

**PALMER TOWNSHIP PLANNING COMMISSION**  
PUBLIC MEETING - TUESDAY, APRIL 11, 2023 - 7:00 PM  
PALMER TOWNSHIP MUNICIPAL MEETING ROOM, LOWER LEVEL, 3 WELLER  
PLACE, PALMER PA 18045

The April meeting of the Palmer Township Planning Commission was held on Tuesday, April 11, 2023 at 7:00 PM with the following in attendance Chairman Robert Blanchfield, Vice Chairman, Chuck Diefenderfer, Jeff Kicska, Robert Lammi, Richard Wilkins and Robin Aydelotte. Also in attendance were solicitor Will Oetinger, Justine Coyle of Carrol Engineering, Kent Baird, Director of Planning and Steve Gallagher Fire Commissioner.

Chairman Blanchfield started the meeting with the Pledge of Allegiance.

1. Greystone Presentation 1493

Applicant Lou Pektor, Attorney Mark Kapan and Gabe Solms presented a proposed apartment project for comment by the Planning Commission. No documents or plans have been submitted.

As per SALDO 165-29B, the township shall not be bound by any comments made as part of the pre-plan submission.

The site for the proposed apartment complex is 1493 Van Buren Road.

The plan included 6 buildings with 252 units. The units have a ratio of 60% one bedroom units and 40% 2 bedroom units.

Some of the one bedrooms have a den marketed to young professionals or older retired people looking to downsize.

All units have large windows, sliding glass doors and balconies.

There will be garages around the perimeter as well as ancillary parked with 2 parking spaces per unit.

Each building will have a lounge/quiet area, fitness center, storage, conference area and elevators.

There will be a dog park, pickleball courts and possible bocce ball courts, walking path, arboretum and a possible central clubhouse.

There will not be a pool.

They will have electric vehicle charging stations. Each unit will have water filters. They are looking to have quality, upscale apartments with a longer tenant retention with longer leases. 2 bedroom rent will be approximately \$2300-\$2400 a month.

There will be two 3 story buildings and four 4 story buildings.

There will be 30 units in the 3 story building and 48 units in a 4 story building

With more 1 bedroom apartments, there will be less people living there, so less traffic.

The complex will have a lot of landscaping with large trees from Pektor's nursery.

Blanchfield asked if the open green space could have activities/recreational facilities.

Pektor answered yes.

Diefenderfer asked how the elevation of the 4 story buildings would affect Highlands of Glenmoor.

Pektor said if this comes to a formal submission, they will show sight lines etc.

Diefenderfer asked if they moved building around, would the parking garages move to the back.

Pektor answered they don't think they have the drive length to do them. They will probably keep them towards Van Buren.

Wilkins said it looks like you will have a significant amount of open spaces on both sides.

Pektor said it's worth it.

Blanchfiel asked if they envisioned stormwater retention onsite.

Kaplan answered they have designed the entire system, in conjunction with their conditional use application.

Blanchfield asked if that design would affect the open areas.

Pektor said they are designing to keep those areas open green space.

Lammi asked how high the 4 story buildings will be.

Pektor said they are working on that. They would like pitched roof but that takes the building higher. They are working with an architect to make it look nice and stay under 60 ft.

Baird asked about the sewer easement.

Pektor answered no sewer easement on the property.

Kaplan asked if the Planning Commission could suggest to the Board of Supervisors that they should be dealing with them in a serious fashion to implement the plan instead of continuing with the industrial development.

Blanchfield said the Board of Supervisors are aware and are curious to hear the Planning Commission's opinion.

Kicska asked how the Highland of Glenmoor felt about this

Tim Fisher - 68 Moor Dr. - said they came to them with the prior plans of 8 buildings. They would rather have apartments than manufacturing. They like the 6 building plan better than the original 8 building plan. He said that he hadn't heard about how much the one bedrooms are. It comes down to the zoning. The concept is good.

Lammi said the current zoning does not allow for this but the new zoning will.

Kaplan said there is only one way to get this done, as a court settlement agreement to lock in the development separate and aside from the ordinance. This doesn't fit the old ordinance and he doesn't think it fits the new ordinance.

Oetinger asked if Kaplan knew what relief they need under the new zoning ordinance.

Kaplan said when this was raised in October Bruno said they would have to go through the change in zoning. Kaplan said they were not doing that. He said he has submitted to the Township a settlement agreement. He said it can be made to work.

Commission Members Absent: Wilkins

2. Approval of Minutes March 21st PC meeting

Motion: Approve, Moved by Chuck Diefenderfer, Seconded by Robert Lammi. Passed. 6-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Wilkins  
Commission Members Absent: Walker

OLD BUSINESS

3. 2723 Guyton Street - Lot Line Adjustment Plan

Applicant: Diane Cremer  
Project: 2723 Guyton Street-Lot Line Adjustment  
Address: 2723 Guyton Street  
Parcel: M9NW4-5-33 & M9NW4-5-12  
Zoning District: Medium Density Residential (MDR)

DISCUSSION

Blanchfield started with the disclaimer that the Engineer presenting for Diane Cremer works for the same department that Blanchfield does in Upper Saucon Township. He said although he knows this Engineer they do not have a direct working relationship.

Present for the applicant was Attorney Steve Goudsouzian, Diane Cremer, and Engineer Andy Bohl.

Goudsouzian said this a lot line adjustment. It is an individual owner. She is trying to move her lot line basically so she will have her lot line adjusted for her children and family for the future. There is no immediate plan.

Blanchfield read into record. This application was originally reviewed by The Pidcock Co. 9/7/22, but did not come before the Planning Commission. The subject properties are located at 2723 Guyton Street (Lot 1) and Leeman Street (Lot 2). There is an existing unimproved alley right-of-way between the two parcels that scales approximately 11.5 feet wide.

Lot 1 consists of 34,649 square feet with a (2) story dwelling, paved driveway, a (1) story garage and a shed

Lot 2 consists of 4,104 square feet with a paved driveway. Lot 2 is undeveloped except for the

driveway, which provides access to the garage on Lot 1. The properties are located in the Medium Density Residential (MDR) Zoning District. Public water and sanitary sewer are available.

Cremer said there was not a garage on lot 1.

Bohl showed a layout of the existing lot and explained the history of the lot.

The owner would like to move the lot line so the Guyton St. area will look like a T shaped property. The other are will look like a P.

No new development on the Leeman St lot or Guyton St. property. The Leeman St. property may be sold at a later date and possibly developed then.

That' s why they are asking for waivers and deferrals.

Wilkins asked if the goal was to dispose of the property.

Goudsouzian said that in the future the plan is to sell or develop the property. For financial and other reasons we'd like to keep the process as simple as possible knowing that one day there will be improvements required. We'd rather have it deferred than have to bear the cost at this time.

Bohl said one of the deferrals is to defer sidewalks, curbing and widening. If these things are put in now, they may need to be moved in the future. He also said currently there are no sidewalks or curbing on Guyton St.

Blanchfield asked if the freestanding garage is considered accessory use.

Oetinger said the garage is currently on lot 1 but will be on proposed lot 2 alone. Accessory structure says on the same lot as principle use.

Goudouzian said that in a discussion with the zoning officer was to put a note on the plan saying the garage would be utilized as accessory use for parcel 1 but could be used for no other purpose. It would be a temporary stop gap until lot 2 would be developed. There's no way it would be utilized for something else which would prevent them for having to go for zoning for getting a variance. To the outside world nothing is changing . This has not been finalized. He said they would like to get the Planning Commission's recommendation. Before the go to the Board of Supervisors they would like to having all the conversations with zoning, Planning Commission as well as the solicitor to see if that is acceptable.

Blanchfield asked if the zoning officer wanted you to come before the zoning hearing board.

Goudouzian said no. They had specifically spoken about the possibility of not having to go before the zoning hearing board due to the financial aspect of this. He asked if we could address waivers, deferrals etc with the Planning Commission and then allow them some time to go in front of the zoning board if needed.

Oetinger asked if they would be willing to commit to a deed restriction.

Goudouzian said yes, a deed restriction until lot 2 is developed.

Blanchfield said the concern is the garage is out there and they are concerned something like a machine shop would move in.

Blanchfield asked for an explanation of the paper alley and what the legal concept is.

Oetinger said as long as your not blocking it. If it's just access the client would be entitled to do that as well as anyone else along the alley.

Wilkins asked if Cremer lives there and where her property is.

Cremer replied yes on Guyton St.

They showed the location on the map.

Kiscka asked who owned the alley.

Goudouzian said it is paper alley

Waiver request 165-59-G - Easements

Bohl said the township requires a 10 ft easement on all sided of the property. The reason a waiver is being requested for this is because all the utilities are in the township right of way. He said the only viable reason an easement would be needed is if someone had to come through there and there is no reason they would at this time.

Coyle said he could see a compromise in providing that the easements would be provided along the proposed lot 2 for future use.

Bohl said they do not have an objection to that.

Waiver Request 165-74-B - Monuments

Waiver is being requested for no new monumentation where the existing lot lines are.

Coyle said a total of 4 monuments where the new lot line is from the entrance from the of the Leeman St. lot.

Deferral 165-59-C(2) -Design standards of the streets.

Bohl was asking for deferral of road widening.

Coyle said providing a security(fee) to the township to hold to add the needed features in the future could be an acceptable option.

Bohl asked if the industry people who may develop the property put in the features,would the money go back to Cremer.

Goudsouzian said he would like the comission to remember this is just one person dividing their lot. They understand in the future that if the land gets developed there may be requirements for Cremer or the new owner/developer. He said asking for security on this seems onerous for something most likely will never be built.

Blanchfield and Coyle agreed that the tracking will be the issue.

Baird spoke about places where he worked where the idea was sidewalks would never happen. With grants sidewalks were put in to link areas together for easy pedestrian access to business etc.

Blanchfield said there are currently no sidewalks on this street.

Coyle suggested the option of requesting the deferral, putting it on the record plan that will be recorded. Once the lot is developed in the future, then put the curbing and zoning in.

It puts a mechanism in place . The Township is basically saying that yes were deferring to some time in the future when the lot gets developed.

Goudsouzian said if they wanted to put it on the plan, it shouldn't be made mandatory for the next buyer. It wouldn't make sense to force them to put curb or sidewalk where there is nothing to connect to.

Lammi said that the area is alot of small homes, senior citizens, etc. He would not want to see it be a financial burden to have to put in sidewalks, curbs, etc. He feels the best option was mentioned of recording it and but not making it mandatory. It should be reviewed again in the future if or when development occurs.

Blanchfield reiterated that it would be recorded on the plan, not mandatory, to be reviewed in the future if development occurs.

Blanchfield asked if there were any comments.

Bohl said regarding the sanitary sewer comment, they had a PA one call. They could not find sanitary sewer.

Coyle asked if they could show approximate location. He confirmed they were not proposing any development at this time.

Bohl said yes.

Bohl added that regarding zoning comment number 5. The garage is over the property line.

Coyle said the zoning comments were offered as a courtesy. He said they will defer the zoning to the zoning officer.

Oetinger clarified what the motion should be.

Lammi made the motion to approve per conditions clarified by Oetinger.  
Diefenderfer seconded the motion

Motion: Approve w/ Conditions, Moved by Robert Lammi, Seconded by Chuck Diefenderfer. Passed. 6-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Wilkins  
Commission Members Absent: Walker

4. First Park 33 - Lot Consolidation & Final Land Development Plan

Applicant: FR Newlins Logistics Park, LLC  
Address: Newlins Mill Road & Tatamy Road  
Parcel(s): K8-12-4, K8-12-5 & K8-12-10A  
Zoning District: PO/IP District

DISCUSSION

Three (3) existing properties are proposed to be consolidated into one (1) parcel. The proposed parcel will be bounded by Tatamy Road, Newlins Mill Road, and Corriere Road. The existing property consists of 65.90 Acres of farmland. The applicant proposes to construct (4) limited distribution buildings totaling 761,850 square feet and consisting of Warehouse and Office Space. The buildings will be constructed in two (2) phases; Buildings 1 & 2 along Newlins Mill Road will be constructed in Phase 1; Buildings 3 & 4 along Corriere Road to be constructed in Phase 2. The buildings will range in size from 151,200 square feet to 210,600 square feet. The project is located in the Planned Office/Industrial Park (PO/IP) Zoning District.

Site features will include Automobile and Trailer Parking and Loading Docks; three (3) two-way access points to Newlins Mill Road; three (3) Above-Ground and five (5) Underground Stormwater Management Areas; Public Water; and

Public Sewer.

The applicant is seeking approval of the Final Plan for Land Development.

The project came before the Planning Commission in April, 2022 as a conceptual plan. The discussion that night was to do improvements to Corriere Rd. without moving the towers.

The conditional use application of June 14th which was approved with condition to resubmit conditional use when a tenant was identified.

The Board of Supervisors approved conditional use September 12, 2022. A letter of CU approval was sent to FR Newlins Logistics Park dated December 7, 2022. It contained details discussed at the Public hearings of July and September 2022. We also have a letter from Attorney Bruno from December 13, 2022 to confirm approval from the Board of Supervisors on November 29, 2022 to grant approval of the lot consolidation and preliminary land development.

In this letter there were a number of conditions including several waivers and deferrals that were approved and a delay of improvements on Tatamy Rd until the Tatamy Rd.- Newlins Mill intersection was improved. The request to wait until Phase 2 was denied by the Board of Supervisors.

Present for the applicant were Shaun Haas and Annemarie Vigilante from Langan Engineering, Greg Davis, Attorney and Jeff Thomas.

Haas said the last time they were in front of the Planning Commission was June 14th. They were in front of the Board of Supervisors several times July 26, September 12, and November 29. Conditional Use was granted September 12 and November 29th was preliminary land development approval. Since then there have been some minor changes from working with the Board of Supervisors and Met-Ed.

Haas highlighted the key changes. He said they had a confirmed location for a Corriere Rd tower.

Blanchfield asked about the time frame for the tower.

Haas said installation would be approximately within the next year.

Blanchfield asked if it would be 2 towers or 1.

Haas said 1. The kept the cable alignment coming across Corriere Rd and the tower has moved onto the site by 50-75 feet.

Haas mentioned a couple other key notes. He said there is a slight rotation to the buildings and a renaming of the buildings.

He said as they went before the Board of Supervisors, there was a significant effort from the applicant to enhance berming and buffering along Corriere Rd and along the residential mixed use properties on Tatamy Rd.

Blanchfield said he was at the Board of Supervisors meeting and they were adamant about protection. Several residents spoke at that meeting to show their



concerns.

Haas said they met with property owners and showed they wanted to work with them and be good neighbors.

Kicska said that he does not see any berms, just vegetated buffers.

Blanchfield asked what is different about the buildings.

Haas said the rotation had to do with the alignment in comparison to the 180 ft Met Ed easement. They wanted it realigned to provide a 10 ft area between their easment and a building.

Blanchfield asked if there was any changed to the dimensions of the buildings to provide extra protection for the neighbors.

Haas said buildings 3 and 4 reduced square footage by about 25,000 sq ft. They shrunk from the south to the north which allowed the berm to graded to the heights we are currently proposing. He said ranging 15-18 feet on the southeastern edge and 18-30 feet on the southwest.

He pointed them out on the renderings.

He pointed out a berm across from the American Legion. He said the height there is 15-18 ft. Haas said one of the key locations across from the Southwest corner of the site has a berm elevation of 30 ft. On top of that there is enhanced vegetation.

He said the berm and the plantings do not cross through the 180 ft Met-Ed easement. Met-Ed would not allow it.

Diefenderfer asked if the elevation of the 30 ft berm was from the applicant's property or from the roadway.

Haas said that is from the road to the top of the berm and then it grades back down.

Haas showed the cross sections from Corriere Rd.

Wilkins asked if the grade was too steep to cut the grass.

Haas responded that it was typically graded area. The only difference was there more trees.

One of the comments in the Carroll letter was to discuss open space. However, Haas believes it was the board that said they wanted they did not want to accept open space.

The applicant will maintain the property in perpetuity.

Blanchfield clarified in some plans it is shown as open space. However, it is not dedicated open space such as a recreational area.

Oetinger said, we'll call it green space.

Haas said the applicant is paying the recreational fees in lieu of open space and will maintain the entire property.

Haas showed the cross section of the northern most residential property area on Tatamy Rd.

He showed the berm on the cross section. He said they talked to the property owner and came to an agreement of a 6 ft. graded berm with an 8 ft privacy fence on top as well as plantings.

Haas showed on the rendering where Berms were going, grading and placement based on some of Kicska's questions.

Kicska said they he had brought up previously about berms coming down Newlins Mill a bit to block the 200,000 sq ft warehouse.

Haas showed a cross section of Tatamy Rd. looking towards building 2. It shows a 40 ft buffer required per code. The buffers and tree plantings will cover the building and then some.

Kicska asked if there is anything regarding berm heights bordering residential or industrial.

Coyle responded a 200 ft dimension from the residential property line to the facility. He believes the applicant is just beyond that. As a compromise, he asked if there could be some type of middle berm or possibly larger trees. He asked what the height of the tree shown on the rendering.

Thomas said we've reached an agreement with the supervisors.

Haas said we're already going in at a larger caliber than required per code which is planting the trees at 15-16 feet. The mature height is 50-60 feet.

Baird asked if Haas can show the rendering with the multi use trail.

Haas showed on the rendering and showed how the trees would block the view of the buildings.

Kicska said the trees won't look like that until possibly 25 years from now. Kicska pointed out where he thinks the berm should start and then go up and then trees on top of that.

Haas said after discussion with their landscape architect, this is the largest trees that would have the best chance at thriving. He said they are coming in at a 15-16 ft planting height which is well above what you would normally see. It may take 20 years to get to the 60-70 ft height but you are hitting higher elevations every year.

Diefenderfer said deciduous trees won't do anything in the winter.

The 40 ft buffer is required and there will be some evergreen trees in there. He

mentioned that some of the trees being planted are Douglas Fir and Eastern White pine with a 10 ft planting height and a mature height of 40-80 ft.

Diefenderfer asked how high the building is.

Haas said 40 feet.

Kicska said since we have residential across the street, we would be disrespecting those potential property owners by not putting a berm there to block all this out. Werner did it across the street. He said do a 18 foot berm along Tatamy Rd.

Thomas added the ordinance calls for a 40 ft buffer and no berm. He said they are meeting the ordinance requirements.

Thomas said they had gone back and forth with the Supervisors and they didn't give in by any stretch. At the September meeting they had many landscape exhibits because they wanted to see more plantings, the extent of the berm, and cross sections. We satisfied the Board of Supervisors and got Conditional Use and then got Preliminary Land Development Approval. He said they are above and beyond complying with ordinance requirements.

Blanchfield asked if they have done everything the Board of Supervisors asked for.

Haas said the only thing is the berm doesn't extend through the Met-Ed easement. He said they did make them aware they would have to go through the Met-Ed review and have them approve.

Both Baird and Blanchfield mentioned that they provided a very comprehensive reviews to the Board of Supervisors and have met the requirement asked of them.

Baird mentioned that the Fire Commissioner Steve Gallagher was there to discuss any fire concerns.

Gallagher asked if anything had been changed to the architectural features such as hydrant system, fire apparatus, fire access roads, etc.

Haas said No to fire access roads being changed. There was a slight shift to fire hydrant locations due to Met-Ed review. It is in the most recent plan set. They had to adjust to hydrants to be out of the Met-Ed easement but they are still maintaining the requested 600 ft lane length.

Blanchfield said if we recommend final approval tonight, we could make it with the condition of review by the Fire Commissioner.

Haas said he would get an updated plan to Gallagher.

Blanchfield asked to review the new waivers.

SALDO 165-59 - Cartway widening and other improvements.

We are asking for a 10 ft wide asphalt multi-use trail instead of a 5 foot wide sidewalk. They feel it is more beneficial to the township especially moving forward. The frontage improvements would be along a sliver of Tatamy Rd. It would a 15 ft paved path to Tony Mikoski's front door. The optics of that would be beneficial to him to say future roadway improvements will cut your property in half.

Blanchfield referred to Coyle. Coyle said they are in agreement.

Haas said with the enhanced tree planting and the multi-use path, it will be the beginning of a nice trail system in the Township.

SALDO 165-73.A - Regarding street trees.

Waiver is requesting to take them out of the right of way to keep them away from power lines and comply with Met-Ed.

Haas said this stems from Met-Ed review. We are putting the street trees outside of Met-Ed easement.

Coyle asked if they would be maintaining them.

Haas said yes.

SALDO 165-63.K.11 - Separation of Outflow Structure and Emergency Spillway.

The applicant is requesting a waiver to permit a minimum of 6 inches between OCS and the emergency spillway.

Haas explained the stormwater ordinance allowance allows 6 inches between the top of hill structure and spillway. The SALDO asks for 12. They are asking to comply with the ordinance, not the SALDO.

Coyle agreed.

Blanchfield confirmed they are accepting this waiver.

SALDO 158-17.1 - Minimum circular orifice diameter of 3 in.

Haas said the waiver request was for basins 6 and 9. However, with the re-design they can adjust the request so it is only for basin 9. Basin 9 will be a manager an MRC basin. Basin 6 will be a typical retention basin. As MRC basin become more common, you will see the waiver request more often. It's dictated by the DEP and their regulations.

Coyle agreed to the waiver.

Lammi said in one of the waiver requests, it says Carroll defers to the Geotech. He asked if we have a received a report from the Geotech.

Baird said we are waiting on the Geotech's updated review letter but he had no objections. He should be getting it to us shortly.

Blanchfield asked how the approval would go through with the tower location,

based on timing of a year out.

Haas said the towers will be moved in phase 2. After approvals for the project, building one and two will be built. There will be a delay for buildings 3 and 4 and that's when the towers will be relocated.

Blanchfield said we've been burned in phase before. What is the guarantee the tower will be moved.

Haas said that he believes they are providing escrow for Corriere Rd.

There was some questioning as to the guarantee of this issue.

Haas said he wanted to remind everyone that the deferral of the roadway improvements on Corriere Rd has been pulled. When we get to the point where the applicants were applying for building permits, they wouldn't be issues if the tower hasn't been relocated.

Oetinger said he had some questions regarding the procedure. He asked if the roadway improvements can be constructed before the tower movement.

Haas said no.

Oetinger clarified that the roadway improvements would have to be deferred until phase 2.

Blanchfield said the commission was aware that nothing could be done to Corriere until the tower was moved.

Oetinger said we will need to work on a guarantee. Basically for the tower never gets moved, the roadway improvements never happen.

Haas said the one thing he could that differs from prior conversations is that they have confirmation from Met-Ed have gone through the design process and are moving forward. He said he thinks they are a month or two away from getting some level of conditional or final approval. he said they are going to do the transmission and distribution improvements ASAP which might be during the earth moving phase.

Blanchfield and Oetinger agreed that they would need to work out some details to guarantee this was seen through to completion.

Oetinger said it may be a good idea to have the Met-Ed approval before they go to the board.

Haas said they would probably have the letter in the next couple weeks.

Blanchfield asked about comment 12 on the review comments regarding plan revisions.

Haas said the resubmitted and are going back through a subsequent completeness and technical review with the NCCD. He said they were told it could be expedited since the majority of site is unchanged. It will essentially be a MRC review. He said they wouldn't be able to move dirt without the permit.

Blanchfield asked if there was anything new with LVPC.

Haas said no. They have an approval letter from July 12, 2020

Blanchfield asked about Landscape and Lighting Review

Baird said it is still pending. He was out of town. He had no comments in the last one.

Diefenderfer asked what the brightness on the lights facing Tatamy Rd. is.

Haas said they follow the requirements of the Township code which says the foot candles associated with the lights can't overlap the property line.

Diefenderfer was concerned that without a berm and the trees not being mature yet, it may affect the surrounding residences.

Haas showed where the closest lights would be. He approximately 250 ft away.

Diefenderfer asked about the lighting for the future buildings.

Haas said it is typical lighting for the parking areas and wall packs for the trailer court areas. He said they are still following code with the foot candles.

Diefenderfer asked if there was any type of timer or something to dim lights.

Haas responded no, due to safety requirements. He said they are meeting code.

Blanchfield asked what easements are necessary along Newlins Mill Rd.

Haas said there is a roadway construction easement that is required along the industrial property in the in the Northwest. We've reached out with the owners to coordinate. It is moving the curb line back a little because of the roadway widening.

Blanchfield asked if there has been any pushback.

Thomas said the ownership has changed so they are just working on getting in touch with the right people.

Baird added that going forward with all applicants we'd like some type of schedule of their project on a post approval basis.

Haas said he has an anticipated development schedule that kicks off in summer

2023 and construction ending in spring 2025. He said that might be a bit aggressive for the phase 2 timeline but that was our take when we set up the plan.

Lammi made the recommendation to move the final land development approval subject to the provisions that they are in compliance with the April 7, 2023 Carroll Engineering letter, the Geotech review letter, coordination with the Fire Commissioner, compliance and other conditions of the November 7th, 2022 adjudication as modified by the December 14th amendment for Conditional Use approval and the Dec 13, 2022 letter regarding the preliminary development plan, and compliance with the NCCD and LVPC letter of September 12, 2022.

Compliance with Saldo 165-59 with respect to - the applicant shall construct a 10 ft multi use path in lieu of full frontage improvements.

Compliance with Saldo 165-73.A (7) relating only to the location of the street trees to be placed outside of the right of way, provided the trees are to be maintained by the owner.

Compliance with Saldo 165-63. K 11 relating to the separation between the overflow structure and the emergency spillway to allow 6 inches of freeboard as provided in the Palmer Township Stormwater Management ordinance.

Compliance with SMO 158-17.1 regarding a minimum circular orifice diameter of 3 inches for infiltration basin 9.

Contributions in the amount of \$232,400.00 for Park and Rec fees in lieu of open space and

\$205,000.00 of traffic contribution.

Lammi asked Baird for staff recommendations.

Baird said they've met and exceeded certain ordinances and comments from the Board of Supervisors and Planning Commission.

Baird asked for clarity from Vigilante on the right of way and easement along Tatamy Rd for future road widening.

Vigilante said they are adding the right of way as part of the project.

Diefenderfer and Kicska have concerns regarding lack of berms on Tatamy Rd.

Motion: Approve w/ Conditions, Moved by Robert Lammi, Seconded by Robin Aydelotte. Passed. 4-2. Commission Members voting Ayes: Aydelotte, Blanchfield, Lammi, Wilkins  
Commission Members voting Nays: Diefenderfer, Kicska  
Commission Members Absent: Walker

#### NEW BUSINESS

5. 2120 Newlins Mill - Fehnel Minor Subdivision  
Applicant: 2120 Newlins Mill Road, LLC  
Project: 2120 Newlins Mill Road-Minor Subdivision  
Address: 2120 Newlins Mill Road  
Parcel: K8 13 1  
Zoning District: Medium Density Residential (MDR)

#### DISCUSSION

Present for the applicant was Kevin Horvath, engineer and Gary Fehnel the applicant

Blanchfield read into record:

The subject property 2120 Newlins Mill Road is located at the intersection of same with Tatamy Road.

The existing property consists of 41.965 Acres including a single-family detached dwelling, farm related structures, and utilities. The subdivision will create Lot 1 at 24.7215 Acres (contains the existing improvements) and Lot 2 at 17.08 Acres. The property is in the Medium Density Residential (MDR) Zoning District.

The applicant is seeking approval for a Minor Subdivision.



Horvath said Fehnel and his brothers own the property. They are looking to subdivide lot 2 for agricultural purposes and would be designated as a non building lot.

Blanchfield confirmed the smaller lot being set aside is not set up for future development.

Horvath said that was correct. There's something on the plan referred to as a non building declaration that has to do with a DEP requirement. He said they are requesting a non-building waiver from Sewage Facilities Planning which would then have language in the deed to the property that says until such time as Sewage Facilities Planning is reviewed and approved, there would be no permitted building on the lot and would be used strictly for agricultural purposes.

Oetinger clarified that is not a perpetual non-building declaration. This is just no building until approved by Sewage Facilities Planning.

Horvath said the properties will be farmed by the family. They are not proposing any transfer of property. That is why they are requesting waivers and deferrals for frontage improvements. There is 2300 linear feet of frontage along both properties and requiring the improvements would tank the project.

Horvath said he has the April letter from Carroll Engineering and for the most part they are fully prepared to comply with the technical comments.

He said there are a couple of comments regarding planning steps for future development.

Horvath referenced comment number 6 - Street addresses shall be provided.

Typically a non building lot would not have an address.

Wilkins referenced Oetingers explanation that building was not perpetual and could change.

Aydelotte asked if it would receive a tax parcel number.

Horvath said yes. For tax purposes they would refer to the tax parcel number.

They would pursue an address if necessary.

Referring to number 10 comments of the Carroll letter - The availability of sanitary sewer and water service should be confirmed by the applicant.

Blanchfield asked if there is septic right now.

Horvath said it is on-lot water and on lot sewer. He also said there is water along street frontage even if it was developed as a single lot. He there is no impact on the public water systems.

Coyle clarified that there was water available on both lots.

Regarding comment #14, regarding proof of submittal to PennDOT. Horvath said they had not interest in getting PennDOT involved.

Coyle said it is more of a courtesy submission since they are proposing a

subdivision adjacent to their land.

Horvath agreed

Horvath said regarding #15- dealing with driveways and site distances. The 750 feet of frontage of the new property is straight and flat. There is no way a driveway wouldn't be obtainable with proper sight distances.

Coyle said all they are asking for is a conceptual driveway, just to show you are creating a lot that has access to the road with proper site distances. The approximate location of a conceptual driveway should be annotated on the plan.

Horvath mentioned utility connections would be covered under that comment.

Coyle said they would also need to conceptually show where the lines would be on the plan.

Horvath said ok if it's not subject to any further review the water/sewer company or anything like that.

Coyle said point it out as concept.

Horvath said they will comply with the rest of the comments. He wanted to touch on numbers 7 and 8 from the April 10th letter from KCE requesting 5 deferrals

- Widening along Tatamy Rd - currently the road is 14 feet from centerline. The requirement is 20 ft. They are asking for deferral or waiver until the property is developed in the future.
- Dedication of Right of Way along Tatamy Rd.- proposing to dedicate the full frontage along Newlins Mill Rd. We are requesting a deferral or waiver for the Tatamy Rd. section.
- Deferral from sidewalk on entirety of Newlins Mill and Tatamy Rd (item 3).
- There is no other sidewalk on Newlins Mill Rd.

Coyle said what triggers the Right of way now is the subdivision. Now is the time to do that.

Blanchfield said the engineers request the Right of Way on Tatamy Rd.

Horvath said we prefer not to but we won't say no.

Blanchfield asked about the sidewalk and curb on Tatamy Rd.

Horvath said they would like a waiver or deferral of that as well as on Newlins Mill Rd.

Regarding the concrete monuments, Horvath said they propose to put them as shown on the plan, around the perimeter of the property along Newlins Mill and Tatamy Rd. They are requesting waivers from the concrete monuments around the remainder of the perimeter of the property, specifically along the bike trail due to grade and the density of vegetation.

Blanchfield clarified that they are agreeing to monuments on all 4 corners of the new lot.

Horvath said yes. 2 concrete monuments on the outer corners of lot 2 with pins to designate the new lot line on the interior of the property. They would fully monument the Township's right of way.

Coyle was ok with that.

Blanchfield said this is considered a lot line adjustment and minor subdivision.

Coyle asked if the waivers and deferrals will be indicated on the plan as discussed,.

Horvath said yes.

Motion recommended for preliminary minor subdivision approval subject to the compliance with the April 4th Carroll engineering review letter, with the exception of items 6 and 10 which shall be provided to the satisfaction of the Township Engineer. Deferrals are granted from

- 165-59C2 from the requirement to widen Tatamy Rd.
- 165-69 from the requirement to construct sidewalks along Newlins Mill and Tatamy Rd.
- 165-74 from the requirement to place concrete monuments at all exterior corners of the subdivision with the understanding concrete monuments will be placed at the corners of the township right of way.
- 165-75 relating to the requirements to construct concrete curb along Tatamy Rd. along the frontage of lot 2.
- waiver of 165-59c2 is denied.

Motion: Approve w/ Conditions, Moved by Richard Wilkins, Seconded by Robert Lammi. Passed. 6-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Wilkins  
Commission Members Absent: Walker

#### PLANNING DIRECTOR COMMENTS

Baird introduced Justin Coyle, of Carroll Engineering who will be their representative at the Planning Commission Meetings.

Commission Members Absent: Walker

#### PUBLIC COMMENT

Harry Graack -1380 Van Buren Rd - Provided a hand out to regarding Alternate A and B Van Buren bridge design.

He talked about an informational presentation giving a couple of the Planning Commission members more information about some alternate designs for a bridge that would address his concerns.

He voiced his concerns about the Tuskes not addressing the concerns of the residents regarding the bridge as well as not presenting the bridge design to the Planning Commission.

Julia Ressler -3820 Southwood Dr., a student attended the planning meeting. She was introduced to the Planning Commission, and other staff members.

Bill Hartin - 1375 Van Buren Rd. He said he wanted to thank the members that came to learn more about why Hartin and Graack feel the bridge design by Tuskes has deficiencies. He feels the Planning Commission to recommend a complete bridge redesign using some of the updated information presented by Graack as a starting point. They also feel Tukes should cease all construction until a new bridge design is reviewed and approved by all parties involved. He feels Tuskes has ignored the Township, Graack and himself as well as Hartin's attorney.

Commission Members Absent: Walker

#### ADJOURNMENT

The Meeting was adjourned at 10:45 pm

Motion: Adjourn, Moved by Richard Wilkins, Seconded by Robert Lammi. Passed. 6-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Wilkins

Commission Members Absent: Walker