

**PALMER TOWNSHIP PLANNING COMMISSION**  
PUBLIC MEETING - TUESDAY, JULY 13, 2021 - 7:00 PM  
PALMER TOWNSHIP MUNICIPAL MEETING ROOM, 3 WELLER PLACE (LOWER  
LEVEL), PALMER PA 18045

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

1. Minutes of May 2021 Public Meeting

Ron Gawlik noted one correction to be made. On page 7, paragraph 3, sentence 2, the name Gawlik should be replace with Ottes.

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

OLD BUSINESS

2. Villages at Wolf's Run - 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

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

Blanchfield explained that the current preliminary subdivision plan for this development was approved by the Board of Supervisors in November 2008. On June 29, 2021, the Board of Supervisors granted a further extension until August 31, 2021 to the requirement to submit a final plan. The Final Plan for Phase 1 proposes to create 103 units of townhouse dwellings and about 3,100 feet of new public roadway on a 41.61-acre portion of the tract. The property is within the MDR and HDR-2 zoning districts. The development has been before the Planning Commission several times over the past year proposing and discussing plans that were different than the plan previously approved in 2008. The Planning Commission will review a Final Phase 1 subdivision plan that closely resembles the originally approved plan from 2008. There were two conditional use applications. One dealt with off-street parking within the front yard area of the townhouse dwellings and was voted on and approved by the Planning Commission at the March 9, 2021 meeting and has been pushed on to the Board of Supervisors who will make the final decision on it. The other dealt with permitting more than 4 attached townhouse dwelling units in a building is no

longer necessary. Bruno and Piperato agreed that the applicant is no longer making that request.

Bruno explained that residents may come up to the podium at the appropriate time for public comment. Bruno cautioned the public that the Planning Commission is a recommending body. The Board of Supervisors has the final vote on this matter and the public's comments can be deferred and presented to the Board of Supervisors instead. This plan is subject to the prior approval. This is not a new plan coming before the Township. As it is a revised plan similar to the original, there are limitations on the Township's decisions on this matter.

Piperato stated that all of the comments set forth in the Pidcock letter dated July 8, 2021, the Staff Review Comments letter dated July 9, 2021, and all proposed recommendations are acceptable to the applicant.

Blanchfield asked if the phases of development could be explained and asked for confirmation that the four units on Lone Fox Lane will not be included in Phase 1. Malitsch explained that there will be three phases. Phase 1 includes 103 townhouse units and Phase 2 includes the 4 referenced units. These 107 units are in the East Village. The sanitary sewer connection for the Phase 2 units will be serviced out the rear of the property and requires a permit from the PA DEP and is a timing issue. 103 units drain to the East and will use the existing collection system to that development. Everything that supports these 4 units (infrastructure, grading, cul-de-sac buildout, stormwater facilities, water lines) will be constructed in Phase 1, but those four lots/units will not be constructed until Phase 2. Phase 3 will be the entire West Village. Blanchfield requested a phasing plan be submitted. Gawlik stated that the phasing that was approved with the original preliminary plan differs from what is proposed now. Gawlik suggested a phasing plan to supplement the final plan to identify the phasing and that notes be moved to the overall phasing plan to clarify which phase they reference. Malitsch agreed.

Blanchfield stated they are waiting for concurrence from the Geotechnical Engineer on two waivers. Kramer explained these are typical requests and she doesn't anticipate any issues. Blanchfield stated there is a deferral request for improvements to Van Buren Road and financial security should happen in the initial phase of development as a condition of the prior approval, documented in Bruno's December 2008 letter. Malitsch agreed. Bruno clarified the applicant will not be installing now, but will be providing financial security at this time. Malitsch explained a bridge will be replacing existing culverts. The applicant would like to complete all of the Van Buren Road improvements at the same time. Bruno suggested the Board of Supervisors will need to make the timing of the bridge improvements a condition of their approval.

Blanchfield requested a commitment from the applicant to work with the Township, Recreational Board, and Kramer on the appropriate layout of the extension of the recreational path. Malitsch and Kramer agreed. Blanchfield questioned if the applicant would consider including a tot lot in the open space as was previously recommended by the Planning Commission. Malitsch explained the intention for the open space configuration is consistent with

original plan approval, paying recreation fees and to meet their obligation that way. Blanchfield stated there would be a credit from recreational fees if the tot lot was considered. Lammi stressed the importance of the tot lot. He believes the development will probably have a lot of families and the lots are narrow, not allowing for playground equipment on individual lots. Brett also supports a tot lot as a means to limit traffic driving out to other neighborhoods in order to have access to existing playground areas.

Blanchfield commented on stormwater management and the effectiveness of the riparian buffer being determined by the Northampton County Conservation District. Gawlik explained they are looking for some clarification on any specific requirements associated with the riparian buffer zone on the plan. Blanchfield asked for confirmation that the stormwater management and Open Space requirements will be handled by the Homeowner's Association. Piperato confirmed and stated that the HOA agreement will be provided to Bruno for review.

Blanchfield stated the Township Fire Commissioner had no additional comments. Kramer explained that the Township Electrical Consultant provided comments last year. Numerous plans have been sent and requests made for a letter, but still have not received a response. It looks like everything that was previously being asked for has been included in the plan by the applicant. Wilkins asked who the Electrical Consultant is and Kramer responded Synder Hoffman. Blanchfield asked if there were any outstanding engineering concerns. Gawlik and Malitsch indicated that both parties are satisfied.

Blanchfield mentioned that the outstanding issue of the Meilinger agreement 2008 correspondence mentioned in a note of provisions on a plan needs to be taken care of. Piperato indicated that they are still working on it.

Blanchfield indicated that there has been previous resident concern over the buffers along Glenmoor and James Place. Malitsch explained that a plan was submitted with a note, that deferred to the Zoning Officer, indicating that if any of the treeline is lost due to grading or construction, the applicant will augment the treeline with plantings of similar size and species as to what is proposed along the eastern property line. The eastern property line will be planted with trees and shrubs consistent with the original plan as a buffer.

Blanchfield indicated that nothing has changed in regards to the October 5, 2020 Traffic Summary that has already been discussed in other meetings. He also indicated that nothing has changed in regards to the previously discussed March 4, 2021 LVPC letter.

Walker questioned if Gawlik is satisfied with the original traffic study and what has been done since. Gawlik explained in the original approval of the plan, the developer was installing improvements along Van Buren Road, including the replacement of the bridge, in lieu of any other improvements or need for studies that were done at that time. Kramer explained that back in 2002 or 2003 the Township had just completed the Northern Tier Traffic Study which looked at all of that area and outlined improvements that were needed as part of the original

approval and the original developer agreed to the bridge improvements on Van Buren.

Wilkins questioned how close the middle townhouse between Scotty Drive and Stephanie Drive is to the property line of the existing neighborhood. Malitsch stated approximately 30 feet.

Lammi commented on the waiver request for a lot size ratio of 3:1 and why the developer wants a long, thin lot size ratio of 7:1. Malitsch explained it is a function of the footprint that is now being proposed. The original plan had wider units. These units are narrower and tried to keep the rear lot lines and open space the same. Lammi asked for the typical square footage of these units. Malitsch stated the units range from about 1,500 sq ft to 2,400 sq ft. Not all of the townhouses are the same due to the variety in the footprint and façade being offered.

Young asked for clarification that the suggested tot lot would be on HOA property. Lammi stated he was not suggesting the tot lot be a Township park, but that the HOA would be responsible to maintain it. Piperato confirmed that it would be the responsibility of the HOA to maintain if it was on their property. Brett feels this would enhance the community and take a strain off of Township property. Young questioned if there will be a written plan, not just a verbal agreement, that shows exactly where the recreational path would be located. Blanchfield explained that Kramer and the Recreational Board have ideas on where the path should be. Piperato said the matter would have to be resolved before it goes before the Board of Supervisors as it is contained in the review letter that would be a part of a potential motion. Young asked if stormwater calculations account for the trail. Malitsch confirmed and stated that they are open to all ideas on the path and connectivity. Kramer will work with Malitsch and Woods to ensure connectivity to Fox Run Park and south of the Schoeneck Creek.

Matthew DeFranco, 116 Scotty Drive, referenced a February 2021 traffic summary that indicated this development would result in approximately 800 cars per day, but the proposed road to Van Buren has been cancelled and he is concerned about this increased traffic being supported by Stephanie Drive and Scotty Drive. Malitsch explained that the developer didn't propose the road to Van Buren and the Township's Geotechnical Engineer discouraged the creation of the proposed road. The unit count and associated trip generation calculation has assumed the buildout of Wolf's Run and been evaluated by the Township. The number of trips during PM peak hours is not going to do anything to the level of service outside of the project that have not already been anticipated by the Township. Wilkins questioned the number of trips per day. DeFranco stated 790.

John Stewart, 121 Scotty Drive, questioned if Scotty Drive will be the exit for this development, if there was consideration for the existing residents in regards to the traffic and construction, and if this development will be HOA controlled. Blanchfield explained that Stephanie Drive and Scotty Drive will be the exit, but there will be a temporary construction roadway going out to Van Buren, so that

construction vehicles will not affect Stephanie Drive and Scotty Drive. The new development will be a partial HOA that is responsible for stormwater management and open spaces, but the roads will be public roads of Palmer Township.

Richard Rocca, 118 Glenmoor Circle, questioned how the Glenmoor properties in the floodplain will be protected and expressed his concern over stormwater and backyard flooding. Malitsch explained that a study of the creek, related to the bridge, is being done and he does not anticipate that the floodplain will change. The developer will not be touching the flat lower plain areas from the rear of those Glenmoor units. Rocca feels that the changes in the surrounding area warrants a new current traffic study. Blanchfield explained that each new warehouse or new development in the area has done its own individual traffic study before approval.

Ashley Evans, 217 Brendan Road, asked for clarification on the purpose of a traffic study. Malitsch explained that a traffic study looks at the trip generation that a development creates and how it affects the levels of service in the surrounding areas of the township. A brand new traffic study on traffic generation from Phase 1 would not warrant a need for a traffic light as a result of this project. A traffic study is a macroscopic evaluation of the region looking at how the development will affect the regional area. A residential development study would look at PM peak hour trips. Evans expressed her concern on the degraded condition of Corriere Road and how all of the additional traffic will affect the road condition. Evans referenced a 2019 article from The Morning Call about a Tuskes development in Saucon Township. Tuskes voluntarily reduced the number of units and increased the amount of open space due to residents and the Board of Supervisor's displeasure. Palmer Township citizens are not happy with the plan that was approved here almost two decades ago for many reasons including the affect on the Schoeneck Creek bed, lack of a tot lot, recreational and bike paths need for work and connectivity, unfinished work in Wolf's Run, and danger to streets.

Robin Aydelotte, 113 Joseph Drive, expressed the need to redo the traffic study to determine the impact on Stephanie Drive and Scotty Drive. She is concerned for the safety of children playing in the streets and the increase in traffic.

Anita Kocsi, 226 Stephanie Drive, was concerned about the traffic and asked if there will be a stop sign placed in front of her house. Malitsch stated that they are not proposing signage off-site. Kocsi questioned why residents who will be affected by this aren't informed. Kramer stated there are no legal notice requirements. She stated that the first time this came before the Commission, postcards were sent out to adjoining property owners and the meeting agendas are published every month on the Township's website and Facebook page. Kocsi stated it is not only traffic from new residents, but also from deliveries to those properties.

James Togno, 138 Glenmoor Circle, asked for the location of the construction road. Malitsch explained it will be located in the flood fringe area in the middle of the cornfield area. It will be a temporary road that will be removed when

construction is complete.

Adreen Masanto, 118 Scotty Drive, questioned why the temporary construction road can not remain as a permanent road if it is able to handle the weight of construction vehicles and the interruption to the floodplain. Blanchfield explained that a permanent road is not practical according to recommendation of the Township's Geotechnical Engineer. Brett stated that this particular subject has already been discussed and documented thoroughly in previous meetings.

John Hellwig, 74 Glenmoor Circle, questioned if it is known what trees will need to come down on the treeline along Glenmoor. Malitsch stated they have a general idea of what will need to come down due to the grading. Every tree is not located on the plan in order to indicate it. Hellwig questioned the distance where the townhouses are closest to the Glenmoor homes. Malitsch stated the minimum setback is at least 30 feet from the property line to the rear of the townhouses. The treeline straddles the property line.

Richard Karp, 107 Stephanie Drive, asked if any Commission members live on either Stephanie Drive or Scotty Drive. Karp does not want the additional traffic on these two roads and believes the Commission is against the residents and that the developer should be forced to build a better bridge so that traffic will not impact these roads. Diefenderfer explained that the Commission has tried to make reasonable changes to the issues, such as lowering the number of structures. The Commission is looking out for the residents, but needs to follow the rules and zoning ordinances.

Rita DeFranco, 116 Scotty Drive, questioned if the two villages can be connected so that everything goes out to Van Buren to prevent the traffic on Scotty Drive and Stephanie Drive. Malitsch explained that this is not possible since the developer is following the originally approved plan and not seeking approval for a different plan. DeFranco expressed the displeasure of the residents with the original plan, her concern for delayed emergency services that won't have direct access to the development. She feels this is another crowded development like Penn's Grant. She discussed the difficulties on Scotty Drive this past winter with garbage collection and snow removal. The residents expressed their desire for speed bumps and signage in a previous meeting and she feels this concern was dismissed by the Commission. She feels that the Board is not on the side of the residents.

Bruno stated there is a misunderstanding and attacks being made on the Commission and on the Township. He wanted to help everyone understand what this process is about and explain the scope of the Commission's review. A property owner has the right to develop his property in accordance with the applicable laws set forth by the legislature of Pennsylvania and the Township through its zoning ordinances and subdivision and land development ordinances. This property is zoned high density residential. This was previously approved as a preliminary plan with the same number of units. A property owner can't be denied the right to reasonably use his property in accordance with the law based on the 5<sup>th</sup> and 14<sup>th</sup> amendments. This is the property owner's right, and in this

case, the developer's right.

Also, there is a need to ensure the community needs are protected. The protections that are put in place are the zoning and subdivision and land development ordinances. The Township can't enact ordinances that are contrary to the Pennsylvania legislature. They have to conform with PA law. Township engineers and solicitors have to make sure those ordinances are being followed. If a developer comes in with a plan that meets the conditions of the ordinance, the Township does not have the right to deny their approval.

This approval goes far back. It was approved, but was undeveloped for several years. The developer now wants to develop it and he has a right to rely upon the prior approvals that were in place. This is not the case if there is substantial deviation from what was previously approved. In previous meetings, the developer did try to seek approval with other plans that deviated and requested more units than was originally approved, but has now come back to a plan that is consistent with the original layout and the same number of units that was previously approved. A new project would have to conform with current ordinances. Significant improvements on Van Buren Road were imposed on the prior owner (Strausser, who is the developer of the original Wolf's Run) This developer has agreed to provide financial security for the widening of Van Buren Road and the new bridge.

The public's concern with the impact on the neighborhood needs to be taken into consideration, but this was already considered when this plan was originally approved. New conditions can't be imposed. There are limitations on the Commission and on the Board. The Commission makes a recommendation of approval, or denial, or approval with conditions. The Commission at one point was ready to send this to Board with a denial, but the developer stepped back to review this again and make changes. The Commission looks out for the needs of the Township, the needs of the public, and ensures that the laws are being followed. The Township's Engineer is now recommending that this should be approved as long as the conditions of the Engineer's letter are met. If this is approved, the Township will try to implement as many protections for the public as they are able, with the understanding that there are limitations and that this plan could have been a lot worse.

Evans questioned if the preliminary approval is a land right sold with the land. Bruno explained that this developer has an agreement of sale and purchased the property with the understanding that what he was buying was what was previously approved. The property and the approvals that were in place continued with the land and he has now submitted a final plan that is consistent with the preliminary plan. Evans checked with a title clerk and the Recorder of Deeds office and was told that none of that exists for that parcel. Bruno explained that the subdivision plan has not yet been recorded. The preliminary plan does not get recorded when it is approved, but it is in place with the Township. The developer needs to come in with final plan approval for each phase. The final plan must be consistent with the preliminary plan and if the final plan is approved by the Board of Supervisors, the final plan is recorded in the Recorder of Deeds office and properties can be sold consistent with terms of

the recorded plan.

Brett stated that changes to the existing floodplain would be determined by a re-evaluation from FEMA and Tuskes' determination is speculative. He doesn't support the density progression of this development in this area. He feels that there is a change from the 2008 plan due to the lot width ratios. He feels that these are urban lot dimensions in a suburban setting. Urban areas are designed with parks, public transportation, connectivity, accessibility, and walkability and this poorly designed neighborhood with a reduction in lot size ratios will force children to play in the street and will result in problems with visibility due to parking and the amount of deliveries. He believes that the lot size ratios are a significant change and doesn't support approval.

Lammi made a motion to recommend approval of the Phase 1 Final Plan by the Board of Supervisors with the following proposed conditions of approval:

1. Comments of the Township Engineer's letter dated July 8, 2021 are satisfactorily addressed.
2. Township departmental comments dated July 9, 2021 are satisfactorily addressed.
3. Comments of the Lehigh Valley Planning Commission dated March 4, 2021 are satisfactorily addressed.
4. Any additional comments of the Township Geotechnical Engineer are satisfactorily addressed.
5. Any additional comments of the Township Lighting Consultant are satisfactorily addressed.
6. Waiver and deferral requests are approved by the Board of Supervisors, as recommended. The deferred Van Buren Road improvements should be financially secured as part of Phase 1.
7. Conditional use approvals are confirmed by the Board of Supervisors.
8. A revised Phasing Plan is submitted and approved as part of this plan set.
9. The final bike path location shall be approved by the Township.

He strongly recommended a tot lot be provided in the open space portion of the development through the developer and turned over to the HOA.

Bruno recommended a modification to the motion. Gawlik explained that the density calculations are for the entire development and are currently shown on the Phase 1 Final plans. The calculations should be taken off of the Phase 1 Final plan and put on the phasing plan associated with the entire development.

Bruno recommended all terms and conditions of the prior preliminary plan approval be incorporated into this recommendation of approval.

Diefenderfer added a condition that the HOA agreement is reviewed by the Township solicitor.

Blanchfield explained that the motion was approved and will go to the Board of Supervisor's meeting. Kramer stated that a conditional use hearing has not been scheduled yet. Bruno indicates that the Board of Supervisor's meeting for this should be the fourth Tuesday in August. Kramer confirmed the date would be August 24, 2021.



Motion: Approve w/ Conditions, Moved by Robert Lammi, Seconded by Chuck Diefenderfer. Passed. 5-2. Commission Members voting Ayes: Blanchfield, Diefenderfer, Kicska, Lammi, Wilkins  
Commission Members voting Nays: Brett, Walker

#### PLANNING DIRECTOR COMMENTS

Kramer stated that the Zoning Committee has been continuing to meet and are close to wrapping up the final edits and discussion of outstanding items. There should be a presentation for the Planning Commission to review within the next couple of months.

Wilkins brought up the issue of truck drivers parking on the side of Van Buren Road due to their 8-hour rest requirements. There is a need for parking limits, enforcement, or tougher requirements on the warehouses. Lammi explained the new ordinance will require new warehouses to make spaces available for the tractor trailers to hold for dock times. Blanchfield indicated there has been a lot of discussion on the need to provide queuing.

#### PUBLIC COMMENT

None.

#### ADJOURNMENT

The meeting was adjourned at 8:58 PM.

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