

**PALMER TOWNSHIP PLANNING COMMISSION**  
PUBLIC MEETING - TUESDAY, APRIL 19, 2022 - 7:00 PM  
PALMER TOWNSHIP MUNICIPAL MEETING ROOM, 3 WELLER PLACE (LOWER  
LEVEL), PALMER PA 18045  
WORKSHOP MEETING

The April 2022 workshop meeting of the Palmer Township Planning Commission was held on Tuesday, April 19, 2022 at 7:00 PM with the following in attendance: Chairman Robert Blanchfield, Vice-Chairman Chuck Diefenderfer, Jeff Kicska, Robert Walker and Robin Aydelotte Also in attendance were Planning Director Cynthia Carman Kramer and consultant Carolyn Yagle of Environmental Planning & Design.

OLD BUSINESS

1. Review and Discussion of Zoning Ordinance
  - Environmental Protection provisions.

DISCUSSION

Yagle introduced the discussion about sections of the ordinance dealing with Environmental Preservation and broke these down into 4 categories of topics: Natural Landscapes, Utilities, General Performance and Other. Most of these topics are covered in the existing ordinance but some revisions have been made.

1) Natural Landscapes

Yagle asked the Commission members what the common issues have been that come up during plan reviews.

Blanchfield stated that in the north end, there are always concerns with warehouse or manufacturing development and the Schoeneck Creek, the balance between stormwater management and not causing flooding. Yagle noted that one of the new requirements added to the ordinance is the Riparian Buffer Overlay District, Section 190-416, which requires specific protections along the Township's waterways. Blanchfield replied that the draft sets the overlay as being 50 feet from the center of the waterway. Bob Lammi provided a recommendation based on LVPC guidance that it should be 75 or 100 feet from the edge of the waterway. Others agreed. Yagle said she will look at the LVPC reference and make our ordinance consistent, including Section 190-505, setbacks from waterways.

Blanchfield stated that usually when there are issues with slopes, an applicant will go to the Zoning Hearing Board first for a variance before the issue gets to the Planning Commission. Yagle noted that we define two categories of steep slopes: 15-25% slopes and slopes over 25%. The maximum manmade slope permitted to be created is 33%.

Regarding erosion and sedimentation, Diefenderfer suggested that Section

190-507.A be reworded to be more clear as to when this applies. Kramer agreed, the intent is that it applies to all activities disturbing more than 5,000 square feet, except for routine crop farming. Blanchfield asked what the role of the Conservation District is as it applies to the zoning ordinance. Kramer replied that they issue the NPDES permits, which are required for any activity that disturbs more than an acre of ground. An erosion and sedimentation plan is required for any disturbance over 5,000 square feet, even if no permit is required.

Looking at the floodplain management section, 190-506, Kramer noted that the current ordinance section was written in 2014 in conjunction with the release of new flood maps by FEMA. It had to be written to DEP standards and approved by DEP, so there is not much room for change to this section. Blanchfield noted that we rely on the Township Engineer to know what is right. Kramer noted that the recent case they reviewed shows some confusion in our process. The approval to construct a road across the floodplain was a special exception from the Zoning Hearing Board but it required engineering approval and review by the Planning Commission. This should probably rise to the level of a conditional use. Diefenderfer suggested Section 190-506.F(6) should be changed from "may" to "shall" to require that all plans and applications for proposed construction or development in a floodplain be reviewed by the Township Engineer and/or Planning Commission.

Concerning tree preservation, Section 190-516, Yagle noted that by State law, forestry as a land use must be permitted by right in all zoning districts. As currently proposed, trees to be protected during development would be measured at a height of 4-1/2 feet above the average ground. She asked if the Township specifies required tree species in the SALDO. Kramer replied that there is a tree list in the SALDO, which the Zoning Ordinance would rely on with Section 190-516.E(10). The approved species list in the SALDO is currently being updated to include native species only, and will be forwarded to the Shade Tree Commission to review. Yagle suggested that any place in the ordinance that requires tree planting, including floodplains and riparian buffers, should refer to the approved list in the SALDO. Blanchfield asked if we let developers choose the species from our list. Kramer replied yes but our new reviewer has been good at making suggestions when trees proposed are not suitable for their location. Aydelotte noted that if a tree is destroyed, it only needs to be replaced with a 4-inch diameter tree, measured one foot above the ground. Yagle replied we can increase the 4-inch diameter to 6 inches, measured at the 4-1/2 foot height. Yagle questioned how the Township deals with invasive species. Kramer replied that the SALDO also has a prohibited tree list, and we also have separate ordinances, Chapter 186 for Weeds and Chapter 187 for Bamboo, which should be cross-referenced.

## 2) Utilities

Yagle stated the typical concern with utilities is buffering, such as plantings or screenings. Blanchfield noted sewage is typically not an issue. Kramer noted that recent conditional use applications raised concerns about noise, vibration, gas, odor, electrical emissions and storage of materials. Yagle stated we need

to take another look at definition and scale for electrical substations.

Yagle asked if the Township has the capacity to measure noise levels. Kramer replied no. Blanchfield asked if we can put in a requirement for the applicant to hire and pay for an expert to measure. Walker asked where the decibel requirements for noise came from. Blanchfield noted that idling trucks and back-up alarms are big concerns with noise. Diefenderfer questioned how loud regular construction vehicles are. Kramer pointed out that the table of decibel limits is based on the receiving land use. Yagle will check where those came from.

Kicska brought up concerns about floodlights, security lights and motion-activated lights. There is nothing to provide protection from these on residential properties. Kramer noted that Section 190-513.A generally says that all uses shall "direct, deflect and shield lights" to avoid nuisances and prevent glare onto other properties. Kicska suggested something also needs to be added to address malfunctioning lights, which causes them to turn on and off frequently.

### 3) General Performance

Diefenderfer asked about studies to determine conformance to performance standards, Section 190-517. He thought the circumstances under which we can require studies is too restrictive. He suggested removing the words "unusual or highly complex" from subsection A and the word "reasonable" from subsection B. Blanchfield noted comments received from Bob Lammi regarding standards for conditional uses and their overall impact on neighboring properties, in light of the recent PA Supreme Court ruling.

## PLANNING DIRECTOR COMMENTS

Kramer brought up the schedule for the next meeting. Several members had mentioned that May 17 was not a good date due to the election. She had only received one plan for review for May so she suggested having the zoning ordinance discussion at the regular Planning Commission meeting on May 10. Yagle stated she will try to make herself available for that date and suggested their next topic for discussion should be signage.

Yagle noted that when she appeared before the Board of Supervisors in February, they had asked to receive a summary by the end of May. They should then be in a position to get the full draft out to the Commission and set the schedule for public meetings and adoption.

## PUBLIC COMMENT

Sharon Hyland, 1007 Fehnel Drive, and Robert Kossowski, 1011 Fehnel Drive, discussed concerns about the poor grading in their neighborhood, Northwood Farms, and getting water in their basements.

Bill Hartin, 1475 Van Buren Road, asked if the impacts of climate change are being

addressed. He stated flooding has increased in recent years and asked if trees can be removed from floodplain areas. Kramer noted that Section 190-416.(C)(3)(a)&(b) prohibits removal of vegetation in the riparian buffer, this could be replicated in the floodplain section. Yagle stated she will look at this further.

Harry Graack, 1480 Van Buren Road, stated he heard nothing related to wildlife. Kramer noted that Sections 190-505.A and 190-516.B both include as part of purpose statements the protection of wildlife habitats. This is also related to a number of other provisions. Aydelotte suggested adding this into the overall goal and purpose in Section 190-501 A or B.

Graack stated that the floodplain and riparian buffer requirements are not defined well enough. He is concerned for his own property and the whole Schoeneck Creek corridor. The floodplain in many cases goes out further than the riparian buffer. We need to make sure we get the measurement right, the wider the better. We are setting an artificial standard, which may not correspond with natural dimensions. Developers don't see the floodplain as an obstacle, they can just bulldoze it, so the ordinance needs to be sensitive to this. Kicska noted there are also requirements in the PA Code for riparian buffers.

Graack stated we are not doing enough about trees. We need to be stricter on what can be removed and what can be planted. A developer cut down all the trees along the Schoeneck Creek north of Route 33, this can't happen again.

Graack commented on the light and glare issue. On the lights with automated motion detectors, the cutoff is horrible, they should be downlit only including residential. Yagle noted that she has seen other ordinances that address not just the light level at the property line but across an imaginary plane into the property. It needs to be able to be enforced.

## ADJOURNMENT

The meeting was adjourned at 9:17 PM.

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