

PALMER TOWNSHIP PLANNING COMMISSION
PUBLIC MEETING - TUESDAY, MAY 9, 2023 - 7:00 PM
PALMER TOWNSHIP MUNICIPAL MEETING ROOM, LOWER LEVEL, 3 WELLER
PLACE, PALMER PA 18045

1. Meeting Preamble

The May meeting of the Palmer Township Planning Commissions was held on Tuesday, May 9th, 2023 at 7:00 PM with the following in attendance Chairman Robert Blanchfield, Vice Chairman, Chuck Diefenderfer, Jeff Kicska, Robin Ayedelotte, Robert Lammi, Robert Walker and Richard Wilkins. Also in attendance were solicitor Will Oetinger, Justin Coyle of Carrol Engineering and Kent Baird, Director of Planning.

Chairman Blanchfield led the Pledge of Allegiance.

2. Approval of Minutes

The April 11, 2023 Planning Commission meeting minutes were approved with no updates or changes.

Motion: Approve, Moved by Robert Lammi, Seconded by Chuck Diefenderfer. Passed. 7-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Walker, Wilkins

OLD BUSINESS

3. Palmer Manor-537 Milford Street

Project: Palmer Manor-537 Milford Street

Application: Preliminary & Final Land Development

Address: 537 Milford Street

Parcel ID: M8 8 1B-5 0324

Proposed: 70 Bed, 4 Story Apartment Building, 28 parking spaces

Existing Zoning: Heavy Industrial/Mixed Use (HI) Zoning District

DISCUSSION

Project Name:	537 Milford Street – Palmer Manor
Applicant:	Abraham Atiyeh/John A. VanLuvanee
Property Owner:	Exchange 8 LLC
Application Submission Date:	November 17, 2022
Property:	537 Milford Street
Acreage:	0.976 acres
Parcel ID:	M8-8-1B-5 0324
Proposed Facility*	Personal Care Facility/Assisted Living
Existing Zoning:	HI Heavy Industrial/Mixed Use

Application Summary

Exchange 8 LLC seeks Preliminary and Final Land Development approval for the development of a four-story building, with seventy (70) beds and 28 parking spaces. If developed, the project would be located at 537 Milford Street, south of the intersection of Milford Street and William Penn Highway.

At the October 5, 2020, public hearing of the Board of Supervisors, the applicant was granted conditional use approval of a facility greater than 3-1/2 stories, or 45 feet, at 46, 702 sq. ft. on a portion of a 0.97-acre parcel (the Planning Commission unanimously denied the application on September 8, 2020 based on their health and safety concerns related to fire access and parking issues).

Previous variances of the Zoning Hearing Board, in August 2020, relate to: the use in the Heavy Industrial/Mixed Use District, the size of property less than 1 acre, the reduction of rear yard setback from 120 feet to 15 feet, and to allow the additional height.

After initial submission on November 17, 2022, a revised plan was submitted on February 16, 2023.

*The original approvals labeled the project "Personal Care Facility/Assisted Living Facility."

Present for the applicant was Jon McShea of Eastburn and Gray on behalf of Exchange 12 .

McShea clarified that the use is a personal care home. He said the property provides adequate parking under section 2600 of PA Department of Human Service providing 4 direct care staff, one housekeeping employee, one dietary employee and one maintenance employee. The direct care staff is cross trained to provide all services.

There are 28 parking spaces provided which under 17.1 of the zoning ordinance is adequate for the proposed use. There are 70 beds and the requirement is one space for every 4 beds. There are 18 spots.

1.2 spots are required for each employee. With 7 staff members there are 27 spots.

Blanchfield asked for further explanation of the type of resident and the amount of care they would need.

Oetinger asked for clarification on how the use relates to the fire code. He said in speaking to the Fire Commissioner, as an assisted living facility, he was anticipating a higher level of staffing for easier evacuation, and better protection for residents in the event of a fire, especially given small backyard setbacks.

McShea said in the conditional use decision issued in October 2020, the conditional use was for a personal care home. The Fire Commissioner was satisfied with the fire protection measures that were proposed.

Gene Berg architect for Gouck Architects spoke regarding 2018 International Building Code.

Blanchfield said he wanted to discuss the differences regarding use.

Diefenderfer asked Gallagher if that was the current code the Township was using

Gallagher confirmed the PA UCC uses the 2018 edition of the ICC.

Berg said he would talk about the definitions of the different facilities in terms of Chapter 2600 of the PA Department of Human Services. In synopsis, personal care homes provide a safe residential setting for adults who may need some assistance but are primarily independent. The full definition at Chapter 2600.1 - Purpose- B

Some of the physical requirements of the interior needs to be indoor activity space, common room, specific sq footage for resident bedrooms, no common kitchen but kitchenettes may be applicable.

Berg then introduced the definition of Assisted Living Facility, referencing section 2800.1- Purpose - B. He said the definitions between the 2 are very similar with difference being amenities.

Diefenderfer questioned whether the code really depended on what the particular residents in care needed.

Berg said that extra space due to mobility needs may be an example.

Diefenderfer said there may be other requirements based on what type of medical problems the person may be having.

Berg referenced staffing but said he would not cover that. He would let Nimita Atiyeh answer that.

Diefenderfer said that it is not generic and there are levels of care to that.

Berg again referenced the definitions.

Oetinger used the example of dependent care. He said the regulations contained for a general personal care facility may not be the most stringent that apply through the whole of Chapter 26. It may increase staffing or security for residents with dementia.

Berg said the Atiyehs do not intend dementia care here. This facility is for higher functioning residents.

Aydelotte referenced her mother who was higher functioning but deteriorated into Alzheimers.

Berg did not address Aydelottes comment and said he would continue with Assisted Living physical requirements. He said Nimita Atiyeh could address

more. He added that if a patient declines, the Atiyehs position is to move them to a different type of facility with more care.

The primary difference between Assisted Living and Personal Care are the additional amenities. He listed the additional amenities for assisted living which primarily included more space, more sq footage, more common rooms, etc. Kitchenettes are required. Common kitchen as well as laundry area. He said the Atiyehs are dually licensed for both and have both at some of their facilities. He said it really is just a level of service.

Oettinger said that he mentioned indoor recreation. He asked if there was a requirement for outdoor recreation space.

Berg said they don't state that in the physical requirements.

Oettinger said he's reading section 99 where it says the home shall provide regular access to outdoor recreation space. He asked if the plans show any outdoor recreation space.

Berg said there is grass surrounding the property and 20 ft of land at the southwest corner that leads to the bikeway.

Oettinger said in the conditional use adjudication there's a section that requires compliance with all conditional use regulations cited in 210 and 211.

Berg said they went for conditional use for building height. We did not go for conditional use for a life care center. We got a zoning variance for a personal care home.

Oettinger said a personal care home kicks into sections 26 and 25. 25 requires 20% set aside for recreation space. In the section that allows for any conditional use, dimensional or not, it says that all requirements shall be met of 210 and 211. Oettinger asked if they had set aside 20% for recreation space.

Berg said he would say yes. There is plenty of green space on the site.

Oettinger asked if it showed on the plan for active recreation.

Berg said that Jason Buchta would clarify those items. Jason Buchta of Ott Engineering has taken over the sketch plan process and land development process.

Oettinger asked Baird if there is a definition for recreation in the zoning ordinance. He asked Coyle if he believes it is provided for.

Coyle said I believe you are referencing zoning 190-210 that says a minimum of 20% of the site available for recreation including outdoor seating areas, paved trails, landscaping and pedestrian walkways. Based on what he saw submitted, he doesn't believe 20% is allocated to that. The grassy areas are steeply sloped. The area behind the building is used for stormwater conveyance and

swales. The other area is used for swales and conveyance to the parking lot for underground detention.

Coyle said 20% would be 8300 square feet. From first glance it does not appear 20% has been set aside given the amount of building space and parking lot.

Oetinger said the open space cannot be in the setbacks.

McShea asked where it says that.

Oetinger said that no structures could be within the setbacks such as a bench.

There was some debate whether structures can be put within setbacks and what recreation space is by Berg.

Blanchfield said nothing is depicted on the plan.

Berg said Jason Buchta would address that. Berg went on to reiterate the definitions of the different types of facilities based on 2018 International Building Code.

He added they are planning to do an NFPA 13 sprinkler system, that includes a dry system in the attic. All combustible concealed spaces are sprinklered. There will be concrete block stair towers. They will put standpipe systems in the building to satisfy the Fire Commissioner. The fourth floor will only have people able to exit on their own. One hour fire ratings for most areas. People who may need some assistance will be located on the 1st through 3rd floors. However it is not the intent of the Atiyehs to have anyone with mobility needs. This center is for higher functioning people.

Gallagher commented that he is ok with the fire protections. His concern is the staffing levels. He said he wants to make sure he is involved fully in the plan review and inspection process. He said he construction is permitted. We may be able to argue it is a nursing home if you have 5 patients that need medical care. If you could eliminate any residents not being ambulatory he is ok.

Blanchfield asked about evacuation and the level of training for employees.

Gallagher said you could consider it more or less a hotel. The type of protections being provided will be similar to what hotels have for elderly ambulatory patients. The stair tower having a 2 hr rating will be a refuge for fire fighters and patients. He said he also wants to see compartmentalization of the floors. There should be fire walls and fire doors in case you can't get all patients into the stair towers, they can be put at one of the building for protection while they are evacuating.

Gallagher reiterated he needs to be involved in the plan review process and inspections.

Atiyeh agreed.

Gallagher said he wanted him to understand this request is in lieu of having the fire department access road in the back of the building.

Atiyeh agreed and reiterated this is for higher function facility. They would take them to Saucon Valley Manor if they have more extensive issues.

Gallagher said his concern was the 6 staff to 70 people.

Blanchfield asked Gallagher if the things required and requested were addressed in the Board of Supervisors Conditional Use Approval of October 2000.

Gallagher said yes.

Walker said it's going to be people that can evacuate themselves. He asked how you are going to guarantee that will happen. How will that be monitored?

Oetinger also voiced his concern that the township cannot impose a restriction on use that says that you limit the people.

Gallagher said a Certificate of Occupancy will determine if it's going to be as a personal care and that will determine how many people according to staff.

Oetinger said he is talking about mobility issues.

Nimita Atiyeh spoke. She said she is licensed in assisted living and personal care. She said they do weekly updates and assessments to determine what the patient's level of care is .

Diefenderfer asked what level of care is needed on people coming down off the fourth floor with limited physical abilities in a reasonable amount of time and what type of staffing is needed.

Gallagher said anyone on the fourth floor would need to be fully ambulatory and cognitive.

Nimita said they do 2 fire drills a year one during the day and one at night. Everyone on the fourth floor needs to be fully ambulatory.

Diefenderfer asked what if a person does decline.

Nimita said we have to do an updated care plan and make proper accommodations.

Lammi said the biggest concern was the setback and fire apparatus being able to access. But he said he defers to the Fire Commissioner.

Wilkins asked what the staffing would go to if they went to assisted living?

Gallagher said for the fire code, it is 16 aggregate.

Nimita said under personal care regulations, not assisted living it is 4 on 7am - 3pm - 4 on 3pm-7pm and 3 on 11pm -7pm as long as all are ambulatory.

Berg read the regulations regarding assisted living which basically said the each

resident shall be provide at least one hour of assisted living services by an employee. If you have mobility issues you must be provided 2 hours of service.

Buchta referenced the 20% recreation space. He said it is not specified on the plan right now but they can add it on. With some minor adjusting of the grades he feels they can accommodate it.

Blanchfield asked if their would be a sidewalk for a direct connection to the bike path.

Buchta said it is not on the plan but it could definitely be added.

Baird added that any area that is dedicated to detention basins, parking lots, or impervious services cannot be considered part of the 20% recreation area per 190-210. Recreation has to be provided on the site. It cannot be considered part of the Bikeway.

Coyle reviewed the engineer's letter. He added that this has been presented as a preliminary/final plan. He feels with all the modifications brought up at the meeting, it seems it should just be reviewed as a preliminary plan.

Reviewing the letter from March 15, 2023, he said Stormwater Management needs to be cleaned up. The infiltration testing has not been provided. There's some routing calculations that need to be revised. There are volume control calculations that need to be revised. There is stormwater managment cleanup that needs to be done, potentially in conjunction with the revised grading for the recreation area.

Regarding traffic, a traffic impact study is needed with future development be considered from development across the street.

The Township Geotechnical Consultant, Electrical Consultant and the Fire Commissioners also need to be heard from.

He said the main items are the traffic impact study, cleanup of stormwater management plans, and recreation area to address the preliminary plan.

Blanchfield mentioned the Geotech letter of 3/14/23 said that they were not able to review due to lack of information provided. The Gilmore letter providing landscape and electrical review mentioned outstanding issues not being resolved and, location of street trees and additional tree planting details.

Coyle said one other thing to add is they did not see dumpster locations on the plan.

Buchta said they are going to propose a dumpster at the end of the parking area.

McShea referenced the zoning ordinance. He said for residential use under 80 units a traffic study is not required unless the planning commission finds the area is clearly accident prone. He said there hasn't been any evidence of that.

Oetinger asked if it was zero dwelling units. Zero dwelling units would be institutional not residential. Institutional requires 30,000 sq ft and you are at 11,000-12,000 per story which means you are over at 48,000 sq ft for institutional space.

McShea read the definition of personal care home. It says residential use, providing residential support services.

Atiyeh said they were not required a traffic study when they built the apartments across the street. He doesn't see why it would be required for the 70 units. He said he doesn't want to do it.

Baird said throughout the history of the project, it has been defined as a personal care/assisted living facility. Throughout the progression of this project it's possible to have had multiple different answers to questions. Requiring a traffic study for a unit that has 70 units for people described as mobile and interested in their personal development with only five -six people to provide assistance makes him wonder if it will be a parking lot full of visitors coming and going. He said we hear 70 residents and they have no need to come and go and we only have 28 parking spaces. We haven't really defined any space for visitors. These people are suggested to be in the luxury phase of their life as suggested by the architect. So how many people are really coming and going from the property. So 70 units of folks who are just described as having a really cool place to live with no kitchen doesn't mean that people aren't coming and going.

Oetinger said under parking requirements personal care home is listed as an institutional use. It's described that way for parking so that's how they got the number of spaces. So it should follow that it be calculated the same way for a traffic impact study.

Atiyeh said if it were 70 apartments you would not require a traffic study. He asked why they are requiring 70 personal care which are not apartments.

Oetinger said his advice to the Board is that the definition says institutional use.

Nimita said they do not see a lot of traffic from visitors.

Baird added the intersection has been reporting a number of accidents the last few years.

Coyle said it is the aggregate of 7 years personal care facility as well as development across the street to project those impacts. It will be more of a minor traffic impact study but we feel it is the right thing to do.

Atiyeh said they would consider that.

Blanchfield said that the engineers can discuss what is required.

Blanchfield said going forward we are looking at preliminary and final approval separately.

Diefenderfer confirmed with Coyle that we were still missing several studies. He said that we are missing too much for a final approval.

Oetinger said a response has to be given for preliminary plan and they will come back in for final.

Blanchfield read the motion.

Motion to Deny the Preliminary Subdivision approval based on

Failure to comply with zoning ordinance 190-210.C.26 and C.25 relating to the minimum site area to be developed as recreation. Compliance with this is specifically required in the conditional use decision.

Failure to comply with stormwater management ordinance 158-14.B relating to the method of calculating volume and control calculations.

Failure to comply 190-203.B.5 relating to required traffic impacts studies.

SALDO 165-87.A and B and 165.88 missing from the Geotech information.

Motion: Deny, Moved by Bob Blanchfield, Seconded by Richard Wilkins. Passed. 7-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Walker, Wilkins

4. Villages at Wolfs Run Phase 3 - Final Subdivision Plan

Villages at Wolfs Run-Phase 3

Van Buren Road - K8-15-1A, K8-15-2 & K8-15-1

HDR-2 & MDR District

Request by Wolfs Run Land LLC

DISCUSSION

The subject property is located on Van Buren Road northeast of the intersection of Corriere Road and Van Buren Road and is mostly wooded. The proposed development is The Villages at Wolf's Run Phase 4, which will consist of 140 Townhouses and (1) existing residential dwelling. The property is located within both the HDR-2 High Density Residential and MDR Medium Density Residential Zoning Districts and will have public water and sewer service.

A conditional use for off-street parking in a front yard was approved in November 2007. The overall Preliminary Subdivision Plan was approved in November 2008.

The Applicant is seeking approval for Final Major Subdivision. However, we would note that the overall plan set has not been revised since the issuance of this office's review letter of March 15, 2023.

Present for the applicant was Attorney Piperato and Phil Malitsch, Tuskes, Andy Woods, Hanover Engineering.

Piperato said that based on the minutes from the previous meeting and as well as the May 2023 letter from Carroll Engineering there were essentially 3 issues

that are outstanding, driveway offsets, traffic at Corriere and Van Buren, and the bridge improvements.

Oetinger asked if there has ever been a revised preliminary plan after the removal of the alleys.

Piperato said no

Woods said the major concern were the driveways for lots 204-205-161-162 because of their orientation to the intersection. Waivers were requested for 121-161-162-163-204 and 205.

He said they've shifted some things around and now they are just asking for waivers for 161 - 162 and 120. He said they've eliminated some lots to shift things around. He showed in his presentation how the driveways are now offset so they are not at the intersection anymore.

Blanchfield said 161-162, and 120 now have the waiver request for less than 50 feet.

There were some questions to point things out on the plan.

Coyle asked if there were nine on the previous plan and now there are eight.

Woods said that was correct.

Blanchfield asked them to confirm that they have moved the driveways, reconfigured and removed some buildings so the road does not come directly into certain driveways. They still need a waiver for 161-162 and 120 that will not meet the SALDO 165 regulations of less than 50 ft from an intersection.

Coyle said that it was an improvement over the plan previously submitted.

Wilkins asked where they took away.

Woods explained the configuration of where they took the units away from.

Piperato said pages 4 and 5 of the Carroll letter were all containing comments regarding the intersection traffic analysis.

Eric Mountz with Traffic Planning and Design in Bethlehem introduced himself. He said they were asked to prepare an evaluation of the intersection of Van Buren and Corriere Rd S as it relates to the proposed development, specifically for traffic signal warrants being satisfied. The warrants were based on PennDOT standards that focus on 2 areas; traffic volume and and crash experience. He said on March 9th, they did traffic counts at the intersection from 6AM -7PM. He said they looked at existing conditions and if warrants were met based on volume thresholds. He said the thresholds were not satisfied for the installation of a traffic signal based on current volume.

They also obtained crash data from the police department for the most recent 5

year period. They asked for all reportable and non reportable accidents. The records were lumped together for N and S Corriere. He said there were 23 crashes, 15 reportable and 8 non- reportable. He said the PennDOT standard looks at crash data based on if there are 5 or more crashes that could've been corrected by a traffic signal. Based on the data it was resonable to assume they would not hit 5 or more in a 12 month period. He said it was their opinion that the warrant would not be satisfied by crashes alone.

In the Township Engineers letter it is indicated they agree with that assumption. He said they then looked at whether warrants would be warranted in the future from volume based perspective. Based on proposed growth they looked at a future year of 2026. He said they looked at it without this development and with development in the future. What they found is, based on either condition with the 8 hour volume warrant it is anticipated to be met in the future. He said what they found is that the warrants aren't triggered by this development but a compilation of traffic from several developments. Their recommendation in this situation is monitoring. PennDOT will not allow a traffic signal to go in unless their criteria is met. Even though they are Township roads PennDOT is the decision maker whether a traffic signal is warranted.

He said they also did a sight distance evaluation on the Rabbit Run intersection in accordance with PennDOT standards. He said they found that with a few frontage improvements from the applicant, all sight distance standards can be satisfied.

Lammi said Township is trying to become more walkable. He said there are going to be people in the development that are wanting to cross Corriere to go shopping, etc. He wouldn't want to see people crossing that road without protection.

Coming out of Corriere and making a left onto Van Buren, it's difficult to gauge the speed of someone coming down the hill, making pulling out dangerous. Those things haven't been taken into consideration because they are not part of the checklist. But he feels we still have to think about the people.

Mountz said he agrees in respect to pedestrians. He said a traffic signal control when warranted is an appropriate crossing to accommodate pedestrians.

With respect to sight distance, he did evaluate. He said looking at historical pictures, there have more recently been improvements to the sight lines. He said he sat at the Fox Run entrance to Corriere. He said you can see and the 500 feet does exceed the requirements for sight distance, it meets PennDOT standard up to 50 mph.

He questioned the stop bar on that approach is pushed way back. He said if moved it may help.

Aydelotte asked if we have a copy of the traffic study.

Baird said we did in Sharepoint and Novus.

Blanchfield told Mountz that he gave an excellent summary.

Mountz confirmed that the traffic signal is currently not warranted but will be in the

future.

Blanchfield said even if wanted it, PennDOT still has jurisdiction. He asked what else could be done there.

Mountz said an option would be all-ways stop control. It is based on volume. It does appear the warrants would be met for an all-ways stop.

Blanchfield asked if the Township would be the decision maker for an all-ways stop?

Mountz said the Township is. There is an ordinance that needs to be enacted. In order to enact the ordinance there needs to be an engineering study provided.

Wilkins wanted to clarify that we cannot get a signal until PennDOT says we can. We do not meet the trip generation requirements. But we will meet them once the development is in.

Mountz said yes. In addition to this development they are factoring in 8 other developments in the area that are anticipated to add traffic.

Wilkin asked once the requirements are met, what is the time frame for an active signal.

Mountz said it would be about a year. He said once it has been confirmed it is warranted, there is a design process, some reviews and then actually ordering and installing the signal.

Wilkins said that possibly it should be a 4 way stop when the development opens until the numbers are met to get a signal.

Mountz said that would be at the discretion of the Township. He said it seems that the delay at Corriere seems to be between 3pm and 6pm. Is the Township willing to make a physical change in the intersection for a relatively short window of time? He said an all way stop will add delay to main line which is free flow today on Van Buren. He said there are some pros and cons to be considered.

Wilkins addressed pedestrian traffic. He thinks the only way to keep those people safe before you get a signal is to have everyon stop.

Aydelotte said at night there are alot of cars that speed down Van Buren.

Baird said Phase 3 would add to the other proposed development pressure in the area. He asked if Phase 3, would warrant the numbers for the traffic signal.

Mountz explained the traffic at the Rabbit Run intersection was not contributing to the traffic at Corriere and Van Buren. He said irregardless of development, the warrants would be met in the future.

Baird said he agrees with Lammi and Aydelotte regarding pedestrians that the intersection is a dangerous area. He said it sounds like the traffic signal is nearly warranted and will be warranted with this development. If pedestrians are our number one concern, it seems a lighted intersection is the way to go.

Mountz explained that he has worked in municipalities where the the developer wanted to put a signal in but the ultimate decision maker is PennDOT.

Blanchfield asked about rapid firing flashing lights like they have near the Bikeway.

Mountz said they are still based on PennDOT standards but they are geared more for a mid- block crossing. They are typically used for mid-block crossings not at intersections.

Diefenderfer asked if the warrant would allow for a flashing red or yellow light to indicate people to slow down.

Mountz asked if the purpose was to slow the people down approaching the intersection. He said they generally don't put these in. However, the last time he saw one was in a similar situation where the warrants were not met yet but would be in the future. He said it is not commonplace and would still need PennDOT approvals.

Blanchfield asked Coyle if he was in agreement with the traffic study.

Coyle said yes. He said the tricky part is would be revisiting the need for future traffic signal analysis at some point in the future. He said we are on the cusp of requiring a signal now The signal is going to be necessary at some point in the future. How it gets revisited in the future is the question. He said we talked about a 4 way stop but the signal will need to be revisited in the future as some percentage of build out or possibly full buildout. .

He said he agrees with the comment regarding pedestrian traffic. This is a prime area for ADA accessibility and improved pedestrian access to the intersection.

Wilkins added that they should ask the supervisors to make the intersection a 3-way stop now. He said there was a similar intersection in Forks Township. Everyone was going 55 mph on Bushkill Dr, now it's a 4-way stop. It might be a good idea at our intersection to get people used to slowing down prior to a traffic signal.

Coyle said that would also require a traffic study.

Mountz said he thinks it would meet the requirements for a 4-way stop based on current conditions but it would come down to enforcement. In order for to police to enforce, there has to be an ordinance adopted that can be enforced. For the ordinance to be adopted there needs to be an engineering study done that supports installlotion of the all-way stop.

Aydelotte asked if we already have that information.

Mountz said they did traffic counts but not specific to an all way stop. He said they can provide the traffic count information to the Township Engineer.

Blanchfield asked if there is enough room at the intersection for a right hand turn lane?

Mountz said he would not recommend that because of sight lines. It is not traditionally used for an all-way stop.

Blanchfield moved onto the bridge.

Piperato said a couple of meetings happened with Harry Graack that they were unaware of. He said he was not sure where the Township stands.

Baird said the meetings were a result of residents saying Public Comment at the end of the meeting was not sufficient to voice their concerns with fair attention to detail. There was a special meeting for any residents to attend and present. Graack and others gave presentations. Graack presented the same information he presented to Tuskes previously.

Piperato said the bridge is designed and has been before the Township for a over a year and has been approved by a number of specialized engineers.

Oetinger said the terms of the preliminary plan approval still survives. It just says you don't get certificate of occupancy unless the bridge is constructed.

Piperato said the delay in moving the process through impacts them. He asked Oetinger how to move the process forward. He said they've been going through the process for 2 years. he said he had provided Oetinger with all the information of approval by the previous engineers. He said the developer has provided all the bridge information. Then they were asked to look at the intersections which they provided a study of. He said the Township has to make some decisions.

Oetingers said the Township decision is the one required by law which is the preliminary plan condition which says that you shall construct a bridge prior to certificate occupancy for Phase 3. He said he wouldn't have advertised a project of this size hinging on the acquiescence of private property owners.

Piperato said it was a term they accepted at the request of the Township.

Malitsch said we have a technically accurate bridge design. If the Township is not willing to assist in acquiring property that is needed, it's just fair to know.

Oetinger asked why it is incumbent upon the Township to make that acquisition. He said that is a big leap from construct the bridge to assist you in constructing the bridge.

Piperato said everybody since 2007 knew it would require that. He said things

keep changing. You ask us to do something, we do it, and then you ask something else. He said they don't have a problem with it but we need some direction as to where this goes. He said the Township is holding this project up because we're looking at different bridge designs and offsite improvements. This was negotiated a long time ago.

Aydelottes said that Jeff Young and the Supervisors said the bridge could not move forward until Graack and the Hartins were satisfied.

Piperato said I do not remember that stipulation.

Diefenderfer asked if an offer has been made to the Hartins or Graack.

Piperato said they met with Mr Hartin and his attorney. They provided some designs. He said he has continued to reach out to Mr. Hartin's attorney, but he has not responded. He said they indicated at the end of the meeting they would get back to him with their requests. He said he has not received anything.

Blanchfield said that this needs to move on to the Board of Supervisors.

Piperato asked for action on the waivers

Blanchfield said there is a deadline of May 31, so we need to move this one.

Diefenderfer referenced the intersection and said that in 2007 the other road didn't exist.

Piperato said we're happy to deal with it. We just need direction in terms of where you want us to go with it.

Blanchfield said perhaps some recommendations could be made at the Board level to get an approval with conditions.

Recommendation of approval of the final land development plan based on compliance with Carroll Letter dated May 3,2023, the Geotech letter dated March 14, 2023 and the Gilmore letter dated March 14th. The Planning Commission notes that it doesn't object the proposed waivers following Saldo sections:

165-63.K.2.C relating to turf matting on an emergency spillway.

165-63.K.3 relating to maximum inside slope ratio of 4:1 where 3:1 is proposed.

165-63.K.5 relating to the slope of the basins to allow for a 1% slope.

165-67.B relating to intersections of less than 50 ft. for lots 161, 162 and 120.

Waiver for 165-61. C Depth to Width Ratio applicant requesting 6:1.

Aydelotte said she doesn't think we're doing the right thing by passing it on. She said there were significant points brought up regarding erosion on the bridge design presented. She said there were no comments made by Tuskes representatives after the meeting with Graack's presentation. The Planning Commission didn't even see the bridge design until March after it was demanded.

Blanchfield asked for comments from the floor

Tim Fisher - 68 Moor Dr. He said he went to the presentation on the bridge and there was a lot of good information. He said he understood that they received a permit from the DEP for the bridge. He asked if there were any conditions.

Malitsch said the standard general permit conditions. It included when you can be in the stream and not for fish hatching conditions etc.

Fisher asked if there was anything about having the approvals of the landowners to get easements .

Malitsch said that is not something the DEP regulates.

Fisher asked if the Township approved the plans before they were submitted to DEP

Malitsch said yes.

Fisher asked if he saw the designs Graack had for the bridge.

Malitsch said Graack is not an engineer so he wouldn't consider them designs. Malitsch called them cartoons.

Blanchfield and Diefenderfer said that's not the right comment.

Piperato said that they are also not here to be subject to cross examination. The public comment is to the planning commission. He said they will answer questions but not if they are going to be accusatory.

Malitsch said they fit into engineers designs on this bridge. He said it is surprising that plans can be presented by someone who is not an engineer and we have to answer questions about them.

There was some discussion between Malitsch, Baird and Piperato regarding the meeting that Graack gave his presentation at and the ability, time to be able to discuss.

Oetinger said there is a condition to the preliminary plan approval that requires you to construct a bridge. There is nothing in the agreement that says the Township promised to condemn land. He said if you can't reach an agreement with the property owners, it is your project that is somewhat at risk.

Bill Hartin -1375 Van Buren Rd. - He wanted to clarify that they have met with Tuskes group.

No agreements were made. He said he would urge them to deny based on too many unclear aspects, impact on his exit and egress out of his driveway based on phase 3 construction, and himself and Graack have not entered into any agreements on easements.

Blanchfield wanted to make a point of reference that the Planning Commission are advisors to the Board of Supervisors not the decision makers. He feels there is nothing more the Planning Commission can do here. It is up to the Board. He said the traffic study as well as re-doing the site plan to correct driveway locations took away many of their concerns.

Rena DeFranco - 116 Scotty Dr. - She asked if Phase 3 would require a traffic study. She asked if the approximately 240 homes of Wolf's Run were included in the study?

The Planning Commission answered that it was included.

DeFranco questioned that it still doesn't require a light.

Piperato said it does not but the other developments that were studied with it indicate that it may be in the future.

DeFranco asked about the police reports. She said she doesn't believe that the police don't have individual reports with time date and place.

Mountz said they asked for reports specific to this intersection by type of crash. He said they were provided an email with information that did not differentiate. He then explained how they calculated the information they based on the study on.

Harry Graack - 1380 Van Buren - He explained that he appreciated the traffic study. He also gave his experience on problems with sight lines and speeding at the intersection. He said he doesn't believe the information of the traffic study because all time intervals were not studied.

He said he felt disrespected regarding the bridge. He said he doesn't have a problem with the engineering credentials and design of the bridge. He feels it doesn't take into account all of the ramifications such as the private property owners and some things that involve stormwater and flooding. He said he is willing to give up land for the correct bridge but he doesn't feel their design is the correct one. He feels they are not listening to his concerns.

Motion: Approve w/ Conditions, Moved by Bob Blanchfield, Seconded by Jeff Kicska. Passed. 6-1. Commission Members voting Ayes: Blanchfield, Diefenderfer, Kicska, Lammi, Walker, Wilkins
Commission Members voting Nays: Aydelotte

NEW BUSINESS

5. 1551 Van Buren -Chrin Route 33 Billboard

Project Name:	1551 Van Buren Rd – Chrin-Route 33 Billboard
Applicant:	Charles Chrin Real Estate Trust
Property Owner:	Charles Chrin Real Estate Trust
Application Submission Date:	January 24, 2023
Property:	Northeast of intersection of Van Buren and Hollo roads
Acreage:	12.57 acres approx.
Parcel ID:	K8-5A-1-0324
Proposed:	Digital Billboard Sign
Existing Zoning:	NEB - North End Business Overlay

DISCUSSION

Present for the applicant :Attorney, Mark Kaplan, Andy Woods, Hanover Engineering, Lois Arciszewski of Adams Outdoor Advertising and Tom Beauduy, from Chrin.

The subject property is located on the eastern side of Van Buren Road near the intersections of Van Buren Road, PA State Highway Route 33, and Hollo Road. The property fronts on Van Buren Road with the rear of the parcel along PA State Highway Route 33. The site is located within the Township's NEB Zone District (North End Business Overlay District). Physical site features include agricultural buildings, grain bins, silos and Met-Ed, and grading/utility easements. The applicant is seeking approval for a conditional use to construct a single-column digital billboard sign. The applicant proposes to construct an approximately 672 square foot off-premises digital billboard sign. The dimensions and height of the sign have not been submitted at this time. It is not known is the sign will be single or double sided.

Kaplan introduced the project . In reference to the Engineering letter he specified the property is currently improved with various buildings for Chrin operations. There's agricultural and 3 industrial buildings on the property. There are internal access drives and surface parking areas. There are 2 full looping

driveways onto Van Buren.

He said the billboard will be a double faced 14 x48 ft. It is a 20 ft V center mounted 40 ft high structure. He said digital billboards are permitted in the NDB district as a conditional use, provided the proposal meets the requirements of section 190-187.H.1-7.

He said after the review letters received from the Township, Woods revised the conditional use plan and they will be resubmitting along with response letter.

The Planning Commission was given handouts by Kaplan that Arciszewski will review with everyone.

Arciszewski said she provided an aerial view showing the billboards in the area. There were some question as to which each of the billboards shown on the handout was, and if they were still existing.

Exhibit 2 was a photograph Arciszewski took standing on the Main St. overpass looking south. It shows billboards on the East side. She said they were going to show compliance with the ordinance. She referenced the ordinances regarding off premise billboard, off premise digital billboard signs, digitals signs and electronic message signs.

Arciszewski read through the ordinances and explained how they met the regulations.

She said they will submit additional engineering prior to the Board of Supervisors meeting.

Blanchfield asked about the Billboard that was said to be removed.

Beauduy added that there were 2 signs within a 1000 ft. Both were decommissioned in the Fall of 2021. They were down by the time they closed with Carson in 2022.

Arciszewski continued to explain how all ordinances regarding off premises Digital BillBoard signs.

Kaplan clarified that they would be providing Earth Engineering's geotechnical report.

Kaplan had Woods clarify that he prepared the plans for the Billboard. They are the plans being shown at this meeting as well as the residential exhibit that shows the distance to the residential lines.

Kaplan said the structure plan was prepared by a specialty engineer.

Kaplan asked Woods if he agreed with Arciszewski that the plan complies with all criteria of the ordinance. Woods said the he agreed.

Kaplan asked Woods to explain the Geotechnical report as it relates to the structural drawing.

Woods said they and Earth Engineering went out and located the boring location for them. They completed a boring to a certain depth. They came up with a recommendation for a foundation. As a result the foundation was revised . In the middle of the drawing currently presented on the screen, there is an alternate design for the foundation.

Kaplan asked Woods to confirm that they found limestone and the main pole will be connected into the bedrock. He said that was correct.

Kaplan said they would go through the Carroll Engineering letter. He said the felt there were some comments that didn't pertain to conditional use.

Regarding access, Woods explained that Chrin property has 3 existing driveways which were shown on the screen. Kaplan added that the point was that the driveways were reviewed for previous construction.

Woods added that there are 3 access points. He said the equipment currently being used on these access points are larger than any crane or construction vehical needed for the sign.

Kaplan said there are a few different principal uses on this property.

Beauduy explained that the property is general operationa for Chrin.

Kaplan said the Carroll letter states that they are not in compliance because the sign is a principal use. The Billboard is incidental to the principal use.

Oetinger asked if it was a customary use.

Kaplan said he's not saying it 's customary or accessory. He said but it is not the principal use of a 12.5 acre property.

Oetinger said the problem is if you get conditional use approval and need to get your zoning permit and you've got multiple principal uses on the property. He said he understand Kaplan doesn't think it's principal use but it's also not customary and incidental.

Kaplan said he thinks it's incidental.

Beauduy said they have 5 Billboards in Palmer Township and each of them is incidental use.

Oetinger was concerned about subdivision

Kaplan said they didn't need to subdivide. They could enter into a lease with Adams Outdoor and part of the agreement wouldf be how they access. They are giving Met-Ed access which could also be an access easement.

Oetinger said if we are talking about lease, then aren't we talking about the

division or allocation of space among one or more tenants, also the definition of a subdivision.

Baird said if I was a resident in the area I might say the dominant use is the billboard because that is what I see. The other operations might shut down at 5 pm everyday. He asked the question as to how would you define main and dominant use on the site.

Kaplan said out of 12.7 acres, we're using about 12 acres for other uses.

Beauduy said that this the last site that will be eligible for a digital billboard along 22 and 33.

He said this is the last one in the Township.

Baird said in this case, there is a principal use conversation that has implications throughout the Township.

Kaplan said there is a philosophical conversation as to how it matters what size land there is only one principal use.

Oetinger said that is the ordinance.

Kaplan said that you are in the process of making changes to ordinance.

Blanchfield asked if we are going to be able to resolve this at this meeting.

Oetinger said no.

Oetinger and Kaplan had further discussson about principal use, accessory use, incidental, Atiyeh's billbaord etc.

Blanchfield asked if we have everything.

Baird said we got the Earth Engineering report this evening.

Kaplan asked Coyle why there are subdivision and land development ordinance compliance in conditional use.

Coyle said to refer back to the item overlooked when they were going through the conditional use requirements. The Board of Supervisors and Planning Commission may impose reasonable conditions as part of any conditional use approval. They are attachments as conditions. He said they are not part of a land development or subdivision review. He reviewed what was mentioned in the letter.

Kaplan asked why they needed access out to the Billboard.

Coyle said for safety reasons, construction access,emergency access. It is a recommended condition not requirement.

Kaplan asked why they need an access easement.

Coyle responded not an easement but a permanent improved surface.

Kaplan persisted on why.

Coyle asked why wouldn't you. It is a safety issue.

Kaplan asked why they need to locate transformers and electrical components. It's part of the Billboard.

Coyle said it looks like you will be providing it anyway. It would be an item to be shown on the plan.

Kaplan said it will be on the construction plan.

Woods asked why the Geotechnical investigation doesn't prove access to the site.

Coyle, Baird and the Planning Commission agreed that is totally separate.

Blanchfield said a motion needs to be made.

Baird said we have many applications where principal use comes up and to set a precedent to have to find an approach. It will have a ripple effect.

Approval with the following conditions

Ordinance 190-191 relating to one principal use permitted on the lot.

Ordinance 190-187.H.4 sealed engineering certification relating to building code compliance review.

Driveway detail construction 165-67 B through E that relates to the driveway coming in providing enough space for large vehicles to enter and access the drive.

Provide information for Geotech to review.

Must receive the PennDOT permit and show acceptance of the PennDot permit.

Motion: Approve w/ Conditions, Moved by Bob Blanchfield, Seconded by Robert Lammi. Passed. 7-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Walker, Wilkins

6. 300 Trolley Line Drive -Hotel
Applicant: Tatamy9 (private developer)
Project: Hotel
Address: 300 Trolley Line Drive
Parcel(s): J8-27A-1R-1-0324
Zoning District: MSC District

DISCUSSION

The applicant was not present.

Applicant: Tatamy9 (private developer)

Project: Hotel

Address: 300 Trolley Line Drive

Parcel(s): J8-27A-1R-1-0324

Zoning District: MSC District

Application Summary

Tatamy9 is a private developer of hotel and other non-residential properties and for the property known as 300 Trolley Line Drive seeks to construct a Woodspring Suites brand hotel. The property is located in the previously approved Chrin Southeast Quad Subdivision & Planned Community Development.

The Chrin Southeast Quad Subdivision & Planned Community Development is located in the north end of the township with road frontage on Main Street, Tatamy Road, and an internal road, Trolley Line Drive. The project was approved in 2018 and 2020 and included a variety of general uses including gas station convenience, hotel, restaurants, and other uses to be built. Applicant now seeks only to improve the hotel parcel and through Minor Plan submission to prove the final design will reduce the size of approved building, pavement, sidewalk, and parking impervious surfaces.

Applicant is in need of confirming all previous conditions of approval.

Aydelotte had concerns about parking for the 5 employees

Baird said this was a hotel approved under the Chrin SE Quad. The building and impervious surfaces have reduced. However the parking standards are still available to the hotel to accommodate what is going to be a longer stay hotel. They've added parking spaces for what is required.

Aydelotte said that would then probably be the correct number of employees so parking is correct.

Oetinger said the request from the applicant tonight for labor and land development given the minor deviations from the preliminarily approved plan. The motion will be in a request to waive land development.

Blanchfield made the motion to waive land development subject to approved land development application for the site, all previously granted zoning relief, and compliance with the Carroll engineering review letter dated May 3, 2023.

Motion: Approve, Moved by Bob Blanchfield, Seconded by Jeff Kicska. Passed. 7-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Walker, Wilkins

PLANNING DIRECTOR COMMENTS

Baird thanked Chairman Blanchfield and Bob Lammi for being mentors.

Blanchfield made the formal announcement that he and Bob Lammi were leaving the

Planning Commission as of the end of this meeting.

Lammi added that in his opinion, Planning is one of the most important functions of the Township. He said that he commends the Commission for spending nights like this to go through the procedures in a very professional way. He said we've always had pride in the Commission. He said he spent many years between the Planning Commission and Board of Supervisors. He feels it's time for him to step aside and let someone else in.

Blanchfield said they've been thinking about this for awhile. He said although it has been a lot of aggravation at times, but it has always been fun. He said it's been an honor and a privilege to be elected for several years as Chairman. He said we have a great team here that can handle things. He called out Fire Commissioner, Steve Gallagher, Justin Coyle from Carroll Engineering, Kent Baird, Planning Director, Will Oetinger, Solicitor, Chuck Diefenderfer, Vice Chairman for all their knowledge and help.

Baird said thank you for all of their knowledge and experience. He said we are working on being able to be focused on Greenway Plans and Active Transportation and deep planning that Lammi and Blanchfield have been a part of for the last 30 years rather than conditional use.

Aydelotte said she looks up to them in so many ways. They have given so much back to the Township.

Colin Burke added that although he doesn't know them personally, from experience attending the meetings, he said "Don't let your knowledge go to waste."

PUBLIC COMMENT

There was not public comment

ADJOURNMENT

The meeting was adjourned at 11:15PM

Motion: Adjourn, Moved by Richard Wilkins, Seconded by Robert Lammi. Passed. 7-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Walker, Wilkins