

GENERAL BUSINESS MEETING
JUNE 28, 2011

A general business meeting of the Palmer Township Board of Supervisors was held on Tuesday, June 28, 2011 at 7:00 p.m. in the Community Room of the Palmer Library with all Supervisors in attendance: David Colver, Robert Lammi, Michael Mitchell, Ann-Marie Panella, and Robert Smith. Also in attendance were the Planning Director, Public Services Director, Police Lieutenant, Township Engineer and Township Solicitor. The Township Manager was absent. Takisha Thomas from Patch Internet News and Colin McEvoy from The Express Times represented the news media. Chairman Colver convened the meeting and led those present in the Pledge to the Flag.

2. APPROVAL OF DISBURSEMENT OF FUNDS – JUNE 28, 2011

INFORMATION

The report will be provided at the meeting.

DISCUSSION

On motion by Mitchell, seconded by Panella, and agreed by all, the Board approved the disbursement of funds for June 28, 2011.

3. APPROVAL OF MINUTES – JUNE 13, 2011

DISCUSSION

On motion by Lammi, seconded by Panella, and agreed by all, the Board approved the minutes of June 13, 2011.

4. THE NORWOOD COMPANY CONDITIONAL USE HEARING

INFORMATION

The Board needs to approve/disapprove the conditional use for the Norwood Company, 2251 Newlins Mill Road, parcel K8-5-8.

DISCUSSION

Solicitor Bruno said this is a scheduled conditional use hearing for the Norwood Company. They are requesting conditional use approval for their building that they received land development approval for on May 29, 2007. Bruno said that approval was for a building 281,473 square feet in size and was approved as a distribution center with manufacturing components. It is located between McFadden and Tatamy Roads, north of Newlins Mill Road. Bruno said it is his understanding they would like to get several use approvals to be able to better market the property. The applicant has provided a summary as to why they are here. Bruno noted the matter was properly advertised for tonight's hearing. Bruno explained the hearing process to the audience and asked that anyone interested in speaking be sworn in. Stenographer

Ted Rewak swore in the individuals. Bruno distributed related documents to the Board and entered the following exhibits to the record:

- T1 June 8, 2007 approval of land development plan submission
- T2 Letter from Attorney Siegfried dated September 7, 2010 to Attorney Bruno requesting an extension to July 2, 2013 to follow through with conditions of plan approval
- T3 Letter from Attorney Bruno granting the extension request
- T4 Letter from Attorney Siegfried dated March 2, 2011 suggesting they wanted to move forward with the land development improvements agreement
- T5 Letter from Planning Director Cynthia Carman dated May 2, 2011 to Attorney Siegfried addressing the need to go through the conditional use process
- T6 Conditional use application form with exhibit A
- T7 Township Engineer letter with comments dated May 4, 2011
- T8 Letter dated June 9, 2011 from Attorney Siegfried granting an extension to June 30, 2011 to hold this hearing
- T9 Summary of the township comments related to the application
- T10 Letter dated June 9, 2011 from the Pidcock Company with comments on revisions of exhibit A
- T11 Letter dated June 23, 2011 from Traffic Planning and Design Inc. regarding trip generation from the project
- T12 Letter from Planning Director Cynthia Carman dated June 23, 2011 on behalf of the Planning Commission, summarizing their recommendation of approval subject to conditions.
- T13 Proof of publication of public hearing for two successive weeks
- T14 Conditional use hearing advertisement

The following individuals introduced themselves. Attorney Timothy Siegfried - counsel for the applicant, John Farrell - President of The Norwood Company, Jason Honesty - Exeter Property Group, Rob Hoffman - Traffic Planning and Design, and Paul Szewczak - Liberty Engineering.

Siegfried said they received approval in 2007 for their land development plan. At that time there were no tenants interested in the property and with the state of the economy the project laid dormant for a while. Siegfried said earlier this year Norwood entered into an agreement of sale and one requirement is to have the conditional uses approved for the property. Siegfried said we met with representatives from the township staff and asked if the township would consider approving uses without knowing the specific tenants. At that time it was agreed the township would consider the request. Siegfried said they appreciate that accommodation. Siegfried said the Planning Commission voted 4-2 in favor of the uses. The two members that voted against it were not comfortable approving types of uses without knowing the actual tenants. Siegfried said the question he has is if this Board is comfortable with this request. Siegfried said he wouldn't put the Board through this whole presentation if you are not comfortable approving the uses without knowing the actual tenants at this time. Bruno said the only problem with that is you are asking the Board to make a decision without hearing all the testimony. Bruno said he believes the Board is interested in hearing the concept. The Board agreed.

Siegfried said they have a buyer and we are working through that process. Siegfried said this is a ten million dollar project. Our proposal with any of the users could create up to 160

permanent full time jobs. The construction of the building would create an additional 100 jobs. Siegfried said there are also tax benefits related to real estate transfer taxes, township, school district and county taxes. Siegfried said tenants will not commit until they know the use is acceptable. We are proposing a limited number of uses that we feel there are prospective buyers for. It will allow us to go out and market the project. Siegfried said tenants that are out there right now have a lot of choices because of the entire inventory that is available. Overall the Board has seen this plan before – you approved the plan in 2007. We also received zoning approval and NPDES approval. Siegfried said all major issues that were faced by Mr. Farrell in 2007 have been addressed since then.

Siegfried called Jack Farrell, Principal of the Norwood Company, 325 Technology Drive, Malvern PA. Farrell said he is President, CEO, and Owner of The Norwood Company. Farrell confirmed the employment numbers Siegfried previously addressed and stated it would take about six months to construct the facility. Farrell confirmed the location, size of the property and surrounding properties. Farrell said there are 199 parking spaces proposed and the property meets all township setback requirements. Siegfried entered the plan as exhibit A. Bruno asked if they had a deed of the property. Siegfried produced a copy of the deed and it was entered as exhibit A1. Farrell said they previously received zoning approval and entered that document as exhibit B. Siegfried reviewed the zoning conditions and Farrell acknowledged that they would perform all conditions that still remain. Siegfried entered the NPDES permit as exhibit C and noted it expires June 27, 2012. A copy of the recorded deed for the NPDES plan was entered as exhibit D. A copy of the improvements agreement with a cost estimate of the public improvements was entered as exhibit E. Farrell confirmed they will be paying a \$58,890 recreation fee and a voluntary traffic contribution of \$115,000. Bruno referenced a May 2, 2011 letter from Planning Director Cyndie Carman that was previously marked exhibit T-5 with an attached letter dated January 21, 2008 from the Pidcock Company. Bruno said that letter referred to three separate conditions. One condition was an easement agreement between The Norwood Company and an adjacent property owner. A copy of the recording of the easement was entered to the record as exhibit G. Bruno also noted that the Planning Commission at their June 14, 2011 meeting recommended approval with the following conditions: the applicant complies with the Township Engineer's letter dated May 4, 2011; the applicant satisfactorily addresses the township departmental comments dated June 10, 2011; all occupants or tenants of the building must notify the township and receive a Zoning Permit and Certificate of Occupancy to verify that the proposed use is in compliance. Farrell said they intend to comply with all conditions set forth by the Planning Commission.

Siegfried then reviewed the conditional uses outlined in Cyndie Carmen's letter dated June 23, 2011 on behalf of the Planning Commission:

- §190-137.C – Any combination of uses permitted by right or by condition in the PI/C district to be permitted as a conditional use.
- §190-125.A – Research, engineering or testing laboratory, excluding all projects with the potential of environmental or genetic hazards.
- §190-125.D(a) - Testing and repair of manufactured products.
- §190-125.D(b) - Manufacture of products requiring light metal processing, including finishing, grinding, polishing, heat treating and stamping.
- §190-125.D(c) - Packaging and bottling operations with no retail activity.
- §190-125.D(d) - Manufacture and assembly of products from previously prepared materials, such as plastic, leather, glass cellophane or textiles.

- §190-125.D(e) - Manufacture of jewelry, precision instruments, optical goods and similar products.
- §190-125.D(f) - Manufacture and assembly of small electrical and electronic appliances, supplies and equipment.
- §190-137.E – Distribution center (to include warehouse and cold storage).
- §190-122.L. – Facility for providing services, repairs and maintenance to office equipment.

Siegfried confirmed with Mr. Farrell that they are looking at a number of these uses to be able to market the location. Farrell confirmed that is correct. Farrell confirmed it will be a 24 hour day, 7 day week operation as included in their land development plan. Farrell confirmed the parking is compliant to the township ordinance and noted trailer parking will be on the east side of the property. Farrell said there are no parameters that exceed the use requirements.

Panella said you mentioned 37 spaces for trailers and she asked how many dock doors are on the building. Farrell said 56 docks along the east side of the building. Mitchell questioned if distribution centers are allowed under section 190.137.E of the ordinance. Carman said yes, as a conditional use. Farrell said it was actually approved for that in 2007. Farrell said their client intends to lease to possibly four different tenants. Colver confirmed the square footage is the same as previously approved. Farrell said yes. Colver asked if there were any height issues. Farrell said there are no height issues. Lammi said Norwood is selling the property but still being held accountable for these requirements. Farrell said they are going to sell the land to a company but Norwood will build the building for them. Farrell said the conditions run with the land.

Siegfried called Jason Honesty from Exeter Property Group. Honesty said his company agrees they would use the building for only the uses approved. Honesty said he agreed with everything said so far tonight. Bruno asked if there were any questions for the first witness or Mr. Honesty. There were no questions.

Siegfried questioned Robert Hoffman, Professional Engineer, Traffic Planning and Design, 4647 Saucon Creek Road, Center Valley, PA. Hoffman stated he was a civil engineer with 15 years experience as a traffic engineer. Hoffman said he studied and reviewed the analysis of the traffic for the project. A copy of his supplemental report was entered as exhibit H which was also previously noted as exhibit T11. Hoffman said the report was put together to provide comparison with the original traffic study versus the uses outlined in the conditional use application. Hoffman reviewed his report with the Board related to morning peak hours and various iterations since it could have various uses. Hoffman said with all uses being proposed it falls within the impact of the initial traffic study submitted. There were no questions from the Board or audience.

Farrell went through some of the conditional use requirements set forth in the ordinance in the PI/C district. Siegfried said there is proposed screening on the east side of the plan and a buffer yard as well as a berm. Siegfried said the berm was not on the first plan but is on the revised plan. The revised plan was entered as exhibit I.

Siegfried called Paul Szewczak, Principal of Liberty Engineering, 7535 Windsor Drive, Allentown. Siegfried said he was a civil engineer and he prepared the plan marked exhibit I.

Szewczak reviewed the berm with the Board. Szewczak said the berm is consistent with township ordinance requirements. There were no questions from the Board or the audience.

Siegfried said Section 190-203 states the Board needs to review the traffic impact around the project. Siegfried said they will be making a voluntary traffic contribution of \$115,000 for road improvements and there is no significant increase to traffic generation. Farrell testified the type of uses being proposed conforms to the township ordinance and all other state and federal regulations. Farrell stated there is no detriment to welfare or public safety and no impact on any residential area. Farrell noted there is no threat of fire explosives or any negative impact to any adjoining use. Farrell also noted there is adequate road capacity and they meet all parking requirements. Farrell confirmed they intend to comply with all the items noted on the township comment sheet, as well as, all the conditions outlined in the three Pidcock Company letters. There were no questions from the Board or audience.

Bruno noted there were no individuals requesting to be heard. Lammi made a motion, it was seconded by Panella, and agreed by all, and the record was closed to enter into deliberation.

Lammi made a motion to go back on the record at 8:10 p.m., it was seconded by Smith, and agreed by all. Colver questioned whether the Board should require a maximum number of permitted tenants. Lammi stated he felt there should be a requirement to have an additional staff review to understand what type of use will be in the building so the fire, planning, and police departments can review the use and address any concerns.

Lammi made a motion to approve the conditional use application subject to township staff review by the zoning, codes, planning, fire and police departments for each specific occupant of the property, to insure there will be no detriment to the public safety and welfare of township residents. The motion was seconded by Panella.

Siegfried said there are specific regulations in the ordinances that already have provisions that protect the public safety and welfare of the residents. Siegfried said if you approve this tonight those provisions are still applicable. Siegfried said all you hopefully will approve tonight are the uses allowed for inside that building. Siegfried said even though they may build the building, when they have a tenant they will need to have a fit-out plan that will come back to the building code department with the use for the building. Siegfried said I know you have control of the first time occupant but you are concerned about the future occupants. Siegfried questioned the comment related to it being a detriment to residents. Bruno said with the nature of this application I understand where the Board is coming from related to the safety and public welfare of the residents. The applicant needs to understand that the township is trying to find a compromise. The only way we can protect the township is that the conditions leave open the right to review the specific use from a public health, safety and welfare perspective.

Panella said you came in here to ask us to do things differently than we usually do. So we sat here and we listened to you. Panella said she didn't think the township is asking for anything melodramatic to have you come back and tell the staff what will be done in the building. You are asking us to change the way we normally do things, so we are asking you the same for us. Lammi said we look at the section of the code when we do a conditional use hearing. Lammi said he agrees when first built and fitted out the building inspectors are looking at certain things – they are not looking at the process of what is going into the building. No one is looking at it from the perspective of being sure we don't have a problem with especially a

manufacturing process that could have hazards associated with the use. We want to insure that we know what is going on and if something happens our emergency responders can deal with it properly. Siegfried said the applicant is comfortable with that.

Bruno recommended amending the motion to state that each specific tenant or occupant of the building must apply for a zoning permit to be reviewed and approved by the Township Planning Department, Zoning Department and Fire Department to assure compliance with prior zoning decisions and, land development approval, and to further assure that each proposed use does not present a detriment to the public, health, safety, and welfare of Palmer Township and its residents. Also the approval is further conditioned upon the applicant complying with the Township Engineer's letters dated May 4, 2011 and June 9, 2011, the applicant satisfactorily addressing the Township departmental comments dated June 10, 2011. Lammi amended the motion consistent with the Solicitor's recommendations it was seconded by Panella. The applicant requested a five minute break to discuss the motion.

Bruno noted the applicant and counsel have conferred and now it is appropriate for the Board to render their decision. The motion as presented by Mr. Lammi was approved by the Board 5-0.

5. LEHIGH AND NORTHAMPTON TRANSPORTATION AUTHORITY REQUEST
INFORMATION

The Board needs to approve/disapprove Lanta's request for a temporary route within the township during the closure of the Tatamy Bridge and approve/disapprove a new route within the Palmer Industrial Park.

DISCUSSION

Colver said there is a bridge in Tatamy that is going to be out of service until November 2012. This has created an issue regarding buses cutting across Villages at Mill Race. Colver said LANTA has provided a map with a potential route. Adams said Lanta is proposing using Newlins Mill Road up to Tatamy Road. Adams said the bridge by the Farm Bureau has a weight limit on it so the buses can't go through there.

June Roettger, 2002 Newlins Mill Road, said there are no truck signs posted on Newlins Mill Road but in the last one and a half months we have had Lanta buses and a lot of semi trucks using the road. Roettger said she spoke to Diane Grube and she said she talked to someone at Lanta and they were supposed to be using Northwood Avenue. Roettger said she followed up today with Diane Grube to ask what was happening and she said it would be discussed tonight. Roettger said during a one hour and fifteen minute period today there were six to nine buses that went through and one individual was even left off in my driveway. Roettger said her question is how many buses will there be, what time of day, how many days a week, etc.? Mitchell asked Lieutenant DeMarco if they are patrolling the trucks. DeMarco said he wasn't aware of a problem.

Colver said they are proposing Monday through Saturday, 5:30 a.m. to 6:30 p.m. - 60 minute frequency between Forks Industrial Park and Shilo Manor. Adams said the second route in the Lanta letter is to add a new route using Stocker Mill Road. Colver said he sees a problem

with them going up Stocker Mill Road. Lammi said Stocker Mill doesn't have as many homes as Newlins Mill Road. Lammi said he has a concern with equipment that size going down Newlins Mill Road. DeMarco said they will step up the patrol for the trucks between 9 a.m. and 5 p.m. Colver said we are not at a point to make a decision on this. Colver said lets follow up with Lanta and get questions answered since it appears to be a lot more than four buses a day and why people are being dropped off and picked up. Colver said we may need to take a look at them going back to Northwood Avenue instead of using Newlins Mill Road and Stocker Mill Road.

6. ARCHERY PROGRAM REQUEST

INFORMATION

Mr. Steve Klaver will be in attendance to propose a new Archery Program in the township. The Board needs to approve/disapprove the request.

DISCUSSION

Mr. Klaver had to leave the meeting early. This item was tabled.

7. PUBLIC COMMENT

None

8. REPORTS

Solicitor

- Bruno had an extension agreement for Penn's Grant Estates, LP requesting an extension until April 30, 2012 to complete improvements. On motion by Lammi, seconded by Smith, and agreed by all, the Board authorized the Chairman to sign the agreement.
- Bruno had an extension agreement for Charles Chrin and Chrin Land Development for the Chrin Commerce Center, requesting an extension until June 1, 2012. On motion by Mitchell, seconded by Panella, and agreed by all, the Board authorized the Chairman to sign the agreement.
- Bruno had an extension agreement for the Crossroads of Nazareth, LLC, requesting an extension until September 30, 2011. On motion by Smith, seconded by Mitchell, and agreed by all, the Board authorized the Chairman to sign the agreement.
- Bruno had an extension agreement for TD Bank requesting an extension to their maintenance period until July 31, 2011. On motion by Mitchell, seconded by Panella, and agreed by all, the Board authorized the Chairman to sign the agreement.
- Bruno had a request from the attorney for CMC Development, Maple Shades Estates requesting an extension of time until June 30, 2012. On motion by Panella, seconded by Mitchell, and agreed by all, the Board authorized the Chairman to sign the agreement.

Planning Director

- Carman inquired if there were any questions regarding the Legal Notice for the July Zoning Hearing Board. Carmen said we discussed the Mine Lane Road item last

month and it was mentioned that the sewer authority may have concern. Carmen said Paul Hosking, Director of Utilities, said as long as the house isn't near the easement he is okay with it. Carman said the plan doesn't show the home in the easement. Colver asked that the plan for the home be brought to the next meeting on July 5th. Colver said he didn't see the sewer easement or the drainage issue as being a big thing. The Board didn't feel the solicitor needed to attend the Zoning Hearing Board July 5 meeting.

Public Services Director

- Adams said they are currently paving the Palmer Heights Section.
- Adams had a signed and notarized fence agreement for Nicholas Pugliese's property at 2418 Northwood Avenue. Adams said it is the standard fence agreement that the township uses and the solicitor drafted. On motion by Lammi, seconded by Panella, and agreed by all, the Board authorized the Chairman to sign the fence agreement.

Supervisors

- Colver said he had a follow-up meeting last week regarding community weekend. Colver said there will be a little facelift this year with the landscape. The band shell from Easton is in disrepair and we opted to rent one large 50' by 80' tent that leaves a 20 foot buffer around the outside. The bands will be on a stage with a roof over it. Everything will be in a U shape now instead of on an angle.
- Colver had one real estate item for executive session.

On motion by Mitchell, seconded by Panella, and agreed by all, the meeting was adjourned at 9:20 p.m. with one real estate item for executive session.

Respectfully submitted,

Christopher S. Christman
Township Manager