

PALMER TOWNSHIP PLANNING COMMISSION
PUBLIC MEETING - TUESDAY, APRIL 13, 2021 - 7:00 PM
ZOOM MEETING 846 4118 3473
HTTP://US02WEB.ZOOM.US/J/84641183473

The April 2021 meeting of the Palmer Township Planning Commission was held on Tuesday, April 13, 2021 at 7:00PM via Zoom with the following in attendance: Chairman Robert Blanchfield, Richard Wilkins, Jeff Kicska, Robert Lammi, Robert Walker, Michael Brett, and Chuck Diefenderfer. Also in attendance were Solicitor Charles Bruno, Solicitor Andrew Gould, Ron Gawlik of The Pidcock Company, Planning Director Cynthia Carman Kramer, and Supervisor Jeff Young.

1. Minutes of March 2021 Public Meeting

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

OLD BUSINESS

2. Wolf's Run Land, LLC - Conditional Use Application - Vehicular Parking Setback and Number of Attached Units for Townhouse Dwellings

Van Buren Road - K8-14-4 & K8-15-2
MDR & HDR-2 District
Request by Wolf's Run Land, LLC

DISCUSSION

Present for the applicant were Michael Tuskes, Phil Malitsch of Hanover Engineering, and Joseph Piperato, counsel for Tuskes.

Blanchfield summarized that Wolf's Run Land, LLC is seeking conditional use approvals permitting off-street parking within the front yard area of townhouse dwellings and permitting more than four attached townhouse dwelling units in a building. Villages at Wolf's Run is also seeking approval of revised preliminary and Phase 1 subdivision plans. A preliminary subdivision plan for this development was approved by the Board of Supervisors in November 2007. The "West Village" proposed 142 units and the "East Village" proposed 107 units. The East Village is considered Phase 1. In conjunction with the preliminary plan approval, a prior conditional use approval for the same issues was granted, as outlined in a decision letter dated December 17, 2007. The current application seeks to expand that conditional use approval by increasing the number of townhouse buildings with 5 or 6 attached units. The 2007 approval was for 5 buildings in the West Village only. The current request adds an additional 13 buildings of 5 or 6 attached units in the East Village.

Previous discussions included concerns over off-street parking, additional traffic utilizing existing roads of Stephanie Drive and Scotty Drive, problems with snow removal, problems with snow accumulation and storage, and the possibility of

extending a road to Van Buren Road from Phase 1, which turned out to be engineeringly not possible. The current proposal is substantially different from previous plans.

Bruno made recommendations that one discussion take place on the issues being presented followed by two separate motions and votes. He suggested that the minutes from the meeting in which Piperato did a formal presentation be incorporated by reference into this discussion without having to go through all of the issues again. Piperato confirmed that request. Bruno stated that the applicant will have to go through another formal hearing in front of the Board of Supervisors, which will be stenographically recorded. Piperato requested that Malitsch explain the most recent plan and how it relates to the previous testimony that was given in the conditional use review.

Malitsch explained that the major revisions to the previous plan is the deletion of the two cul-de-sacs and a reduction of units. This drops the number of units in Phase 1 from 135 to 106, which is one less unit than was proposed in the original plan. The elimination of the cul-de-sacs results in a loop road serviced by extensions of Stephanie Drive and Scotty Drive. This also lowers the number of proposed 5-unit townhouses from 13 to 9. In place of the cul-de-sac to the north, there would now be a 3-unit townhouse. To the south, a guest parking lot was rotated up into the position of the previous cul-de-sac. The rest of the plan stayed the same. Piperato questioned Malitsch in terms of the conditional use presentation made previously, that the only change would be the reduction in the number of 5-unit buildings in the East Village. Malitsch confirmed. Piperato questioned that in terms of parking, the conditional use would remain the same as in previous meetings. Malitsch confirmed. Blanchfield asked for clarification on the number of 5-unit and 6-unit buildings. Malitsch stated there are no 6-unit buildings and nine 5-unit buildings.

Lammi expressed his concern on cramming a lot of townhouses into this area with the elimination of the two cul-de-sacs. Gawlik displayed side-by-side plans indicating 80 on-street parking spaces available on the 2008 plans, compared to 60 on-street parking spaces available on the present plan. Lammi stated he was unhappy with the current configuration and questioned why the applicant wasn't using the cul-de-sacs to open up the spacing. He expressed concerns over the resulting nightmares this development might leave for the Township and Public Works in regards to traffic on Stephanie Drive and Scotty Drive, moving snow, trash trucks, toters, etc., if the townhouses are crammed into the current proposed configuration.

Piperato expressed his confusion on these comments. With the exception of the cul-de-sacs, the plan has remained the same layout with the same unit count on this section of the land. The Commission had previously requested another access point for this development and the developer investigated this in order to determine that it was not feasible. Piperato asked Malitsch for confirmation that the dimensional requirements for this zoning district are all being met. Malitsch indicated that the same parameters that were implemented in the original plan are being followed for setbacks, building separations, and parking requirements and are consistent with the township ordinances. He explained that the roadway

cross section meets the township standard, the roadway alignment was kept the same as the original plan, and the guest parking lots meet the parking requirements. The units are pushed off the sidewalk more to provide for more parking in the driveways than the original plan did, even though some on-street parking is lost. All of that parking is in addition to the requirements of the ordinance for the project. The size of the units proposed on the original plan are twice as wide, as opposed to what is currently proposed, which results in the buildings themselves being compressed.

Tuskes explained that the proposed road and the northern cul-de-sac would be in the floodplain. He wanted to eliminate properties in an area that flood insurance would be required. The center units that he is proposing would have 2 car garages, as opposed to the 2008 plan which contained 1 car garages. The middle units would allow for 2 cars in the driveway and 2 cars in the garage. This deflects off-street parking. He would gladly offer more parking in the bottom portion where the southern cul-de-sac was.

Lammi displayed side-by-side plans from the 2007 approval and the current proposal to show his concerns over density. He explained the 2007 plan with 4-unit buildings looks to have much better spacing between units and for parking. Blanchfield commented that the Commission was previously focused on concerns over traffic and the proposed road and overlooked the amount of units in the circle of Phase 1.

Brett agreed with Lammi. He stated that he wouldn't have voted for the 2007 plan. He doesn't like the density or the 5-unit townhouses and recognized that it is a challenging site for the developer without having direct access to the main roads. He expressed his belief that the garages won't be fully utilized and cars on the streets would result in a congested nightmare. He stated that the Township has struggled to maintain existing neighborhoods similar to this and wouldn't want to put another burden on the Township.

Kicska stated that the developer is one unit below what has been approved and feels that whether or not the two cul-de-sacs exist is moot. Blanchfield stated the concern is over the compactness of the circle without the cul-de-sacs and the original approval wasn't in question. Walker expressed his unhappiness with the way the development is laid out. Diefenderfer expressed his concern with density and suggested that some type of merge between the two plans might work. He felt that nine of the 5-unit buildings is too many and suggested keeping the lower cul-de-sac (which is out of the floodplain) and extra buildings would produce a better product and reflection of the Tuskes name.

Tuskes asked Malitsch to explain how this development can be done with 3- and 4-unit buildings, with the same amount of units, and the 5-units were incorporated to add character through the different widths of a variety of buildings. Malitsch clarified that they have 10 or 12 different footprint options to lay out this site. They can use 3- and 4-unit buildings to get the same number of buildings. Based on studies and a balance of what fits, 5-units were mixed in to create variety and help marketing. Tuskes calculated that the proposed 5-unit building is 142 feet long with 9 garage spots. The originally proposed 4-unit building was

140 feet long with only 6 garage spots. So the 5-units that he is currently proposing would create 33% more parking. He explained that they are trying to provide variety in units, as some single people may only want a 1-car garage. They attempted to create what they thought was the best layout.

Malitsch clarified that the bulb of the northern cul-de-sac would have been in the floodplain. The original plan had an exception for the road and parking in this area to be in the floodplain. The Township's ordinance prohibits a building being in a floodplain. Tuskes explained that in the original plans several units in the cul-de-sac would have had the property lines in the floodplain, but not the buildings (as it was prohibited). Lammi stated that he isn't concerned about the cul-de-sac being in the floodplain, as it is a street without a lot of traffic, he is concerned about the buildings.

Wilkins expressed his belief that the developer has done everything that they could do to improve the plan for the Township by lowering the amount of units, garages, and the size of buildings. However, he is still concerned over the traffic, issues with plowing and garbage, and the entrance and egress of that many people going through the neighborhood. He stated that this development looks a lot like Penn's Grant on a map. Gawlik commented that the prior plan approved in November 2008 was more spread out. There were 80 on-street parking spaces, as opposed to the current plan which has 20 less. There are more units in a smaller area.

Kramer stated that there were prior variances and waivers that are still being requested. One issue is to allow mailboxes along the street instead of allowing the mailboxes on the buildings. This would need to be confirmed with the postal service. She doesn't believe that USPS is allowing single mailboxes and questioned where cluster mailboxes would go. Another issue would be individual curbside trash collection in place of dumpsters. The new garbage and recycling contract requires every unit to use two totes and this may be inconvenient, especially for inside units in townhouses. She questioned if the trucks would be able to maneuver through the streets and where dumpsters would go if necessary. Tuskes explained that the mail would be based off of a review with the local postmaster. He is suggesting staggering cluster mailboxes in groups of 3 or 4 throughout the community as people in these communities normally park and walk to their mailboxes. He doesn't foresee a problem with the trash pickup and pointed out that many of the middle units would have 2-car garages, that would allow residents to roll their cans down to the street and still back the car out of the garage without a problem. Brett questioned how many on-street parking spots are lost on garbage day. Tuskes explained that most people keep their garbage cans at the end of their driveways.

Piperato asked for a couple of statements to be read into the record. The April 7, 2021 Memorandum & Review letter from the Municipal Engineer states that the subdivision layout generally conforms with the conditionally approved Preliminary Plan, with modifications to phasing and recommends Engineering approval for both the Conditional Use and the Final Plan Phase 1 from an engineering standpoint. Piperato asked Malitsch if he had a chance to review the

April 7th Pidcock Review letter and whether or not the applicant will comply with the comments that are set forth in this letter. Malitsch confirmed. Piperato asked Malitsch if he had a chance to review the April 9, 2021 Staff Comments Memorandum pertaining to this project and if the applicant will comply. Malitsch confirmed. Piperato asked if the current plan with 106 units meet all of the statutory requirements of the Township as it pertains to off-street parking. Malitsch confirmed and stated that they didn't receive any comments to indicate that is not the case and that the parking requirements and street cross sections are the Township standards. Piperato asked if the housing types and units that are being proposed in the East Village, Phase 1, comply with the dimensional requirements of the ordinance of this zoning district. Malistch confirmed.

Malistch mentioned the applicant submitted a preliminary plan with colored hatching. The previously proposed cul-de-sacs were going to be part of Phase 2. Now the entire East Village is Phase 1 and the entire West Village is Phase 2. Piperato clarified that the applicant is seeking conditional use approval for the revised Phase 1 plan indicating nine 5-unit buildings located in the East Village, pursuant to 190-58.8.J, which indicates that the maximum length of a townhouse building shall be 160 ft with no more than 4 dwelling units attached. Piperato also stated that the applicant is seeking conditional use approval that such parking may be permitted pursuant to 190-58.8.C, that the applicant demonstrate parking oriented to the front of the unit will not extend beyond the width of the garage doors or become a prominent portion of the front yard.

Bruno suggested opening up the meeting for testimony from the public.

Matt & Rita DeFranco, 116 Scotty Drive, expressed their concern that the townhouse plan is too crowded and will make too much traffic for their neighborhood. They live in a quiet residential neighborhood with a lot of children playing outside in the street and lots of people walking and exercising outside. The neighborhood experienced difficulty with snow removal, garbage pickup, and mail delivery with the snowfall this winter. It wasn't possible for two cars to pass each other with all of the snow. They questioned what happened with the plan for the proposed road to Van Buren. Piperato explained that the Township's consultant determined that the road was not appropriate and requested that the minutes reflect the March 3, 2021 letter from CMT Services Group. This letter states that the construction of the roadway will be problematic. The existing floodplain soils are not suitable to support a roadway. They are unsure of the ability to secure permits to construct a roadway in a floodplain. There is increased risk of icing which increases risk to vehicles and pedestrians. Grading in the floodplain will increase risk of future sinkhole formation. CMT recommended the Township create an emergency access road, instead of a full access road. DeFranco questioned where the construction equipment will come from when building is started. Malitsch explained that there will be a temporary construction road. He asked the record to show that the applicant also objected to constructing the proposed permanent road in the floodplain and explained that Stephanie Drive and Scotty Drive extended to the property line of this project because the intent was always there for those roads to support traffic from this townhouse development that was approved by the Township.

Adreen Masanto, 118 Scotty Drive, and Kristina Kukuy, 117 Scotty Drive, expressed their concern for additional cars coming through the neighborhood and stressed the dangers to all of the young children playing in this neighborhood with the increased traffic.

Bruno suggested that the conditional use requests be voted on separately. The applicant has attempted to show that they have met specific requirements. In order for there to be a denial for the application, there needs to be a public health and safety concern. The land development plan deals with whether the plan meets the requirements of the ordinance and the zoning aspects of the plan must be approved. There will be a conditional use hearing before the Board of Supervisors with a stenographic record made on April 27, 2021.

Blanchfield called for a motion on the request to permit off-street parking within the front yard area of townhouse dwellings.

The Commission voted to recommend approval of the conditional use by the Board of Supervisors subject to the comments of the Township Engineer's letter dated January 7, 2021 being satisfactorily addressed.

Motion: Approve, Moved by Robert Lammi, Seconded by Jeff Kicska. Passed. 4-3. Commission Members voting Ayes: Blanchfield, Diefenderfer, Kicska, Lammi
Commission Members voting Nays: Brett, Walker, Wilkins

DISCUSSION

Blanchfield called for a motion on the request to permit more than four attached townhouse dwelling units in a building. Diefenderfer asked for clarification on whether the motion was for allowing any five-unit townhouses or allowing for specifically the 9 five-unit townhouses that the applicant is requesting. Lammi clarified the motion is to decline any five-unit townhouses to be constructed.

The Commission voted to recommend denial of the conditional use by the Board of Supervisors.

Motion: Deny, Moved by Robert Lammi, Seconded by Michael Brett. Passed. 5-2. Commission Members voting Ayes: Blanchfield, Brett, Lammi, Walker, Wilkins
Commission Members voting Nays: Diefenderfer, Kicska

3. Villages at Wolf's Run - Revised Preliminary & Phase 1 Final Subdivision Plan
Van Buren Road - K8-14-4 & K8-15-2
MDR & HDR-2 District
Request by Wolf's Run Land, LLC

DISCUSSION

Bruno explained that with one of the major conditional uses being recommended

for denial, the plan would fail because the applicant doesn't meet the necessary zoning requirements. Piperato asked to consider a recommendation. If the Board of Supervisors approved the conditional uses, the plan would not change. Lammi noted that Pidcock indicated there was no problem approving the land development plan as shown from an engineering standpoint. The Board of Supervisors may disagree with the Planning Commission. Lammi hoped to see the applicant include the two cul-de-sacs and spread out the units.

Bruno explained that the applicant has the right to revise the plans and come back with a revised plan that doesn't include 5-unit buildings, but recommended that the Planning Commission make a motion based on the current plan. Walker stated that regardless of whether there are 4- or 5-unit buildings that are spread out, it does not change the issues with traffic and concerns for the safety of the neighborhood.

Blanchfield called for a motion on the revised preliminary and Phase 1 final subdivision plan for this development.

The Commission voted to recommend denial of the revised preliminary and Phase 1 final subdivision plan by the Board of Supervisors.

Motion: Deny, Moved by Michael Brett, Seconded by Richard Wilkins. Passed. 6-1. Commission Members voting Ayes: Blanchfield, Brett, Diefenderfer, Lammi, Walker, Wilkins
Commission Members voting Nays: Kicska

PLANNING DIRECTOR COMMENTS

Kramer mentioned that she and Jim Raudenbush met with their consultant, Carolyn from EPD, to discuss the zoning ordinance process and tentatively mapped out a schedule. A Zoning Committee meeting is scheduled for Wednesday, April 21, 2021 at 6 PM by Zoom.

PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:36 PM.

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