

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

The July meeting of the Palmer Township Planning Commissions was held on Tuesday, July 11, 2023 at 7:00 PM with the following in attendance Chairman, Chuck Diefenderfer, Vice Chairman, Jeff Kicska, Robert Walker, and Robin Aydelotte. Also in attendance were Solicitor Will Oetinger, Justin Coyle of Carrol Engineering, Kent Baird, Director of Planning and Craig Beaver, Assistant Planning Director

1. Pledge of Allegiance

Chairman Diefenderfer led the Pledge of Allegiance

2. Approval of Minutes - June 13, 2023

Chairman Diefenderfer requested the correction to for the motion regarding 537 Milford street to say "The determination is that it does not serve the public interest for multiple land development applications for the single property."

Motion: Approve w/ Conditions, Moved by Jeff Kicska, Seconded by Robin Aydelotte. Passed. 4-0. Commission Members voting Ayes: Aydelotte, Diefenderfer, Kicska, Walker

Commission Members Absent: Wilkins

OLD BUSINESS

3. Discussion of Draft Stormwater Ordinance

DISCUSSION

Present to discuss the Draft Stormwater Ordinance was Ryan Cummings from HRG.

Baird introduced Cummings and explained that HRG would be working in conjunction with Paige Strasko, MS4 coordinator as well as other members of staff on the Stormwater Ordinance. He also said no vote was needed tonight.

Cummings said he is an HRG project manager brought on as a stormwater engineer. A couple of the reasons for the stormwater ordinance was to get in compliance with 2022 DEP stormwater model ordinance and overhaul to enhance the stormwater standards the Township hand and protect the Township from future stormwater issues. The goal is to update and provide future protection for the Township especially associated with development.

Cummings said they came up with a draft ordinance with the help of Township staff and the ESC. They've provided their comments and it has been updated with some minor changes.

The Commission has the initial draft, so he said he wanted to highlight some of the changes.

The two major changes he noted were removing swimming pools from the impervious surface calculations and removing the exemption to allow subdivisions to use their previously approved allotments.

The ultimate goal from the update is to get the Township within the requirements for the MS4 permits. Some other aspects they are working on is to simplify a process for residents to get stormwater approval with an easy step by step guide, and more detailed requirements for larger developments that must go through subdivision and land development approvals. If it is in the ordinance, it's a lot easier to cite.

Long term the ordinance will benefit the Township with any future stormwater issues and promote more stormwater controls for development.

Kicska asked if this conforms with the SALDO.

Cummings said there has been some discussion about the impervious threshold of 3000 sq ft. The discussion was to modify the SALDO so it matches the 1000 sq ft threshold. The written language would also say the stormwater ordinance would supersede the SALDO if the SALDO was not modified.

Diefenderfer said he would like to see a clause added that says any conflict with another ordinance, the more restrictive shall apply.

Cummings said he would add that.

Diefenderfer referenced the draft and said that when an item comes for review it should go to the municipality and engineer concurrently.

Diefenderfer also said where it mentions an owner's responsibility, successors are added in case ownership changes.

Oetinger added that if they need to execute stormwater management agreements, it will get recorded against the property. When the next owner does a title search, something will pop up showing there is a stormwater agreement on the property with ongoing maintenance responsibilities. It will be binding on successors.

Baird asked if the stormwater agreement impacting a property like a deed restriction would later affect the value.

Oetinger said it could, but he doesn't believe it's very detrimental.

Cummings added that in his experience buyer don't ask the questions when purchasing and Realtors don't disclose. However, it is on the approved plans.

Oetinger said there is a provision regarding 5 or more lots not being permitted to have on-lot stormwater management. He said he's never seen that regulation for 5 lots. He asked if an HOA would be feasible for 6 homes.

Cummings said the number can be adjusted. However, they have found that if more than a couple of people live in a development with underground storage , it never gets maintained. It gets forgotten about.

There was some discussion regarding a small number of units being practical for an HOA.

Cummings said it comes down to what the Township would approve.

Oetinger suggested the Planning Commission should weigh in is where the cutoff is to prohibit on-lot stormwater systems.

Diefenderfer asked how many lots in the Township have on-lot storage for individual homes.

Coyle said it's not common except in newer subdivisions.

Diefenderfer asked what would be feasible to do an HOA.

Oetinger said it's more a function of human behavior. He asked whether 5 people would get together and elect an HOA President , collect dues, etc. It seems it would be more likely if you had a larger amount. Oetinger said if you bump the number up to approximately 10 lots, you may have a more active HOA.

Oetinger asked what the rationale was for prohibiting on-lot for any number for a subdivision under 5.

Cummings said that the main concern is that they don't get maintained.

Oetinger said so the question is more who is going to be accountable, as HOA with as few as 10 homes or individual property owners.

Cummings said it also helps deter the smaller subdivisions.

Baird said it could lead to a bigger staff commitment to educate and enforce the regulations.

Diefenderfer asked about the possibility of billing for individual lots to remind them they have the basin and in turn to maintenance to the basin.

Baird said the trend in municipalities is charging a fee for the service that is written into an ordinance. Some municipalities charge a yearly fee for inspection of the smoke alarms.

Diefenderfer said maybe 15 lots maybe a better grouping for people to remember to service the basin.

Cummings asked how many subdivisions we anticipate.

Baird said there is property that could become available at the north end, but it would most likely be larger developments.

Coyle read part of the proposed stormwater ordinance and asked if it was saying that you can't have underground detention of anything over 5 lots. He said he doesn't understand the logic in that.

Cummings said the logic is that what if you have a 50-lot subdivision and all those 50 are maintained on-lot, and all 50 do not maintain it.

Coyle clarified he was talking about individual lots.

Cummings said they can revise the language to be more clear.

Coyle ran through a couple of key points for the Planning Commission because it was such a large document.

- The exemption threshold has been decreased from 10,000 to 1,000 sq ft of impervious surface. The current standard is 10,000 sq ft for act 167 stormwater management review.
- Homes and subdivisions do not qualify for the 1,000 sq ft impervious surface exemption under 302A.
- Riparian buffers will be required establishing setback typically at the floodplain limit or 50 ft from the stream bank. They must remain as open space.
- Basins may not have impoundments deeper than 6 ft.
- There is a new classification of minor stormwater management categories and major stormwater management categories.
- 1% of existing impervious surface shall be considered meadow.
- Volume shall be controlled to match volume of pre-development.
- Conditional provisional no detention is no longer applicable.
- More details needed for stormwater reports and more requirements for project closeout.

Cummings adding the current Act 167 is going to be overhauled. The draft ordinance is geared to be in line with the updated Act 167.

Coyle asked if the Township could adopt this prior to Act 167 being revised.

Cummings said the Township ordinance is allowed to be stricter than Act 167.

Cummings said the goal of the minor/major stormwater permit is to make it easier to be able to explain what needs to be done to the resident for the minor permit whereas the major permit would be geared more to subdivision and land development.

Diefenderfer referenced Appendix C that the Township doesn't bear any design responsibility. Where it says the applicant should consult with a professional, Diefenderfer feels it should say they "must" consult with a professional.

Cummings said the minor stormwater permits will have a simple walkthrough of what is required rather than having to pay consultant fees.

Beavers suggested that we don't want to put an undue burden on the homeowner. Maybe we have stronger language like we "highly suggest" consulting a professional.

Diefenderfer asked if the new fees would need supervisor approval to add to the fee schedule.

Baird said yes.

Coyle asked if there was a consensus on 5 lots.

The consensus was that it needed to be increased but there needed to be more discussion.

Diefenderfer asked about cleaning agents for washing cars.

Cummings said this is part of the model that must be there. People should be washing cars in the grass to prevent cleaning agents getting into stormwater.

Diefenderfer asked if it had to be the model.

Cummings replied yes to be in compliance.

Kicska mentioned draining pools.

Cummings said it has been added to the updated draft.

Diefenderfer asked if there was someone for enforcement.

Cummings said it would go along with how the Township would enforce their code. Baird mentioned that the MS4 coordinator would be involved.

Diefenderfer asked if the specific person or title needed to be listed.

Cumming said more likely title as people change roles.

Beavers added that he believed we should list as the "Township will enforce."

Diefenderfer mentioned that he believed not having a specific person or title to enforce was an issue previously.

Diefenderfer mentioned section 307 regarding hazardous runoff.

Cummings said part of MS4 is stopping illicit charge. Coordination with Strasko, MS4 Coordinator for the Township, we have this measure stricter. It had to be reported every 3-4 years, but we decided 2 years. This provided guidance on information these areas would need and putting a prevention plan in place.

Diefenderfer asked if this is something that can be reviewed at the land development phase if we know there are potential hot spots.

Oetinger said this would be part of the land development approval process because they would have to comply with all ordinances.

Cummings said comments about the ordinance do not have a hard and fast deadline but as soon as possible would be appreciated.

Baird offered staff comments to the Planning Commission in August or September.

Cummings said he would provide an updated draft working in any staff comments.

Diefenderfer asked about a section that mentioned stormwater facilities should be completed before any roads or buildings. Diefenderfer mentioned that he wasn't sure if in a construction environment this would happen concurrently.

Baird said with having to comply with ordinances now, DEP regulations etc., they must build construction level protections before a road would go in now.

Diefenderfer asked how that would be addressed when things are done in stages.

Coyle said it is better to have it in the ordinance and have them request a waiver or modification.

Diefenderfer asked for comments from the public.

Bill Hartin - 1375 Van Buren Rd - He said he would like to make a formal request that the ESC be part of the educational process to get the information out to the public.

Baird said he thought that would be a great idea but that is something for the Planning Commission and Board of Supervisors to talk about.

Hartin asked if there is any federal funding for the development of educational programs.

Baird said there are.

Cummings said that they will add some of the education as part of the permit process.

John Marks-207 Hunter St. - As part of the MS4 committee that met a few times, there was discussion that if a person wanted to reduce their fee for impervious surfaces they could put in a storm garden or some type of retention system. Now, it seems that they can't.

Cummings said the with the update of the ordinance as part of the stormwater permit process they include education and outreach.

Diefenderfer said he feels this is good for the Township. People come in with comments regarding stormwater with new developments coming in.

John Lyons - 207 Hunter St - mentioned the 5-6 properties with on-lot stormwater. He said he was on the MS4 committee. There was discussion that if a person wanted to reduce their fee for impervious surface, they could put a storm garden or some kind of retention system. He said not it sounds like this isn't an option.

Cummings said this is speaking to development, not someone on an existing lot.

Lyons said the wording is confusing.

Cummings said the thought process is geared to the developer, not the individual homeowner looking to make improvements.

Lyons said that it should be clearer in the ordinance.

Baird said they would look at tweaking the language to be clearer.

NEW BUSINESS

4. Discussion of City of Bethlehem Act 537 Special Study

DISCUSSION

Present for the discussion of Bethlehem Act 537 study was Scott Kistler, Director of Public Works.

Kistler said he was there to answer any questions. He said the information presented to them has been reviewed by many professionals and is something the DEP requires. Palmer is currently updating their own Act 537 plan.

It lays out the base plan for the sewer going forward.

Bethlehem is bringing their plan up to current standards and bringing up to speed on what they plan to do with their facility and running it past the various planning commissions that for municipalities that send sewer to Bethlehem.

The data presented in the report has been studied in depth by engineers. There are approximately 147 residents that flow through Bethlehem treatment plant through Bethlehem Township.

Diefenderfer reviewed some of the issues that they addressed in the plan.

Diefenderfer said the Planning Commission does not have any comments and supports what they presented.

5. Review of Current Planning Projects

PLANNING DIRECTOR COMMENTS

Baird explained how they have updated some of the project sheets given to the Planning Commission before. He asked Beavers to take the floor and explain in a little more detail.

Beavers said they had handed out a Planning Phase Sheet and a Construction Phase Sheet. They are similar as previous sheets, but the status and type have been updated. He said there are 13 projects in the planning phase. He said we have about 40 construction phase projects.

He asked if they had any specific questions.

Diefenderfer asked if the Easton Senior Living was cancelled.

Baird said the developer has walked away and is not responding. There is still an Escrow account. They have let the Engineer know they are proceeding but there has been no contact with anyone else. It is not currently moving forward.

Baird added after public comment that he wanted to remind everyone that we are pursuing grants and funding for projects related to parks, trails, and open space.

Walker asked if they were still pursuing additional members for the Planning Commission.

Baird said there is one final interview, but we should have 2 new members shortly.

PUBLIC COMMENT

Tim Fisher - 68 Moor Dr - asked if the 13 listed in the Planning Phase were all public.

Baird said anything in review of conditional use, sketch plan, etc., that has not been approved by the Board of Supervisors is in the Planning Phase section of that document. He asked Fisher if there was any particular project he had in mind.

Fisher asked if 1492 and 1493 Van Buren were on the list.

Baird said they both were.

Fisher asked if all things were included.

Baird said the distribution center was denied. The billboard and trucking terminal were presented.

Fisher asked about the bridge problem.

Baird said it falls under Tuskes Wolf's Run.

Fisher asked about the Chrin Proposal.

Baird said 1496 Van Buren was on the list.

Baird explained the list was just an easier way of tracking things.

ADJOURNMENT

The meeting was adjourned at 8:21 pm

Motion: Adjourn, Moved by Robin Aydelotte, Seconded by Jeff Kicska. Passed. 4-0. Commission Members voting Ayes: Aydelotte, Diefenderfer, Kicska, Walker
Commission Members Absent: Wilkins