

**APPROVED**

**Borough of Alburtis**  
Meeting Minutes  
January 31, 2024

**APPROVED**

The January 31st, 2024, meeting of Borough Council was called to order by Council President Ron DeIaco at 7:00 p.m. in the Borough Hall, 260 Franklin Street, Alburtis, PA. The meeting was also live streamed on Zoom.

Council members in attendance:

Ron DeIaco                      Steve Hill                      Mehmet Birtek                      Chad Atkins  
Hector Moss                      Ashlynn Rivera                      John Aleszczyk

Associates of Alburtis in attendance:

Dave Knerr, Solicitor, Stephen Nemeth-Borough Manager, Kathleen Palmer- Mayor, Tony Alsleben-Police Chief, Mike Preston-Borough Engineer, Phil Armstrong- Lehigh County Executive, Adrianna Calderon-County liaison, East Penn Press

Visitors in attendance: Sara Yost, Hayden Rinde, Gary DeRoner, Steve Werley, Mark Leuthe, Kevin Fogerty, Sean Wursta, Susan Hercek, John McRoberts- Pidcock, Joe Zator- Zator Law,

Visitors on Zoom: Tom, Brooke, Janelle,

OPENING REMARKS– Ron DeIaco started the meeting by offering condolences and a remembrance for the 3 fallen soldiers.

LEHIGH COUNTY EXECUTIVE PHIL ARMSTRONG- Brief update, county was recognized as only county in country to have a pardon project. People without money to hire a lawyer help expunge records. With in upcoming budget, we will be hiring lawyer to help with housing and jobs for those that may have committed minor crimes many years ago. County is also part of a piloting program that you will be able to text 911 to give option to video emergency to dispatch. The governor was in yesterday to announce a new package, all of county is working together no matter the party. It’s very important for us to start thinking about regional plans to governing. Phil also wanted to introduce a new community liaison for the county, Adriana Calderon. Also, mentioned how important the partnership with the Chamber of Commerce has been to the county, during the pandemic it was the chamber that stepped in and helped in a time of need.

PUBLIC COMMENT – No public comment.

MAYOR’S REPORT – No Mayor report.

Approval of Meeting Minutes of January 10th, 2024-

– Mehmet Birtek made a motion to approve the Minutes of January 10th, 2024, Hector Moss 2<sup>nd</sup> the motion, and a unanimous vote followed. Motion passes 7-0

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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Approval of Meeting Minutes of January 18th, 2024- Mehmet Birtek made a motion to approve the Minutes of January 18th, 2024, Hector Moss 2<sup>nd</sup> the motion, and a unanimous vote followed. Motion passes 7-0

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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BILLS FOR PAYMENT – January 31, 2024 – Mehmet Birtek asked if the Ott bills were thoroughly vetted, and Steve Nemeth confirmed. Hector Moss made a motion to pay the bills of January 31st, 2024, Mehmet Birtek 2<sup>nd</sup> the motion, and followed by a nonunanimous vote followed, concluding with a 7-0 vote in favor of the motion.

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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FISCAL CONSULTANT’S REPORT –Mehmet Birtek made a motion to approve the Fiscal Consultant’s Report of January 31<sup>st</sup>, 2024, Chad Atkins 2<sup>nd</sup> the motion, and a unanimous vote followed. Motion passes 7-0

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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Chamber of Commerce- Hayden Rinde and Sara Yost were on hand to give a yearly update on the chamber and on the services that the chamber can assist the borough and its businesses with. Wanted to highlight that they are here to stimulate the economy and improve the quality of life within our communities. When a new business comes to town, they offer ribbon cutting ceremonies to commemorate the milestone. Wanted to also mention that if you have any initiatives that you need any support on, we are here for you, we would also like to invite any of you to join us for any of our events throughout the year.

Conditional Use Hearing – A Conditional Use Hearing was held regarding the property at 121 S. Main Street, Alburtis, PA. The applicant, 410 Enterprises, LLC, is proposing two commercial units and six residential units in the main building, plus the single-family dwelling that is currently in the existing carriage house, as permitted in the C-1 Commercial District as a conditional use pursuant to Codified Ordinance §21-704(k). The proposal includes one commercial unit on the first floor for the owner’s business office. The balance of the property will be split into six apartments. No one in the room is opposed to the proposal but neighboring property owner, Susan Hercek, had a few concerns regarding parking, fencing and mail. The applicant, Sean Wursta, responded that there is enough parking according to the Ordinance and the fencing will be taken care of. He does not anticipate putting buckets in concrete out for mail. The council needed to resolve the parking space equation. Hector Moss made the motion for parking option B to require 16 spaces: for the purpose of setting a precedence for the commercial district. Nobody seconded the motion. Steve Hill made motion on Parking on BB which allows for 12 spaces on the lot and 1 on the street. Chad Atkins 2<sup>nd</sup> the motion and a roll call vote followed. Motion passes 5-2.

DeIaco- yay	Hill- yay	Moss-nay	Aleszczyk- yay	Atkins- yay	Birtek- nay	Rivera- yay
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Steve Hill made a motion to grant conditional use. Mehmet Birtek 2<sup>nd</sup> the motion and a unanimous vote followed. Motion passes 7-0.

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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With no further issues from Council concerning the application, Dave Knerr will draw up a Zoning Agreement and then will have the opportunity to sign the approval.

Jaindl request for zoning map amendment from L1 to R2– Joe Zator and John McRoberts on hand to present request. Here to discuss hills of Lockridge west subdivision lots 85, 86A, and 86B in the vicinity of scenic view drive and church street. Came in 2004 for zoning change from L1 to R3, that request was approved. This area was part of the original plan but not included in the proposal. Originally that plot of land was viewed as a location for a community gas station or bank. Since that time the plan has not developed that was; 14 years have tried getting buyers for land; unsuccessful for nonresidential; new we would like to develop there; we would like to not develop to what is currently permitted there today. Looking for much lower density residential given stage of plans. No detailed engineering has been done yet. Southwest comprehensive plan sets location for

residential use. Commercial uses that we planned here have not panned out. Currently the plans are zoned for small warehouses, and we wouldn't want to increase truck traffic in the area. If you were to approve this plan this would move forward to your planning commission, and if you agree would be reviewed by your planning commission, the Lehigh Valley Planning Commission, and ultimately a public hearing. We are here asking for you to initiate that process.

Ron asked, what would be the size of the homes? John McRoberts mentioned they would be about 45 feet wide and 53 feet long. John Aleszczyk asked how they compare to the others in the neighborhood. John McRoberts mentioned that they would be singles and a little bit larger than the singles that already exist there. Dave Knerr if rezoned this is not offered plans ordinance drafted wouldn't allow them to do more than what is shown here. Joe Zator mentioned that Knerr's crafting of the ordinance does not preclude higher density properties. Mehmet Birtek mentioned that this concept is nicer than the last one, but the issue is still with building within the flood plain. Would rather see houses built there than warehouses but when you put this number of houses on this land you will flood the surrounding houses. If we put houses that size, there; we will put water into other neighborhoods. We as a borough must protect our residents. If we were to build these houses and it was to flood, I would sue you and would tell my neighbors to sue you also. Ron DeIaco mentioned if we deny this, he can put in a warehouse with a larger footprint regardless of what is approved they need to address the flooding. Steve Hill if they want to put houses in there after its approved, they will need to do study after study before building can begin. Joe Zator mentioned that reality of stormwater management has gotten so strict in recent years once a development like this goes in it improves the situation for the adjoining property owner in the terms of stormwater flow because of the way the regulations drive we would need to comply with them all. You mentioned the FEMA map and the flow plan all gets considered. We may find that we can't fit 12 homes there; we can only fit 3 and maybe some of this we saying the regulations address if any regulations that handcuff developers its stormwater management. Regardless of the use we will need to comeback for subdivision and land development. Borough has strict stormwater management regulations. Detail studies get submitted to engineer, then to LVPC and then FEMA. Stormwater runoff comes from impervious coverage. Property has sat idle for many years, should we be designing for industrial or residential? Hector Moss mentioned that if we don't approve it, you will develop it to what it is currently zoned for, would make more sense to go back to drawing to make space useful to community, very limited to our commercial district. Joe Zator mentioned that 14 years, commercial use items need visibility to survive in this location. Convenience stores draw own traffic. Mehmet Birtek mentioned that two issues here are we are losing business, we need more businesses in the borough and the area is in a flood plain. Janelle Fono mentioned that the council holds the keys in hand to provide access and a through way to bring these houses or whatever they choose to make it residential. They are asking you to give them the keys to do something, so I completely disagree with the council member who is saying we can't tell them what to build on their land, they are here for that permission, whatever you grant them is going to change. The threats and big open things and chose not to look at how much space is there if Jaindl wanted to sell property to a cooperation they would have already. We essentially being asked to make it easy for them to do something with their property since their methods have failed. When you talk strip mall, wawa, you talk there would have touched the area if they thought it was profitable. You would be giving the keys to pursue this.

Joe Zator mentioned intentionally we have gone for convenience stores that fit the community. Warehouses have been a very hot market; out of respect to the borough Jaindl hasn't explored those opportunities that is why we are here today talking about the residential, if you want residential, we would do it, but all do respect, the property won't stay underdeveloped. Dave Knerr mentioned that what the motion would be is to initiate the process. Planning commission review late February or march. Meeting of the LVPC that will happen at the same timeframe, letters sent out to neighboring municipalities for comments, and an ordinance for adoption end of march. Will be advertised twice in newspaper mentioning a meeting where everyone would have opportunity to speak.

Hector Moss motion to leave property as a L1, Mehmet Birtek 2<sup>nd</sup> the motion, and a roll call vote followed. Motion passes 5-2.

DeIaco- nay	Hill- nay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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Bartlett Tree Service Maintenance Yearly Quote– Stephen Nemeth mentioned this is our yearly quote to treat the mimosa webworm.

Steve Hill made a motion to approve webworm treatment, Hector Moss 2<sup>nd</sup> the motion, and a unanimous vote followed. Motion passes 7-0

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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Maintenance Department Request to Purchase Jumping Jack Tamping Rammer– Stephen Nemeth mentioned that currently maintenance uses rentals when this is needed. Ron mentioned that they had one that was no longer repairable. Hector asked how much daily rental is, Stephen mentioned about 100 per day. Steve Hill mentioned this is an item that is a necessity. John mentioned that it pays for itself with 10 rentals.

Hector Moss made a motion to approve purchase of NorthStar jumping Jack tamping rammer, Mehmet Birtek 2<sup>nd</sup> the motion, and a unanimous vote followed. Motion passes 7-0

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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GEO Specialty Chemicals Storage Tank and Spill Prevention Act Downstream Notification– Stephen Nemeth mentioned this is just a notification from Geo Specialty Chemicals to be in compliance with the Storage Tank and Spill Prevention Act by notifying municipalities within 20 miles of facility.

Ron DeIaco mentioned that we would be going into an executive session for personnel with no voting matter after therefore a motion to adjourn at 10:15 p.m. was made by Mehmet Birtek, 2<sup>nd</sup> by Ashlynn Rivera and a unanimous vote followed.

Meeting minutes were taken and submitted by:

*Stephen Nemeth*

Stephen Nemeth, Borough Manager.

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