

**PALMER TOWNSHIP BOARD OF SUPERVISORS**  
**September 5, 2017**  
**7:00 PM**  
**GENERAL BUSINESS MEETING**

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The Palmer Township Board of Supervisors held a general business meeting on Tuesday, September 5, 2017 at 7:00 p.m. with the following in attendance: Chairman David Colver, Vice-Chairman Kendall Mitchell, Supervisors Ann-Marie Panella, Robert Smith and Jeffrey Young. Also in attendance were the Township Manager, Planning Director, Public Services Director, Township Engineer, Police Chief and the Township Solicitor.

Colver welcomed Boy Scout Troop 25 who is attending tonight's meeting.

**1. PLEDGE TO THE FLAG**

**2. CONSENT CALENDAR**

A. Approval of Minutes - August 29, 2017

INFORMATION

The Board needs to approve/disapprove the minutes of August 29, 2017.

Motion: Approve, Moved by Supervisor Robert Smith, Seconded by Supervisor Jeffrey Young. Passed. 3-0.

Supervisors voting Ayes: Panella, Smith, Young

Supervisors voting Abstain: Colver, Mitchell

B. Disbursement of Funds - September 5, 2017

INFORMATION

The Board needs to approve/disapprove the disbursement of funds for September 5, 2017.

Motion: Approve, Moved by Supervisor Jeffrey Young, Seconded by Supervisor Ann-Marie Panella. Passed. 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

**3. OLD BUSINESS**

A. Werner Enterprises - Conditional Use Application - Trucking Terminal Use in PO/IP District

INFORMATION

1470 Tatamy Road & Newlins Mill Road- K8-5-2 & K8-5-9  
PO/IP District

Request by Werner Enterprises, Inc.

The Palmer Township Planning Commission considered the above-referenced matter at its regularly scheduled meetings of November 2015, February 2016, May 2016, February 2017, May 2017 and July 2017.

The applicant, Werner Enterprises, Inc. is requesting conditional use approval for construction of a 67,005 square foot tractor-trailer training and maintenance facility on a 38-acre tract at the northwest corner of Newlins Mill Road and Tatamy Road. The parcel is located within the Planned Office/Industrial Park (PO/IP) zoning district.

To the extent that the maintenance portion of the proposed facility meets the definition of a Trucking Company Terminal as defined under §190-13 of the Palmer Township Zoning Ordinance, the applicant is seeking conditional use approval under the following provision:

- §190-125.M – Trucking terminal in PO/IP, which shall meet the associated requirements at §190-210.B(33)

Recommendation: At their July 11, 2017 meeting, the Planning Commission recommended approval of the conditional use application by the Board of Supervisors, subject to compliance by the applicant with the Township Engineer's letter dated July 10, 2017.

## DISCUSSION

Solicitor Charles Bruno said he would like to commend the members of the Boy Scout Troop that led us in the Pledge to the Flag.

Bruno noted this is Part 2 of this hearing. At the last hearing we heard testimony from Mr. Kraft on behalf of the Werner project and he was questioned by the Board and the public that was in attendance. Attorney Fitzpatrick is here tonight and he has others to testify at tonight's hearing.

Bruno added three additional exhibits to the record.

Bruno asked the Planning Director to confirm the property was properly posted as required by law. Kramer said it was. Bruno said if anyone in the audience wasn't previously sworn-in at the previous hearing to please rise and be sworn-in. Court Stenographer, Mr. Rewak, swore-in members of the audience.

Mr. Joseph Fitzpatrick, Counsel for Werner Enterprises, stated testimony tonight is a continuance of testimony from the August 14th meeting when Mr. Randy Kraft Sr., an Officer from Werner Enterprises testified. Fitzpatrick said he had two engineers that have worked on the project that will testify tonight. Fitzpatrick introduced Mr. Paul Szewczak from Liberty Engineering and Mr. Peter Terry from Benchmark Engineering, the Traffic Engineer for the project.

Mr. Fitzpatrick began questioning Mr. Paul Szewczak who stated he is a Principle with Liberty Engineering that is overseeing the engineering of the development. Szewczak said the Township requested this be classified as a trucking terminal and we have complied with all conditional use requirements in the Zoning Ordinance. We received the Planning Commission approval and we are familiar with the conditions outlined in the Township Engineer letter dated July 10, 2017. Fitzpatrick noted this is a Conditional Use Site Plan, not a Land Development Plan. Szewczak noted adjoining properties are zoned for industrial use. Across Tatamy Road there is a zoned

residential neighborhood, but the remainder of the land is zoned industrial. Szewczak reviewed the berms and landscaping outlined on the plan. We intend to provide eight foot high berms that will follow all the way around our property. Fitzpatrick asked if in a PO/IP zone would a landowner be allowed to put warehouses on this property. Szewczak said yes. You could fit three 200,000 square foot warehouses on this property. Szewczak said the closest house is approximately 1,500 feet away from their property line. We will separate trucks and cars with separate driveways. The truck driveway is 950 feet long and there is a guard house with 24/7 security.

Approximately 10 tractor trailers can stack in the driveway. All traffic must exit the property with a right turn only and head toward Van Buren Road, away from Tatamy Road. The required set back is 300 feet and we are back off Tatamy Road 365 feet with an eight to ten foot high berm and a detention pond. There are 25 foot buffers on all other sides except to the left by a power line where we are 200 feet off that property. Szewczak said Werner insists cars and trucks need separate access.

Szewczak said they will be doing improvements on Newlins Mill Road to provide a straight through lane and a turn lane to enter our property. Szewczak said we were required to do a traffic study for truck terminal use to analyze the structural capacity of the route from our site to the interstate. The Planning Commission reviewed the traffic study. Szewczak said the Geotechnical Engineer did core samples that determined that 2,000 feet of Newlins Mill Road does not meet the requirements for truck traffic.

Werner will be constructing 2,000 feet of Newlins Mill Road from our driveway west to the Majestic Facility. Szewczak said this was part of the Township Engineer's recommendations. This type of road reconstruction would not be required if it was a warehouse, it's only required because it's a trucking facility. Szewczak said the building has provisions for spillage prevention, but no fueling will be done on the property. There will be no gasoline or diesel on-site. Szewczak noted they exceed the parking requirements.

Fitzpatrick handed out Exhibit A6 to the Board and asked Szewczak to review the document he had prepared. Szewczak read the document for the audience regarding road improvements associated with the project and stated the document was in response to a letter from the Township Engineer. Bruno clarified that Werner had no commitments from the Board of Supervisors that they would be looking for additional improvements at a land development stage. Bruno said there has been no commitment from the Township to date. Fitzpatrick said that is correct.

Fitzpatrick introduced Mr. Peter Terry, President of Benchmark Civil Engineering Services. Terry said he prepared the traffic impact studies, the first one to Tatamy Road and then the revised study to access Newlins Mill Road. Terry said we did this in conjunction with the Township Engineer's firm and the the required PennDOT standards. We looked at intersections, trips coming and going, employee trips and truck trips. There were two kinds of analysis completed; the capacity analysis that shows whether the traffic volume can be accommodated and a pavement capacity analysis to see if it could handle the traffic. Terry said we had five to six submissions, some related to safety of the intersections and some related to the capacity. Again we worked with the Township Engineer and PennDOT to identify the needs.

Fitzpatrick stated this was the end of the testimony from the two engineers.

Colver said we'll have the Board ask questions first, then we will open it up to the public. Colver reviewed the 39 acres on the plan noting the building will be on about an acre and a half of the property. Szewczak said that is correct. Colver asked for an estimation of the timing for build-out. Szewczak said we anticipate another nine to twelve months until a shovel is in the ground. It will take that time until we receive all approvals.

Smith asked if they could have any future projects that would ask for another entrance or exit on Newlins Mill Road or Tatamy Road that aren't showing on this plan? Szewczak said Werner has not expressed any interest in doing that.

Young asked if the berm is going to be eight foot high with landscaping on top of that Szewczak said they will be 12 to 13 feet high at the time it is built. Young said you mentioned something in our ordinance was unique when you talked about conditions. Szewczak said the trucking terminal use is unique. It has many more conditions listed on a truck terminal than for a warehouse use. Young said there are nine conditions under trucking and four under warehouse. Szewczak said he has never run into an ordinance that requires a road structural capability study. Young said he missed the July Planning Commission meeting, but I believe the minutes from that meeting had a reference for \$16,000 towards the Van Buren and Hollo Road intersection to be included as part of the Land Development Plan. Szewczak said It was in response to the Pidcock letter of their review of the Land Development. Young asked if the A6 document was presented to the Planning Commission to review. Fitzpatrick said the Planning Commission was clear they don't determine any monetary requirements.

Young read a portion of the July Planning Commission minutes that addressed Werner contributing \$16,000 for road improvements. Young asked if it was for the intersection at Hollo and Route 248 or Prologis and Route 248. Terry said we looked at the Prologis and Route 248 intersection.

Panella said at our last hearing you mentioned a witness would be here to address the public health and safety questions. Fitzpatrick said they have a witness who will testify through video conference tonight. Panella asked how far away from this facility is the ball field at the Mill Race Park? Terry said he didn't know.

Mitchell said at our last meeting you said approximately 35 trucks would be coming in and out per day. How many employees will be coming in and out a day? Terry estimated 40 employees. Panella said you say an average of 35 trucks per day, but it could be 68 trucks one day and two the next day. Terry agreed.

Charlie Young, 33 Glasgow Way, asked where the entrance road is for the trucks, is the road going to be widened or is it going to be the width now? Szewczak said they are widening the road. Young said when you talked about the capacity analysis you did, did you take into consideration the number of trucks you will collect, as well as the trucks already on the roads from other area businesses? Terry said yes, we took information as the buildings were fully occupied. Young asked if the corner property is going to be used as open space. Szewczak said, I believe Mr. Kraft testified at the last hearing it would be and I have no knowledge of any use.

Dorothy Wilson, 172 Glenmoor Circle, said you said the trucks will be forced to turn right on Newlins, but what happens when they get to Van Buren? Terry said Werner is committed that all their drivers will have to turn right and head north. Colver said Van Buren Road south is a weight restricted road. If trucks are found on that road our police can address it.

Jim Finnen, 18 Moor, asked if your two other properties in Upper Macungie are going to be closed. Colver said that was covered at our last meeting. Colver said I'm sorry if some of you weren't at our last meeting, but we can't go back and go over all of that or we will never get through this. Szewczak said that was testified at our last meeting.

Cynthia Costatino, 97 Glenmoor Circle, said this is an 24/7 operation. How many students will be on the premises? Colver said that was also testimony received at our prior hearing.

Michael Miller, 2310 Newlins Mill Road, asked if when they dig up the road to make it thicker will you be taking right-of-way. Szewczak said no, it will be the same width and the curbing will stay. Miller confirmed he will see an average of 35 trucks in a 24-hour period. Terry said yes, and they'll have Werner painted on the side of the trucks.

John Halligan, 12 Canterbury Lane, asked why there is capacity for 154 cars if you only have 40 employees over three shifts? Szewczak said it is the design criteria of Werner Enterprises. Szewczak added trucks will be sitting there and cars from truck drivers as well. Halligan said the parking seems over designed for the volume you state will be going through the facility. Halligan asked when they conducted the traffic study volume, did they take into consideration the current volume. Terry said they did. We worked with the Township Engineer and identified the highest traffic volume for a truck terminal. We overestimated and it includes a 24 hour period.

Francine Daniels, 15 Canterbury Lane, said she is concerned about the privacy of the facility. Is it all going to be hidden behind evergreen trees? Szewczak said the area where the driveway is can't be shielded because of Met Ed lines.

Liann, Gaeta, 2226 Hackett Avenue, said you mentioned a security facility at the end of the truck driveway; how long does it take for trucks to process through security? Szewczak said he didn't know the security procedure. Gaeta asked what is the maximum amount of trucks that can stack in the driveway? Szewczak said ten. Gaeta asked where the overflow will go? Szewczak said it is estimated 35 trucks in a 24 hour period, we shouldn't see overflow.

Eddy Calderon, 9 Country Side Court, asked when the traffic studies were done. Terry said they collected the data in April. Calderon asked if they were done during school breaks. Terry said school was in session. Calderon asked if there is anything for them, once this plan is filed, that will allow them to get a few permits and then blow up the rest of this section. Attorney Fitzpatrick said Mr. Kraft addressed that at our last meeting. If the Developer wants to do anything in the future, they have to come back here and start the process all over again. Fitzpatrick said we can't do anything except what we are putting on this plan. Calderon asked if they are sure nothing will affect the children at the school on Danforth Drive or that they are infringing on any

laws. Calderon said you are graciously letting us know how you're widening the road for us, but you're only doing it for you.

Fitzpatrick asked Mr. Terry to confirm the traffic impact study did include maximum capacity at build-out. Terry said yes. If a facility isn't completed now, we included the information as if it was completed and occupied.

Bruno asked Mr. Terry if you analyzed any trucking terminals before. Terry said yes. Bruno asked Mr. Terry to explain what the ITE manual is. Mr. Terry said it is a document that shows trip generation studies for 120 different uses. Bruno asked if a trucking terminal use is included in the manual. Terry said yes. Bruno asked what the maximum number of trips are for a trucking terminal. Terry said about 300 trips, but they are not all trucks. Bruno asked what the maximum is for this building and what is being proposed by the Applicant. Terry said for the pavement study we used 150, for the roadway we used 300. Bruno confirmed that the traffic proposed from this facility is less than what is typically generated for a trucking terminal. Terry said that is correct.

Patrick Mciver, 23 Devonshire Drive, said the building size is 65,000 square feet. If we are saying 35 trucks per day wouldn't the Board be able to say it is being used at a higher density. Bruno said you are asking a process question. The Board has to rely on what is presented by the Applicant. They must consider if it far exceeds that, is it fair and reasonable, does it apply to the occupancy permit. Terry clarified 300 trucks would be if it was a truck terminal in accordance with the ITE data. Of the 300, it is 80% cars and 20% trucks in the ITE manual. Werner is saying 35 trucks and 40 employees. We included in the traffic study a much higher number based on the truck terminal data. Terry said the traffic study for the thickness of the pavement said 150 trucks per day. The capacity analysis we used split the cars and trucks and over estimated the number of vehicles. Fitzpatrick said the ITE estimates for a truck terminal relies on the definition of a use that is different than what Werner is proposing to do. There will be no freight loading, no shipments, which is what the ITE contemplates. Bruno asked what are the anticipated trips for this use? Terry referred to Table 3 - Trip Generation Summary. The total trips over 24 hours is 372 entering and 372 exiting = 743, which far exceeds what Werner is estimating - 35 trucks and 40 employees. Bruno asked how many trips. Young said about 150 combined. Terry said AM peak trips is 36 entering and 41 exiting, PM peak trips is 19 trucks entering and 29 trucks exiting.

Charles Young said at the last meeting Mr. Kraft testified 18 trucks fit on the driveway, not 10.

Francine Daniels, asked if the 35 Werner trucks include independent trucks. Szewczak said Mr. Kraft testified it is a Werner facility. Independents aren't serviced here. It is a regional facility. Young said he heard at the last meeting there are Werner trucks and independent trucks. Szewczak said the independent drivers are contracted to Werner.

Jean Grudzien, 51 Glenmoor, asked if any hazardous materials will be stored on-site? Fitzpatrick said no. Grudzien asked if any noise ordinance is impacted with this traffic.

Szewczak said we fall within the noise ordinance.

Fitzpatrick said we covered the four corners of the Conditional Use Hearing and he introduced Ms. Jaime Maus, Vice President of Safety and Compliance through video conference. Maus said she had been with Werner for 20 years and she oversees driver training, technology, and the hiring process. Maus said she was at the August hearing. Maus explained the safety and training for this facility stating the majority of what we will use this facility for is training of the drivers. Maus said driver safety starts at hire. We do background and criminal history checks, employment verifications, pre-employment physicals that include drug testing. We continually need to monitor their CDL on hire and ongoing.

Panella asked where the individuals will be hired. Maus said they are hired at all facilities throughout the United States. Panella asked who does the background checks? Maus said our Recruiting Department in Omaha uses a third party vendor to conduct the criminal background and motor vehicle histories. Panella asked if they are fingerprinted? Maus said typically we do not, but some drivers that have airport access have to be fingerprinted. Maus said backgrounds are run by their CDL and Social Security numbers. Panella asked if you use information through the FBI? Maus said we use Driver IQ that provides us the information. Panella said there are two schools in this area, an elementary school and and the Intermediate School for physically and mentally handicapped, and there is a ball field about three miles away. Panella asked if they ever contract out for child abuse background checks. Maus said yes, it is part of the criminal background checks. Panella asked how many drivers have a permit to carry. Maus said we do not allow weapons in the trucks and it is enforced by our Safety Department. Panella asked how the automatic shutoff works on the trucks for the idle law? Maus said they shut off automatically until the battery is almost dead and then it will turn back on to recharge. Maus said we have to abide by the five minute idle law. Panella asked who monitors that it isn't being bypassed. Maus said there are systems in the trucks that control the timing and won't allow it to bypass.

Young said at a previous Planning Commission meeting we talked about how the drivers can't just drive where ever they want. Maus said every truck has a navigation system and we pin the driving route to keep them on the correct roads.

Francine Daniels asked how that works for the independent trucks that are contracted by Werner that don't have the GPS systems. Maus said we have about 800 independent contractors and we require them to have the navigation system. Once they contract with us, we put the systems in their trucks for them.

Mike Miller asked if the truck heating systems come from a diesel tank or electric? Maus said it is a separate unit that runs independent from the truck. It keeps it from having to regenerate as often.

Eddy Calderon, said we heard Werner has state of the art, green trucks. How long does the efficiency last? Maus said a truck averages 1.8 years. We get rid of them before they become obsolete. We have to keep with the latest technology. Calderon asked who monitors the idle? Maus said we receive reporting in our Omaha office if drivers are over idling. Calderon asked if you wait for reports that come in two weeks

after the fact or is there someone on-site to take care of it. Maus said the on-site management and security team will address it.

Bruno said the applicant has rested and our next phase of the process is if anyone in attendance would like to present testimony or evidence, you are permitted to do so now.

Charles Young said he has been to a lot of these meetings and I feel we are beating a dead horse. The property is zoned properly, a trucking terminal is permitted by use. We got a lot of concessions through the process. We have enormous setbacks and they've alleviated the noise and light pollution. I was involved when the Majestic Development went through and that backs up to our community, and we will be out there measuring the berm. Young said now we need to let them go on and we need to see it happen. This Board needs to represent the residents as to what is going to happen to that extra piece of property they own. Every corporation wants to develop their business. We also need the Board to control the traffic that results - to ensure we aren't inundated with trucks.

John Halligan said this process has been like peeling layers of an onion. The presentation to the Board finally encompassed what we think all the pieces of the puzzle are. The way it was done gives me some concern. There is a history here that things come out in pieces afterwards. My other concern is Newlins Mill Road. I'm not sure the studies are accurate in terms of real time development. Halligan gave an example of the terrible traffic flows at the Wegmans/Target complex and how that has failed miserably. Halligan said he doesn't think Newlins Mill Road will handle this traffic. I'm also concerned this isn't the end of the traffic coming to Newlins Mill Road. They will also go down to Corriere Road. Just because a use is permitted doesn't mean it is right for the town.

Erin Miller, 2310 Newlins Mill, said when I purchased my house 20 years ago, I knew I was moving into an industrial area. Now I count trucks that go by while sitting on my porch. It is something I've learned to live with and I still think Palmer is one of the best places to live. I heard discussion about different intersections and I think something needs to be done with the intersection at Van Buren and Newlins Mill Road.

Eddy Calderon, said as far as the Board handling this I would like to thank you for listening to us and also thank Mr. Kraft. Calderon said sometimes things blow up on social media like when I asked about any tax abatements the town was giving. Mr. Colver didn't answer my question so it was insinuated that there was some kind of tax relief. That made the whole town assume it was receiving tax relief.

Bruno said at our last hearing I had asked Mr. Fitzpatrick for an extension of time until the end of September to be able to hold this hearing and he included that document as an exhibit to the record. He also included the extension for the Land Development Plan, which extended the time until December 31, 2017, to be able to render a decision on the plan.

Bruno asked if any township representatives had anything to add to tonight's discussions.



Dillman said he would like to add that his office did not have an opportunity to review the A6 document that was distributed earlier in the meeting. We would like to have time to review the document and make comment. We understand this is something they will bring up during the land development process and we will reserve comment until that time. Fitzpatrick said it isn't a critical part of our presentation. We can withdraw the document with approval of the Board of Supervisors and Township Solicitor. Bruno said the question is, if you withdraw the document do you believe the testimony adequately represents the traffic improvements your client is prepared to construct in an effort to address the road capacity of the conditional use? Fitzpatrick said yes. Fitzpatrick said Mr. Szewczak's testimony shall and can remain part of the record. This item is related to our Land Development Plan, I will withdraw it. Supervisor Young said he doesn't understand why you didn't run the conditional use and the plan concurrent.

Mr. Randy Kraft through video conference said they've committed to \$16,400 toward a signal at the intersection at Van Buren and Hollo Road, it's not negotiable. Young said he is concerned if you withdraw the first two items you won't pay for inspections of Newlins Mill Road. Fitzpatrick confirmed the first six items on the A6 document they commit to doing.

Kramer said the testimony earlier regarding trucking terminals a reference was made that the warehouse use doesn't require the same requirements. Kramer said there is some misunderstanding on the Applicant part. Loading and unloading is covered under a distribution center and if you refer to that category it refers Applicants to the same section for trucking company terminals and it states they shall apply to distribution centers.

Bruno recommended the record be closed for introduction of evidence and gave Mr. Fitzpatrick the opportunity to close. Fitzpatrick presented his closing stating Werner has complied to all requirements for a trucking company terminal. Young made a motion to close the record and move into deliberation.

Motion: Approve, Moved by Supervisor Jeffrey Young, Seconded by Supervisor Robert Smith. Passed 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

Supervisor Young made a motion to re-open the record at 9:53 p.m.

Motion: Approve, Moved by Supervisor Jeffrey Young, Seconded by Supervisor Kendall Mitchell. Passed 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

Young made a motion approving the Conditional Use Application for Werner Enterprises Trucking Terminal Use in the PO/IP District with the following conditions:

1. The applicant comply with the Township Engineer letter dated July 10, 2017.

2. No future Tatamy Road driveway access is permitted for this use.
3. A post development traffic study shall be completed by the Applicant one year after occupancy with the Township reserving the right to require additional traffic improvements if the study support the same.
4. Any further expansion of the building or use of this property shall be subject to a new application and approved by the Board of Supervisors.

The motion was seconded by Supervisor Mitchell.

Bruno said the Township Engineer had five different engineer letters during this entire process and he would recommend the motion include the Applicant satisfy all comments as outlined in all the Township Engineer letters. Dillman said the requirement for the Traffic study one year after occupancy should also be conditioned upon review by the Township Engineer's office. Supervisor Young amended his motion, Mitchell seconded the amendment, to include these two requirements.

Fitzpatrick confirmed that the one year post occupancy traffic study relates to traffic from the Werner facility only. Young said yes.

Motion: Approve, Moved by Supervisor Jeffrey Young, Seconded by Supervisor Kendall Mitchell. Passed. 4-1.

Supervisors voting Ayes: Colver, Mitchell, Smith, Young

Supervisors voting Nays: Panella

#### **4. PUBLIC COMMENT**

There were no public comments.

#### **5. REPORTS**

##### Township Engineer

Dillman reported the the parking area at the Palmer Athletic Complex has been striped.

##### Supervisors

Colver said the Board members should have all received their invitation to the five year anniversary celebration for the Miracle League field for this Saturday from 10 a.m. to 3 p.m.

#### **6. ADJOURNMENT**

The meeting was adjourned at 10:05 p.m.

Motion: Adjourn, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

Respectfully submitted,

Christopher S. Christman  
Township Manager