

PALMER TOWNSHIP BOARD OF SUPERVISORS
GENERAL BUSINESS MEETING
NOVEMBER 29, 2011

A general business meeting of the Palmer Township Board of Supervisors was held on Tuesday, November 29, 2011 at 7:00 p.m. in the Community Room of the Palmer Library with four Supervisors in attendance: David Colver, Robert Lammi, Ann-Marie Panella and Robert Smith. Mike Mitchell was absent. Also in attendance were the Township Manager, Planning Director, Director of Public Services, Police Lieutenant, and Township Solicitor. Chris Porter from Patch Internet News represented the news media. Chairman Colver convened the meeting and led those present in the Pledge to the Flag.

Colver announced that the Board held an executive session prior to tonight's meeting regarding one personnel matter with no action required at this time.

2. APPROVAL OF DISBURSEMENT OF FUNDS – NOVEMBER 29, 2011

INFORMATION

The report will be provided at the meeting.

DISCUSSION

On motion by Smith, seconded by Panella, and agreed by all, the Board approved the disbursement of funds for November 29, 2011.

3. APPROVAL OF MINUTES – NOVEMBER 14, 2011

DISCUSSION

On motion by Lammi, seconded by Smith, and agreed by all, the Board approved the minutes of November 14, 2011.

4. SHEETZ – NORTHWOOD CENTER LOT 3 – PRELIMINARY/FINAL LAND DEVELOPMENT PLAN

INFORMATION

The Board needs to approve/disapprove the preliminary/final land development plan.

DISCUSSION

Bruno said this plan went before the township Planning Commission and you have the Planning Director's letter with their recommendation of approval. Bruno said they are requesting preliminary/final plan approval tonight. Bruno noted this project ties into the CVS project. Planning Director Cyndie Carman said the Board has her letter with the Planning Commissions recommended approval. Carman said a couple of the items on the township comment sheet have not been addressed. Carman said there is also a zoning issue regarding

parking spaces backing out onto a private street and we haven't received a copy of the traffic study they are preparing for PennDOT. Carman said we are seeking feedback from PennDOT regarding some traffic improvements.

David Lear, Lehigh Engineering, said they are here for the Northwood Center Development where they are proposing a Sheetz store with filling station and small sit down eating area inside the convenience store. Lear said the Sheetz has been rotated 90 degrees from the initial plan and Lear reviewed the plan layout with the Board. Lear said T. P. Plan Design has gone in with trip generations for Sheetz and we are near the end of that process. They are modifying the driveway entrance with a median access driveway. Lear explained the median and distance requirements with the Board and stated PennDOT does not appear to have any problems with the median being proposed. Lear said they still have to go through the final traffic study.

Colver asked if there was an access on Route 248 on the original plan. Carman said it was proposed as part of the CVS plan. Carman said the Highway Occupancy Permit was approved as part of the CVS project but is being revised for this additional traffic. Colver asked where other exits existed on the plan. Lear reviewed the exits with the Board.

Mike LaCesa, Director of Real Estate for Sheetz said they didn't see a conflict with cars backing out into the private driveway in the rear of the building. Colver said the majority of local residents won't make a left to cross Route 248. Carman said under the parking section of the ordinance it states you can't have parking spaces backing out into a street. Lammi said Strausser is stating it's a private driveway not a private road. Lammi said if it's a private driveway he didn't have a problem. Lammi asked Carmen if the code states it can't be a private driveway. Carman said she doesn't believe so and the Zoning Administrator has said it defines more typically as a private road because it intersects with Nightingale Road that is also a private road.

Lammi asked about the intersection at Kingston Road and Route 248. Lear said the left turn lanes are already permitted to be installed. Lammi asked if the intersection would have a traffic signal installed. Lear said with the turn lanes already in, it would be easy to install a traffic signal but right now it doesn't warrant a signal. Township Engineer Brian Dillman confirmed with Lear that with the additional trips from the Sheetz traffic there is no signal warranted at Route 248 and Kingston. Lear said as of now no. Carman said at this point the traffic study hasn't been submitted to PennDOT. Lear said Melissa at PennDOT went through the numbers with Mr. Strausser two weeks ago. They are saying it doesn't look like it would require a traffic signal.

Colver asked about any other problem areas. Lear said that is about it. Sheetz is okay with the modifications and we agree to comply with the township engineer letter and the township department comments. Dillman said it is just a matter of them finishing things up. Dillman said looking at the new driveway I'm not sure if you looked at turning movements for trucks to access the sight. Dillman said they will want to see that information. Dillman asked since the CVS access is now secluded by a median would you consider moving the access further down the road to have a cross access from Sheetz to CVS. Lear said it would affect parking spaces. Dillman also noted the curb area you are losing was going to be a spray area and will now need to be adjusted in the plan. Lear said they will be adjusting the irrigation plan to

compensate for that. Lammi said the last time Sheetz was before us we discussed putting in a buffer between Sheetz and Route 248 to protect the homes on the other side of Route 248 from light. Lear said the same landscape buffer that will be in front of the CVS will continue in front of Sheetz. Lammi asked about the waiver. Dillman said he had no problem with the waiver and it would be tracked through construction. Lammi said the big piece missing right now is the traffic study. Lear said we will be submitting that to the township within three weeks.

Colver asked about recreation fees. Carman said \$6,600 is the total recreation fee for the Sheetz project. Lear said he did make sure the fire truck can pass through the entrance. Colver asked about curb work on Route 248. Lear said it will be done on both sides of the roadway and it was approved in the first phase of the development.

Colver said regarding the recreation and traffic contributions, he believes during the first phase there was a pledge for traffic but then it was to be visited during this stage of the plan. Strausser said it was discussed that it would be a certain amount per new trip. Colver asked if there were any calculations done. Dillman said it was submitted in May and the plan was still evolving and it didn't include the final plan. Colver said he believes it was discussed at \$69,000 plus whatever the second retail use would add. Colver said even if we would triple that amount would the work they are doing be way beyond that amount. Lammi said he feels we need to look at the impact of the entire project. Lammi said the Northwood and Route 248 intersection was already completed. Lammi said what you are doing in front of the Sheetz property is on a state road, not a township road. Lammi said Kingston Road is a township road and it is an intersection that will have improvements added to control the traffic and to allow safe turns. Lammi said the question is when it may require a traffic light in the future; it all depends on what ends up at that intersection. Strausser said right now we are way under the requirement for a traffic light at that intersection. Lammi said we won't know that until the traffic study is completed; will it only affect PennDOT changes or could it effect township changes. Lear said the only other improvements that could be done are turning lanes on Kingston. Colver asked if they had traffic counts from Sheetz. Lear said he didn't have that in front of him.

Colver said generally I believe the Board is okay with the concept but because of the traffic study not being completed we can't determine a voluntary traffic contribution. Colver said if everything else is done except the traffic study can we condition a motion for the final traffic study. Bruno said the Township Engineer hasn't been involved in the traffic study. Bruno said he recommends you wait until you get the feedback from PennDOT regarding the traffic study. Bruno said before you do anything to resolve this issue you should wait to see the scope of the improvements. Bruno said we received a lot of information tonight. Strausser said he is already behind in the timing of this project. Strausser asked if it could be conditioned on the traffic item. Lear asked if our improvements number is more than the calculation based on the trips generated, could it be conditioned on those numbers. Lear said no matter what goes in there the amount per trip is defined by ordinance. Colver said the township accepts voluntary traffic contributions to handle traffic problems in the area that the township would be responsible for. Colver asked if it is the Boards opinion that the developer is paying more than his fair share on improvements. Lammi said if we feel comfortable that no major improvements will be necessary at the Kingston Road intersection, then it is okay. Smith said but that could change with the next project. Colver said he doesn't feel we should hold up the approvals tonight because of the traffic issue. Bruno asked the Board if they were comfortable not knowing the traffic study implications. Colver said that is a PennDOT issue not a township issue.

Lammi made a motion to approve the Sheetz (Northwood Center – Lot 3) preliminary/final subdivision plan subject to the following conditions: the applicant comply with the Township Engineer letter dated November 4, 2011; the applicant satisfactorily address the township departmental comments dated November 4, 2011; the Board approved the waiver for preliminary plan checklist item D.1.a: provide contours based on USGS datum; conditioned upon the requested zoning text amendment amending the definition of convenience store and allowing for convenience stores in the GC district gets approved as a separate agenda item this evening; all prior conditions of approval of the Northwood Center Subdivision and Land Development Plan are satisfied; recreation fees are paid in the amount of \$6,600; voluntary traffic contribution will be revisited and determined as a result of a traffic study submitted to PennDOT; the applicant complies with all conditions imposed by PennDOT relating to required traffic improvements; the applicant enter into a Public Improvements Agreement to the satisfaction of the Township Solicitor and the applicant post financial security in a form acceptable to the Township Solicitor. Smith seconded the motion. Lammi then amended his motion to include that the Board agreed the rear road behind the Sheetz property between Northwood and Kingston Streets be considered a private driveway. Smith seconded the amended motion, and it was agreed by all Board members in attendance.

5. CONVENIENCE STORE ORDINANCE

INFORMATION

The Board needs to approve/disapprove the ordinance.

DISCUSSION

Bruno said the ordinance was advertised for public hearing and was recommended by the township Planning Commission. Bruno noted the Lehigh Valley Planning Commission provided no comment.

Lammi said he feels this fits in because it is a commercial type business and it should have probably been changed earlier. Lammi said when it was written years ago convenience stores were not like they are today. Carman said when reviewing the parking requirements we looked at parking for each use on the parcel. Carman said Dillman provided information from I.T.E. that includes parking requirement recommendations for each use. Dillman said it follows a national standard. Carman asked if the Board would be interested in amending the ordinance to include these standards. Lammi said he felt that could wait for a future amendment. The Board agreed.

On motion by Lammi, seconded by Panella, and agreed by all, the Board approved the convenience store ordinance.

6. ELECTRONIC SIGN ORDINANCE

INFORMATION

The Board needs to approve/disapprove the ordinance.

DISCUSSION

Bruno said this was reviewed by the Planning Commission three times and they are now recommending for approval. Bruno said the Lehigh Valley Planning Commission said it is a matter of local interest. Lammi said we talked about this at several meetings and it is now in a form to approve.

Lammi made a motion to approve the electronic sign ordinance amending section 190-161 light and glare control and Article XVIII signs.

Meg Kyle, Real Estate Manager for Lamar Advertising said she wanted to clarify the illumination signing. Kyle asked if it was for off premise billboards too. Kyle said do emergency situations not happen after 11 p.m. in Palmer Township since the ordinance states the signs have to go black after 11 p.m. Carman stated the Planning Commission felt there shouldn't be time restrictions but the staff thought it should be restricted so it was included to have the signs dark from 11 p.m. to 6 a.m. Kyle said they usually use the signs for emergency messages like Amber Alerts, local emergencies, etc. Kyle said so if that happens in Palmer Township you won't allow those messages to appear during those hours. Kyle said before the Board votes on this I would like to provide information that these signs are key components for emergency type messages with bridges out, gas explosions, missing children, etc. Colver said I believe this Board agrees these types of messages should be available no matter what time of day or night. Kyle said everything else in the ordinance you have been gracious about, but we would like to see this part of the ordinance changed. Shutting the sign down for these hours will affect your ability to have your message visible during these times. Lammi said when he attended the meetings with the Planning Commission they felt strongly that this restriction shouldn't be in the ordinance. Colver said he will be honest, he was the one that suggested it be put in the ordinance because we were concerned about areas of residential properties. Kyle said no one in her industry would consider putting a digital billboard in Palmer Township with this restriction to shut down every night. Advertisers wouldn't pay for the advertisement knowing it wouldn't be viewed during these hours. Bruno said the Board should consider the distinction between digital billboard and electronic signs. Bruno said do you want restrictions for both types of signs or only as digital off premise signs. Lammi said as I listen to Ms. Kyle and you think about digital billboards, they are signs with a message with a light shining up on the message. Lammi said the electronic sign has lights in the background and it's not flashing. It is a different mechanism as far as how the message is displayed. Lammi said he doesn't think it is necessary. Lammi said if it is flashing that is different. But these aren't flashing. The Board agreed to take it out of the ordinance because they believe Ms. Kyle has a very valid point. Colver asked if it needs to be re-advertised. Bruno said yes it should be re-advertised. Colver said we will re-advertise the ordinance with the change and put it on the agenda at the end of December for approval. Panella said electronic changing signs are also permitted on William Penn Highway and Route 248 and asked if the distance should be increased to 100 feet instead of 50 feet. Smith reviewed a few situations on William Penn Highway and it was agreed to keep it as is.

On motion by Smith, seconded by Panella, and agreed by all, the Board authorized the solicitor to make the changes discussed tonight in the ordinance and re-advertise for adoption at the December 29th Board of Supervisors meeting.

7. ZONING HEARING BOARD ORDINANCE

INFORMATION

The Board needs to approve/disapprove the ordinance.

DISCUSSION

Colver said this is to increase members of the Zoning Hearing Board from three to five members.

On motion by Lammi, seconded by Smith, and agreed by all, the Board approved the ordinance.

8. NATURAL GAS CONTRACT FOR TOWNSHIP BUILDINGS

INFORMATION

Information will be provided to the Board prior to the meeting. The Board needs to approve/disapprove the contract.

DISCUSSION

Adams said he received a revised proposal this morning from UGI. Adams said initially the proposals were for 12 and 24 month periods and typically the rates are higher at year end. Adams said he asked for a 15 month contract and that is the one he is recommending for consideration. Adams said the rate last year was 6.428 and the new rate is 5.463.

On motion by Smith, seconded by Panella, and agreed by all, the Board approved the UGI natural gas contract for 15 months at a rate of 5.463 conditioned upon satisfactory review by the Township Solicitor.

9. RESOLUTION NAMING OFFICERS FOR POLICE PENSION FUND

INFORMATION

The Board needs to name the Township Manager as the authorized officer for the police pension fund.

DISCUSSION

Christman said this is changing the authorized officer name from Bob Anckaitis to me for the Police Pension Fund.

On motion by Panella, seconded by Lammi, and agreed by all, the Board approved the resolution naming the Township Manager as the authorized officer for the police pension fund.

10. PUBLIC COMMENT

None

11. REPORTS

Township Solicitor

- Bruno said some time ago the Board authorized transfer of the rail bed by Riverside Park to the Borough of Wilson. Bruno said he has drafted a deed to approve the conveyance of 4.515 acres of land to Wilson Borough for \$1. Bruno noted it is subject to Wilson Borough complying with the rail to trails act. Bruno said it also includes language that the property would revert back to Palmer Township should Wilson Borough not use the property for recreational purposes. On motion by Smith, seconded by Panella, and agreed by all, the Board authorized the Chairman to sign the deed.
- Bruno had one litigation item for executive session.

Township Manager

- Christman had two real estate and one personnel item for executive session.

Planning Director

- Carman asked if there were any questions regarding the upcoming Zoning Hearing Board agenda. There were none.

Public Services Director

- Adams said leaf collection will continue into the second week of December.
- Adams said the last mile of work on the bike path is ready to go out for bid.

On motion by Panella, seconded by Smith, and agreed by all, the meeting was adjourned at 8:55 p.m. with one litigation, one personnel and two real estate items for executive session.

Respectfully submitted,

Christopher S. Christman
Township Manager