

PLANNING COMMISSION MINUTES OF FEBRUARY 24, 2009

Meeting brought to order at 7:30 p.m., on Tuesday February 24, 2009 by Chairman Richard Celmer.

Attendance:

Chairman Richard Celmer	John Barto III
Vice Chairman Brian Horwith	William George
Attorney Lisa Young	Leonard Nuss
Township Engineer Steve Gitch	Joanne Guth
Supervisor Ronald Heintzelman	Jeff Johnson
Planning Administrator Jane Kelly	

Minutes of the January 27, 2009 meeting were approved as presented.

Planning Commission Chairman Richard Celmer informed the floor of a new procedure the Planning Commission has established as of this evening's meeting. Any plan submitted to the Township incomplete, whether missing documents or in arrears of funds will be considered an incomplete submission and the Planning Commission will have the right to Table that plan at the current meeting if the items are not brought up to date.

1. **Mauch Chunk Office Building-3764 Mauch Chunk RD** - Preliminary/Final - Project # NWT-08-016 - Land Development, 3764 Mauch Chunk Rd, south of Levans Rd on western side of Mauch Chunk Rd, Waiver to be considered a Preliminary/Final, 1.78 acres, LI/B zone, Parcel ID# 5479 5153 6336, 90-Day Deadline starts 1/27/09, Deadline date 3/31/09. The plan was presented by David Serfass; Serfass Construction and Jeffrey Ott;Ott Consulting.
 - a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated February 17, 2009.
 - b. Zoning Officer's review is contained in his letter dated February 19, 2009.
 - c. Sewage Enforcement Officer's review is contained in his letter dated February 19, 2009.
 - d. Traffic Engineer's review is contained in his letter dated February 2, 2009.
 - e. The developer has proposed grass strips along the roadway.
 - f. The property is currently served with public water by NBMA.
 - g. The developer has proposed to try to track down a copy of the previous PennDot HOP Plan.
 - h. The developer has proposed to discuss the ITE trip generations and the truck turning movements with the Board of Supervisors.
 - i. Planning Commission member Jeff Johnson is concerned with the driveway configurations. Can emergency vehicles or dump trucks make that turn?
 - j. Jeff Johnson also questioned where the closest fire hydrant is located.
 - k. Jeff Johnson questioned if the Township has an Ordinance regarding KnoxBox and if one will be placed on the proposed Office Building.
 - l. The developer stated he will install a KnoxBox on the proposed Office Building.
 - m. Planning Commission members Leonard Nuss and Brian Horwith agree with Jeff Johnson regarding the inadequacy of the driveway configurations and will let the PennDot review determine if changes are required.
 - n. Brian Horwith also questioned the use of the proposed Office Building and what it will be used for? He wanted to confirm that the building would not be used for tenants.
 - o. Developer stated the Office Building is currently being used for storage and is proposed to be used for his business and not tenants.
 - p. There is an older building along the southwest side of the site that is used for storage of non-flammable materials and will remain.

Planning Commission has recommended the following conditions:

1. Developer shall address to the satisfaction of the General Planning Engineer the comments and recommendations set forth in his letter dated February 17, 2009.
2. Developer shall address the Zoning Officer's comments as set forth in his review letter dated February 19, 2009.
3. Developer shall address the Sewage Enforcement Officer's comments as set forth in his review letter dated February 19, 2009.
4. Developer shall address the Traffic Engineer's comments as set forth in his review letter dated February 2, 2009.
5. Stormwater BMP shall be implemented along the southern property line along the small stream.
6. The dimension of parking spaces shall be in accordance with the Township Zoning Ordinance.
7. The plan preparer's statement addressing the boundary survey shall be corrected.
8. Notes on pages C2.1 and C3.1 shall be corrected to state the same items.

Leonard Nuss moved to approve the Preliminary Plan subject to conditions noted above, seconded by Jeff Johnson, all others agreed.

PLANNING COMMISSION MINUTES OF FEBRUARY 24, 2009

2. **LCCC, Community Services Building (formerly Regional Public Safety Training and Education Center)** – Final – Project # NWT-07-015 – 4525 Education Drive, 153.24 acres, AR-1 Zone, Parcel ID # 5469 1293 3619-1, 90-Day Deadline starts 1/27/09, Deadline date 3/31/09. The plan was presented by Scott McMakin; Cowan Associates, Carl Pickett; Facilities Manager LCCC, Don Snyder; President LCCC, and Larry Ross; Chief Financial Officer LCCC.
- a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated February 17, 2009.
 - b. Zoning Officer's review is contained in his letter dated February 19, 2009.
 - c. Sewage Enforcement Officer's review is contained in his letter dated February 19, 2009.
 - d. Traffic Engineer's review is contained in his letter dated February 6, 2009.
 - e. The building is proposed to house an electronic simulator, conference rooms, law enforcement program and CDL program.
 - f. The developer states no increase in enrollment with the proposed building, just a location shift for students.
 - g. The developer has proposed to discuss the changes in the building use with the Board of Supervisors in regards to traffic impact.
 - h. Planning Commission member Brian Horwith questioned the traffic review at the time of the preliminary review in 2007.
 - i. The developer states the review was about the same as this review.
 - j. Planning Commission member Joanne Guth questioned if the proposed building will produce the approximate 450 students stated on the plan.
 - k. The developer stated there will be no increase of enrollment. Enrollment has declined.
 - l. Planning Commission member John Barto III questioned, how many students are expected in the building?
 - m. The developer states the building can hold 450, but this will be from shifting students already enrolled in other areas of overcrowding on campus.
 - n. Planning Commission member Leonard Nuss questioned the entrance, is this the same entrance used by LCTI?
 - o. Leonard Nuss also suggested using the entrance located behind the old Krause Dodge to alleviate some of the excess traffic.
 - p. The developer stated there are future plans for the intersection at Sand Spring Road/Orchard Road and Route 309 to alleviate some of the traffic at the main entrance and the entrance behind the old Krause Dodge is owned by LCTI and not LCCC.
 - q. Planning Commission member Jeff Johnson asked whether a target range is proposed in the building and whether lead arsenic testing was completed for the site.
 - r. The developer stated the lead arsenic testing was completed and there would be no target range in the proposed building.
 - s. Jeff Johnson agreed with Leonard Nuss on the traffic concerns.
 - t. Planning Commission Chairman Richard Celmer suggested all buildings on the plan be identified.
 - u. Richard Celmer also questioned if any other buildings are proposed for the future.
 - v. The developer stated that no additional buildings are proposed at this time.

Planning Commission has recommended the following conditions:

- 1. Developer shall address to the satisfaction of the General Planning Engineer the comments and recommendations set forth in his letter dated February 17, 2009.
- 2. Developer shall address the Zoning Officer's comments as set forth in his review letter dated February 19, 2009.
- 3. Developer shall address the Sewage Enforcement Officer's comments as set forth in his review letter dated February 19, 2009.
- 4. Developer shall address the Traffic Engineer's comments as set forth in his review letter dated February 6, 2009.
- 5. Attorney Lisa Young stated the escrow is in arrears and must be brought up-to-date before the plan can go forward.
- 6. The developer shall contact the Township Secretary/Treasurer and discuss the matter with her to bring the account up to date.

Comments from the Floor:

Trisha Burkhardt, 3227 Shankweiler Road, Schnecksville, stated the traffic at the blinking light at the entrance to the campus is mostly due to the traffic going south on Route 309 not allowing the traffic going north to turn left into the college campus.

John Getty, 3331 Woodlea Road, Orefield, questioned how big the proposed building is?

The developer stated the building and grading are just less than 1 acre.

Charles Knauss, 3525 Apple Road, Orefield, questioned the approximate value of the proposed building?

The developer stated approximately 8 million dollars.

Brian Horwith moved to approve the Final Plan subject to conditions noted above, seconded by John Barto III, all others agreed.

North Whitehall Commercial Center, Lot 5, Wal-Mart Store – Preliminary – Project # NWT 07-021 – Land Development, 3872 Route 309, southbound side of Route 309, opposite Levans Road, 32.67 acres, PC zone, Parcel ID# 5468 4911 9262. Current 90-day deadline 4/15/09, Site Security and Loss Prevention discussion only. Erick Schock; Fritzpatrick, Lentz & Bubba and Marshall Pierce; Wal-Mart, Market Asset Resource Manager presented the site security presentation.

Mr. Pierce is the Head of Security of 10 Wal-Mart stores. He is a Lynn Township resident, so he and his family will be familiar shoppers at the proposed Wal-Mart. He has 25 years experience in security, including JCPenney and CompUSA.

The proposed Wal-Mart will be opened 24 hours a day and is proposed to have one full-time salary asset protection coordinator on staff, with 3 to 5 asset protection associates working along with the coordinator. The full-time asset protection coordinator and the asset protection associates are security trained.

There are also associate greeters and parking lot attendants proposed and they are also trained to watch for unusual or suspicious activity.

There are video cameras proposed for the front and back parking lots, approximately 180 to 230 cameras. The video data is usually kept on file for 90 days.

ACT 124 is already part of life at Wal-Mart Corp. They do not have a problem with trucks idling in the loading docks. If the trucks do not turn off the engines they are told about it immediately.

The State Police will be responding to any criminal calls at the proposed Wal-Mart and they will come from the Bethlehem barracks. Mr. Pierce will meet with them before the store opens. Mr. Pierce will also meet with any emergency response agencies before the store opens.

In the case of indiscriminate parking, or people parking along the curb and running into the store, Mr. Pierce stated their cameras can locate the person who left the vehicle, track that person into the store and find their location. The shopper will then be approach in the store and be asked to move their vehicle.

Wal-Mart also has a Good Neighbor Policy in place, where every time Mr. Pierce or any other Market Asset Resource Manager visits a store they must first circle the entire perimeter of the property to perform a visual inspection. The store manager must then be told either in person or in a written or email note of anything of a suspicious nature. Mr. Pierce and his staff also do weekly visual lighting checks on the exterior and interior lights, for repair or replacement.

Comments from the Planning Commission:

Planning Commission member John Barto III is worried about the State Police being at Wal-Mart for a minor shoplifting incident rather than providing police protection for Township residents. Does Wal-Mart have a plan for any on-duty police officer?

Mr. Pierce stated that there are no plans for an on-duty police officer that he is aware of and there are very few Wal-Marts that have on-duty police officers.

Planning Commission member Leonard Nuss questioned when does Wal-Mart get the police involved? Do they get involved with shoplifters/felons?

Mr. Pierce stated the local police force does not get involved in all shoplifting incidents.

Planning Commission member Joanne Guth commented on the State Police spending too much time on Wal-Mart incidences, maybe Wal-Mart's taxes should be adjusted to show that.

Mr. Pierce stated that the State Police would not be called for every incident. Their security is very well trained to handle many incidents on their own and have a chain-of-command to follow for different situations.

Planning Commission member Brian Horwith questioned if the Wal-Mart security was armed?

Mr. Pierce stated their security team is not armed.

Brian Horwith also questioned the store managers. Do they receive the same security training and how many security trained people would be on duty at 3am?

Mr. Pierce stated the store managers do receive the same security training and there would be no less then 3 security trained people on duty at all times.

Brian Horwith also questioned the security cameras, is the entire parking lot covered?

Mr. Pierce stated there might be some blind spots.

Brian Horwith also questioned what security incidents are shared?

Mr. Pierce stated anything the local police may become involved with.

Brian Horwith stated that to his knowledge, there is no other store of this type, a big box retailer, in North Whitehall Township that is open 24 hours and as such, is out of the character of the Township.

Planning Commission Chairman Richard Celmer announced to the audience present that normally question and answer time would be turned over to the floor, but due to the time we will continue this discussion at the March Planning Commission Meeting. Please save any questions from the audience for that meeting.

Question from the floor, can Wal-Mart make available the police incident report from the Wal-Mart in Trexlertown and Whitehall for the March Planning Commission Meeting?

The Township has a copy of the police incident report on file from the Whitehall Walmart from 1995 to 2007 and Trexlertown Walmart 2002 to 2007.

Other items to be discussed at the discretion of the Planning Commission

Planning Commission member Brian Horwith questioned the status of the Windmill Ordinance. Was it passed and where can he obtain a copy of the Ordinance?

The Ordinance is available on the Township website.

Planning Commission member Leonard Nuss suggested reminding people not to repeat questions previously asked during the meeting to avoid repetition and allow others the courtesy of the floor for additional questions.

Planning Commission member Jeff Johnson requested the Township Zoning Officer give the Planning Commission ample time to review any proposed Zoning Ordinance revision requests. Follow SALDO submission requirements.

John Barto III motioned to adjourn, Jeff Johnson seconded, all others agreed

Meeting Adjourned: 10:15 PM

Jane K. Kelly
Recording Secretary
Planning Administrator
North Whitehall Township