

PALMER TOWNSHIP PLANNING COMMISSION
PUBLIC MEETING - TUESDAY, AUGUST 9, 2022 - 7:00 PM
PALMER TOWNSHIP MUNICIPAL MEETING ROOM, 3 WELLER PLACE (LOWER
LEVEL), PALMER PA 18045

The August 2022 meeting of the Palmer Township Planning Commission was held on Tuesday, August 9, 2022 at 7:00 PM with the following in attendance: Chairman Bob Blanchfield, Vice-Chair Chuck Diefenderfer, Robert Lammi, Robert Walker, and Richard Wilkins. Also in attendance were Solicitor Charles Bruno, Ron Gawlik of The Pidcock Company, Director of Community Development Cynthia Carman Kramer, Carolyn Yagle of Environmental Planning & Design, and Supervisor Michael Brett.

1. Minutes of May 2022 Public Meeting

Motion: Approve, Moved by Richard Wilkins, Seconded by Chuck Diefenderfer. Passed. 4-0. Commission Members voting Ayes: Blanchfield, Diefenderfer, Lammi, Wilkins
Commission Members voting Abstain: Walker Commission Members Absent: Aydelotte, Kicska

2. Minutes of June 2022 Public Meeting

The minutes were not voted on as there was not a quorum of members present at the meeting.

OLD BUSINESS

3. Carson Lot 100-200 Preliminary Land Development Plan

1571 Van Buren Road & Main Street - J8-27-1 & J8-271A
NEB District
Request by Carson Van Buren LLC

DISCUSSION

Present for the applicant were Chris Hermance of Carson Companies, Shaun Haas of Langan Engineering, and attorney Chris McLean.

Blanchfield provided a summary of the plan. This is a preliminary plan only, not a final development plan. They will need to come back to the Planning Commission with the final plan. The Board of Supervisors have a deadline of October 31 to take action on this plan.

The plan proposes the removal of the lot line between two existing lots and resubdivision of the resulting 95-acre tract into two lots. The tract is the part of the previous Chrin Southwest Quadrant lot line consolidation. Lot 1, containing 77 acres, proposes the development of five limited distribution/manufacturing buildings totaling 1.5 million SF, with 985 total parking spaces, 221 total tractor trailer parking spaces and 185 total loading docks. Lot 1 development is proposed in two phases, with three of the buildings in Phase 1 and two buildings

in Phase 2. Lot 2, containing 18 acres, is not proposed for development at this time.

Blanchfield clarified the prior Zoning Hearing Board decision that clear zones and speed bays within the buildings should not be considered in the maximum 200,000 square foot limit for warehouses and distribution centers.

Haas showed the location of the property. The phase lines follow the boulevard entrance. buildings 1 to 3 will be built in Phase 1, buildings 4 and 5 will be in Phase 2.

Haas reviewed the requested waivers. They are typical stormwater requests. The spillway liner should be a synthetic liner. The side slopes 3 to 1 are fine for maintenance. 2% would be the slope for the basin bottom in a retention basin, it is outdated for an infiltration basin, which needs to be flat. Blanchfield noted that the Geotechnical Engineer agreed with these waivers. Gawlik stated he has no objection with the waivers regarding pipe top elevations. Haas stated he will provide suitable calculations.

Blanchfield asked about the waiver for street trees. Haas said since Van Buren Road was previously widened there is a significant amount of drainage and bypass pipes in the area where the street trees would go so they would like to put the trees further into the site and providing an access easement. Gawlik had no objection.

Pidcock has no objection to the waiver to install driveway aprons. Kramer said there was no objection from Public Works.

The landscape consultant recommended an equivalent amount of trees be planted elsewhere. Haas stated they would be willing to do that. Diefenderfer asked if low shrubbery could be planted so as not to interfere with powerlines as trees might. Haas stated he has concerns with utilities, drainage and limited room. There is a proposed buffer between lot 1 and 2 where trees would be planted to divide the areas. Hermance stated they could dress the areas up somehow.

Blanchfield stated they are requesting a deferral of trees, sidewalks and curbs on Lot 2 until it is developed. Pidcock is recommending that the deferral not be tied directly to Phase 2, in case it does not get developed. Hermance replied it will get developed but he was okay with that.

Lammi requested a sketch plan be provided for Phase 2. Haas stated a concept plan was provided. Gawlik noted that any submission that is made in the future will have to comply with the Township ordinances, rules, and regulations. Pidcock did not do a full review of the concept plan, so there may be issues associated with that, that haven't yet been identified and will need to be addressed. Blanchfield stated that will have to be addressed at a sketch plan review for that specific lot and at that time, the new zoning ordinance would likely be in place.

Blanchfield stated the recommendation from both LVPC and LANTA that the developer work directly with them on future bus stops. Haas explained that communication with Molly Wood at LANTA indicated that Van Buren Road in the northbound direction will potentially be a bus stop in the future, but LANTA doesn't currently have the funding. Lammi suggested a crosswalk with lights to allow employees to cross Van Buren Road safely to get to the existing southbound bus stop.

Gawlik stated Pidcock will work with the design engineer through the sanitary sewer comments, which are mainly minor housekeeping items.

Lammi questioned the ADA compliance of walks connecting to the Van Buren Road right-of-way. Haas stated this will be a compliant design with the final land development plan.

Blanchfield asked for an explanation of the difference between typical infiltration and the proposed Managed Release Concept (MRC). Haas explained typical infiltration is calculated for 2-year storm volume for a specific drainage area and ponded into a basin that slowly infiltrates overtime based on the calculated design rate. This site did not have usable infiltration rates. PADEP came up with MRC design which uses larger rain garden type basins with plantings on the bottom and an internal water storage surface about 2 feet underground. MRC is a relatively newer best management practice that is allowed to be used. Northampton County Conservation District will review the MRC design as part of the NPDES permit application. Lammi questioned what happens with a larger storm that overflows the basin. Haas explained that the basin is still designed to have the typical detention and meet the Township ordinance for 100-year storm and spillway. Lammi questioned the route the water would take to get to the Schoeneck Creek. Haas explained two points along Van Buren Road are connected to the storm sewer system, through the iHerb building property, along a vegetated channel through a riprap apron to the Schoeneck Creek. Gawlik clarified that the MRC relies on a vegetated area and the media underneath. He is in agreement that this is an acceptable practice.

Gawlik explained there is a SALDO requirement for a 3" minimum orifice size. This differs from the size required for this MRC. A waiver will be required for the small discharge pipe. Haas requested this waiver be added, but noted it would not apply to detention basin 5, but would apply to any MRC related basin. Bruno stated this waiver could be added, but the Board of Supervisors are the decision makers on any waivers and deferrals.

Gawlik wanted to make sure that there has been enough discussion and analysis to confirm discharge will not impact the basin side slope of the PENNDOT basin. Haas stated there is a need for further review. They will discuss options with Pidcock or go to PENNDOT if needed. Blanchfield expressed the concern for erosion.

Diefenderfer commented on the largest basin and questioned potential problems or leakage. Haas clarified that he is referring to Basin 4, a MRC basin located between buildings 1-3. He explained this was designed by Carson's

geotechnical engineer and will be reviewed by Pidcock and CMT and they will comply with any comments received.

Gawlik explained a traffic study was completed based on ITE standard. He recommended that a traffic review be required as each tenant comes in. Tenants will have different traffic generation and needs to remain in accordance with the assumed traffic for the entire site that was done at this time. Hermance stated there has never been an issue with traffic on their other projects in Palmer Township, but they will comply. Blanchfield commented on coordination with MRP Industrial on location of driveway alignment and right-of-way. Gawlik requested the developer communicate with MRP on the extension of the right turn lane, a coordinated driveway intersection, and the potential for a crosswalk and representation of this on the plans.

Diefenderfer questioned the stacking options for tractor trailers. Haas explained that the boulevard entrance is wide enough to accommodate waiting trucks and there are ample queuing options with the dock and trailer spaces at the various buildings on site. Hermance explained these sites are not intended for higher traffic users. Lammi stated the new ordinance will require each site to contain a certain number of parking spaces for the drivers to park during the hours they are not allowed to drive, as well as a location inside the facility with vending machines. Lammi would ask that they have this available for the truckers. Hermance explained these buildings are designed so that the end user is able to choose where they want the shipping, receiving, and trucking office location to be on the dock side of the buildings. Wilkins explained drivers are tracked by machines and are allowed to drive for ten hours and are required to stop for eight hours.

Lammi mentioned the possibility of designing a sidewalk wide enough for a bike path and create access to Van Buren Road and Newlins Mill Road connection. Hermance commented on the bike paths that Carson constructed in other locations within Palmer Township and questioned where the bike path connections and direction is planned. Kramer questioned where Lammi is envisioning this. Lammi suggested the path should extend up to Main Street. Blanchfield clarified with Lammi, this not being a part of the official comprehensive bike path connectivity plan, but as a way to meet a commuter need for those who may want to ride their bikes to work along a widened sidewalk to the warehouses. Hermance stated they can take a look at the feasibility of it.

Blanchfield questioned the Staff Review comment from the Fire Commissioner. Haas said he would reach out to Gallagher to fix this discrepancy.

In regards to CMT's geotechnical review, Haas explained the preliminary design was done with assumed rates. When infiltration testing was completed, they were forced to look into other options for stormwater management that led to the MRC design. They now have to prove that other options for stormwater controls aren't feasible. Everything missing that was requested will be included with the next submission.

Blanchfield, Haas, and Kramer discussed there were no lighting comments and assumed there were no issues or concerns.

LVPC commented on the movement of the old stone farmhouse. Haas stated that Chrin is handling that portion of the project.

Diefenderfer explained that part of the new ordinance will be requirements for snow and ice removal in accordance with the new Pennsylvania laws. There needs to be space for this and is a necessary safety component of the project. Hermance stated they will take a look at an area that may be acceptable for this. He explained this is put on the tenant for insurance and liability purposes.

Gawlik confirmed that most of LVPC's comments are consistent with Pidcock's in regards to stormwater. Haas stated they will be resubmitting to LVPC to address the stormwater comments.

Diefenderfer questioned if they will run the conduit and have panels available for electric charging. Hermance explained they are running the conduit, but the electrical charging for the tractor trailers would require its own electrical house. At this point, the technology is evolving so quickly and isn't as far along as cars. Blanchfield questioned if there is lower voltage electric that allows trucks to turn off diesel when idling. Hermance confirmed this exists in tractor trailers.

Harry Graak, 1380 Van Buren Road, expressed his concerns for the number of warehouses, paving, stormwater, traffic, environmental issues, not enough open, green space, the bridge design, and Schoeneck Creek. He feels there is a procedural problem with the Planning Commission meetings not allowing enough public comment as part of the review process before these projects go before the Board of Supervisors.

Bill Harkin, 1375 Van Buren Road, questioned if there an existing statute limiting the length of time that trucks are able to idle. Lammi believes there is a state law. Harkin stated this is an environmental concern. Wilkins read Act 124 of 2008 which states diesel vehicles aren't allowed to idle for more than five minutes in any sixty minute period. Harkin would like to see this enforced in order to lower air pollution and encourage the use of electric vehicles. Lammi questioned if trucks idle when they pull into the dock. Hermance assumes the trucks shut off and offered to put up signage with the state law in the truck court.

Tom Beauduy, 400 South Greenwood Avenue, Chrin spokesman, stated Chrin is undertaking the stone house relocation from this location to Chrin's property. This would not be possible without the support and cooperation of Carson.

Seeing no further comments or questions, Blanchfield called for a motion.

The Planning Commission voted to recommend approval of the preliminary plan by the Board of Supervisors, subject to the following conditions:

1. Comments of the Township Engineer's letter dated August 4, 2022 are satisfactorily addressed.
2. Township Departmental comments dated August 4, 2022 are satisfactorily

addressed.

3. Comments of the Township Geotechnical Engineer letters dated March 7, 2022 and August 9, 2022 are satisfactorily addressed.

4. Comments of the Township Lighting and Landscape review dated August 5, 2022 are satisfactorily addressed.

5. Comments of the Lehigh Valley Planning Commission review letter dated April 29, 2022 and any additional comments are satisfactorily addressed.

6. Requested waivers and deferrals are approved by the Board of Supervisors, with the addition of a requested waiver for §158-17.1 – provide a minimum circular orifice of 3 inches for MRC Basin 1, MRC Basin 6, and MRC Basin 7

7. The proposed method of recreation contribution is approved by the Board of Supervisors. The required amount for fees in lieu of contribution as required by ordinance would be 77 acres x \$3,500 per acre = \$269,500 for Lot 1 and 18 acres x \$3,500 per acre = \$63,000 for Lot 2.

8. Recommendation that trees not able to be planted on site be planted elsewhere in the Township.

9. Developer give consideration to increase the width of sidewalk to be a bike path, if acceptable to the Board of Supervisors.

Motion: Approve w/ Conditions, Moved by Robert Lammi, Seconded by Robert Walker. Passed. 5-0. Commission Members voting Ayes: Blanchfield, Diefenderfer, Lammi, Walker, Wilkins
Commission Members Absent: Aydelotte, Kicska

4. Review and Discussion of Zoning Ordinance

DISCUSSION

Carolyn Yagle of Environmental Planning & Design was present.

Kramer explained that the complete draft ordinance and map were available online and inside the Township Municipal Building since July 2, with a website set up to submit comments. Information about the ordinance had been shared through the Township website, social media accounts and email list.

A public input meeting was held on Tuesday, July 19 with a large turnout of interested residents, building owners, and property owners who provided comments and suggestions. Notifications were sent in advance of the meeting to all property owners whose zoning designation is proposed to be changed.

The Lehigh Valley Planning Commission reviewed the draft ordinance and was largely complementary in their review. They did make some recommendations for additional provisions we could consider including.

Yagle stated that they put together a summary of comments received from the public meeting on July 19, 2022 and submitted through the online comment form. Yagle explained they are seeking the Planning Commission's consideration and direction on the items to be discussed tonight.

Harry Graack had requested parcels along Van Buren Road be designated as

Rural Agricultural (RA) instead of Conservation and Recreation (C-R). Yagle explained this portion of Van Buren Road is south of Route 33 between the Planned Office/Business (PO/B) and the High-Density Residential (HDR), and is currently owned by Graack. Yagle explained there are also some land use requests related to this. The requested land uses to be considered are commercial indoor recreation use and helistop as special exceptions, beverage production – limited distillery and short-term rental as conditional uses, and vet office or animal hospital, farmer’s market, pick-your-own operation, and home occupation - low-impact as permitted uses.

Diefenderfer questioned if Graack is in support of the whole list of RA uses. Graack stated it is a matter of legacy, planning for the future and what will happen when he is gone. Kramer explained that up until ten years ago, everything north of Route 33 was zoned RA, which allowed many of those uses already and there wasn’t a demand for them. This area is currently zoned Planned Industrial/Commercial (PIC) and the original intention was to zone it PO/B, but Graack was in favor of preserving it. Lammi stated that in order to follow the Municipalities Planning Code (MPC), areas need to be provided for all uses. Diefenderfer questioned if it could be left as RA, but include the specific uses that Graack is seeking, to increase what is allowable in RA. Graack does not want junkyard or landfill there. Lammi pointed out that if the uses are removed from RA, they need to be included in other zoning districts. Brett agreed that RA has been used as a catch all for uses that the Township doesn’t want elsewhere and suggested to look at industrial zones north of Route 33. He suggested it might be more palatable to have a landfill sandwiched in between warehouses in industrial use areas. Lammi stated Light Industrial (LI-1) or Light Industrial/Mixed Use (LI-2/MU) would not be ideal for a junkyard since that zoning is in the middle of the Township. Yagle stated that they could look at compatibility for these uses in the other areas mentioned.

John Marks had commented about the small area immediately west of the Easton Shrine along Green Pond Road, immediately north of the Suburban Water Authority’s water tank that is designated as HDR. There are already single family residences here. Kramer explained the property immediately to the south is the Charles Chrin Community Center property, which is currently proposed to be rezoned to C-R. It was previously HDR. The Commission agreed there is merit in changing this isolated HDR designation to Low-Density Residential (LDR) since the entire area is already developed as LDR.

Yagle discussed property at the corner of Tatamy and Corriere Roads being changed from PI/C to PO/B. Lammi stated that several businesses on that property are commercial. Kramer explained the intention was for properties on the north side of Corriere Road to be rezoned from PI/C to PO/B to provide a buffer in between warehouse uses and residential and it didn’t seem logical to leave a corner as PI/C. Lammi questioned if future business would have to get a zoning variance for a commercial use. Kramer stated she discussed with Rizzolino at the public meeting that only one use didn’t fit in and they talked about adding it. Lammi suggested adding nursery as a use in PO/B. Yagle mentioned the other consideration would be extending the Industrial/Office/Commercial (IOC) further south. Lammi stated it is a moot

point if the two warehouses go in there. Kramer pointed out that plan is currently under review, the conditional use has not been approved yet. That plan proposes two phases of development - Phase 1 would be the area that is remaining IOC, Phase 2 would be the PO/B district. There is concern on whether they will be able to move the tower on that property and we would want it zoned for what we want there if it doesn't get developed as warehouses.

Yagle addressed comments on two areas that would be rezoned from Heavy Industrial (HI) to LI-2/MU. John Krajsa on behalf of Richard Thypin was concerned about properties on William Penn Highway and the removal of industrial uses as a conditional use and warehouses as an accessory use. They are concerned about creating nonconforming uses for their existing operations.

Richard Principato, 2703 Freemansburg Avenue, stated that his operations would be considered heavy industrial not light industrial and that he doesn't belong in the LI-2 district. Lammi stated he would rather tweak the definition so that these operations still fit. Principato stated he doesn't want to lose what he already has and doesn't know how desirable the property would be for future users. He feels that the overlay zone gives flexibility to the owner, but would like wording consideration for the continuance of the business. Yagle stated clarification on hazardous identifications might be needed on the use on this.

Tom Beauduy of The Charles Chrin Companies addressed the change from General Commercial (GC) to Light Industrial (LI) on their property at 400 S. Greenwood Avenue. Kramer explained this property contains the existing Chrin office building and extends further back towards where the Township buildings are. The property is currently split between two zoning districts: General Commercial (GC) at the front and LI at the back. The intent was to try to clean up that split zoning. Yagle explained the options would be to keep it as a split zone parcel, consider changing the uses allowable in LI, or making the whole parcel GC. Beauduy explained this was always intended to be the first of a two-phase development. The reason it was designed and constructed with the elevator system located at the western end of the building is because a second mirror image building was intended to be built immediately to the west, which would be served by that same elevator system. Under the current GC zoning, the inclusion of professional offices, medical and dental offices, or financial institutions are all permitted by right. However, under the proposed zoning change, only professional office would be permitted by right. Chrin is looking to preserve the ability to follow the plan for this future building. The back of the property is currently zoned LI and there are no immediate plans for that. It is currently being used for maintenance and equipment storage. Diefenderfer and Lammi would prefer to keep it all GC. Beauduy explained the section that is currently zoned LI would not be accessory uses to the office building. Kramer would suggest leaving it as split zoning. Yagle confirmed the suggestion would be to retain existing zoning boundaries.

Beauduy addressed the change from PI/C to PO/B on their property at 1496 Van Buren Road and requested it to be IOC district like their properties east of Van Buren. Kramer explained the intent was to keep zoning consistent with the group of properties on the west side of Van Buren. Diefenderfer questioned if

there are conditional use hearings pending for the potential developments in the area to the west and east of Van Buren Road. Kramer confirmed. Yagle clarified this request is only for the triangular portion on the west side. Blanchfield does not see some of the IOC uses going into that location. Beauduy explained that the property could accommodate a 60,000 square foot building, the proposed zoning would take away that option. He realizes the intention is to protect the residential area to the south and create a buffer from industrial or distribution uses, but this 8 acre property is at the end of Newlins Mill Road and is substantially distant from the residential district. The Township's planned signalization of the Van Buren/Newlins Mill intersection to a 4-way intersection would make traffic better and limit impact to the residential area. Lammi expressed his concern for the Schoeneck Creek. Beauduy explained that this would not touch the Riparian Overlay. Yagle stated this would create an additional adjacency of IOC.

Mike Leahy, 40 Edinburgh Drive, questioned if this property is north of Newlins Mill Road. Beauduy stated the property is directly across from the end of Newlins Mill Road. Leahy questioned if the property is on the west side of Van Buren Road. Upon clarification of the triangular area in question, Leahy agreed the triangular area being zoned as IOC would make sense.

Graack expressed his concern for stormwater runoff and the impact on the Schoeneck Creek. He has tried to keep his property of 100 acres as a green and clean buffer. He is against any more expansion of IOC and believes PO/B is more environmentally friendly.

Beauduy addressed the change from North End Business (NEB) to Main Street Commercial (MSC) on their property at Trolley Line & Main Street. Beauduy explained this parcel is part of a single tract comprising 17.5 acres, including 4.55 acres in Palmer Township and 12.95 acres located in the Brough of Tatamy. The current NEB designation in Palmer and the LI designation for Tatamy allows for certain industrial uses on approximately 10+ acres of the property (7 acres in Tatamy, 3 acres in Palmer), and the balance would be used for retail development along Main Street. For the retail development, a variance would be needed from Palmer since there is approximately 1+ acres of land along Main Street currently zoned NEB, but that is far less of a burden than attempting to overcome the proposed MSC designation. Kramer had no issue with this.

Kramer explained an error that needed to be corrected on the zoning map. A boundary line between the GC and CR district was not shown on the property line at the location of Chrin's office building on William Penn Highway.

John Pohl addressed proposed zoning changes to six lots he owns on Berks Street and Blair Street. One lot is currently zoned High-Density Residential (HDR), the other five lots are currently zoned Medium-Density Residential (MDR). The proposed zoning would change these lots to Conservation and Recreation (C-R). Kramer identified these lots on the map and explained the Township owns a number of the surrounding lots. In order for anything to be built there, zoning variances would be needed due to the substandard size of the lots

and streets and utilities would need to be put in to service them. They are not currently buildable lots. Pohl indicated that he owns a total of seventeen lots in that area and doesn't want the zoning for these six to change. Pohl stated he was contacted by someone from the Township with an interest in purchasing the lots for \$2,000 or \$3,000 each. Kramer stated the municipality can only pay what the properties appraise at. Yagle suggested looking at these lots specifically and communicate with Kramer to discuss this further.

Brett stated when this previously came before the Board of Supervisors a Civic/Institutional zoning district was discussed and he questioned why this wasn't included on the map. Kramer explained that when Yagle appeared before the Board of Supervisors, she showed two alternatives of the zoning map to consider, one of which contained the Civic/Institutional zoning district. When discussed with the Planning Commission, their recommendation was to go with the other version. Brett stated he is in support of the Civic district because he feels a lot of the uses in C-R are contradictory. He stated examples of the shooting range and proposal for a training facility at Riverview Park and the school. He expressed his disappointment with this version and stated that he will not be in support of this when it comes before the Board of Supervisors.

PLANNING DIRECTOR COMMENTS

Kramer explained that her duties are expanding into long-range planning projects, grant writing and communications. The Township will be hiring a new land use planner who will be focused on subdivision and land development. Blanchfield expressed the Planning Commission's enjoyment of working with Kramer and are appreciative of her guidance.

PUBLIC COMMENT

Bill Hartin, 1375 Van Buren Road, questioned if there will be another opportunity after this meeting to raise issues. Blanchfield confirmed they will be continuing their review and discussion at the September meeting.

ADJOURNMENT

The meeting was adjourned at 10:05 pm.

Motion: Adjourn, Moved by Richard Wilkins, Seconded by Robert Walker. Passed. 5-0. Commission Members voting Ayes: Blanchfield, Diefenderfer, Lammi, Walker, Wilkins

Commission Members Absent: Aydelotte, Kicska