

PALMER TOWNSHIP PLANNING COMMISSION
PUBLIC MEETING - TUESDAY, DECEMBER 13, 2022 - 7:00 PM
PALMER TOWNSHIP MUNICIPAL MEETING ROOM, 3 WELLER PLACE (LOWER
LEVEL), PALMER PA 18045

The December 2022 meeting of the Palmer Township Planning meeting was held on December 13, 2022 at 7:00PM with the following in attendance: Chairman Robert Blanchfield, Vice Chairman Chuck Diefenderfer, Richard Wilkins, Jeff Kicska, Robert Lammi, Robert Walker, and Robin Aydelotte. Also in attendance were Solicitor Charles Bruno, Ron Gawlik of the Pidcock Company, George Hartman of Bohler Engineering and Joel Weiner, Attorney for Exchange 12.

1. Approval of November 8, 2022 Minutes

Approval of Minutes from the November 8th, 2022 Planning Meeting.

Blanchfield started the meeting by acknowledging Chuck Bruno. He said he has been our legal counsel for 23 years and has provided excellent advice and extensive knowledge. He said it that had been a pleasure and honor to have you as our solicitor.

Lammi and Wilkins joined in to thank Bruno and Pidcock for making meetings easy.

Minutes were approved

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

NEW BUSINESS

2. Exchange 12 - Conditional Use Application - Trucking Terminal in PI/C District
1492 Van Buren Road - K810A & K8-10A1 0324
PI/C District
Request by Exchange 12 LLC

The 1492 Van Buren Road Conditional Use Trucking Terminal Application requests support for two (2) trucking terminal buildings on land currently in agricultural condition. The property is located near the southeast corner of Van Buren Road and Newlins Mill Road, and bound on the west side by PA Route 33.

Building A proposed to be 64,350 s.f. with 56 loading dock/trailer spaces and 137 car parking spaces

Building B proposed to be 97,500 s.f. with 80 loading dock/trailer spaces and 208 car parking spaces

A road crossing of the Schoeneck Creek is proposed and three above ground and one underground basin are proposed to discharge into the Schoeneck Creek.

DISCUSSION

New Business - Exchange 12 - Conditional Use Application - Trucking Terminal in PI/C District

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Blanchfield said he would like to read into the record.

Under the provisions of the zoning board 19-125 conditional uses, the Planning Commission can review an application for a trucking terminal in this district, but must ensure the use will not create significant hazards to the public health and safety of the Township

The review also ensuring the application complies with performance standards of article 16 Zoning ordinance 190-148 (Environmental Protection) which states all uses shall be developed in a manner consistent with preservation and quality of existing environment and any natural amenities present on the site.

The job tonight is to review this application and make a recommendation to the Board of Supervisors. Our recommendations can contain comments. If this approval is recommended specific reasons should be stated.

This trucking terminal conditional use applications for two truck terminal buildings totaling 161,850 square feet on a 36.63-acre tract bound by Van Buren Road to the east and Route 33 to the west. Schoeneck Creek transverses the middle of the site.

Terminal A is 64,350 square feet and terminal B is 97,500 feet

A little bit of history on the site is the Palmer Zoning Hearing Board granted FGC Van Buren Road partners a special exception relating to this location for a proposed roadway culvert and bridge on a property on January 3, 2018.

A special exception was needed for a driveway within the 100-year floodplain of the Schoeneck Creek and in this special exception, the applicant was required to have all local state and federal approvals for the projects for the proposed project to determine the impact on the floodplain before any final development approval can be considered by the township. I believe the zoning hearing board confirmed this previous approval that it was still valid in another meeting at a later time.

This project was before the planning commission April 12, 2022. The building sizes were larger at approximately 129,000 square feet and 139,000 square

feet. The applicant was seeking conditional use approval for a distribution center in the PIC district for trucking terminal. The Planning Commission voted to deny this conditional use application in their recommendation to the Board of Supervisors.

A little bit more history at the June 11, 2019, Planning Commission meeting, FGC Van Buren Road Partners presented a conditional use application and a preliminary final land development plan for this site, with the two distribution buildings. Both motions were denied. The April conditional use request was identical to the previous applicant of FGC Van Buren Road which was ultimately withdrawn. At the April Planning Commission meeting, solicitor Bruno questioned how the applicant will handle the requirements that have all local, state, and federal government agencies having jurisdiction review and approve the project impacts on the adjacent floodplain before any final development approval is considered by the township. I believe attorney VanLuvanee disagreed with the solicitor Bruno's comments.

Attorney Joel Weiner for Exchange 12LLC and Engineer George Hartman with Bohler Engineering introduced themselves.

Hartman said the plan is much the same as the warehouse/distribution center, with the same access points from Van Buren, and the crossing of Schoeneck Creek hasn't changed. The buildings are less square footage and have been narrowed to allow loading access to both sides of the building

Blanchfield asked if the narrower buildings meant no storage.

Weiner answered that there would not be long term storage.

Hartman stated beyond the size of the building and cross docks the remainder of the plan was very similar to what was submitted previously. He also stated that the grading of the property and how they were going to manage stormwater was also similar to what was submitted previously.

Blanchfield asked if there was something different about one of the entrances to Gawlik

Hartman stated that the comment from the Pidcock letter was suggesting that the plan may not appear that it's it was designed to have truck access. He stated that it was a valid comment, and they may have to look at the truck turn radius.

Weiner clarified that they were referring to the south entrance

Blanchfield referring to the Pidcock letter, A1, the proposed use needs to be clarified. The plans say truck terminal and traffic study states warehouse.

Gawlik said the truck terminal would have a higher traffic generation than the warehouse use.

Hartman clarified the use to be truck terminal. He said he would get clarification on the traffic study, but he believed the truck terminal to have higher trip

generation.

Blanchfield said that with a truck terminal there are different types of products coming in and there is managed release type of approach to stormwater which doesn't allow for a secondary chance to capture spills. He asked Hartman what type of mechanism would be in place to capture and handle spills before they would get to the creek.

Hartman stated that it will be whatever is required by code.

Blanchfield stated that he realized it is not a land development plan, but they will be looking for what controls will be in place.

Kicska asked if they didn't have a company running these terminals.

Weiner stated that Mr. Atiyeh will be the operator. He also stated that there are methods that could be used for stormwater management according to what the Conservation District is looking for.

Kicska was concerned that with all types of products coming in, the system would need to be able to capture everything not just one type of product.

Weiner mentioned that the stormwater design would be looked at land development by people who would know the details better.

Kicska said his concerns when he hears "truck terminal" is what is coming through. Will it be chemical, radiological, or just products like TVs.

Weiner said there are trucks on the highway everyday and you have no idea what's in them. They are licensed vehicles that must comply with all the safety requirements.

Kicska said his concern is that it ends up in our township.

Weiner stated that the truck terminal is conditionally allowed.

Lammi added that this is a special situation because there is a creek between the 2 buildings.

The controls need to be extreme to be sure nothing gets into the creek. There could be accidents in moving products, fires, etc. that could cause substances to enter the creek. He also added that in the application there is an area for vehicles to be worked. He asked where that would be.

Hartman added there are no areas designated for that on the plan.

Weiner added that it would most likely be by Rte.33 furthest from the creek.

Lammi asked if they were proposing another as a maintenance/fueling building in that area.

Weiner added that it is not currently designed but there may be an area for vehicle servicing.

Lammi asked how they can we do a conditional use review when they don't know what the use is. He added that they know it is a terminal, but now part of the application could be maintenance and operation.

Weiner added that the things discussed would be inside a building. There is a lot of speculation about what could happen. There is a possibility maintenance can be done on site. As currently designed, it is a truck terminal. It would make more sense to traffic to have servicing done there as opposed to trucks burning fuel or adding to traffic going elsewhere.

Lammi added that we would like to have the people here who would be running it and have a lot of experience to answer the questions the commission has been asking.

Diefenderfer commented on item 7 in a letter that refers to the proper disposal of fuel oils and other spills which is part of the conditional use application. He said the answer is very generic and doesn't identify any systems.

Hartman asked if they were referring to a letter of submission.

Blanchfield said yes

Hartman said that is basically the same as A6 in the Pidcock letter. The things that happen inside the building will be addressed by the operator according to procedures and regulations required. Things that happen outside the building, spills, and such, are something we are going to have to look at during land development.

Diefenderfer added that they were not addressing anything

Weiner followed up that the building design will encompass things like what if there is a leak. The stormwater systems will comply with stormwater requirements that are set by the township, state, etc. At this point they are here for conditional use, not with a full set of engineered plans looking for land development approval. Questions are being asked about high level design which would be reasonable for land development.

Blanchfield stated that conditional use to the commission is conceptual use of the building. What is going to be done, how it is going to work and how it's going to fit into existing zoning regulations.

Weiner stated the operator of the building will comply with OSHA and all the other requirements. The design of the building at that point would show something like all the drains that go out of the building go into someplace where they are contained so they don't enter the creek.

Blanchfield said that as a concept that makes sense. How it happens is the engineer part that comes later but a concept is what the commission is looking

for. Much of what the Commission is looking for is protection of the creek.

Hartman added there could be a tank that separates water from other substances and that can be done for drains inside the building and outside.

Aydelotte asked about the setbacks. She said in one place it looks like you've got 130 to 170 feet setbacks from the building to the creek. Another place it looks like the 60-foot setback from surface waters. That's less than the 75 feet in a recent change from PA.

Hartman stated 60-foot setback I mean that's I believe it's in the zoning code somewhere.

Aydelotte noted that it is being upgraded to 75 feet by the time this building gets built.

Hartman said 60 ft is what is currently in the ordinance.

Aydelotte asked if they could make it 75 feet.

Hartman said that it is something they would look at.

Lammi stated that the ordinance would be going into effect next month. He said it would be a good idea and would give protection to the creek. The commission will be looking for it in the future.

Blanchfield asked Gawlik to explain concerns for the traffic section.

Gawlik said in the traffic study, the numbers that are used to generate the am and pm peak hour trips, were based on warehouse numbers. To explain further the numbers in the traffic study for the am peak hours are 114 and if it were to be the truck terminal numbers, the number would be 390. 114 vs 390 is a considerable difference.

Blanchfield stated that is not a typo.

Gawlik said that they are using the numbers to generate the traffic based on warehouse numbers. In the PM. It's 104 versus 303. It's almost a factor of three so it's a considerable difference. He added that it would need to be addressed.

There's some additional development in the area that should be added to the background world. They need to look at some of the heavy vehicle percentages in the traffic study and make them consistent with existing traffic count data. They need to include the 248 Prologis Parkway intersection in the study, and it should be submitted to lower Nazareth for their review.

The comments related to the conditional use plan

- Truck turning templates in the access
- Site designed for proposed use.
- Pedestrian access from truck terminal A

Pavement evaluation and design

Blanchfield asked Hartman to address Gawlik's comments on traffic.

Hartman said he would pass the comment regarding the traffic study on to the traffic engineer to update the study. Regarding pedestrian access, they didn't think there was a need.

Weiner added that they didn't think that there would be anyone walking on site. They did not want to encourage pedestrian traffic.

Blanchfield added that the experiences through the whole northern warehouse area is that there are a lot of people taking a bus to go to work

Diefenderfer and Blanchfield added that pedestrian access would be important to the LVPC.

Lammi added that the sidewalks have been consistent with what they've asked of the other projects in the area. There are potentially people walking and tractor trailers coming in. For the safety of pedestrians, the commission is insistent in having sidewalks.

Lammi asked if should they also look at Corriere Rd. due to traffic of people coming to and from work.

Gawlik added he would check into that but that by the time you get to that point the traffic is distributed enough that it doesn't have a large impact.

Diefenderfer asked if there was a deceleration lane where the northern truck entrance is.

Hartman answered that there was not a deceleration lane but there was some widening of the road along the entire frontage of Van Buren.

Diefenderfer asked Gawlik his opinion on that.

Gawlik said they would look at the pavement design criteria. He said they did have additional comments on pavement evaluation. He said they have been seeing that the deceleration of the trucks can cause rippling in the pavement.

Aydelotte asked if that part of Van Buren will stay 2 lanes or will there be a turn lane added.

Gawlik answered that it was 2 lanes.

Blanchfield asked if that would change with new numbers coming in for trucking terminal with the new traffic study.

Gawlik said he would need to look at the revised numbers.

Wilkins added that we can't make any judgements on traffic without the corrected traffic study.

Kicska asked if all the truck traffic would be going left exiting the facility.

Hartman said that is what the large majority is going to do

Gawlik confirmed that it would all go left (North).

Blanchfield said that they've asked for designs that show the trucks turn to right to come in and left when they exit.

Gawlik said that will have to be addressed.

Kicska asked about truck coming in off time. Will there be a place for them to wait? Will the trucks just be in and out?

Weiner said that it should be mainly in and out, but it could happen in certain cases.

Blanchfield said we don't want any trucks queuing on Van Buren.

Several commission members added that they need to have a place to be on their property if they need to wait.

Blanchfield asked Gawlik if he could summarize the pavement evaluations.

Gawlik they have provided analysis on the pavement based on the traffic numbers. However, since the traffic study is incorrect that will need to be updated. They have recommended some beefing up of the pavement. Gawlik said there are several concerns as it relates to the analysis which will need to be addressed as part of conditional use.

Hartman added the traffic study for the warehouse showed they should do an overlay of 1.5 in. The updated study for the truck terminal said 2 inches.

Diefenderfer said that on the application they stated there were no open space requirements. He said that maybe they were referencing fees in lieu of open space but that it would have to be addressed to the Board of Supervisors.

Hartman said they were unsure of the applicable requirements.

Weiner said they appreciate the clarification

The Geotech's letter of 12/12/ 22 noticed three major deficiencies the carbonite study, the managed release stormwater proposal based on the amount of information provided, and the stormwater calculation does not provide sufficient detail to provide adequate review. There are also deficiencies that need to be resolved concerning sinkholes.

Hartman said these will be addressed during land development.

Diefenderfer asked Gawlik if the Carbonite study has to do with the storm water management in this case.

Gawlik responded that any stormwater system proposed that has any aspect of infiltration as a part of it is going to have a geotechnical component. The concern is that it is a sensitive area for sinkholes. We want to make sure that the use that they're proposing and how we're going to use the site is compatible. He added that there may be some things that need to be addressed prior to land development.

Diefenderfer added the water accumulation areas shown on this isn't consistent with some of the most recent warehouses

Gawlik added, the design of that will be part of the land development. The conditional use process allows for that to be delayed until the land development.

Hartman said the stormwater management that was proposed with the conditional use application was the managed release concept, which is something that DEP has accepted.

Lammi asked if on the grading plan, the line that comes down parallel with Van Buren is an 8 ft. berm.

Hartman said the north side of building facing 33 would be the 8 ft berm. However, since they are 8 feet below the road elevation the berm wouldn't be required.

Blanchfield said he wasn't concerned about 33

Hartman said that on Van Buren Road there's an 8 ft berm the runs the entire frontage between access points.

Wilkins asked if the building is going to sit below Van Buren or will the ground be built up to be even with Van Buren.

Hartman said coming in from the middle of the building the road is about 6 feet higher.

Lammi said building A appears to be being built up

Hartman agreed that they are bringing the low side up to make the building level.

Lammi asked if there is any possible development on the south side.

Hartman said there are no berms proposed for the south side.

Gawlik added that any buffering on the south side would be determined by the zoning officer.

Wilkins asked if there was definitive rule on that

Gawlik then referred to the ordinance. He re-stated that the question of whether there is a berm required to south would still be a determination of the zoning officer.

Lammi asked what section of zoning ordinance he was referring to.

Gawlik responded that it is- Requirements for conditional uses - under trucking company terminal 192 10 33 which is trucking company terminal Section C which talks about the berm.

Diefenderfer mentioned that the berms might be used for sound issues for the home alongside the property.

Blanchfield mentioned that is something to take into consideration.

Kicska brought up that between Van Buren and the building, the height of the road (352 feet) and the height of the berm (355 feet) looks like there is only a difference of 3 feet. He asked if that was enough.

Gawlik responded it would be up to the zoning officer.

Blanchfield opened the floor to public comment regarding this application for conditional use.

Timothy Fisher 68 Moor Dr said on behalf of the Highlands of Glenmoor he believes that remapping of the flood plain should be done prior to any conditional use being issued.

Bill Hartin 1375 Van Buren Rd said that the commission was doing a good job representing the residents of Palmer Township. He feels this application is inadequately planned and would hope they would defer judgment on this. It needs more information before any action to move forward is taken.

Harry Graack 1380 Van Buren Rd said he agrees with both Bill Hartin and Tim Fisher. He also believes that this will cause a significant disruption to the water table around it. He feels that the disruption in the water table is causing more sinkhole problems. He would like the Township to provide a better survey of the sites with some new techniques and ground radar. He said his other concern is traffic both the truck traffic and the employees. He feels the project poses a clear and present danger to his property. He would consider leaving the Township if this project went through. He wouldn't like to live next to a truck terminal with dangers like possible hazardous spills that could enter Schoeneck Creek.

Gerry Genrich 12 Moor Dr said he was an architect for 40 years and worked with the other reviews of previous submissions for this site. He said in terms of

topography and flood plain, everything is almost the same as the warehouse submission. He said that there would need to be significant changes made to refine the flood plain. He said it also eliminates the ability to provide a public corner with natural features along the Schoeneck Creek.

Bruno said that the Commission has identified some significant issues. He suggested reviewing section 190-208 for the criteria for conditional use application and look at Section 190-210 B 33, which relates to trucking terminals and the things that applicant needs to prove their case. The commission can decide whether they've met the concerns and regulations mentioned. The Commission also must decide whether not addressing items until the land development phase is satisfactory. Bruno said the representatives here tonight are doing the best job they can with what they've been asked to deal with. However, he questioned whether they will be authorized to do more. Bruno added that his recommendation due to the status of where this is and a lot of unanswered questions on important environmental and traffic concerns is to motion to table.

Baird added that he agrees with Bruno and there's not enough to go on. He added that the more they delve into the details the more uncomfortable he becomes with the plan as presented.

Lammi added that today the zoning hearing board letter indicated that for the project to move forward FEMA and other state and local agencies must give approval. Lammi asked Bruno if he agreed.

Bruno responded that on the last application by this applicant, the BOS decided that it should be done before the Conditional Use approval. He said that it would be good to look carefully at the Zoning opinion. He referenced the one before the most recent. The Zoning Board was trying to convey that these issues should be satisfied before building on it.

Lammi added that they should talk to the Zoning Board.

Bruno responded that the letter of the prior decision speaks for itself. The issue has been decided by the Board of Supervisors and it is being appealed by the applicant as relates to the warehouse plan. It seems they are still challenging that position taken by the board. The question the commission has to ask is should the environmental concerns that affect the public health, safety and welfare need to be addressed appropriately before you can get a conditional use. He said not to get caught up in the Zoning Board's decision, and whether that's something that's binding here. He said the issues raised are significant issues and how you want them to deal with issues is what you must decide

Lammi added in his 40 years of doing this, that this very complex because of its location and the changes to the stream bed, floodplain and the impact on them. He said he voted against both previous ones because of that. The one thing that he feels really needs to be discussed is the impact of hazardous spills. He wants the design now to show how that will be handled not during land development.

Bruno added site plan requirements are part of the conditional use requirements. They are not deferred.

Walker said his biggest concern was the traffic study and it not being correct. He said ignoring everything else, and just talking about that, they should table it.

Wilkins said he agreed

Weiner said that they respectfully disagree.

Walker made the motion to table based on lack of traffic study, more information regarding use and environmental concerns based on the use, updated plans regarding truck turning templates in the access, Site designed for proposed use, pedestrian access from truck terminal A, and pavement evaluation and design.

Kiscka seconded the motion
All were in favor of tabling

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

PLANNING DIRECTOR COMMENTS

Baird said he is working on getting more information, more quickly to the Commission. He also invited the Commission to come in to review documents, provide comments whenever they would like. He wants the public to know that the Commission members are really engaged in the process, and they have engaged the public in the process. More people are coming to the meetings and the Township welcomes that.

PUBLIC COMMENT

Tim Fisher 68 Moor Dr said that asked when the next Planning Commission meeting. It was responded 1/10/23. Tim Fisher asked if there was going to be a deadline to submit.

Baird responded that we have always had a deadline

Fisher asked what the deadline is for 1/10/23

Baird responded 12/27/22

Fisher asked if it would be on the agenda if not filed by that date.

Baird said that it would not be on the agenda if not submitted by the deadline.

Bruno thanked the Planning Commission, Ron Gawlik and Kent Baird for their professionalism and the hard work they put in for the residents of Palmer Township. He also thanked the public for being involved and asking great questions.

Lammi added that he enjoyed working with Bruno and Pidcock throughout the years

Blanchfield thanked Bruno for all his help over the years

ADJOURNMENT

Wilkins motioned to adjourn the meeting

Aydelotte seconded the motion.

The meeting adjourned at 9:01pm

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