

PALMER TOWNSHIP BOARD OF SUPERVISORS
July 5, 2022
7:00 PM
GENERAL BUSINESS MEETING

The Palmer Township Board of Supervisors general business meeting was held on Tuesday, July 5, 2022, at 7:00 p.m. in the Municipal Building meeting room. The following were in attendance: Vice Chairman Michael Brett, Supervisors K. Michael Mitchell, Ann-Marie Panella and Joseph Armato. Chairman Jeffrey Young was absent. Also in attendance were the Township Manager, Police Chief, Planning Director, Township Engineer, Fire Commissioner, Township Solicitor, and the Assistant Township Manager.

Brett announced the Board held an executive session prior to tonight's meeting regarding one legal matter with no action needed tonight.

1. PLEDGE TO THE FLAG

2. CONSENT CALENDAR

A. Disbursement of Funds - July 5, 2022

INFORMATION

The Board needs to approve/disapprove the disbursement of funds for July 5, 2022.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Panella

Supervisors Absent: Young

3. OLD BUSINESS

A. Public Hearing - Greystone Capital Inc. - Conditional Use Application - Industrial Activity in PO/IP District

INFORMATION

1493 Van Buren Rd - K8-12-1

PO/IP District

Request by Greystone Capital Inc.

This is a continuation of the conditional use hearing that began on May 24, 2022.

The Palmer Township Planning Commission reviewed the above-referenced item at their meeting of February 8, 2022.

The applicant, Greystone Capital, Inc., is requesting conditional use approval for construction of a 185,000 square foot industrial use building for the manufacturing and assembly of goods and supplies, on a 15.43-acre lot. The property is located on the

southeast corner of Van Buren Road and Newlins Mill Road. The property is located in the Planned Office/Industrial Park (PO/IP) zoning district.

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

- §190-137.C as it refers to §190-125.D - Industrial use in the PO/IP district.

The property to the east is zoned PO/IP and is developed with a manufacturing and warehouse use. The property to the south and east is zoned Medium Density Residential (MDR) and is developed with single-family dwellings. The property to the west across Newlins Mill Road is zoned Planned Industrial/Commercial (PI/C) and is used agriculturally. The property to the north across Newlins Mill Road is zoned PO/IP and is vacant. The Comprehensive Plan designates this area for non-residential use.

Recommendation: After reviewing the application at their meeting, the Planning Commission forwarded the application without recommendation. It was the opinion of Planning Commission members that without knowing an end user for the building, they did not have sufficient information to determine whether the application met the requirements of the Zoning Ordinance. The minutes of the Planning Commission meeting are provided for reference.

DISCUSSION

Bruno said, tonight we have a substitute stenographer who has never been at our township before, so we ask for your for patience. Bruno said, he is very competent and will do a great job for the hearing. Bruno said, this hearing started on May 24, 2022, and the Applicant, at that time, presented witnesses and I believe he will continue with witnesses tonight. The Applicant at the last meeting agreed to extend the required 45-day time frame between hearings, which gets us to tonight. Bruno said, Chairman Young is absent tonight. In the event a vote has to be taken tonight, it would require three people on any motion. I understand the Applicant has more witnesses and we also have objector witnesses. Bruno said, with Mr. Young not here tonight, should there be subsequent meetings, would the Applicant be in agreement in getting him a copy of the transcript to read so he can participate at the next hearing? Attorney Kaplan had no objection to that. Kaplan said, we already asked Cyndie Kramer to order a transcript from the last meeting and we ask that the court reporter get us a hard copy of tonight's as well.

Bruno then added the following additional exhibits to the record for the township:

T10 - Published legal notice, first of two, scheduling the matter for tonight that was published in the Express-Times on June, 21, 2022.

T11 - Second published legal notice advertised in the Express Times on June 28, 2022.

T12 - Township Engineer review letter dated June 24, 2022.

T13 - Township Geotechnical Engineer letter dated June 29, 2022.

Attorney Kaplan and Attorney Fisher confirmed they both received the two engineer

review letters.

T14 - Email from Mr. Kaplan dated June 1, 2022, confirming an extension of time after our last meeting.

Bruno said, before we begin further testimony, many of you were here at the last hearing and were sworn-in. If you weren't here and sworn-in, please stand and be sworn-in by our stenographer, Matthew Giovannini. There were no new individuals to be sworn-in.

Kaplan said, at our first hearing we handed out everything with our first 25 exhibits. At that meeting Cyndie Kramer kept the exhibits and re-handed them out tonight. I will have an additional eight or nine exhibits tonight and he noted them as A26 through A34. Kaplan said, he will begin with Timothy Diehl, a professional engineer that will start with the conceptual storm water design. Diehl said, exhibit A26 is the predevelopment drainage area plan that shows the flow with undeveloped conditions that was submitted to the township in June. He said they also submitted two drainage area post development plans, a preliminary rate control analysis, a landscaping plan and a Hydrologic and Hydraulic study. Diehl said they wanted to get a handle on the design, and we feel we can make it work in the land development plan in accordance with all township ordinance requirements. Diehl said, the Township Engineer and Geotechnical Engineer reviewed and submitted comment letters, stating the Township Engineer comment letter is dated June 24, 2022, and is their exhibit A27. It reviews the storm water management and comments on the landscaping and grading.

Diehl reviewed the predevelopment drainage easement plan showing the discharge of water below Newlins Mill Road and how it moves through the site and onto another property owned by Chrin. Diehl said, exhibit A28 is a Hydrologic and Hydraulic Study prepared by Gilmore & Associates that was submitted to the township and was addressed in the June 24, 2022, Township Engineer review letter. Diehl said, based on township regulations, we have to convey all storm water and we must comply with a 100-year storm event. Diehl said, we wanted to be able to show how much water is coming from other properties. Gilmore & Associates looked at the offsite drainage area and calculated the preliminary flow. Then they looked at the 10-year and 100-year storm and provided analysis on what sort of system we should design. I then designed two box culverts to convey the flow and he reviewed exhibit A29 – Post-development drainage area plan and explained the water flow. Diehl said, the water coming from the north Chrin property is going to the exact point that it is today, it is just traveling through culverts under Van Buren Road. He then went on to explain how they would handle additional storm water generated after development of the site and stated they would be addressed in the land development submission. Diehl went on to discuss exhibit A17 - the Kleinfelder Carbonate Assessment Report from February 3, 2022, stating they did a carbon geology report and determined the area is prone to sinkholes. Diehl said, detention basins will include a clay impervious liner. Diehl said, exhibit A30 is a review letter by the township's Geotechnical Engineer, CMT Services Group, and their letter states no objectives. Diehl then read #5 of the June 24, 2022, Pidcock review letter into the record, "We defer to the Township Geotechnical Consultant for review of all geotechnical aspects of the proposal, including but not limited to the Carbonate Site Assessment Report, location of proposed BMP's, etc." Diehl said exhibit A31 – is a preliminary rate control narrative that was submitted along

with the pre and post plans. It looks at pre and post development conditions and the main concepts of the storm water management controls. Diehl said, the Grading Plan was introduced at our last hearing as exhibit A14. That plan was reviewed and commented on in the June 24, 2022, Township Engineer letter under item #4: "The proposed grading shown on the northeast corner of the lot appears to require modification. Further review of this area will be completed during the land development process." Diehl said, both public water and sewer will be provided. The site will include one principle building and be occupied by either multiple tenants or one tenant, which have not yet been determined. Diehl said, the PO/IP zoning district allows for multiple or single tenants. The ordinance does require them to apply for separate building and zoning permits. Diehl said, the Applicant is providing additional requirements to the required landscaping screening and said another witness will address that. Related to section 190-130 - design guidelines, states subjective requirements to guide the design of the building. Diehl said, Greystone will demonstrate this at the time of application for building permits. Diehl said, screening will be provided from adjacent properties with evergreens. There is a 45-foot buffer yard between the industrial use and MDR district. Diehl reviewed the buffers around the entire property on the plan stating they comply to the ordinance requirements. Diehl went on to talk about section 190-166 of the ordinance regarding the required number of off-street parking spaces. Diehl reviewed the requirements by ordinance and stated they are all satisfactory and on the site-plan of the conditional use plan. He said they are providing 222 spaces and he explained his calculations. Kaplan asked what would happen if a prospective user has a demand for more spaces by floor area. Diehl said, they would either have to reduce their parking demand or request a variance.

Supervisor Mitchell asked if fire trucks could get in and out of the property? Diehl said, we looked at tractor trailers and McMann also looked at the fire truck turning radius and we will have an individual testify to that.

Attorney, Timothy Fisher, 68 Moor Drive, Highland of Glenmoor, said he is a resident and will be the spokesman for the Highlands of Glenmoor group. Fisher asked to view their exhibit P16 - Palmer Township Natural Features Map. He noted it shows the Schoeneck Creek and an unnamed tributary that runs through the northwest portion of the property. Fisher then showed the FEMA maps which are their exhibits P18 - the 2001 FEMA plan that is mentioned in the township zoning ordinance section 190-154 and exhibit P19 - the 2014 FEMA Map. Kaplan objected, stating there is no qualification that this is in fact the current map. Fisher said, it is the current map. Kaplan said, one is dated 2001 and the other is 2014. Bruno asked if the witness is aware that they are the most current map. Kaplan said, that isn't a question for Mr. Diehl. It is Mr. Fishers obligation to identify the documents that he is using to some degree of certainty. Fisher said, they are both of record in Washington and section 190-154.H of the present zoning ordinance refers to the 2014 map. Fisher asked if Mr. Diehl is aware of four distribution centers built since 2018? Diehl said, he is not aware. Fisher asked, you are not aware of the flow from those sites? Fisher asked if any of that information was used by you? Diehl said, Gilmore & Associates prepared the study of the offsite area contributory to the flow. Fisher asked if exhibit A28 talks about an unnamed tributary? Diehl said, he didn't prepare that report. It looks at numerous coverage factors that get used in the calculations. Fisher said, exhibit A27, the Township Engineer review letter, page 3, comment 2.c. states: "Revise the post-

development tributary area calculations to consider any off-site runoff tributary to the proposed BMPs (eg., adjoining properties to the east of the site, Newlins Mill Road, etc.). Diehl said, this hasn't been done at this point. Fisher asked Mr. Diehl if he was ever there when it is raining hard? Diehl said, no. Fisher asked if he was aware of periodic flooding across the property. Diehl said, he was not aware. Fisher presented exhibit P20 - photo of flooding on the property taken in 2019. Kaplan objected to the introduction of the picture taken in 2019. Diehl testified that he wasn't there when flooded. Fisher asked if he is aware of the unnamed tributary that runs through the northwest portion of the property. Diehl said, we have consulted with another engineer on our team, and DEP, and it was conveyed that DEP does not consider that water of the Commonwealth, so we do not need any additional permits. Diehl said, based on the information provided to me, it is not an unnamed tributary that runs through our property. It starts on the Chrin property across the road. Fisher said, this would be right where the building would be. Kaplan objected. Diehl said, he doesn't feel this is relevant. Fisher asked, what is the line going through the predevelopment drainage plan? Diehl said, it is showing the different soil types. It is not an unnamed tributary, it is a soil boundary line.

Kaplan said, Mr. Fisher asked you if you were aware of the distribution centers to the north that he implies is generating storm water from the north. Kaplan asked if the Gilmore study takes into account the area where those four buildings are located. Diehl said, based on a common website for uses for these H & H studies, you can drop a pin on a map and it will calculate the entire drainage area. Diehl said, I can't comment if these are in the study, but if they are in the delineated boundary, they would be in there. Fisher referred to the map of the Gilmore Study showing the area north of Newlins Mill Road and stated, that would be storm water coming toward your property. Diehl said, affirmative. Fisher asked if he knew of any reason why these four distribution centers weren't in that area. Diehl said, again, I am not the preparer of the study, but it is in the area and I would believe it is in the study area.

Harry Graack, Jr., 1380 Van Buren Road, asked about the FEMA documents that delineate this unnamed tributary; since you didn't do the study, do you have access to what they actually used for your storm water management site or do you just have a letter and drawing? Diehl said, we have a Hydrologic and Hydraulic Study. Graack asked if the Township Engineering staff looked at that and is the FEMA data from 2014? Diehl said, the Township Engineer was offered an opportunity to review the report. Diehl said, our site does not fall within the floodplain. Graack said, if in fact it is in the floodplain, which you're not sure it is; it's likely that there would be a problem if this hasn't been analyzed for the property. Diehl said, no. Graack said, even though this is a conditional use hearing, the Board and the audience isn't getting an appropriate picture. Graack asked, how much more of this are you willing to analyze as part of this project? Diehl said, we have to comply with what is required by the township storm water ordinance. There were no further questions of Mr. Diehl.

Vice Chairman Brett said, the Gilmore Study mentions the Monocacy Creek in it's report which is concerning. I would expect a higher level of accuracy and it makes me concerned that other information may not be accurate in the report. It may be an error through cut and past, but is concerning.

Kaplan's next witness was John Wichner, Professional Engineer, who stated he is a

Civil Engineer, with a Bachelor of Science Degree from Penn State University and a Master of Science degree in Transportation Engineering from Villanova. He has been practicing for 23 years and is a licensed Professional Engineer. Wichner said he is employed with McMahon Associates in Allentown as a Senior Project Manager and Lehigh Valley Office Lead. Wichner said, he studies and forecasts future traffic conditions on roadways for private land development applications. I design the traffic right-of-way and improvements and analyze safe transportation. It includes analyzing traffic on all surrounding roadways. Wichner said, he is familiar with the conditional use application and he prepared the Transportation Impact Study for tonight's application. Wichner said, he used section 190-203 of the township ordinance for industrial uses greater than 60,000 square feet and referenced the Transportation Impact Study that is exhibit A19, dated October 2021 and revised January 2022. Wichner said, when the initial study was done there was a road closure and detour to the north of our facility. We used updated traffic counts and used real time traffic data for the revisions of the study. Wichner noted the Township Engineer review letters of November 4, 2021 and December 8, 2021, included review of his study. He said he prepared a response letter to the Township Engineer review dated January 17, 2022, that is exhibit A20. Wichner went on to explain their starting point, all the intersections they reviewed in the study and how they take current conditions and forecast into the future taking in any other proposed development in the area to come up with the trip generation rates. We then use software modeling that gives us the average delays and it rates the level of service between A through F. A being the best and F being the worst. Wichner said, in addition to the seven intersections we look at proposed driveways, proposed roadway improvements by others, and there is a proposed traffic signal. With all those improvements in place, by the opening of this development and the additional improvements, it will operate at acceptable service levels. Mr. Diehl then said there would be a 300-foot right turn lane on Van Buren approaching Newlins Mill Road and a 100-foot turn lane on Newlins Mill Road. He stated they are both shown on the site plan. Wichner said, the right turn lanes allow for the safe and efficient right turn movements into the property allowing vehicles to decelerate in that lane. Wichner then reviewed the level of service for every intersection reviewed. Wichner said, exhibit A21 is the McMahon Truck Turning Templates that includes movements for Palmer Township fire trucks that the Township Engineer provided to us. It shows the turning range at driveways and movements of the truck throughout the site. Wichner said, he believes there are adequate provisions for emergency vehicles accessing the site and it is in compliance with section 190-194.C regarding site distance requirements. Kaplan said, 190-208.F(1) of the zoning ordinance describes as conditional use approval, the capacity must be able to handle additional traffic from this development. Wichner said, it does and is in accordance with the Traffic Impact Study.

Mitchell asked if they would be able to stack two trucks in their turning lanes? Wichner said, yes. Mitchell asked, if you get a few cars and three trucks, will they back up on the roadway? Wichner said, it is free flow moving in to the site. There is no guard shack or anything that would stop vehicles to cause a backup. There should be no reason for trucks to be stopping in that turn lane. Mitchell said, what if one is coming in and one is coming out? Wichner said, it is designed for concurrent movement for the entrance and exit. Armato asked, what is the overall grade in the traffic study? Wichner went through each intersection and noted the grade levels for morning and afternoon peak levels. Wichner said, they are all noted in the traffic study we prepared

and it was reviewed by the Township Engineer. There were no further questions for Mr. Wichner.

Kaplan called Michael Lachman, Landscape Architect, Urban Research & Development Corporation (URDC), 81 Highland Avenue, Bethlehem, PA. Lachman said, he had Bachelors Degree in Landscape Architecture from Penn State University and is a Registered Landscape Architect with 13-years experience. 9-1/2 in construction and the rest with URDC. Lachman said he is a Project Manager Landscape Architecture. Lachman said, he is the Landscape Architect for tonight's project and he is familiar with the project and is aware they are seeking conditional use approval of the property for a manufacturing facility. He then reviewed the provisions of the township ordinance regarding parking lot landscaping. He noted he prepared a plan that is in compliance with all township provisions, and also go above and beyond the requirements. The plan is exhibit A23. Lachman noted, there will be 20-foot plantings, which are over township requirements and there is an existing hedge row. The requirements state the screening must be dense within a four-year time frame. It will be at time of install. Lachman said, at a minimum, 20% of the area has to be landscaped and we are at 50%. The trees for the parking area must be 1.5" caliber, we are providing 5". This will result in it being an established mature planting. The storm water basin will have pre-seeding mix and will be herb meadow mix as opposed to open lawn. The meadow level helps with water quality, absorptions and wildlife. Lachman said, the Pidcock review letter had suggested changes, but nothing that would negate a determination on the conditional use approval. Lachman said, it complies with all conditional use standards.

Mr. Fisher asked if Mr. Lachman was aware that an acoustical wall was discussed with the Planning Commission. Lachman said, he understood that was being discussed, but he is not an Acoustics Engineer. Fisher recommended he direct his attention to exhibit A27 that talks about that.

Charles Diefenderfer, 2918 Hay Terrace, said the Traffic Engineer testified about the township fire truck having clearance around the property. Is it still possible with these plantings? Lachman said, yes.

Charles Schmehl, Principle, Urban Research & Development Corporation, 81 Highland Avenue, Bethlehem, said he held a Bachelors degree in Urban and Environmental Planning from the University of Virginia and a Master of City and Regional Planning degree from the University of Pennsylvania. He stated he has worked for URDC since 1985 and has worked in most municipalities in eastern Pennsylvania, Maryland and Virginia. Schmehl said, in 1986 and 2001 he was involved in preparing Palmer Township's Comprehensive Plan. He said he mainly works with comprehensive plans and subdivision plans. Schmehl said that he has written zoning ordinances for Allentown, Bethlehem, Lancaster, Reading, North Whitehall, Upper Macungie, Emmaus and others in eastern PA. He said he regularly reviews zoning ordinances and development plans for communities. Schmehl said he looked at compliance with the township ordinances and he traveled the adjacent streets and reviewed the mapping and current comprehensive plan and zoning ordinance. I am familiar with the property and the surrounding area and I'm familiar with the township ordinance as it relates to conditional use applications. Schmehl referred to exhibit A25 as a report he prepared describing zoning issues that is dated May 24,

2022. Schmehl reviewed portions of his report noting the 2018 comprehensive plan designates the area as non-residential development. The zoning district is in PO/IP, Planned Office/Industrial Park, which allows for a wide range of light industrial uses, many with conditional use approval. This site does not allow a distribution center because it is adjacent to a residential district. Schmehl said the development complies with the purpose of this district. Schmehl said, it has suitable road access, landscaping and will provide employment and increased tax revenue and would provide manufacturing jobs. The berm will provide the buffer to the Highlands of Glenmoor and it complies with all state and federal laws and regulations. Schmehl said, the 2014 floodplain map is the current map and it doesn't show this land in the 100-year floodplain. It is also applicable to PennDOT and DEP compliance and is suitable for this particular location as designed by the townships previous comprehensive plan and zoning ordinance and the current comprehensive plan designates it non-residential. The site is well drained and has road access and doesn't include land in a 100-year floodplain. Schmehl said, the standards about storm water management will be addressed later in the process and it is his opinion that the previous witness' testimony related to storm water is feasible.

Schmehl said, the Applicant has been careful in keeping the trucking to the north end of the site and keeping the southern end for employee parking. The truck parking is as far away as possible from the homes. It is 532-feet from the residential boundary, which is in excess of the township requirement. They are using mature trees and they moved the berm back and larger trees are being planted than is required. Schmehl said, this project will not threaten fire, public health, or public safety and is not detrimental to the public health, safety and morals of its residents. The property will be sprinklered and Palmer Township adopted the International Fire Code that requires inspections to minimize hazards. Schmehl said, the land to the west, north, and northeast are similar zones. The Majestics site is the bulk of the land to the east. There is a proposed new trucking use to the west and several to the north and northeast. The PO/IP district continues to the north and northeast and to the west is industrial distribution. Schmehl said the third standard, as heard from Mr. Lachman, is to provide compatibility through landscaping and a berm. It is still to be determined regarding a sound wall. They will have to meet certain decibel levels to comply with the noise standards. The Applicant will have to meet those requirements during the land development process and the Applicant has obtained a sound acoustics expert. Schmehl said, it is possible the sound wall may only be needed around the trucking area.

Schmehl then reviewed performance standards of the ordinance related to HVAC on the roof of the building. He said it can be moved to the Van Buren side of the building and acoustical panels can be placed to address any noise issues. The township decibel levels must be met and there is no reason to expect vibration as a concern. Schmehl said, dust, dirt, vapor gas and odor is another standard and there is no reason to believe an unusual impact from any of these from a light industrial use. Truck exhaust has been improving and there is a movement to move toward electric trucks in the future. As newer trucks are used there are tighter emission standards. The lighting control plan has been submitted by an expert that shows no spill over of light onto the residential neighborhood and there are no radioactive or electric emissions and the trees adjacent and along the residential property will be preserved. The goal is to maintain as many healthy existing trees as possible. Schmehl said, by

doing all the analysis that Mr. Diehl, Mr. Lachman, and the Traffic Engineer did, this Applicant has gone way above the requirements. Fisher objected, stating Mr. Schmehl is limited in his expertise and isn't qualified to make that comment. Schmehl was asked if it was his opinion that the development complies with conditional use requirements of the township zoning ordinance. Schmehl said, yes.

There were no further questions from the Board. Mr. Fisher said, you alluded to sections of the ordinance, specifically stating sections 190-208.D and E. Fisher asked, have you ever been in the Highlands of Glenmoor? Schmehl said he had driven the streets near the project, but I've never been in any of the houses. Fisher asked, have you been on Inverness Lane? Schmehl said, he drove the adjacent roads twice stating he drove Moore, Glasgow, Inverness and Edinburgh. Fisher asked if he was aware that Inverness is a cul-de-sac and is the nearest point to the subject property and asked if he had the distance from the cul-de-sac to the property. Schmehl said, he didn't have that. Fisher said, it is 208-feet to the nearest house. Schmehl said, that sounds plausible. Fisher asked if he was aware of a 50-foot natural gas right of way. Schmehl said, yes. Fisher reviewed the total acreage of the property stating it is 16-acres. If you put 16 docks, 8 trailer truck turn arounds and 221 parking spaces between the building and the Majestic property line, isn't that tight for all the truck activity? Schmehl said, the plan meets all impervious coverage requirements. The goal was to move the trucking area away from the residential area and to put the trucking activity near the Majestic property. Fisher said, there is 450-feet from the back of the Majestic property to the Highlands of Glenmoor property line. Schmehl said, that sounds plausible. Fisher said, the area closest to the Highlands of Glenmoor and between the parking spaces and truck activity is a vacant piece of ground. Schmehl said, it is a green area that will have the berm and trees to meet the required buffering. Fisher said, the Majestic property is 39-acres versus this property that is 16-acres. Schmehl said that sounds plausible. Fisher said, the building will be 185,000 square feet and 35-feet high. Schmehl said, it allows for the building to be up to 40-feet high. Fisher asked if there is a retaining wall near the boundary line? Schmehl said, yes, but I don't have the measurement of the height. Fisher said, the plan shows 6-feet. Schmehl said that is plausible. Fisher said, with the trucking on the north end of the sight, if there is noise issues, will there be a sound barrier around the trucking area? Bruno said, that is under study now. Kaplan said, they will have that information for the land development portion. Fisher referenced subsection 7 of 190-208.D. that states the development should not significantly adversely threaten the desirable character of an existing residential area and he asked Mr. Schmehl if he was familiar with the Highlands of Glenmoor? Schmehl said, in general, yes. We have 251 houses in the Highlands of Glenmoor and 180 in the Glenmoor community across the street. Would you agree, with 750 senior citizens living there, this project would have an impact to them. Schmehl said, the goal is to minimize the impact for the use allowed in the zoning district. Schmehl said, I can't say there will be zero impact, but it is our intent to use every measure we have available to minimize any impact and, again, it is allowed in this zoning district. Fisher said, they have to be compatible. Schmehl said, again, we are making every reasonable effort to make them compatible. Fisher asked if Mr. Schmehl was familiar with the 2018 comprehensive plan? Schmehl said he read parts of it. Fisher said, one objective is to make sure different uses are compatible with each other and is being addressed in a new zoning ordinance. Kaplan said, that is irrelevant. There were no further questions for this witness.

The Board agreed to finish this witness and conclude the hearing for tonight. After some discussion it was agreed to continue the hearing on September 6. Attorney Kaplan agreed to provide written approval to hold the next hearing after the 45-day requirement period. Kaplan noted at the next hearing they will finish with Mr. Schmehl and then you can start the Protestants case. Bruno said that he doesn't need to ask any further questions of Mr. Schmehl so he doesn't need to attend on September 6. Bruno asked Mr. Fisher what to expect with their presentation on September 6. Fisher said that they should be able to present in one evening and they will have six witnesses. Three expert witnesses and three fact witnesses.

4. PUBLIC COMMENT

David DePalma, 4031 Summit Avenue, said he lives adjacent to where the pool is. On June 22, I received notification from Bethlehem Township for a warehouse that is going in to the west of our development. I went to their meeting and opposed. It is a 40-foot warehouse and it is zoned for it, but my opposition is the height. Part of the property is in Palmer and Lower Nazareth Townships. There is a tree line and power line there now with an emergency access road. I saw a notice in the paper and put a comment on the neighborhood website. No one else in my neighborhood received a notice, so no one else was able to object. I'm wondering if there is anything Palmer Township can do in the planning process. In 2018, when Stemies Tavern flooded, it all originated from Meadow Avenue. They updated the sewer line that goes through there because water got in the sewer line. Is Palmer going to ask for any input for this development? I know that no matter how many catch basins they put in, I still see them overflow. The loss of pervious ground will contribute to flooding. DePalma said the employee parking area will be on the Palmer Township line and the upper end, near Phillips, will be the loading docks. In their presentation they said there is a berm there. I was on Council in Pen Argyl for 13-years and we usually worked with our neighbors. I'm asking if there will be any support for residents on Meadow Avenue? For me personally, it is more an issue of looking at it, not flooding.

Vice Chairman Brett asked the Planning Director or Township Engineer for the requirements in this type of situation. Township Engineer, Ron Gawlik said, there is a requirement for them to make a submission to each municipality. Kramer said, our Zoning Hearing Board received notification. Gawlik said, at this time, there is no land development submission.

DePalma said, as a former Council member, I'm glad to see a diverse Council here and I thank you for doing your job.

Allison Diefenderfer, said her address, as of July 1, should have been 3013 Hartley Avenue, Apt. 223A at the Reserve of Palmer Point. I signed a lease in January, one-day before the fire. Now I stand before you because I only have an email address. Luckily, I have a kind family allowing me to stay with them and I don't know how many other residents weren't able to move in. I was living in Bethlehem and wanted to move back to Palmer Township. I did a lot of research and I've been told the hold up is related to the exterior, not the interior as in terms of electric or other safety hazards. I wasn't notified until 24-hours prior to my move out that I couldn't move in and I was told two days earlier, I could pick up my keys. Most of my things are in storage. Diefenderfer asked if there is a timetable for decisions to be made and what the next steps are. The property was advertised on social media that they are

available on July 1. I opened accounts with utility companies under that address. This development is right along Route 22 and you could clearly see things were being done. This isn't the tenants fault. If this was your children, grandchildren, what would you be feeling? I'm asking myself now, why would I ever consider living in this township again. This isn't the first time I've been before this township. My entire holiday break is gone effective 8:00 a.m. tomorrow morning and I took it off entirely to make a move. I chose this township and I ask that you please stand up for people like myself. I've heard some people are living in hotels. I'm incurring costs like crazy to try to live in this township. This is the first building of this site and I don't want to see this happen to others. There are people with signed leases that don't have places to live right now.

Brett said, we can't comment in detail and we are sorry for the hardship you are going through. We are sorry that the developer didn't share proper information with the residents.

5. REPORTS

Solicitor

Bruno had one litigation item for executive session.

Planning Director

Kramer said the zoning draft has been released to the public and the next public meeting has been advertised for July 19.

Fire Commissioner

Gallagher provided his June monthly report as follows:

- June Incident Responses: 67 total with eight being working fires. Of the eight fires, three were building fires and all three were mutual aid responses. Three fires were mulch fires which were in Palmer Township.
- Vehicle Accidents: 12 with one being a major incident that involved vehicle fire with a trapped unconscious victim requiring rapid extrication. One firefighter was injured.
- 34 false alarms.
- Three members graduated from Basic Fire Academy and now are enrolled in the Basic Vehicle Rescue certification course.
- We brought in two new members bringing our roster to 43 total members. We are now at capacity as it relates to available riding positions in our apparatus.

Man hours are as follows:

- Incident Responses totaled 87 hours with 205 total man hours.
- Certification Training totaled 55 hours with 168 total man hours.
- Special Details and Events totaled 13 hours with 50 total man hours.

Williams said, our Fire Department continues to do a great job. We had a Route 33

incident where two tractor trailers were tangled up. It was just outside our municipality, but Palmer Township did most of the heavy lifting and did a great job. Good job to our entire department.

6. ADJOURNMENT

The meeting was adjourned at 10:25 p.m. with one litigation item for executive session.

Motion: Adjourn, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Ann-Marie Panella. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Panella

Supervisors Absent: Young

Respectfully submitted,

Brenda DeGerolamo
Assistant Township Manager