKELACKER: Kelly, can you wrap
8 up, please?

9 MS. SULLIVAN: Yup. I need 30
10 seconds. Imagine if this trucking terminal would
11 get approved, how many tractor-trailers would be
12 on unequipped roads, endangering all of us because
13 GPS is telling them to use a road to avoid traffic
14 or that there's an entrance on the turnpike when
15 there isn't.

16 Supervisors must be accountable and
17 protect the residents, and not allow the public
18 safety issue to happen. The law requires this
19 plan be rejected because it endangers the public.
20 I ask you tonight to make sure that you follow the
21 law. Thank you.

22 MR. DINKELACKER: I'm going to assume
23 that if -- you know, when a speaker is done, if
24 anybody has a question or anyone wants to respond
25 to a speaker, you'll mention it. Otherwise, I'll

1 go on to the next speaker.

2 MS. DURSO: Ben will respond.

3 MR. GUTHRIE: To correct a
4 misunderstanding there. There is the sight
5 distance available that the driveway does meet
6 PennDOT requirements at both driveways. And the
7 township's independent traffic study concluded the
8 same thing. I want to clarify that.

9 MS. DURSO: So you did not make a
10 statement?

11 MR. GUTHRIE: I did not make a
12 statement that the safe stopping distance is not
13 available.

14 MS. SULLIVAN: Can I ask a question?
15 Desirable distance is different than the PennDOT,
16 correct? And you said the desirable distance.

17 MR. GUTHRIE: Yeah, so PennDOT has a
18 desirable stopping distance, a safe stopping sight
19 distance. We also looked at the intersection
20 stopping sight distance. That's all within the
21 traffic study here.

22 MS. SULLIVAN: I'm correct that
23 PennDOT's desirable distance is not met?

24 MR. GUTHRIE: That is not correct.

25 MS. SULLIVAN: The minimum is met,

1 but not the desirable distance?

2 MR. GUTHRIE: Both are satisfied.

3 (Unidentified speaker speaking to
4 Sullivan. Overlapping speakers)

5 (Court reporter needs clarification)

6 MR. DINKELACKER: Guys, guys, first of
7 all, we have a stenographer who has to know who is
8 speaking, so we do one speaker at a time. Let's
9 quickly wrap this up. I think the traffic study
10 speaks for itself. We have a copy of it, and we
11 will look at those, okay?

12 MS. SULLIVAN: Thank you.

13 MR. DINKELACKER: Rather than going
14 back and forth. All right. Thank you, Kelly.
15 We're going to go on next to -- to Liz Webb. Is
16 Liz here? Is Liz coming back, do we know?

17 MR. SULLIVAN: I think she should be,
18 yep.

19 MR. DINKELACKER: We'll come back to
20 her. Andrea Velarde. Is Andrea here? Jeff will
21 come to you.

22 MS. VELARDE: Like many residents
23 have mentioned previously in the previous
24 meetings, warehouse will only add to traffic
25 problems that already exist on 309. And safety is

1 also a major concern, particularly with OMS and
2 the Parkland buses nearby, and all of the Parkland
3 students that go on that area.

4 I don't -- I don't believe a
5 warehouse project aligns with the Comprehensive
6 Plan or what residents want.

7 I think -- with the Planning
8 Commission also had many reservations leading to a
9 6-0 vote not to recommend this project. I just
10 hope that the supervisors would listen to
11 residents and the Planning Commission and vote no
12 to the warehouse.

13 MR. DINKELACKER: Thank you, Andrea.

14 Jen Krumrine, K-R-U-M-R-I-N-E, Coplay
15 Creek Run, Schnecksville, PA.

16 MS. KRUMRINE: When I first moved
17 here I didn't know whether a township had a noise
18 ordinance. Because of the noise from the UNFI
19 warehouse, my neighbors and I, we know that they
20 do have a noise ordinance, and learning about
21 ordinances is like a part time job recently.

22 I know that our township doesn't
23 require noise assessment prior to approving a
24 building proposal. If they did, the UNFI
25 warehouse would have been denied. It's impossible

1 to use it in the way it was intended without
2 violating our noise ordinance.

3 To be clear, it's not just Sam and
4 Tammy Claudio that will experience excessive noise
5 with Nexus 75 warehouse, dozens of other houses
6 will, too, across Orefield Road and up and down
7 Route 309.

8 Incidentally, that's the historical
9 center of Orefield. Those houses were built in
10 the late 17 hundreds and late 18 hundreds. I'm
11 not trying to embarrass anyone who supported the
12 approval of the UNFI warehouse. I'm saying we
13 know the issues it has caused and it's important
14 we don't do it again.

15 We still don't have the requirement
16 for a noise assessment before approval. But for
17 now, that's okay. Because even without it, we
18 know that the Nexus 78 proposal will violate the
19 noise ordinance.

20 Any doubt, do a calculation or hire a
21 company like Navarro and Wright Consulting
22 Engineers, Incorporated, which has a branch in
23 Allentown, to do a noise simulation. Or hire some
24 sound experts to put their equipment at the UNFI
25 property line and simultaneously track the traffic

1 coming down the turnpike and take some readings.
2 But don't approve the Nexus 78 warehouse without
3 investigating the problems Trammell Crow has
4 already built for us.

5 Our noise ordinance is not currently
6 being enforced when it comes to the UNFI
7 warehouse, partly over doubt about whether the
8 noise is coming from the warehouse or 476. But,
9 every resident, including David Worth, who lives
10 on Wood Street, in his moving comments to the
11 Planning Commission last Thursday, has said we're
12 not talking about the turnpike noise. We know the
13 difference. Of course, we can tell the
14 difference. We lived here for years, in David's
15 case, 67.

16 I think the real reasons the
17 residents have not received any relief yet is
18 because it's not an easy fix. The UNFI warehouse
19 was designed to violate the noise ordinance. Let
20 this be a learning experience for the township.
21 Don't build another one just like it and expect a
22 different result. That would be foolish. That
23 would frustrate residents beyond belief.

24 It would waste township employees
25 times when they have to listen to complaint after

1 complaint without be able to offer a good, rapid
2 solution. I heard one pro warehouse comment from
3 a resident on Thursday. The argument was
4 basically about money.

5 Frankly, I cringed at the idea of
6 throwing away residents quality of life and
7 endangering kids on school buses as soon as
8 someone strides into town dangling some cash in
9 front of our eyes. But that's beside the point.

10 The approval or denial has to be
11 based on whether or not our ordinances forbid it.
12 Our ordinances do forbid it because it can't meet
13 our noise ordinance.

14 MR. DINKELACKER: Thank you, Jenny.

15 Mr. Matthew McClanahan. And
16 Mr. McClanahan shows an address of Shankweiler's
17 Drive-In, in Orefield. I think we know where that
18 is.

19 MR. McCLANAHAN: A lot of this stuff
20 is relating to traffic and a lot of us are going
21 to talk about traffic. I'm talk about a couple
22 things that might not have been brought up or
23 might not be brought up. One, you brought up
24 noise. And that is an interesting point. And
25 something that we contend with at our drive-in is

1 the excessive air brakes, Jake brakes pass the
2 theater heading to the UNFI distribution facility
3 down 309, that whole corridor from Levans Road to
4 like Huckleberry. I feel sorry for the folks that
5 live next to 309 these days with those Jake
6 brakes. It's rough.

7 We hear it all the way back at the
8 theater. And I can't imagine another distribution
9 facility like this coming in and creating that
10 level of disturbance. We're going to be impacted
11 at our drive-in for sure. So it would be probably
12 a good idea to have the developer to work with
13 PennDOT, at least to institute a air brake
14 prohibition corridor along that stretch, bare
15 minimum there, just to reduce some of the hardship
16 we'll undoubtedly experience, in addition to
17 traffic.

18 Another condition concern is light.
19 That's a big one. A lot people don't think about
20 it, but as a drive-in theater operator, light is
21 always top of mind for me. Excessive light
22 pollution is a growing issues in any growing
23 community.

24 And something that we're always
25 thinking about at the theater. And being just a

1 few thousand feet from this I'm thinking about it
2 all the time.

3 What kind of lighting is here? Are
4 they wall packs? Are they overhead streetlights?
5 How much light is going to be thrown into adjacent
6 properties? How much light is shot into the night
7 sky?

8 We don't know. We were never
9 approached by the developers. We have no idea
10 what kind of impact this is going to have in terms
11 of lighting. That's a big concern for me.

12 Because this could very well create a
13 serious hardship for my business, which relies on
14 clear, dark nights to projects movies on the
15 screen. And Shankweiler, as being the oldest
16 drive-in, in the world, maybe there should be some
17 consideration there for the historic businesses
18 along this corridor. It's been mentioned
19 previously there are a lot of historic businesses
20 and homes along this corridor that will be
21 impacted by this.

22 That's really it. Thank you all so
23 much.

24 MR. DINKELACKER: There is a lighting
25 plan provided, correct?

1 MR. ENGELHARDT: Yes, yes.

2 MR. DINKELACKER: What does the
3 lighting plan show? If you can address his
4 concerns about the type of lighting, what will be,
5 you know, what comes off the premises and what
6 doesn't, you know, that type of thing.

7 MR. ENGELHARDT: Sure, yeah. There
8 are a series of lighting drawings and details
9 within the plan set that has been reviewed by the
10 township.

11 I do want to point out that there are
12 dark sky compliant lighting fixtures. So they're
13 shielded, directed down, and they're dark sky
14 compliant. Also, when you think about the grade
15 of the site, too, the site sits down below the
16 surrounding road. Again, that also helps shield
17 any lighting from this site.

18 But the fixtures themselves, most of
19 them are mounted on poles that are 25 feet tall.
20 But, again, shielded dark sky compliant directed
21 down and reviewed by the township.

22 MR. DINKELACKER: Okay. Anyone have
23 questions regarding lighting plan or lighting
24 issue?

25 MR. KLUSARITZ: No, I do not.

1 MR. DINKELACKER: Steve, has it been
2 reviewed and it's in good shape, the lighting
3 plan?

4 MR. GITCH: Our understanding is it
5 complies with the ordinance.

6 MR. DINKELACKER: Okay. Hold on,
7 sir. We'll give you a chance to speak, okay?

8 Next speaker is William Moyer. 5040
9 Donna Drive.

10 MR. MOYER: I have a couple things to
11 say. The applicant clearly stated that the
12 residents do not have a say in the projects that
13 meet the minimum state requirements. We're the
14 ones that are going to suffer with this. We're
15 the ones that aren't going to be able to use
16 Orefield Road anymore because of the
17 tractor-trailers.

18 School buses can't use Orefield Road
19 either because the tractor-trailers and a school
20 bus can't pass. The road is too narrow.

21 The other thing is that the
22 destruction of Orefield Road by the 80,000 pound
23 trucks. Who will pay for the constant
24 maintenance; supervisors, township, my taxes, to
25 support this? This is really -- when you look at

1 the traffic problem, this is really the problem.

2 And I really take offense at some of
3 the attitudes here. We're the ones that live
4 here. They don't live here. They won't live
5 here. They won't be impacted by this. We will.
6 You will. Because we won't be happy if you vote
7 for this thing to go through.

8 And it's about time the township gets
9 their act together to start developing, you know,
10 rules and regulations for warehouses. We don't
11 have it. They clearly state it. And it's about
12 time we start developing it.

13 Because we'll have one warehouse
14 after another warehouse after another warehouse.
15 Maybe they'll build 10 warehouses in Strawberry
16 Acres. Will you be able to stop it with the
17 ordinances we have? Probably not. So I think
18 there's a lot more riding on this than just a
19 500,000 square foot warehouse. There's a lot
20 more. That's all I have to say.

21 MR. DINKELACKER: Thank you. Okay,
22 next. Mike Wynosky, W-Y-N-O-S-K-Y. Is Mike here?
23 We'll pass over Mike for the moment.

24 The next -- I can't read the first
25 name, but Delong looks like the last name.

1 Okay, sir. Can you give us your
2 first name, please?

3 MR. DeLONG: Stan.

4 MR. DINKELACKER: So Stan DeLong.
5 4420 Magnolia Road.

6 MR. DeLONG: I don't have a lot.
7 Everybody else feels the same way I do about the
8 traffic issues we have on 309. But last week I
9 got stuck on 309 below 22 in a solid line of
10 traffic trying to get home here in Orefield. And
11 it took me over a half hour to drive up to my own
12 home. I mean, we have, I don't know, feels like
13 hundreds of UNFI tractor-trailers, and you got
14 three or four together, and there's a -- there's
15 50 of them that come up in front of me going up
16 there. To add more trucks on to these highways,
17 it's going to -- somebody is going to get hurt.
18 That's all I got to say.

19 MR. DINKELACKER: Thank you, sir.
20 Next is David Hanuschek, H-A-N-U-S-C-H-E-K.

21 MR. HANUSCHAK: A-K.

22 MR. DINKELACKER: 4713 York Drive.

23 MR. HANUSCHAK: I have nothing
24 further to add. The gentleman up front said it
25 perfectly. We have to stop the ordinance or

1 create a real ordinance to stop the warehouses.
2 What's coming next? The corner of 309 and Levans?
3 Up by Wendy's? It's going to continue. We have
4 to stop it. Stop it now. Thank you.

5 MR. DINKELACKER: Thank you, sir.
6 Okay. Next is Tim Chorones. Is that how you
7 pronounce it? C-H-O-R-O-N-E-S, 1210 Springhouse
8 Road, Allentown. I believe you're a
9 representative of the School District.

10 MR. CHORONES: That is correct. Good
11 evening. Thank you for allowing me the time to
12 speak this evening. My name is --

13 (Court reporter asked for
14 clarification.)

15 MR. CHORONES: My names is Tim
16 Chorones. I'm the assistant superintendent of
17 Parkland School District. I'm attending and
18 speaking on behalf of the Parkland School
19 District, school board and administration.

20 The district appreciates the work the
21 township does to make the community a place where
22 families wants to live and work.

23 The collaboration between the
24 district and the township has been collaborative,
25 and we're thankful for that positive relationship

1 that's been established.

2 The district opposes the Nexus 78
3 plan that has an exit for tractor-trailers onto
4 Orefield Road, and for the increased
5 tractor-trailer traffic that is assumed to be seen
6 with this project, which directly impacts the safe
7 transport of children to and from school on a
8 daily basis.

9 As mentioned at the Planning
10 Commission meeting, the district intends to
11 relocate its transportation fleet to the vacant
12 parcel along Orefield Road, where school buses and
13 tractor-trailers exiting the Nexus property will
14 have to navigate together.

15 The community entrusts the Parkland
16 School District to transport their children safely
17 for the 180 school days that school is in session.

18 This plan has the potential to impede
19 the district to safely transport the 10,000 plus
20 children of Parkland School District residents to
21 and from schools due to the Orefield Road proposed
22 exit and increase in tractor-trailers in the
23 region.

24 Orefield Road is a main corridor for
25 student drivers to get to Parkland High School.

1 Those students will also have to navigate an
2 assumed unsafe route to school.

3 The safety of children, their
4 families and our staff is why the district is in
5 opposition of that exit on to Orefield Road.

6 Thank you again for the opportunity
7 to speak this evening on behalf of the school
8 district and the school board.

9 MR. DINKELACKER: Thank you. Thank
10 you for your time, Tim.

11 The next speaker Lisa Navitsky,
12 N-A-V-I-T-S-K-Y. 5155 Cassidy Drive,
13 Schnecksville.

14 MS. NAVITSKY: I'm winging it here.
15 I don't have any notes or anything. I'm a long
16 time resident since 1989. I used to work at
17 Muhlenberg Hospital over there in Bethlehem. It
18 used to take me 24 minutes to get to work. Now, I
19 work just one and a half miles north of there. It
20 now takes me 50 minutes to get to work. I leave
21 at 6:10 in the morning. Traffic is unreal. I
22 understand you guys want to make something here.
23 But I don't think you're realize the lifeline that
24 309 is.

25 As a mom, I use 309 to go to the

1 pediatrician. I use 309 to go to the dentist. I
2 use 309 just to go shopping. Everyday, 309.

3 Now what happens? An Amazon truck
4 stops in Orefield, what happens to all of us? We
5 get stuck for the longest time because it's a two
6 lane road. We just don't have the infrastructure
7 to accept any more tractor-trailers or any more
8 big traffic on 309. I mean, you know what? Build
9 a bigger road and then come back and build a
10 warehouse. But until we widen 309 and make it
11 accessible. You really -- like that guy was
12 saying about being on -- being stuck on 309 past
13 22. I used to work on Lehigh Street. It was the
14 most frustrating thing, that I would be stuck at
15 22 and sitting in traffic wasting gasoline and
16 we're all worried about the environment, right?
17 Sitting on 309 waiting and waiting and waiting.
18 And it's not getting any better.

19 Like I said, I don't have any notes,
20 I'm just talking as a mom and resident since 1989.
21 It's just gotten a lot.

22 MR. DINKELACKER: Thank you, Miss
23 Navitsky. Next is Chris Talianek. Have I
24 pronounced it right, Chris? 4644 Hillview Road,
25 Coplay. T-A-L-I-A-N-E-R.

1 MR. TALIANEK: K, last letter is a K.

2 MR. DINKELACKER: Oh, a K. Sorry
3 about that.

4 MR. TALIANEK: My viewpoint on this
5 is very pragmatic. My wife and I like to
6 patronize the businesses in the area as much as we
7 can. The traffic on the 309 corridor is so
8 prohibitive, we are often now shopping in other
9 areas. Rather than spending it in our community,
10 we're spending it outside of our community. It
11 turns our stomach.

12 That intersection today is the most
13 miserable intersection in the township. Frankly,
14 if you drew a large radius around the outside of
15 this township, it still would be the number one
16 worst spot to put all this, more traffic,
17 especially coming in from the Orefield Road. It
18 is just going to make it so miserable that it's
19 going to be completely dysfunctional. That's it.

20 MR. DINKELACKER: Thank you, sir.
21 Next is Sam Claudio. 4423 Orefield Road.

22 MR. CLAUDIO: Good evening. I'm not
23 going to spend a lot of time going over or
24 rehashing what's already been said. I would only
25 like to do two brief things.

1 First, I want to thank the planning
2 committee and members of the planning committee
3 for their wisdom in their decision in rejecting
4 this plan.

5 I would hope that you would rely
6 heavily on their wisdom, that you would rely heavy
7 their recommendation. Because they made a lot of
8 sense, all of those votes. I hope that reflects
9 on your decision tonight.

10 The only other thing I want to say
11 is, this past Saturday we had -- my neighbor
12 across the street, I guess, had an electrical fire
13 or some type of fire in their house, and the fire
14 department was out. They had two trucks out.
15 They had blocked Orefield Road -- it was in the
16 morning before it started raining -- for about two
17 hours. And if their plan is to go through, and
18 situations like this occur, and they occur often,
19 you know, they occur regularly, so if that was to
20 occur, where would those trucks go? Where coming
21 off of -- coming out of the Orefield exit?

22 They would have to turn the opposite
23 direction, which would be almost impossible given
24 the angle of the driveway as it is. And then they
25 would have to go out Orefield Road back towards

1 Cedar Crest, which they couldn't do. So they
2 would be forced to come out 309, which is why I'm
3 sure that they're insisting that that be available
4 to them. I'm sure they're aware of that. But
5 just, again, increasing the danger that is there.

6 Like I said, I want to keep my
7 comments brief. But, again, I want to thank the
8 planning committee and you gentlemen here for
9 hearing our comments and considering this. Thank
10 you.

11 MR. DINKELACKER: Mr. Claudio, I know
12 that you've been working with the developer
13 regarding a screening of your property.

14 MR. CLAUDIO: Yes.

15 MR. DINKELACKER: Or a buffer on your
16 property. Where does that stand? Maybe John or
17 Jason or somebody from the developer can provide
18 comment.

19 MR. CLAUDIO: I can comment, briefly.
20 Then they can comment, or John can comment.

21 John gave us a -- a -- and I
22 submitted it to the township -- the plans that
23 they had wanted to put up or help us with. And
24 they showed us how there was going to be some
25 additional trees and arborvitaes. And they wanted

1 to put a fence there. We had gone back and forth
2 about the type of fence. I told this to John, I
3 stated it clearly, that regardless of whatever
4 kind of things that they put in, it's not going to
5 be adequate. And I made that clear to him. My
6 grandson, my 3-year-old grandson plays in that
7 backyard.

8 The noise, the pollution coming from
9 the trucks that are -- you know will be constantly
10 running their engines or whatever is going on. I
11 mean, the roadway there will be 30 feet from my
12 property line. You know, 30 -- I think about 30
13 feet or so from my property line. So that will
14 have constant, you know, constant pollution coming
15 over. And I -- I told him that I was very
16 concerned about it, and which I'm imploring you to
17 not allow this -- to this -- proposal to go
18 through.

19 MR. DINKELACKER: Let me just ask. I
20 mean, is there an agreement at all yet as to, you
21 know, a buffer or screening? Regardless of
22 view -- of the people's view of the adequacy, is
23 there any kind of an agreement yet in that regard?

24 MR. POLLACK: No formal agreement in
25 place, no. I did meet with Mr. and Mrs. Claudio.

1 And regardless, I did recognize it's kind of
2 binary, right? It's either there is a warehouse
3 or not a warehouse. And your preference is not a
4 warehouse. Regardless, we do plan to continue
5 working with you to ensure there's a preferable
6 amount of screening and buffer in terms of
7 landscaping or fencing.

8 And, again, we'll continue working
9 with you on that. Nothing formal yet, but I think
10 the commitment when we spoke, was that we continue
11 talking.

12 MR. CLAUDIO: Yeah. And I appreciate
13 that. I mean, it -- last -- this past Thursday
14 there was a joke going around that you guys and
15 I -- I don't mean to make light of the situation,
16 but that you guys care more about the turkeys than
17 you do about our kids.

18 And, you know, if you -- it's funny,
19 but if you really look at it, I mean, that's what
20 we're talking about here. Okay? So, thank you.

21 MR. DINKELACKER: Thank you, Mr.
22 Claudio. The next is Deb Moyer, M-O-Y-E-R.
23 3444 Wilson Avenue.

24 MS. MOYER: So most everything that I
25 was going to say has been covered, so I won't

1 repeat. But I will say that from my home I can
2 see Route 309. And I'm not in the habit of
3 sitting on my front porch and looking at traffic.
4 But there are times that I will look there and
5 count a few minutes to see how many UNFI trucks
6 went by in three minutes. It's -- it's
7 disgusting. I don't know how we could possibly
8 add any more onto that road. And, yeah, I have
9 grandchildren and children, and it's a great place
10 to live or always has been. That's it. Thanks.

11 MR. DINKELACKER: Next speaker is
12 Attorney Ready from Cornerstone Law. And I'm
13 assuming, Attorney Ready, that you're here because
14 you represent one or more individuals.

15 MR. READY: That's correct, yes. I'm
16 here for the North Whitehall Township for Smart
17 Growth, including individuals interested in the
18 warehouse. There's an old saying, everything that
19 needs to be said has been said, but not everybody
20 has had a chance to say it yet. I will try not to
21 repeat anything that has been said.

22 I do want to emphasize something I
23 said at the last conversation with the planning
24 commission. This is a trucking terminal under the
25 terms of the ordinance. That's important for a

1 number of reasons. I heard tonight this is
2 available by right, and I don't think that's
3 correct. And I want to highlight two things off
4 of the attachment to section 440 in the township
5 ordinance. There are two things. Section 440-41,
6 anything involving more than ten loading or
7 unloading bays is not permitted in this district.
8 I've looked at it. I believe it's -- 95 was my
9 count of loading bays that are currently on this
10 plan.

11 And second, there's another one,
12 which I've heard. A number of the things I read
13 in Miss Durso's response to some of the concerns
14 that were submitted was, a lot of these are
15 performance issues. In other words, these are
16 things we can deal with after the warehouse is
17 built. There are things that have to do with how
18 the warehouse will be used, or a trucking terminal
19 will be used.

20 I also want to draw your attention --
21 again, it's on the chart. It's in the zoning
22 ordinance. It says, all uses that would have a
23 serious threat of being unable to comply with the
24 performance standards of chapter 440 are also not
25 permitted in the district. Both of those issues

1 are implicated here. The plan they have
2 acknowledges, on note 15 and 16, that a trucking
3 terminal not be permitted. It also leads open a
4 number of specific storage uses that would not be
5 permitted, fireworks, explosives and other things.
6 I understand that this is a spec project, meaning
7 they don't yet have nailed down who the tenants
8 will be.

9 I did hear from the developer last
10 week that there will be one or two tenants. Which
11 means by very definition, this will not just be
12 one owner or leased tenants, who is just storing
13 things that they produce and that they create. As
14 a result, we believe this falls under the trucking
15 terminal section.

16 Also, I just want to note a few
17 things on the noise. We heard a little about
18 noise and few things from publicly available data.
19 If we had an opportunity, and I understand,
20 Mr. Dinkelacker, that there's some limit on how
21 much we can present tonight. I didn't bring in a
22 witness to testify to sound, but one thing I'll
23 tell you is that from publicly available data, 74
24 decibels is the limit in this township for this
25 zoned area. A single diesel truck is 85 decibels

1 at 50 feet. If you add a second one, once they're
2 even at an idling number, the numbers go up from
3 there.

4 So there, of course, could be --
5 there's a number of things you can do to minimize
6 sound. We don't know what those would be. Simply
7 treating those as a performance standard ignores
8 the zoning regulations requirements that we
9 address, unavoidable performance issues. That's
10 particularly true with a half a million square
11 foot warehouse. Because if this warehouse and
12 trucking terminal cannot be used in compliance
13 with these performance standards, what you have is
14 a massive unused space that is not readily
15 available for other uses.

16 That's why you want to address those
17 performance issues on the front end. This is not
18 a strip mall where, well, if we can't put use A in
19 there, use B, C, D, E are all fine. We're talking
20 about a warehouse and trucking terminal. If you
21 cannot use it within compliance of performance
22 standards, especially those related to idling
23 trucks and traffic, there's not any use you can
24 do.

25 You now have an actual light problem

1 day one, as soon as the project is done. And
2 something the township won't be able to use in
3 other ways. There are two issues with the
4 driveway. I briefly touched on these last week.

5 One is that the driveway, depending
6 on which version of the plan we're on, would
7 either drift into South Whitehall Township through
8 a residential zone or is no more than 250 feet
9 from the nearest residence, which are both
10 problems under the zoning ordinance.

11 So for all of these reasons, I
12 believe that the board should turn down this plan.
13 I think there's a number of conditions that could
14 work, but, unfortunately, I don't think there's
15 enough in the plans right now for those to be
16 addressed. So thank you for your time in allowing
17 me to address the board again.

18 MR. DINKELACKER: I figured you would
19 want to say something.

20 MS. DURSO: So zoning concerns the
21 use of lands, and it's determined by the zoning
22 ordinance. An application for a land development
23 concerns how that use may be developed as
24 determined by the SALDO.

25 The zoning officer, in her letter

1 dated April 24, 2025, confirmed that the proposed
2 use did not constitute a trucking company
3 terminal.

4 The zoning officer -- the prior
5 zoning officer also determined that the access
6 drive met the zoning ordinance.

7 If the zoning on the property permits
8 the use, that's the end of inquiry as far as the
9 land development approval goes. It's neither the
10 Planning Commission, Board of Supervisors or --
11 excuse me -- neither the Planning Commission nor
12 Board of Supervisors can act as a zoning hearing
13 board or as zoning officer and make zoning
14 determinations. It's not up to the board this
15 evening to make any kind of determination as to
16 whether or not the use falls under the criteria.
17 The zoning officer has already made that
18 determination. Her letter is dated April 24,
19 2025, and no appeal of her determination has been
20 made. Similarly, the access drive determination
21 was dated from 2022, and no appeal was raised or
22 filed with regard to that determination.

23 So it's not within the board's
24 jurisdiction this evening to make a conclusion
25 that the use does not constitute something

1 otherwise permitted by right in that zoning
2 district.

3 MR. DINKELACKER: Okay, thank you.
4 We'll take a break. It is five minutes to nine.

5 (A break was taken.)

6 MR. DINKELACKER: I'm going to jump
7 back to people who may not have been here earlier
8 when we called their name. Is Miss Webb here?

9 Yes, okay. It's Liz Webb, W-E-B-B.
10 And Liz, what is your address please?

11 MS. WEBB: Washington Street.

12 MR. DINKELACKER: Washington Street,
13 Schnecksville.

14 MS. WEBB: That's correct, thanks.

15 All right. Good evening. I would
16 like to begin by thanking the Planning Commission
17 for unanimously rejecting the Nexus 78 warehouse
18 proposal on behalf of North Whitehall Township
19 community. You have shown great common sense. I
20 would like to expand upon that common sense
21 tonight. At the last meeting, the Nexus 78
22 applicant team referenced common sense many times
23 in regards to the drivers that would be coming in
24 and out of the proposed facility.

25 We as township residents are supposed

1 to trust the common sense of strangers driving
2 tractor-trailers on our local roads because other
3 non locals have told us to.

4 Does that seem like common sense? To
5 me common sense says that I should put greater
6 value and trust on the input of my local peers.
7 To me, local residents can be considered local
8 experts, compared to the nameless, faceless, and
9 potentially inexperienced drivers I'm supposed to
10 place trust in according to the Nexus 78 team.

11 The proposal of the Nexus 78 project
12 lacks complete common sense, plain and simple.

13 What does make common sense is to
14 wait for a more appropriate use for that space to
15 present itself.

16 North Whitehall could be a welcoming
17 place of great opportunity for the right small and
18 local businesses.

19 Businesses we might interact with
20 local owners, workers, and drivers who might
21 already live in or near our community.

22 The only one on a deadline here is
23 the people benefiting from the Nexus 78 project,
24 and not the Whitehall Township community.

25 We can wait for a use that aligns

1 with the direction our township community would
2 like to grow in. The use of land in connection
3 should align with the goals and objectives of the
4 North Whitehall comprehensive plan. The number
5 one objective is to manage growth and create
6 livable and sustainable development and maintain
7 and enhance the quality of life for all township
8 residents. I repeat maintain and enhance.

9 Not once has the Nexus team provided
10 an example of how their project might maintain or
11 enhance the quality of life for all township
12 residents. Rather, they have routinely showed how
13 their not yet finalized spec plan is blatantly
14 deficient, when brought under scrutiny, not only
15 by my local peers, but the Parkland School
16 District, Planning Commission and various outside
17 consultants.

18 The last meeting had one lone
19 individual who spoke in favor of the proposed
20 warehouse. That person spoke from a perspective
21 that assumed there would be some sort of tax
22 benefit to the community. We all know what they
23 say about assumptions. UNFI, which is the parent
24 company of this Nexus proposal, has now been in
25 the area long enough for residents to understand

1 the nature of this beast.

2 The roads are more congested, various
3 properties across the township have been damaged
4 due to tractor-trailers turning around, and were
5 ignoring signage. And my local taxes are still
6 going up. These are facts.

7 North Whitehall reimbursed UNFI
8 developers \$90,000 for road improvements. Fact.
9 Larger corporations go to great lengths to pay as
10 little taxes as possible. Fact. Small businesses
11 do not have the same privilege.

12 Small businesses -- small businesses
13 like Shankweiler's have a face, a voice, a stake
14 in the North Whitehall community. Small
15 businesses offer specialized service, joyful
16 experiences, support for local causes and teams,
17 and places to engage with other local community
18 members.

19 Here's another fact. They maintain
20 and enhance the quality and the life of township
21 residents. The supervisors this evening need to
22 make a choice tonight in regards to the Nexus 78
23 warehouse, not only using common sense, but facts
24 and integrity.

25 MR. DINKELACKER: Liz, wrap it up, if

1 you would, please.

2 MS. WEBB: Facts and integrity -- the
3 fact that the six members of the Planning
4 Commission were able to unanimously vote to not
5 recommend this warehouse proposal speaks volumes.

6 Especially when taking into
7 consideration it's impossible for a house of five
8 to agree on where to get take-out. The fact that
9 so many residents, businesses in the Parkland
10 School District have dedicated time, effort and
11 money to oppose this warehouse is a testament to
12 how negatively it will impact the lives and safety
13 of residents and our 10,000 Parkland students and
14 families. The future of North Whitehall Township
15 relies on your integrity, your values being set on
16 maintaining and enhancing the quality of life in
17 North Whitehall Township, and prioritizing safety
18 over the common sense of strangers.

19 MR. DINKELACKER: Thank you, Liz.

20 How about, is Mike Grenouski here?

21 Okay. That's the second call for Mike.

22 Mr. George Borman, B-O-R-M-A-N.

23 And that is 5616 Manor in
24 Schnecksville.

25 MR. BORMAN: Good evening. I think I

1 asked the people from this warehouse last Thursday
2 night. First on my agenda is 476. Have your
3 engineers worked with 476 on this problem?

4 MR. POLLACK: We did need to
5 coordinate with them as a result of some
6 stormwater located close to the interstate. We
7 have spoken to them and they are aware of the
8 project.

9 MR. BORMAN: But did you get with
10 them on extension plans for the northbound and
11 southbound section of 476?

12 MR. POLLACK: They did not raise
13 those concerns.

14 MR. BORMAN: They are expanding the
15 bridge at Tilghman Street as we speak. They
16 expanded the bridge at Huckleberry Road already.

17 MS. DURSO: They're aware of our plan
18 and have not indicated any concerns related to
19 what's being proposed.

20 MR. BORMAN: Have you showed them the
21 whole plan? You have a driveway and retention
22 pond that boarder 476. During their expansion
23 plan, you might be encroaching on their property.

24 MR. POLLACK: We did show them the
25 whole plan.

1 MR. BORMAN: Okay, now, the
2 intersection on 309, we talked about that Thursday
3 night.

4 You have a deceleration related, if
5 you want to call it that, you have no acceleration
6 lane to go northbound. So if you expect cars and
7 trucks to go north without an acceleration lane,
8 you're misguided. And when you say about a truck
9 getting up to speed in 60 seconds, my seats's been
10 behind the wheel, by butt's been behind the wheel
11 already. 80,000 pounds pulling out of the
12 driveway, he's not getting too far too fast. You
13 better put an acceleration lane in. Plus, you're
14 already blocking the line of sight for a business
15 that's been there for years.

16 For Wagner's Auto Body, now you're
17 putting your driveway in the line of sight of
18 anybody pulling out from Wagner's Auto Body. It's
19 tough enough to pull out there now.

20 Now you're going to block the view
21 for northbound vehicles coming down. How do you
22 alleviate that? Did you think about that? It's
23 in the line of sight. Go sit there and try to
24 pull out.

25 If the engineer thinks it's good, go

1 sit there and get behind the wheel of an 80,000
2 pound truck and pull out from that driveway. It
3 doesn't work too good.

4 MR. DINKELACKER: Thank you, sir.
5 Angelo Caggiano.

6 MR. CAGGIANO: I yield my time to the
7 next person. I would be repetitive with saying
8 how insane this is. And to the developer and
9 anyone that represents them, I think you should
10 build it where you live.

11 MR. DINKELACKER: Mr. Caggiano's name
12 is spelled C-A-G-G-I-A-N-O. 4958 Sugar Pie Drive.

13 Next is Mr. David Horvath. And
14 Mr. Horvath's address is 2234 Juniper Drive,
15 Coplay.

16 MR. HORWITH: Thank you for your
17 time. Thank you for allowing me to talk. I had
18 not been at the other meetings. But I do a lot of
19 driving, and warehouses are coming up all over the
20 state. They call Pennsylvania the warehouse
21 horror of the country, because that's what it's
22 becoming. And this is just another addition to
23 this. This is -- why here? Why would you put
24 something next to a school of this magnitude with
25 this many trucks? According to the engineer's

1 description, probably going to be a lot of
2 accidents. Lives are probably going to be lost
3 with new drivers, kids and everything. And you're
4 willing to risk all that just so you can have a
5 concrete building there.

6 It shows that this is about money.
7 Love of money is the root of all kinds of evil.
8 And this is one of them. You can put it anywhere
9 else. There's plenty of warehouses sitting around
10 empty, just doing nothing. And you choose to put
11 one here. Your morals and your ethics are
12 confused and you need to really rethink that. It
13 doesn't belong here. Go somewhere else. Thank
14 you.

15 MR. DINKELACKER: Thank you, sir.
16 Robert S. Allen. 5016 Donna Drive.
17 Is Mr. Allen here?

18 UNIDENTIFIED SPEAKER: He had to
19 leave.

20 MR. DINKELACKER: Mr. Allen had to
21 leave, okay. Trisha Burkhard. 4801 Kernsville
22 Road, Orefield.

23 MS. BURKHARD: This might be a little
24 choppy. I'll try to -- I had to really cut stuff
25 out with other people saying stuff.

1 MR. DINKELACKER: Thank you,
2 appreciate that.

3 MS. BURKHARD: I'm appealing as a
4 life long local volunteer. I grew up in the fire
5 company. I've been in the fire company and been a
6 first responder for decades, my entire life. And
7 I almost don't even want to call it the fire
8 company anymore, we're more of a traffic accident
9 company nowadays.

10 But I'm presenting fire, public life
11 safety concerns due to the severe lacking in
12 infrastructure for health and welfare in this
13 community. I would like to bring to light the
14 truck backlog on to surrounding roadways.

15 Their proposed area for only 14
16 trucks in a queue is not sufficient.

17 Other township -- the other township
18 warehouse development egresses onto Independence
19 Road, and still some nights the trucks back up all
20 the way out to Pennsylvania Road, which is 1,686
21 feet. And back up into the left lane of the four
22 lane area of Route 309.

23 How do you propose to deal with that
24 on a two-lane portion of 309? We need to make
25 sure that queuing is regulated, even if only a

1 spec is unknown with an unknown tenant, which is
2 very difficult to do, as well as provide for
3 increased truck queue on the property.

4 The traffic increase with unknown
5 hours of operation and shift changes with the spec
6 creates more of an issue. Traffic signal at
7 Orefield Road and Route 309 already has the lowest
8 rating from the state. You can easily sit two to
9 six cycle to get through, now, preconstruction.

10 So I don't know what peak hours you
11 were looking at, but sometimes for me to get over
12 to the firehouse it takes me six cycles to get
13 through.

14 Spec estimation of 300 truck trips,
15 which is 150 trucks doing two way travel. A
16 majority of them will be turning left to head
17 southbound on 309 from either Orefield Road or
18 Route 309. This is a major tie-up issue for fire,
19 EMS and police responders. Increasing our
20 response times to all of the members of this
21 community and every resident and everybody
22 traveling through here.

23 There must be a turning -- there must
24 be a substantial left turning lane installed on
25 Orefield Road and mitigating interim conditions

1 improved. So figure out how to get PennDOT to
2 require that. PennDOT does not support a traffic
3 light at either proposed entranceway.

4 I agree with the traffic engineer,
5 this will be a very dangerous intersection. But
6 Orefield Road is not wide enough for truck turning
7 radiuses to keep from entering the oncoming lane,
8 just below the crest of a hill with limited line
9 of sight. So they will have to look both ways not
10 just one way.

11 And creating more of a chance for
12 first responders to have to witness guillotined
13 victims underriding tractor-trailers. I've seen
14 it. How many of you guys have seen it and witness
15 it, and had PTSD from it?

16 Make note that trucks already get
17 stuck on the hill just prior to the site when
18 approaching the northbound lane in inclement
19 weather on a regular basis. Impatient truck
20 drivers also blow through red lights on a very
21 regular interval so you don't lose momentum up the
22 hill. Our state police do not have the manpower
23 to monitor or cite the drivers.

24 The route to Cedar Crest is not a
25 better option and it was also not included on the

1 traffic study, which is based on archaic federal
2 highway commission traffic impact standards from
3 the early 2000s. A new traffic study of real
4 world conditions must be required after the tenant
5 is in operation, and all improvements recommended
6 must be at the cost of the developer tenant as
7 traffic will be cumulative and not just what
8 engineers peak hours state.

9 Issues volunteers firefighters have
10 run into at the other warehouse locations is
11 regulating appropriate fire code for suppression
12 systems for the type of occupant would only build
13 for a speculated tenant. Unknown hazardous
14 storage types and amounts on spec, lack of ability
15 for on-site communications within the building
16 type, unsure if the new P 25 system will result.

17 We need to make sure they agree in
18 advance to supply supportive equipment and reduce
19 emergency vehicle access, turning radius and fire
20 lanes when trucks are parked everywhere upon
21 backlog intake. Lack of informed management
22 security workers on-site 24/7 and readily
23 available for emergencies at location, need to
24 break the cycle of planning and make sure we have
25 this prepared --

1 THE COURT REPORTER: I'm sorry.

2 MR. DINKELACKER: Trisha, Trisha, I
3 know you're going fast to get everything in. But
4 the court reporter can't possibly go that fast --

5 MS. BURKHARD: Come on.

6 MR. DINKELACKER: And you're out of
7 time.

8 Is there -- let's make one last point
9 and then we need to pass it on. Go ahead.

10 MS. BURKHARD: Yeah, he yielded his
11 time. Can I just finish, please? It's not going
12 to take me long.

13 Portion of this parcel is --

14 MR. DINKELACKER: Slowly, slowly.

15 THE COURT REPORTER: I'm sorry.
16 Yeah, I agree.

17 MS. BURKHARD: A portion -- a portion
18 of this parcel is in South Whitehall Township.
19 Even though development is not occurring in the
20 South Whitehall Township portion, this should have
21 been legally and appropriately reviewed by South
22 Whitehall Township. As we all know, zoning is up
23 to interpretation. So it's unfortunate the zoning
24 district now permits warehouses in this area,
25 which was only recently changed 2018-2019 from

1 suburban residential to light industrial at that
2 site and others.

3 This spot zoning will create --
4 meaning, that next will be on Kernsville Road in
5 the L&I district owned by the same family members.
6 None of this site has plans for necessary
7 infrastructure that should be proposed when
8 changing zoning district and planning for future
9 sustainable development.

10 This township needs to base decisions
11 on common sense, the law and common good of the
12 community. The tax income from this proposed
13 project does not and will never equal the cost for
14 the missing infrastructure the township payers
15 will have to burden. Just wait until you have to
16 pay for a police department and fire department.

17 MR. DINKELACKER: We're done.

18 MS. BURKHARD: I'm done.

19 MR. DINKELACKER: Thank you.

20 The next person to sign up is Liz
21 Younger. Is Liz here? Liz, can we get your
22 address, please?

23 MS. YOUNGER: 4952 High Ridge Circle.

24 MR. DINKELACKER: 4952 Howard Circle?

25 MS. YOUNGER: High Ridge Circle.

1 Above the dairy. Anyway, I guess, one, I already
2 lived through a situation like this and all of the
3 promises and guarantees obviously didn't come
4 true. Because I'm living in Schnecksville now.
5 And the area I left is now just filled with
6 warehouses. We all know Upper Macungie, right?

7 So they didn't take into account, I
8 guess, all the environmental studies. And the
9 minute they started digging, the house flooded out
10 and was condemned. And all four of the houses
11 along Cetronia Road were condemned and now we live
12 in Schnecksville. That road, that area is now,
13 what is it? That used to be Air Products back
14 there, now it's like -- anyway, now we're living
15 in Schnecksville. I don't feel like a lot of
16 questions asked were answered, such as, you know,
17 the idea of what PennDOT is going to require. We
18 still don't have that information. The
19 environmental reports are not completed.

20 So I don't know, like, how any of
21 this could be approved until those questions are
22 answered. Because this is a large project and
23 there's not the infrastructure to support it. I'm
24 done.

25 MR. DINKELACKER: Thank you, Liz.

1 Joanne Mertz from 7037 Windy Court in Orefield.

2 Go ahead, Miss Mertz.

3 MS. MERTZ: Joanne Mertz. I've been
4 living in our area for 44 years. 13 years in
5 North Whitehall, ten years in South Whitehall and
6 21 years in Lowhill Township, which is right next
7 door to -- some of you that know that.

8 So why am I here? Because this
9 warehouse affects me just as it affects you guys.

10 Where are these trucks going to go?
11 They're going to go right past on Kernsville Road
12 when they miss stuff. Where are they going to
13 turn around? Where -- it just -- it just doesn't
14 make sense and we don't -- I don't have to be an
15 engineer and I don't have to be a lawyer to tell
16 us that this is completely, completely wrong for
17 our area.

18 And we've just had enough. I just
19 want to say, like, I'm not going to disrespect
20 North Whitehall Township, but shame on you for not
21 asking for help in trying to tweak your ordinances
22 in a way that maybe these lawyers wouldn't be able
23 to find a little loophole to get in.

24 Okay? And now what I'm going to tell
25 you is if it's okay, one, tonight, don't give them

1 another inch to then rely on the other agencies to
2 be able to just say no to them or anything like
3 that. And two, don't be afraid to go to court.
4 You have insurance. Seth, does the township have
5 insurance?

6 MR. DINKELACKER: We're not here to
7 answer your questions.

8 MS. MERTZ: The township has
9 insurance.

10 MR. DINKELACKER: Excuse me. Make
11 your statement and let's move on, please.

12 MS. MERTZ: And three, this area as
13 we know, this entire area, not just North
14 Whitehall Township, needs no more trucks. No more
15 trucks. If I could have everyone say no more
16 trucks. This is why I don't want this warehouse
17 here.

18 MR. DINKELACKER: Next is speaker
19 Karen Kaintz, K-A-I-N-T-Z, 3128 Route 209. Is
20 Karen here?

21 MS. KAINZ: Evening everyone.
22 First, I would like to say this heavily, heavily
23 impacts me. Not only is the exit, entrance,
24 whatever you're proposing, is right in front of my
25 house. Literally, right in front of my house. My

1 daughter who is a first responder, was just in an
2 accident due to construction being done on 309
3 because people are irrational, and they don't
4 think. And they took off and they hit her because
5 she was going and leaving my house to respond to
6 help somebody else.

7 Thank God she's okay. But please
8 consider the impact. You all know, you all live
9 here. Dennis, R.J., you grew up here. You farm
10 here. Your kids and grandkids live here. We all
11 do, too. This is having a tremendous affect on
12 us, just UNFI. I know you know I'm a part of the
13 fire family. We all see it. We all know it.

14 This is not a great option for our
15 area. They're right, put it another -- put in
16 something else, but this is not what this place
17 needs. On 309, the entrance and exit, is there a
18 traffic light going in there? I implore anyone to
19 sit in my driveway and try to get out. I would
20 like to really know what -- who designated peak
21 hours. Because I will tell you, someone who lives
22 there, those are not peak hours. You need to go
23 'til at least 5:45, 6:00 at night. That is your
24 peak hour time limit.

25 There's no way. I sit, I can't even

1 have my front window open. I hear Jake brakes all
2 night long. I can't hear my TV. I have to either
3 turn it up -- I can't enjoy the nice country air
4 that I -- I moved from center city Allentown.
5 I've been here since I've been 14 years old.

6 I just -- this is not -- this is not
7 what is needed for this area. And I just -- and I
8 will say you guys mentioned about going to court
9 and it will cost us taxpayers money. I don't
10 care. I will pay every penny and --

11 MR. DINKELACKER: Next, Mary Tomko,
12 4058 Coplay Creek, Schnecksville.

13 MS. TOMKO: Hi. A lot of what I was
14 going to say was already said. Traffic, horrible,
15 noise, horrendous. Our property abuts the UNFI
16 warehouse. Granted, we're over the turnpike, but
17 if the turnpike was not there they would be my
18 next door neighbors. The noise is 24 hours, 7
19 days a week. It's not just the truck itself.
20 It's their backup brakes, their honking at each
21 other. There's a loud speaker that they have and
22 you can hear them announcing comings and goings.
23 So since that has been put up -- we have put in, I
24 don't know, we planted probably upwards of 75
25 trees.

1 We put in -- we got clean fill and
2 put in a berm. We have done so much in regards to
3 noise mitigation. But it still keeps us up at
4 night. We've put in noise canceling window
5 drapes. We put in a pole barn. We -- and
6 nothing, we can't keep our windows open. Our
7 property value has tanked. It's -- it's -- and we
8 have complained.

9 We have complained, and our
10 complaints have gone unrecognized from the
11 township. We've been told that it's too costly to
12 do a noise study, and it's too costly to do
13 anything to mitigate the noise. Zoning is there,
14 ordinances are there. The township doesn't
15 enforce them. So if this were to go in, you can
16 count on the township not backing you up. Because
17 they have not backed us up. So there's that.

18 And then in addition to that,
19 something that has not been mentioned yet is the
20 smell and the exhaust. So, yes, we can't keep our
21 windows open because of the noise, but the smell.
22 We have the diesel fuel smell. Our next door
23 neighbors, they have a pool. There's a film on
24 that pool. That was never there before. That's a
25 diesel film. So if you think that the noise is

1 bad, if your kids have asthma, it's just going to
2 add to the problem. Those are the two things that
3 I wanted to highlight that haven't been already
4 spoken about. Your air quality and your noise and
5 the township's lack of support.

6 MR. DINKELACKER: Thank you, Mary.
7 The next is Ann Marko, 3380 Fairland Drive.

8 MS. MARKO: Hello. Thank you for
9 allowing me to speak again. I really have been a
10 life long resident of Schnecksville. I grew up
11 here, moved away for about ten years, and came
12 back. And I think that there's so many flawed
13 things, as so many people have said. Pollution,
14 traffic. And really what I would like to share is
15 I don't know that that has been considered. The
16 traffic studies that have been mentioned, one was
17 from 2022. There's a more recent one. But if we
18 think of all of the growth in our area, which is
19 amazing. Has anybody taken into consideration all
20 of the homes that the township has approved on
21 Schneck Road and Spruce, now the new development
22 on Maple? Okay. Think of where they have to
23 drive. Coplay Creek. To either Orefield Road or
24 309.

25 All that traffic is going there.

1 What have we thought about on all of the building
2 that is happening in our area to account for more
3 cars? We can't take trucks. We have already
4 approved all of these developments, and that adds
5 more cars. That's more traffic. That's not
6 taking into consideration, you know, the traffic
7 backup that we have.

8 So a new traffic study needs to be
9 had. The one thing that's mentioned, this is a
10 huge impact for Parkland School District. It's a
11 huge impact for LCTI and every other surrounding
12 school district. But where we are tonight is
13 Lehigh County Community College. Has anybody
14 thought of all of the students that commute here
15 every day, that have to drive 309 or all of the
16 surrounding areas?

17 So think about when we're doing these
18 traffic studies, think about all the growth that
19 is in Slatington. There is no traffic or no -- if
20 you think about the turnpike. We have the Lehigh
21 Valley exit. We have the Lehigh exit.

22 Everyone that has to travel comes
23 down 309. 15 years ago when I was growing up in
24 Parkland, we didn't have the infrastructure then.
25 How do we have the infrastructure now? If anybody

1 thinks about the reason Parkland School District
2 has their name now, my parents were the last
3 graduating class of South Whitehall High School.
4 The name was chosen because all of the park land,
5 the parks, the trees, everything we had here.
6 We're losing that everywhere.

7 North Whitehall Township was always
8 the rural part of Parkland. And now we are losing
9 that. Another warehouse. UNFI has all these
10 trucks. I have seen the road rage as I've driven
11 up 309. People so impatient they're passing
12 people by Purina. They're passing people in
13 Schnecksville where there's two lanes.

14 On my way here, somebody ran a red
15 light. So there's going to be accidents. We have
16 first responders. We have our fire company people
17 who know, who have seen that. We don't have a
18 paid fire company or police here. We have all
19 this growth, all these trucks. So think about
20 that when you're voting. Because this is people's
21 lives on the line.

22 Everybody -- so many people lived
23 there their whole life or moved here for the
24 quality of life we thought we were having in North
25 Whitehall Township. We're losing that now if

1 there is a warehouse here. So I hope you vote
2 with your heart. And, yes, there's ordinances,
3 but there's noise restrictions. This is not the
4 township, and this is not meant to be here. So
5 please think of that when you're voting tonight.

6 MR. DINKELACKER: Thank you, Ann.
7 Sherri Rivera, 4045 Mauch Chunk Road, Coplay.

8 MS. RIVERA: I'll make is short and
9 sweet. My question is like Mr. Horvath asked, why
10 there? Why that corner?

11 MR. DINKELACKER: Can you wait until
12 we get a microphone, please? Thank you.

13 MS. RIVERA: Why that corner, why
14 specifically that corner? There's -- I mean,
15 unfortunately, we're down in Lower Macungie, Upper
16 Macungie. There's warehouses all over there.
17 There's still property down there. There is water
18 and sewer. Why that parcel of land? That's all I
19 have to say.

20 MR. DINKELACKER: Thank you. We've
21 gone through the list. Is there anyone who has
22 not spoken and wants to speak? Yes, sir. And can
23 you please give us your name and your address?

24 MR. FORGOSH: Ari Forgosh, 3400
25 Jonathan Court.

1 I'm going to just start off by
2 finishing up Trish's statement. Tonight you need
3 to step up and ask the developer for necessary
4 additional funding with the life safety
5 precautions, which were discussed for this
6 permitted use prior to any vote. It's your
7 responsibility as elected officials and morally to
8 make sure that obvious issues be mediated,
9 remedied for a project of this magnitude, which is
10 most definitely not suited for this particular
11 location prior to approval.

12 So I read that because -- my son
13 joined the fire company when he was in high
14 school. And these people are heroes. Now, for
15 myself, I moved back to Pennsylvania. I graduated
16 with Ann. Parkland High School class of '89, when
17 it was back where the middle school is.

18 I shutter to think what's going to
19 happen when somebody gets frustrated, a driver
20 gets frustrated, and turns left into that acute
21 turn left on to Kernsville Road, and they find a
22 path cutting through the middle school down
23 Stadium Road to find a more favorable intersection
24 at Limekiln Road. That's going to happen. I
25 promise. Kids are going to get hurt. I know you

1 guys are here, and you'll make a couple bucks, and
2 that's great. Everybody wants to make some money.
3 I know you don't really care about this community.

4 But let's talk about the money.
5 What's going to happen to our property value as
6 this area becomes known as being a traffic
7 quagmire? What's going to happen to our property
8 value? What will happen to our tax base when that
9 property value goes down? Do you think the
10 township is going to recoup that money from the
11 taxes they're collecting from this warehouse?
12 It's not going to happen.

13 So if you want to make money, make it
14 about money. That's all I have to say.

15 MR. DINKELACKER: Thank you, sir. Is
16 there another? We have another request?

17 MR. DEAN: My name is Ted Dean. I
18 live on Coffeetown Road, 4078. As much --

19 MR. DINKELACKER: Can you spell your
20 last name, please?

21 MR. DEAN: Dean, D-E-A-N. As much as
22 I would like to be in the, this is not our
23 township kind of thing, because I feel that way.
24 But that's -- that really doesn't make much
25 difference. A couple things that concern me is

1 actually the traffic sight radius. Westbound on
2 Orefield Road, there's a very steep hill that
3 blocks the sight radius. And as many have said,
4 it's not unusual to wait three or four lights. We
5 had trucks backing up. If they back up right to
6 the bottom of that hill, there's actually no sight
7 radius for somebody coming over that hill. You'll
8 have rear-end accidents there.

9 There's no sight radius at all for
10 that. That really should be considered. I'm
11 going to the noise ordinance. The noise ordinance
12 is a really frustrating issue for me because North
13 Whitehall Township does have one. But it's not
14 enforced. And I implore you to start enforcing
15 it. I've called once a year for ten years
16 complaining about loud vehicles that are way above
17 what they're allowed to be, and there's no one to
18 enforce it. I've called the state police and they
19 won't enforce it. How will we enforce a noise
20 ordinance on a project like this if we don't do it
21 on vehicles at this point?

22 And lastly, I hope that the light
23 ordinances that are going to be put in here are
24 better than the UNFI ones, because the UNFI ones,
25 even though they are saying that they are light --

1 light controlled, you can see them from
2 everywhere. And, hopefully, this one, if this
3 goes in, will have better lights than that. So I
4 implore you to enforce the light and noise
5 regulations in the future, please.

6 MR. DINKELACKER: Thank you,
7 Mr. Dean. Is there anyone else that wishes to
8 speak?

9 MR. VanVREEDE: Tom
10 V-A-N-V-R-E-E-D-E.

11 Just a quick question. Most of us
12 here hear the number and can't visualize what the
13 numbers mean for the traffic study. Maybe we can
14 ask the traffic engineers to qualify it in a
15 different way. 309 is a certain type graded road.
16 Currently, how does that road usage compare to the
17 design limits, right? If it was designed for
18 5,000 cars a day, and what is the current use
19 against that and what will be the new expected use
20 against that road?

21 Is it going to be 100 percent above
22 its design to the design limits and above, or is
23 it still going to be margin between the traffic
24 and design? If you guys can comment, I would
25 appreciate you comments.

1 MR. DINKELACKER: Kate, you want to
2 provide an answer? I'm not sure if you have that
3 information or not.

4 MR. GUTHRIE: Sure. So Route 309 is
5 a state owned and maintained highway. PennDOT
6 doesn't necessarily have a design volume for the
7 roadway. I think that would directly answer your
8 question. But the traffic study was submitted to
9 and approved by PennDOT showing the before and
10 after conditions with the developments, and showed
11 there was no degradation and level of service.

12 MR. VanVREEDE: So do you agree with
13 that?

14 MR. DINKELACKER: And is there
15 anything else on that, Ben?

16 MR. PASTERSKI: I think what
17 Mr. Guthrie is saying is correct in that PennDOT,
18 or the township for that matter, when you look at
19 a roadway, there's not a design volume for a
20 roadway. Where the analysis is done at the
21 intersection, that's where the traffic streams
22 across. So it has to maintain an acceptable level
23 of service. And I think it's not so much that we
24 disagree on that statement. I agree with what he
25 said. It's the nuances of the study. It's, you

1 know, following PennDOT procedure. And, you know,
2 there's multiple staplers in a project for a
3 reason.

4 PennDOT has their priorities and
5 concerns. They care about safety, they care about
6 mobility. You know, access and things like that
7 are lower on the priority list. As a municipal
8 engineer we're looking at it in a different way.
9 And as residents, you are also stakeholders in all
10 this. Long story short, I agree with what he
11 said.

12 PennDOT's criteria doesn't cover
13 everything. And that's why we're -- in our
14 letter, we're looking at it a different way, and
15 making comments that PennDOT is not going to make.
16 And as residents, in a sense everybody is right.
17 All of your experiences are valid. And so that
18 all needs to be brought to the table, which is why
19 public forums like this are so helpful.

20 MR. DINKELACKER: Ben, anything else?
21 Anything else with respect to what Scott said or
22 what Mr. VanVreede asked?

23 MS. DURSO: No.

24 MR. DINKELACKER: Anyone else who
25 wishes to make a comment? I think we're done with

1 public comment for tonight. Let me look at my
2 cheat sheet here. Let's do this. Kate, is there
3 anything you want to do in terms of wrapping up at
4 this point?

5 MS. DURSO: Can I do a quick summary?

6 MR. DINKELACKER: Yeah, why don't you
7 do a quick summary. And I -- maybe there's still
8 questions by the supervisors or some additional
9 comments from our consultants, as well.

10 MS. DURSO: As John mentioned early
11 on, the developer has been working on this project
12 for a number of years. In fact, it goes back well
13 over three years. This included multiple meetings
14 with school district representatives in 2022. It
15 included reaching out to the zoning officer in mid
16 2022 regarding the access. It also includes the
17 developer having received multiple sets of review
18 letters from township staff and consultants, and
19 responding to these review letters over time, over
20 this time period. The developer attended three
21 Planning Commission meetings. The first meeting
22 of which was just for public comment at the
23 request of the township, that we attend and not
24 present.

25 We heard a lot about zoning and

1 essentially by permitting warehouses on the
2 property. The township has effectively determined
3 that this specific property is appropriate for the
4 use. And that the traffic noise and other affects
5 of this type of use in an industrial zone go along
6 with that use. The developer is required to
7 adhere to the noise requirements and other
8 requirements set forth in the ordinance.

9 As it relates to outside agencies,
10 PennDOT has determined that normal roadway traffic
11 will not be impaired with the project. The
12 township is required to grant conditional plan
13 approval, rather than outright deny a plan where
14 feasible. The plan cannot be denied based on
15 alleged violations of health safety and welfare
16 standards contained in the zoning ordinance, nor
17 general SALDO provisions, as were cited by a
18 number of the speakers.

19 That would include SALDO section
20 375-54 (E), which cites general traffic and safety
21 standards, which are not objective criteria for
22 denial of plan. Pennsylvania courts have
23 interpreted the MP C-section 5082 to mean that if
24 a plan complies with projected provisions of
25 applicable SALDO, the plan must be approved. Only

1 objective legitimate substantive planning issues
2 can support a plan denial. It's only when a plan
3 is incapable of meeting SALDO, that outright
4 rejection is appropriate.

5 Denying a plan based on outstanding
6 drafting issues is not permitted, nor is denying
7 the plan for reasons outside of the jurisdiction,
8 which would include third party permits or
9 approvals such as MPDES permit, Lehigh County
10 conservation District approval and HOP receipt
11 from PennDOT. The intersection analyzed as part
12 of the traffic impact study were determined
13 collectivity by the township, the developer and
14 respective engineers and consultants.

15 Complaints regarding the project have
16 continuously revolved around alleged traffic
17 concerns. Route 309 and Orefield Road are both
18 state roads and under the jurisdiction of PennDOT.

19 PennDOT dictates what improvements
20 are necessary in order for the developer to
21 proceed. The developer submitted traffic study
22 was approved by PennDOT, and the traffic impact
23 study was supported by HRG independent analysis
24 that the township had completed.

25 PennDOT is currently not limiting

1 turning movements at the 309 access drive, nor are
2 requiring other improvements that are being
3 requested by the township on Orefield Road.

4 The Township cannot condition site
5 plan approval and recommended traffic controls for
6 a PennDOT HOP when the plan otherwise complies
7 with the SALDO. The developer confirmed the
8 detailed plans for the interim improvements will
9 be submitted to PennDOT for review by the permit
10 and signal units. And PennDOT will ultimately
11 dictate whether those interim improvements were
12 approved, or whether additional improvements would
13 be required.

14 They would -- and that -- that is
15 something the developer would have to institute as
16 part of the project. The township cannot rely on
17 ordinance provisions related to road grades that
18 border land develop, or provisions related to
19 traffic impact fee as cited in the township
20 engineer's review letter.

21 We would submit that the plan
22 approval is appropriate, as the only remaining
23 items in the review letters pertain to plan
24 drafting or outside agency approvals. The
25 township cannot deny a plan based on Comprehensive

1 Plan concerns as they're merely a guide for the
2 enactment of a zoning ordinance. And in this
3 case, the zoning ordinance clearly allows for
4 warehouses on the subject property. We would
5 submit that there's no legal basis for denial of
6 the plan.

7 MR. DINKELACKER: Thank you, Kate.
8 Anything else?

9 MS. DURSO: That's it.

10 MR. DINKELACKER: Thank you.

11 Is there anyone else from the
12 township side that wishes to comment? Randy,
13 Kevin, Jeff, any further comment?

14 MR. COPE: Just one minor thing. The
15 applicant mentioned earlier in the process that
16 earlier in the evening tonight, that the township
17 requested four extensions for this project. I
18 would like the record to show that at least two of
19 those were a direct result of the applicant
20 pulling off the Planning Commission agendas. And
21 that's one thing that I think is important to
22 note, that the township has been acting in good
23 faith. And I think it's unfair to paint the
24 picture that we're trying to delay this decision
25 tonight. That's all I have to add.

1 MR. DINKELACKER: Okay, any other
2 comments from the township? Looks like there are
3 none. Any questions by the supervisors?

4 MR. HEINTZELMAN: I have none.

5 MR. GEOSITS: No.

6 MR. KLUSARITZ: No.

7 MR. DINKELACKER: At this point in
8 the agenda, I think we're at the point where the
9 board takes action on the plan. We have to do so
10 tonight.

11 The deadline is tomorrow. And just
12 to be clear with respect to the law, the board, as
13 I said, has three options. The board can approve
14 the plan, the board can approve the plan with
15 conditions or the board can deny the plan. If the
16 board were to approve the plan with conditions and
17 the developer disagreed with a condition, one or
18 more conditions, those would be grounds for appeal
19 and the plan would generally be considered denied
20 because of refusal to accept the condition.

21 Obviously, if the plan is denied, the
22 developer has the right to appeal. And any appeal
23 would be taken within 30 days of the issuance of
24 the written decision. So tonight the board will
25 make a verbal decision or oral decision. And then

1 whatever that decision is, we will follow up with
2 a written decision within 15 days as required by
3 the municipalities planning code. So that's the
4 law.

5 Does anybody have any questions with
6 respect to the law?

7 MR. GEOSITS: Not the law, but are we
8 doing preliminary finding vote first?

9 MR. DINKELACKER: Yes. So what we're
10 going to vote first on is the waiver request, and
11 the waiver request is to approve the applicant's
12 request for a waiver of SALDO section 375-36.A 2
13 to authorize the plan to be reviewed as a
14 preliminary final land development plan. So that
15 would be the waiver at issue. I'll turn it over
16 to Mr. Klusaritz.

17 MR. KLUSARITZ: So we'll act on the
18 waiver. What's the wish of the board?

19 MR. GEOSITS: I'll make a motion that
20 we approve the waiver.

21 MR. KLUSARITZ: I'll second that
22 motion.

23 MR. GEOSITS: Roll call.

24 SECRETARY KOENIG: Roll call.

25 MR. GEOSITS: Yes.

1 MR. HEINTZELMAN: Yes.

2 MR. KLUSARITZ: We doing a roll call?

3 SECRETARY KOENIG: I said roll call.

4 MR. GEOSITS: We all vote

5 affirmative.

6 MR. DINKELACKER: I didn't hear the
7 vote.

8 MR. GEOSITS: Want us to revote?

9 MR. DINKELACKER: Maybe we should
10 speak in the --

11 I just didn't hear the vote. That's
12 all. Was the vote unanimous, three to zero?

13 MR. GEOSITS: Yes, it was three to
14 zero.

15 MR. DINKELACKER: That is three to
16 zero to approve the waiver?

17 MR. GEOSITS: Correct.

18 MR. DINKELACKER: Okay. Thank you.

19 MR. GEOSITS: Are we doing planning
20 now? We're acting -- the next vote now would be
21 an action on the plan. And I advised as to the
22 three options.

23 MR. KLUSARITZ: All right, we'll act
24 on the plan now. I hereby move to deny approval
25 of the TCNE plan dated April 29, 2024, last

1 revised April 10th, 2025, with a formal decision
2 containing among other things the reason for
3 denial to be issued in writing in accordance with
4 section 508 of the municipal planning code.

5 MR. GEOSITS: I'll second it.

6 SECRETARY KOENIG: Roll call.

7 MR. KLUSARITZ : Yes.

8 MR. GEOSITS: Yes.

9 MR. HEINTZELMAN: Yes.

10 MR. DINKELACKER: So what is it
11 again? I did not hear the vote.

12 SECRETARY KOENIG: Sorry.

13 MR. KLUSARITZ: Three yeses. I voted
14 to deny the plan, and the other two said yes,
15 also.

16 MR. DINKELACKER: Al is a yes. RJ is
17 yes. And Dennis is a yes.

18 MR. KLUSARITZ: Yes.

19 MR. DINKELACKER: Yes. Okay, thank
20 you. I just want to make sure.

21 MR. KLUSARITZ: All right, next we
22 have the vote on the planning module. I'll make a
23 motion to deny the planning module.

24 MR. DINKELACKER: Was there a second?

25 MR. GEOSITS: No.

1 MR. KLUSARITZ: We're voting on a
2 planning module.

3 MR. GEOSITS: Are you going to second
4 his denial on the planning module?

5 MR. DINKELACKER: There's been a
6 motion made, I believe, to deny the planning
7 module. Is there a second? There's been a motion
8 to deny the planning module. Is there a second?

9 MR. HEINTZELMAN: Yeah.

10 MR. DINKELACKER: RJ seconded the
11 motion. Okay. Is there any discussion?

12 MR. GEOSITS: This is the planning
13 module for the sewer system, right?

14 MR. DINKELACKER: This is the
15 planning module for the sewer system, yes.

16 MR. GEOSITS: On lot septic system.

17 MR. DINKELACKER: It's a DEP on lot
18 septic system.

19 Kate, do you want to comment on this
20 or Jason or whoever would be appropriate?

21 MS. DURSO: This is just a vote to
22 allow it to go through the approval process. DEP
23 is ultimately going to approve the planning
24 module. It's just a requirement to vote on it so
25 it can go to DEP. It's not -- DEP is going to

1 approve it or deny it, but it's not you -- like
2 it's not within your jurisdiction. I mean, you
3 can ask Steve.

4 MR. GITCH: The township has to
5 approve the module by resolution or they can
6 choose to deny -- to --

7 MS. DURSO: Correct.

8 MR. GITCH: -- deny the module by
9 resolution. Either approval or denial will be
10 forwarded to the DEP.

11 MS. DURSO: Correct.

12 MR. GITCH: But the township can vote
13 not --

14 MS. DURSO: Correct, I'm just saying
15 that the ultimate person who will approve the
16 design is DEP.

17 MR. GITCH: Ultimately, yes.

18 MS. DURSO: Yes.

19 MR. GITCH: Again, the board can deny
20 the module.

21 MS. DURSO: Correct.

22 MR. GITCH: But, again, either
23 approval or denial would be forwarded to the DEP,
24 and they will base their decision, put it back on
25 the township or they will move forward with their

1 review.

2 MR. KLUSARITZ: There's a motion and
3 a second. Al, what's your vote?

4 MR. GEOSITS: Are we voting?

5 MR. KLUSARITZ: Yes.

6 MR. GEOSITS: There's a motion and a
7 second.

8 MR. KLUSARITZ: I made a motion to
9 deny the planning module based on -- because we
10 denied the plan, so I'm denying the planning
11 motion.

12 MR. GEOSITS: I think RJ seconded it.

13 MR. KLUSARITZ: Yes.

14 MR. GEOSITS: Now, we can vote on the
15 plan.

16 MR. KLUSARITZ: We can. I want to
17 know how you're voting.

18 MR. GEOSITS: I didn't second it.

19 MR. DINKELACKER: Are we doing a
20 vote? Have we called for a vote?

21 MR. GEOSITS: No, secretary should
22 call for the vote.

23 MR. DINKELACKER: Are there any
24 further comments with respect to the planning
25 module, questions by the board, comments by the

1 developer, comments by staff? If there are no
2 comments, no other questions. Then I would say we
3 do a roll call.

4 SECRETARY KOENIG: Roll call. Roll
5 call.

6 MR. KLUSARITZ: Yes.

7 MR. GEOSITS: No.

8 MR. HEINTZELMAN: Yes.

9 SECRETARY KOENIG: Two yeses, one no.

10 MR. KLUSARITZ: Any other business?

11 MR. DINKELACKER: Yes, we still have
12 other business.

13 (Concluded 10:03 p.m.)
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CERTIFICATE

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

A handwritten signature in black ink, reading "Leandra M. Stoudt", is written over a horizontal line.

Leandra Stoudt, RPR, CRR
CBC, CCP, CCR, Notary Public

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