

PALMER TOWNSHIP PLANNING COMMISSION
PUBLIC MEETING - TUESDAY, JUNE 14, 2022 - 7:00 PM
PALMER TOWNSHIP MUNICIPAL MEETING ROOM, 3 WELLER PLACE (LOWER
LEVEL), PALMER PA 18045

The June 2022 meeting of the Palmer Township Planning Commission was held on Tuesday, June 14, 2022 at 7:00 PM with the following in attendance: Vice-Chairman Chuck Diefenderfer, Jeff Kicska, Robert Lammi, Robert Walker, and Robin Aydelotte. Also in attendance were Solicitor Charles Bruno, Ron Gawlik of The Pidcock Company, Michael Schwartz of Gilmore & Associates, Inc., and Planning Director Cynthia Carman Kramer.

NEW BUSINESS

1. Easton Senior Living - Conditional Use Application for Building Height in PI/C District & Preliminary/Final Land Development Plan
3701 Corriere Road - K8-10A5A-5
PI/C District
Request by Easton Senior Living, LLC

DISCUSSION

Present for the applicant was Attorney Erick Schock, Michael Hoagberg of Headwaters Development, and Seth Gahman of Bohler Engineering.

The plan proposes construction of a 4-story 30,092 SF 131-bed senior lifecare facility on a 4.36-acre lot. The property is located on the south side of Corriere Road, within the Planned Industrial/Commercial (PI/C) zoning district.

The applicant is requesting conditional use approval for construction of a building greater than 2-1/2 stories or 40 feet. The building is proposed to be 4 stories and 50 feet high.

The applicant is seeking conditional use approval under the following provisions of the Zoning Ordinance:

§190-126.H - Maximum height: 2 1/2 stories or 40 feet, whichever is more restrictive, except that structures up to 60 feet may be permitted as a conditional use, provided that fire protection measures above and beyond those normally required would be provided as the Supervisors determine are necessary, after providing the Township Fire Commissioner with an opportunity for review.

The proposed use was permitted by variance by the Zoning Hearing Board in August 2021.

The applicant is requesting the following waivers from the SALDO:

- §165-59(l)(1) - minimum outside radius of a cul-de-sac; 40 feet required, 35 feet and alternative design proposed
- §165-59(l)(2) - minimum approach radius of a cul-de-sac: 25 feet required, 10 feet and alternative design proposed

Schock explained they have already gone to the Zoning Hearing Board to get certain items of zoning relief that are outlined in the Pidcock letter. The original project included a 75-foot tall layout, which exceeds what the ordinance permits. The layout was revised to 50 feet. At the Supervisors' determination, additional fire protection measures were put in place which the Fire Commissioner has reviewed. This type of facility needs a minimum number of units in order to run efficiently.

Hoagberg explained the traditional buildings are built around congregate care and senior living and offer many different levels of health care services and a range of independent and assisted living. The design focuses on what is best for residents and it relates to their healthcare delivery. Buildings are typically narrow and high to help with efficiency for unit staffing and ratios and to shorten mobility to centralized areas.

There will be advanced systems throughout the building for fire protection – sprinklers, fire breaks, door and wall systems, 24/7 monitoring. They are designed this way because of the slower mobility of residents. Schock explained the Fire Commissioner's comments were addressed in this building design. Lammi commented that he is confident in the Fire Commissioner's assessment. Kramer explained that the Fire Commissioner is satisfied with the building's height. The original concern of the fire trucks' accessibility around the building has been addressed through a grass paver system. Diefenderfer questioned areas of refuge. Hoagberg explained the stair towers are built to be flame and smoke resistant. Diefenderfer questioned if the underground garage would have sprinklers. Hoagberg confirmed it would be sprinklered and vented. Diefenderfer questioned if the patients with less mobility are located on the lower levels of the building. Hoagberg explained most of the ADA rooms are focused in that area.

Aydelotte asked for an aerial view to compare the building height to the apartments across the street. Hoagberg explained that this building will blend into the surrounding area and has a flat roof. Aydelotte questioned if there will be enough parking for residents who might have cars. Schock stated there are 106 spaces based on the calculation for staff and the number of beds. Hoagberg explained those calculations are typically high due to the number of memory care units. Most independent living residents have cars, typically only 30-40% of assisted living residents, none for memory care residents. Staff, shift changes, and guests are all considered in that calculation as well. Kicksa questioned the number of parking spaces underground. Hoagberg stated 69 climate control parking spaces. Lammi questioned which part of the building has the underground parking. Hoagberg stated the whole structure.

Lammi questioned if there is a concern for flooding from the swale. Gahman explained the flood plain elevations have been calculated and the garage is a foot above. Lammi questioned the fire separation between the garage and the first floor. Hoagberg stated it is a two-hour system between those two floors.

Aydelotte questioned the list of open/incomplete items in the review. Gahman explained those are outside agency approvals. The NPDES Permit is under

technical review with PADEP and approval should be forthcoming. They are coordinating with both Easton Suburban Water Authority and Palmer Township Sewer Department and “will serve” letters are pending. They have submitted the Sewage Facilities Planning mailer and expect approval within the normal timeframes. Northampton County Conservation District is also under technical review. They are waiting on the Conservation District’s technical review letter before resubmitting to LVPC to ensure all stormwater comments are addressed and nothing needs to change in the plan. Lammi questioned LVPC’s comments. Gahman stated the comments stated that the development is located inside the floodplain. Gahman believes it is simply a matter of clarification because the building is entirely outside of both the floodplain and the floodway. They don’t anticipate any issues.

Diefenderfer questioned if there are any concerns about water pressure or the need for a pump. Hoagberg stated a water test will be done shortly. Lammi questioned if the Palmer View Apartments have a sprinkler system and if water pressure is an issue for them. Hoagberg stated they haven’t seen any issues with the proposed initial designs.

Walker expressed his concern with the LVPC comments discouraging building in the floodplain. Kramer stated there would be no building in the floodplain. Gahman stated it is a matter of clarification. They are outside of the floodplain and far above the floodplain elevation. Hoagberg stated it is a factual inaccuracy. They ensure this due to agency-type financing programs and insurance. Schwartz stated he is in agreement. This is definitely outside of the floodplain.

Lammi mentioned the Geotechnical Engineer comments that the HCA report is not sufficient. Gahman stated they are finalizing the report with the additional information that was requested and will provide sufficient documentation. Hoagberg stated they will augment after July 4, 2022. Lammi stated they would need that before going to the Board of Supervisors.

Seeing no further comments or questions, Diefenderfer called for a motion.

The Planning Commission voted to recommend approval of the conditional use by the Board of Supervisors, subject to the following conditions:

1. Comments of the Engineering review letter dated June 9, 2022 are satisfactorily addressed.
2. All conditions of the Zoning Hearing Board decision letter dated August 16, 2021 are incorporated by reference.

Motion: Approve w/ Conditions, Moved by Robert Lammi, Seconded by Robin Aydelotte. Passed. 5-0. Commission Members voting Ayes: Aydelotte, Diefenderfer, Kicska, Lammi, Walker
Commission Members Absent: Blanchfield, Wilkins

DISCUSSION

The Planning Commission voted to recommend approval of the preliminary/final plan by the Board of Supervisors, subject to the following conditions:

1. Comments of the Engineering review letter dated June 9, 2022 are satisfactorily addressed.
2. Township departmental comments dated June 10, 2022 are satisfactorily addressed.
3. Comments of the Township Geotechnical Engineer dated March 7, 2022 and any additional comments are satisfactorily addressed.
4. Comments of the Township Landscape & Lighting Consultant dated June 2, 2022 are satisfactorily addressed.
5. Comments of the Lehigh Valley Planning Commission letter dated March 18, 2022 are satisfactorily addressed.
6. Waivers are approved by the Board of Supervisors as requested.
7. All conditions of the Zoning Hearing Board decision letter dated August 16, 2021 are incorporated by reference.
8. Conditional Use Application be approved by the Board of Supervisors.

Motion: Approve w/ Conditions, Moved by Robert Walker, Seconded by Jeff Kicska. Passed. 5-0. Commission Members voting Ayes: Aydelotte, Diefenderfer, Kicska, Lammi, Walker
 Commission Members Absent: Blanchfield, Wilkins

2. First Park 33 - Conditional Use Application - Limited Distribution in PO/IP District

Newlins Mill Road & Tatamy Road - K8-12-4, K8-12-5 & K8-12-10A
 PO/IP District
 Request by FR Newlins Logistics Park, LLC

DISCUSSION

Present for the applicant were Shawn Haas, of Langan Engineering, and Jim Knopka, of FR Newlins Logistics Park, LLC.

Diefenderfer stated that the applicant, FR Newlins Logistics Park, LLC, is requesting conditional use approval for construction of four limited distribution buildings ranging from 151,200 to 210,000 square feet on a 66.4-acre tract of land. The property is located on the west side of Tatamy Road between Newlins Mill Road and Corriere Road within the Planned Office/Industrial Park (PO/IP) zoning district. The site is currently unimproved agricultural land.

The applicant is seeking conditional use approval under Section 190-137.E of the Zoning Ordinance permitting limited distribution centers in the PO/IP district.

Haas located the property and the four buildings proposed on the site. Building sizes, truck docking spaces, single loading buildings meet the ordinance requirements. It is located in an approved industrial park location and situated on a parcel that does not abut residentially zoned land. They have also covered the code requirements pertaining to safe comingling of cars and trucks.

Lammi commented on the section of the application stating the proposed use will not create "fire, explosive, public health, toxic or other public safety hazards." He questioned how that can be stated when the user of the buildings is not

currently known. He explained that Palmer Township's current policy on spec buildings is that when the user is known, conditional use must be discussed with the Zoning, Planning, and Fire Departments. Lammi questioned if there would be something in the lease agreements stating that there can be no manufacturing facilities in these buildings. If any of these buildings are used for manufacturing, the applicant must come back to the Planning Commission and Board of Supervisors for a new conditional use hearing. Haas stated the full intent is for each building is to be warehouse/distribution. Each building will be fitted with a fire suppression system and a water tank is proposed on site between buildings B and D. Lammi questioned if First Industrial will have ownership of the tank and its maintenance. Knopka confirmed. Aydelotte questioned if it should be a condition that if there is a manufacturing use, it would come back for conditional use approval. Kramer explained if there is any other use, they would need new conditional use approval. Haas explained that policy was stated in the Township's Staff Review Comments letter. Bruno stated that if the use changes, it would require a Conditional Use Hearing, not just an application to the Zoning Officer. Diefenderfer questioned if there are any procedures in place to ensure that there won't be any unsafe conditions or hazards. Knopka explained that the lease agreements with tenants state the need to conform with local ordinances. They don't usually see warehousing of hazardous materials. Their corporate office has environmental staff that review the tenants and building uses.

Lammi expressed his concern for the impact on the residential neighbors across the street and questioned the berm height and buffering. Haas stated it will meet code requirements. The height ranges from about 8 feet to 15 feet higher than the road. Landscaping will consist of evergreen and deciduous trees. Walker questioned how this is possible with the Met-Ed power lines. Haas clarified they can't have trees there and that there is an ongoing review with Met-Ed. There may be a valley where that easement is. They are relocating the transmission tower and will see if those lines can be raised. Discussions with Met-Ed began in March 2021. Review of the transmission steel towers will be completed first and then a review of the distribution wood poles.

Lammi questioned if buildings C & D are in Phase 1 and buildings A & B are in Phase 2. Haas confirmed. Lammi questioned if the expectation is that the Met-Ed planning will be completed before the start of Phase 2 construction. Haas is hoping the NPDES permitting timeframe aligns with Met-Ed's initial transmission review. They are seeking preliminary plan approval now and would get all of these issues finalized before seeking final plan approval. Lammi commented that the area of disconnect of the two berms is in the area that he is most concerned about due to the proximity to the residential area. Haas explained that Howard Lane lines up with the eastern edge of building A. Lammi commented that the house on the corner near the American Legion building may get some noise, but the other properties should get some protection from the berm. Kicska commented that the east side of the property along Tatamy Road is shown as a vegetated buffer. He suggested this should also be a landscaped berm with limited lighting because the fields across the street will be residential in the future. Gawlik questioned if the plan shows a full berm across Corriere Road or if it shows a gap at the tower section. Haas stated the plan shows a full

berm. Gawlik clarified that there isn't a valley/cut in the berm as shown.

Bruno commented on the road capacity and Pidcock's comment requiring additional traffic projections for each tenant fitout. Haas confirmed they will comply. Gawlik explained on spec buildings the occupant's specific traffic generation is unknown and projections are made based on industry standards. This suggestion was made to ensure that the proposed capacity isn't used up with the first users and that the traffic projections can be adjusted accordingly. Lammi questioned if the traffic study is showing that no traffic improvements need to be done. Gawlik noted there are some signal modifications needed. Kramer stated they are doing improvements to the adjacent roadways. Gawlik stated there are frontage improvements required along Newlins Mill Road, Tatamy Road, and Corriere Road. On their land development plan, they are proposing widening and improvements along Newlins Mill Road and Corriere Road and are asking for a deferral along Tatamy Road, until there is a plan in place for the intersection and other PennDOT requirements.

Tim Fisher, 68 Moor Drive, commented on the need for a traffic light at the Tatamy Road and Newlins Mill Road intersection. A letter from LVPC strongly recommended it based on the high level of accidents at that intersection. PennDOT stated there is not enough to warrant a light. Truck traffic can't go through that intersection. Haas stated all truck traffic will be directed to the west from the site and not allowed to make that turn. Gawlik stated that is consistent with other development along Newlins Mill Road. Lammi agreed that a traffic light is needed at that intersection, but PennDOT has the ultimate decision. Gawlik mentioned a traffic contribution by the developer should be discussed with the Township. Kramer stated that when a traffic light goes in there, it will be required to be designed to allow all traffic there, including trucks.

Seeing no further questions or comments, Diefenderfer called for a motion.

The Planning Commission voted to recommend approval of the conditional use application by the Board of Supervisors, subject to the following conditions:

1. Comments of the Township Engineer letter dated June 8, 2022 are satisfactorily addressed.
2. Township Departmental comments dated June 10, 2022 are satisfactorily addressed.
3. Since no end users are identified, any potential tenants will need to submit an additional conditional use application, to be reviewed internally by the Zoning Officer, Planning Director and Fire Commissioner to confirm conformance with all conditions of approval. If there is a manufacturing tenant, a new conditional use application will need to be approved by the Planning Commission and Board of Supervisors.

Motion: Approve w/ Conditions, Moved by Jeff Kicska, Seconded by Robert Walker. Passed. 5-0. Commission Members voting Ayes: Aydelotte, Diefenderfer, Kicska, Lammi, Walker
Commission Members Absent: Blanchfield, Wilkins

3. First Park 33 - Lot Consolidation & Preliminary Land Development Plan
Newlins Mill Road & Tatamy Road - K8-12-4, K8-12-5 & K8-12-10A
PO/IP District
Request by FR Newlins Logistics Park, LLC

DISCUSSION

Present for the applicant were Shawn Haas, of Langan Engineering, and Jim Knopka, of FR Newlins Logistics Park, LLC.

The preliminary plan proposes the construction of 4 limited distribution buildings ranging from 151,200 to 210,000 square feet on a 66.4-acre tract of land. The property is located in the Planned Office/Industrial Park (PO/IP) zoning district on the west side of Tatamy Road between Newlins Mill Road and Corriere Road. The site is currently unimproved agricultural land.

The applicant is requesting waivers from the following sections of the SALDO:

- §165-63.K(2)(c) - requiring concrete lining in emergency spillway; synthetic landscape matting proposed
- §165-63(K)(3) - requiring maximum slope of 3:1 on interior detention basin walls; 4:1 slope proposed
- §165-63(K)(5) - requiring minimum slope of 2% on floor of detention basin; flat bottom proposed
- §165-63.N(3) - requiring matching tops of drainage pipes; varying crown elevations proposed
- §165-69.G - requiring driveway aprons

The applicant is requesting deferrals from the following sections of the SALDO: §165-59.F and §165-75 - requiring cartway widening, dedication of right-of-way and curbing: deferral is requested along Tatamy Road until the construction of improvements at the intersection of Tatamy Road and Newlins Mill Road; deferral is requested along Corriere Road until the construction of Phase 2.

Knopka stated their intention is to develop the properties, lease them out, and hold on to them. Haas explained this is a phased development plan. Phase 1 will consist of buildings C and D and the Newlins Mill Road frontage improvements. Phase 2 will consist of buildings A and B and the Corriere Road frontage improvements. A deferral of the Corriere Road improvements is requested until Phase 2. A deferral of the Tatamy Road improvements is requested until the intersection of Newlins Mill Road and Tatamy Road is cleared up with PennDOT. They did include a conceptual layout plan with an approximation of what those improvements might be and a conceptual stormwater management design.

Haas explained the site layout includes three driveways, all along Newlins Mill Road. Two are full access driveways, allowing for both car and truck traffic. There is a right-in access only driveway. Traffic from the site will be directed west with signage and curb radii. There are 23 trailer queueing spots along the main corridor. The unused dock door spots can also be used for queueing.

Bruno clarified that there was originally a request to redesign Corriere Road to go around the Met-Ed tower, but the plan is now to move the tower. Aydelotte questioned if proceeding with Phase 1 construction could possibly limit their options with Met-Ed. Haas explained that Met-Ed hasn't given much feedback on the relocation of the tower yet, but it would not be a drastic movement. They would still have time before the final land development plan to figure out the details with Met-Ed. Walker questioned what happens if Phase 1 construction is completed and things fall through with Met-Ed. Knopka stated a determination from Met-Ed would be known when they come back for final plan approval.

Bruno noted that the applicant is seeking conditional use approval and preliminary land development plan approval, not final land development plan approval. Diefenderfer mentioned the staff comment that the buildings should be numbered/lettered on the plans in the same order that they are intended to be constructed. Haas will comply. Diefenderfer questioned the timeframe of the phasing. Haas explained they just submitted the application to the Northampton County Conservation District and would expect about a 9-month timeframe for the technical review and to address any comments from them. He estimates Phase 1 in Spring 2023. Phase 2 would follow based on the Met-Ed review timeframe. Kramer questioned the improvements deferred based on PennDOT. Haas stated they would have to review their conceptual layout versus PennDOT's requirements.

Diefenderfer questioned if there would be rest area provisions in the facilities for waiting truckers. Knopka stated many of their tenants have trucker lounges with bathroom facilities and vending machines. Diefenderfer asked if they will address the Pennsylvania requirement to remove ice from trucks. Knopka indicated that is generally a tenant generated requirement, but explained they do have tenants with ice scrapers. Aydelotte questioned if there will be ample space to meet truckers with rest requirements. Haas confirmed the center drive aisle and unused dock door trailer spaces can be utilized as well.

Gawlik discussed the deferral request for the Corriere Road improvements until Phase 2 is constructed. It might be more appropriate to discuss during Phase 1 Final Plan Approval. The Township may wish to consider tying those improvements to be revisited with the Final Phase 1 Plan or an arrangement made with security assuring those improvements are done. Diefenderfer would like it tied to a Phase, providing security, and a hard completion date. Knopka would be happy to discuss that during Phase 1 Final Plan approval.

Bruno explained that financial security is tied to final land development approval. The preliminary plan shows all of the improvements being required. Phasing is not being approved tonight. Gawlik recommended the deferral of the Corriere Road improvements be revisited at the time of the Phase 1 Final Approval. Bruno explained this is usually done by the Board of Supervisors. The improvements are shown on the plan and the developer is asking for the improvements to be delayed. If Phase 2 doesn't happen, the Township still has the right to require the improvements be done because they were approved to be delayed. As the final plan approval for Phase 1 occurs, the Board could give the deferral with the understanding the developer would still have to secure for

that improvement, but not have to do it until a later time.

Charles Young, 33 Glasgow Way, expressed his concern over empty warehouse buildings. Lammi commented on the difference between distribution and manufacturing buildings. He doesn't like this type of use, but it is zoned for it.

Seeing no further comments or questions, Diefenderfer called for a motion.

The Planning Commission voted to recommend approval of the preliminary plan by the Board of Supervisors, subject to the following conditions on the plan:

1. Comments of the Township Engineer letter dated June 8, 2022 are satisfactorily addressed.
2. Township Departmental comments dated June 10, 2022 are satisfactorily addressed.
3. Comments of the Township Geotechnical Engineer dated December 10, 2021 and any additional comments are satisfactorily addressed.
4. Comments of the Township Landscape & Lighting Consultant dated April 4, 2022 and any additional comments are satisfactorily addressed.
5. Comments of the Lehigh Valley Planning Commission letter dated December 31, 2021 and any additional comments are satisfactorily addressed.
6. Waivers and deferrals are approved to the satisfaction of the Board of Supervisors.
7. Conditional Use Application is approved by the Board of Supervisors.

Motion: Approve w/ Conditions, Moved by Jeff Kicska, Seconded by Robert Lammi. Passed. 5-0. Commission Members voting Ayes: Aydelotte, Diefenderfer, Kicska, Lammi, Walker
Commission Members Absent: Blanchfield, Wilkins

PLANNING DIRECTOR COMMENTS

Kramer stated that she has received the complete draft of the zoning ordinance. Kramer and Raudenbush will review it to ensure that everything that everything is complete. It will be brought before the Board of Supervisors on June 28 to ask that it be released for public review. The ordinance will be made available to the public on the Township website, social media, and hard copies will be available at the Township Municipal Building for a 45-day review period. It will also be sent to LVPC for their review and comment. An informational public meeting will be hosted by the Planning Commission on July 19 from 4 to 7:30PM with an open house format. They will aim to have the zoning ordinance before the Planning Commission on August 9 for recommendation. The earliest it could get before the Board of Supervisors is August 23.

Commission Members Absent: Blanchfield, Wilkins

PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:45 PM.

Motion: Adjourn, Moved by Jeff Kicska, Seconded by Robin Aydelotte. Passed. 5-0. Commission Members voting Ayes: Aydelotte, Diefenderfer, Kicska, Lammi, Walker

Commission Members Absent: Blanchfield, Wilkins