

**PALMER TOWNSHIP PLANNING COMMISSION**  
PUBLIC MEETING - TUESDAY, SEPTEMBER 12, 2023 - 7:00 PM  
PALMER TOWNSHIP MUNICIPAL MEETING ROOM, LOWER LEVEL, 3 WELLER  
PLACE, PALMER PA 18045

Present for the meeting was Chairman Chuck Diefenderfer, Vice Chairman Jeff Kicska, Tom Grube, Robert Walker, Planning Director Kent Baird, Assistant Planning Director Craig Beavers, and Fire Commissioner Steve Gallagher. Also in attendance were Solicitor Will Oetinger, and Justin Coyle of Carrol Engineering

Diefenderfer led the meeting with the Pledge of Allegiance.

OLD BUSINESS

1. GJ Mills - Conditional Use Application and Site Plan - Mid-Rise Apartments in HDR District  
Applicant: Strausser Enterprises, Inc.  
Project: GJ Mills  
Address: 1400 Bushkill Drive  
Parcel: L9-9-1  
Zoning District: HDR

DISCUSSION

Present for the Applicant were Don Peters, Bohler Engineering and Edward Andres (Attorney), Corriere and Andres.

Strausser Enterprises, Inc. is seeking conditional use approval to construct a mid-rise apartment building on an existing foundation and to consist of twenty (23) units at four stories high. Mid-rise apartments require conditional use approval by the Board of Supervisors pursuant to Section 190-51.I of the Palmer Township Zoning Ordinance. Furthermore, this application falls under Article VII, HDR High Density Residential Zoning District, §190-54.F seeking to permit a low-rise apartment to exceed 2.5 stories and to exceed 35 feet in height. The property is located at 1400 Bushkill Drive and within the High-Density Residential Zoning District.

The plan proposes the construction of 23 units on a 10.58-acre tract which already contains 22 units. The site is located on the south side of Bushkill Drive, with portions of the property located in Forks Township, Wilson Borough, and the City of Easton. Bushkill Creek runs through the property.

The portion of the property within Palmer Township is located in the High Density Residential (HDR) zoning district. The requested use is permitted by conditional use approval in the High-Density Residential zoning district, subject to the area and bulk provisions. The Comprehensive Plan designates this property for high density residential use.

The applicant had previously been granted approval by the Zoning Hearing Board and Board of Supervisors to build 10 units in this building.

Peters said they are looking at installing 23 units. They will remove the existing

building down to the foundation. The reason for the conditional use is the number of stories, which would be classified as midrise as 4 stories. The approved building height is 72 feet. They are proposing 69 feet but the 4 stories pushes it to midrise. One of the reasons is to build the building up to get out of the existing flood plain. There have been discussions with PennDOT since this was previously presented to the Planning Commission in 2020. PennDOT would like to see the bridge access of Bushkill Dr. widened or replaced. The plan to do this will provide 2-way access and will require an HOP permit from PennDOT which they are working on. Diefenderfer asked if plans have been submitted to PennDOT.

Peters said they are still in the discussion phase.

Diefenderfer said there were denials in July of 2020.

Peters said the applicant was determining feasibility of the bridge replacement. They started working with PennDOT before Covid. Things slowed down and it has been a slow process back to see how to make this work financially and the feasibility of getting the bridge in place. They determined they are going to provide PennDOT with what is necessary to get the permit.

Kiscka asked Gallagher if it would be sufficient for entrance of fire equipment.

Gallagher said they need a minimum of 20 ft.

Peters said they are providing paved emergency access along the existing trail that goes out to Edgewood. It is 12 ft wide and had 10 ft wide bump outs to be able to provide a pull off area in the event an emergency vehicle needed to access at the same time a car needed to get through.

Diefenderfer asked Gallagher if they also required 20 ft on emergency access.

Gallagher said that was correct.

Peters asked if the emergency access needed to have the 20 ft fully paved.

Gallagher said yes.

Peters asked if there were any new letters. He said the last letters he had reviewed said 12 ft paved.

Gallagher said he would not have approved that.

Peters said if the 20 ft is required for conditional use, they will add that to the plan.

Diefenderfer asked if these changes would impact the setback requirements.

Peters said the setback shouldn't be impacted.

Oettinger that he believes we are talking about site layout.

Peters said the changes will not have any impact to a plan that was submitted or previously approved.

Diefenderfer questioned how they would address flooding. The property has flooded several times over the last 10 years. He asked how they would address that.

Peters said the site is located in the 100-year floodplain, not in the floodway. The floodplain would allow water to back up onto the site. He said they are planning to raise the first floor 4 feet higher. That is one of the reasons the building is being bumped to a mid-rise building.

Andres asked Peters to clarify that the permitted use is low rise and the conditional use would be mid-rise. The reason they are in the higher category is because they are trying to address the floodplain issues.

Peters said that was correct. It would push the building up 4 ft. If they went with a permitted 3 story building, the 4 ft they are raising it would still put them over the height limit for a permitted low-rise building.

Diefenderfer mentioned that some storms in the last 15 years have had water getting into the lobby at some points.

Peters said putting the building higher should prevent that.

Grube asked if the new bridge is strictly in and out for the new residents and the emergency access would be strictly for fire, ambulance etc. and residents only in the case of emergency.

Peters said it would not be secondary access for residents. It would only be for emergencies.

Grube asked about the parking lot near the bike trail and if they would be connected to that?

Peters said the intent would be to connect to that parking lot.

Baird asked if they are connecting to or through the parking lot.

Peters said through.

Baird asked if they had an easement.

Diefenderfer asked if they had easements to any of the traditional roads.

Peters said he couldn't speak to that at the moment. They were a little fuzzy on the history since they were new to the project. He said the previous engineer would've identified any concerns if they didn't have access. If they need to

provide any documentation, they will.

Andres said if we are aware of any missing easements to let them know and they will comply.

Baird said in the case of a privately owner parcel, we don't have any record of any agreements. .

Diefenderfer asked if they had an idea of how long it would take to get approval from PennDOT.

Peters said they would need PennDOT approval and a DEP permit. They are at the mercy of their approvals, but they anticipate 6-9 months from submission.

Diefenderfer asked how they would handle replacing the bridge with the current tenants there.

Peters said they would need to be discussed with PennDOT.

Kicska asked if they planned to have the bridge in place before building starts.

Peters said the building would have to be in place before anyone could occupy the building. He said he can't necessarily speak to the timing of the bridge construction and the building construction.

Baird asked if they were previously asked about a deceleration lane.

Peters said that would have to come from PennDOT. He said the 2-lane bridge would alleviate the problem of one car waiting to turn in while another is coming out.

Diefenderfer asked to be shown where the bridge was on the drawing.

Peters explained where it was.

Gallagher said his priority is to look out for both the building residents and his firefighters. He said the building will be required to have a sprinkler system and standpipe systems to be 4 stories high. He asked where the hydrant would go.

Peters said the previously submitted plans had the hydrant on the opposite side of the parking lot.

Gallagher asked if it flooded there.

Peters said it is in the floodplain not the floodway.

Gallagher said he would like it to be moved away from the floodplain on the other side of the driveway.

Peters said they will put it wherever Gallagher thinks is best.

Gallagher asked if there will be an emergency action plan for the residents.

Andres said he is not aware of any discussion of it.

Gallagher requested that for conditional approval he be involved in the emergency action plan and approval of the plan.

Kicska showed some pictures of the last flood so they could understand Gallaghers concerns for an emergency action plan and placement of the fire hydrant.

Peters said they will gladly shift the hydrant to wherever is requested.

Kicska asked if the path in the back of the building will be in a problem area.

Gallagher said he thinks it is ok.

Beavers said it is not in the floodway but is in the 500 yr. storm.

Peters said regarding the use, they are raising the building to help alleviate some of these problems. That is what put them in a conditional use situation rather than a permitted use.

Diefenderfer said the problem with the conditional use is that it allows people to live in an area that they could potentially be trapped in.

Andres said people living there is already a permitted use. In trying to protect from flooding concerns is what has caused the issue of the conditional use.

Oetinger said if they didn't take it for conditional use it would mean losing a story.

Peters said it would take it to a 3-story building without raising the first floor.

Oetinger said when we talk about health, safety, and welfare in zoning, this is a plan that needs concrete requirements.

Peters said they will be working with the Township on this.

Andres asked if there were any specific conditions that have been mentioned.

Oetinger said he didn't want to speak for the Board.

Beavers asked if there has been a traffic impact study.

Peters said there has not been one yet, but they will if PennDOT requires it. It is not expected because the number of trips is de minimis.

Baird said the units are going to trigger more traffic.

Andres said the proposed is 23 units.

Baird said he recommends the traffic study.

Oetinger asked how many units are on each floor. If one floor was removed, they would be at permitted use.

Peters said that if they removed a floor, they would need to lower the building to existing grade. He said they are trying to do right by raising it to help with flooding.

Oetinger clarified that your habitable area if made at grade would be at permitted use if not for raising the building. Oetinger said if they raised the building, but the top floor was removed, they would still be at permitted use but with less habitable area.

Peters said if they moved the building up, they might have to remove 2 floors.

Coyle asked what the 100-year floodplain elevation is not that they are building. He asked 234.25.

Peters said that was correct.

Coyle asked if they are raising the building to 235.

Peters said that was correct.

Coyle asked if they could do that with a 3-story building.

Peters said that would put them at 35 ft which puts them over.

Coyle stated that they are raising the building about 9 inches.

Peters clarified 9 inches above floodplain, not existing grade.

Coyle said he was confused as to why they couldn't build a 3 story building and be at 35 ft.

Peters said that the building will not have a flat top roof. Any roof drainage will exceed 35 ft.

Diefenderfer asked if it was 3 stories occupied or 4 stories occupied.

Peters said it is 4 stories occupied.

Beavers recommended a foot or foot and a half of freeboard.

Baird mentioned that Beavers is a certified flood plain manager.

Baird asked if they had pursued historic preservation grants.

Andres said none that he was aware of.

There was some discussion as to what Andres had received from the Township because we had Mr. Campbell as contact. Andres provided his contact information.

Coyle asked to add conceptual plans shown for how the bridge will be replaced while maintaining access to the facility as a condition. Maintaining access while the bridge is under construction is critical for both current residents and any emergency situation.

There was some general discussion of problems that might be encountered for construction of the bridge.

Oetinger asked for clarification on if the emergency access was the existing trail there now.

Beavers clarified the existing condition is a wooded area with trees blocking a dirt path. Some sections you could get 18-20 ft and some sections are narrower so there will need to be some grading and detailed construction work.

There was some conversation about previous discussions regarding access at the back of the property and minimum width for emergency access. However, standards have changed and 20 ft for emergency access is what is needed currently.

Diefenderfer asked if the bike path and the emergency access would serve the same purpose.

Gallagher said yes. Emergency services need 2 ways in and out of the property. The bridge needs to be primary access for pedestrian, residents, and emergency services.

Baird asked if they have considered a parking area on the first floor.

Peters said he doesn't have the history on the project to see if they considered the feasibility.

Kicska mentioned that would raise the building even more.

Diefenderfer asked if there was any public comment.

Oetinger read the motion. The recommended motion would be, if the Board of Supervisors wishes to grant conditional use, that it be conditioned upon all the following :

- At the time of land development, the applicant shows construction details of a minimum 20 ft wide public access bridge.
- At land development the applicant shows a paved driveable trail to be

engineered with detail to the satisfaction of the township engineer.

- The applicant demonstrates at the time of land developments some conceptual approval of resident access from PennDOT. ( The last correspondence the Township has is a denial from PennDOT)
- At the time of land development conceptual plans for the construction of a public access bridge for the residents while maintaining access for the current residents be shown.
- The applicant complies with all recommendations of the Fire Commissioner including the movement of the fire hydrant on the site, and the creation of an emergency action plan.
- Prior to securing building permits all outside agency approvals be obtained.
- Before final land development approval all required easements are obtained.

The conditional use hearing date was confirmed for Oct, 2nd 2023.





Commission Members Absent: Aydelotte, Ruch, Walker

### PLANNING DIRECTOR COMMENTS

Baird spoke on the status of the Zoning Ordinance Review process.

There was a previous iteration of the zoning ordinance that was being worked on before he started.

The ordinance was due to be adopted in December of 2022. In December, the Board didn't feel comfortable with adopting the ordinance when Baird and the Solicitor brought up some comments and concerns.

The Board recommended a peer review of that draft of the ordinance.

In January of 2023, Baird, James Raudenbush, Danny Nicolo and Craig Beavers (when hired) formed an internal committee to review and clean up the ordinance.

Baird gave a brief synopsis of some of the items that they worked on.

Baird asked the Commission to review the document with the understanding that they are hoping to adopt the ordinance by the end of 2023.

Beavers then gave an overview of the next steps of adopting the zoning ordinance. The NPC has firm requirements on adopting the zoning ordinance. He said the Planning Commission members received an email with a copy of the proposed zoning ordinance. He asked the Commission to please review it and make note of any questions or concerns. The Oct. 10th meeting will be for review and of the ordinance where the public can also comment.

Grube asked if the proposed zoning ordinance will be available to the public on the website.

Beavers said yes.

If the planning commission recommends adoption, the document will be sent to the Board of Supervisors and the LVPC. The LVPC has a 45-day review period. The public hearing will be after that review period. We're hoping to have the hearing and meeting date for adoption before the end of December.

Walker said that he would like to thank everyone who worked on it. The objective is to have the best ordinance we can have. He said he is personally disappointed the previous consultant was not thorough. He said there were people spending a lot of time on this previously and then it was an inferior product.

Baird said that with the sudden transition of staff and a consultant not being in the Lehigh Valley, it may have been a challenge to be as thorough as needed.

Diefenderfer asked if there were any other comments.

Baird mentioned that Beavers worked on the WalkWorks grant that has been awarded to us. He mentioned the grant leads to opportunities to be connected to PennDOT grants to improve tricky intersections, crossings, and park access.

He said we are working on the Bushkill Creek Greenway Park and Trail master plan, Mill Race and 9/11 Trail master plans, and our Open Space and Parks plan that will get better recreation fees and *fees in lieu of ordinance* language.

#### PUBLIC COMMENT

There was no public comment.

Commission Members Absent: Aydelotte, Ruch, Wilkins

#### ADJOURNMENT

The meeting was adjourned at 8:19 PM

Motion: Adjourn, Moved by Tom Grube, Seconded by Robert Walker. Passed. 4-0. Commission Members voting Ayes: Diefenderfer, Grube, Kicska, Walker  
Commission Members Absent: Aydelotte, Ruch, Wilkins