

PLANNING COMMISSION MINUTES OF MARCH 24, 2009

Meeting brought to order at 7:30 p.m., on Tuesday March 24, 2009 by Vice Chairman Brian Horwith.

Attendance:

Vice Chairman Brian Horwith	John Barto III
Secretary Bruce Stettler	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 February 24, 2009 meeting were approved as with the following corrections/additions:

Mauch Chunk Office Building- 3764 Mauch Chunk Rd- Item 1.m should state, 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.

North Whitehall Commercial Center, Lot 5 Wal-mart Store-Brian Horwith's comment should state, 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.

1. **Trexler Nature Preserve-** Preliminary/Final- Project # NWT-09-006 - Land Development, Trexler Environmental Center Building, 5150 Game Preserve Road, 538.5 acres, CR zone, Parcel ID# 5458 8959 5575, Waiver request to be considered a Preliminary/Final, Waiver requests from Sections 5.03.C.2, 5.03.J.7, 5.03.P, 5.03.K.3 and 5.03.Q.7 of SALDO. 90-Day Deadline starts 2/24/09, 90-Day Deadline ends 5/23/09. The plan was presented by Paul Hughes and Edward Koehler; Remington, Vernick & Beach Engineers, and Glenn Solt; County of Lehigh.
 - a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated March 17, 2009.
 - b. Zoning Officer's review is contained in his letter dated March 9, 2009.
 - c. Sewage Enforcement Officer's review is contained in his letter dated March 17, 2009.
 - d. Traffic Engineer's review is contained in his letter dated February 26, 2009.
 - e. The plan submission was complete.
 - f. The proposed building will be a green building with solar panels on the roof and glass surrounding the outside walls.
 - g. The building will be handicap accessible.
 - h. The building is proposed to house an observation point and a restroom.
 - i. The restrooms are proposed to be either composting toilets or elevated sand mound.
 - j. The lavatory washwater is proposed to discharge to the composting tank from the composting toilet.
 - k. The goal is to use as little water as possible.
 - l. If the composting system is not an option, a sand mound system will be installed.
 - m. If a sand mound system is used it must be at least 250 ft from any well.
 - n. A Zoning Variance was received on March 10, 2009 to waive paving the driveway from the parking lot to the building.
 - o. Planning Commission member John Barto III is concerned with the safety of pedestrian walking from the parking lot to the building along with handicapped access.
 - p. Planning Commission member Jeff Johnson questioned the sewage system, why has no testing been completed yet? Jeff also was concerned about the KnoxBox for emergency vehicles, will there be one installed?
 - q. The developer stated that soil testing has not been done yet because they are not sure if it is required using the composting system. The developer also stated he can install a KnoxBox for the emergency vehicles if that is what the Township required.
 - r. Planning Commission member Leonard Nuss agreed with Jeff Johnson regarding the sewage system.
 - s. Planning Commission member Joanne Guth questioned what the water in the cistern is used for. The developer stated the water would be used for watering plants.
 - t. Planning Commission member Bruce Stettler questioned the Traffic Engineer's review letter, have they considered relocating the entry due to the site distance issue.
 - u. The developer's engineer, Ed Koehler stated the site triangle will show it is adequate.
 - v. The developer also stated the location of the driveway was placed in a way that the car lights would be unobtrusive to the neighbors.
 - w. Planning Commission member Bill George stated the location map and graphic scale needs to be corrected.
 - x. Planning Commission member Brian Horwith questioned the signage and lighting for the building. Brian also questioned the traffic review. Brian and Bruce Stettler were also concerned with the site plan; New Old Packhouse Road was not shown on the plan. The developer stated the lighting for the building is proposed to be minimal for security and he does not believe the traffic will increase adding this building.

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 March 17, 2009.
2. Developer shall address the Zoning Officer's comments as set forth in his review letter dated March 9, 2009.
3. Developer shall address the Sewage Enforcement Officer's comments as set forth in his review letter dated March 17, 2009.
4. Developer shall address the Traffic Engineer's comments as set forth in his review letter dated February 26, 2009.
5. The well shall be shown on the plan.
6. The site triangle shall be shown on the plan to show adequate site distance for entranceway.
7. The location map, graphic scale and north arrow shall be corrected on the plan.
8. The Zoning Variance and Doc# shall be shown on the record sheet of the plan.
9. Signage shall be added to the Detail Sheet of the plan.
10. The site plan shall be updated to add New Old Packhouse Road to the plan.

Comments from the Floor:

No comments from the floor

Leonard Nuss moved to table the Preliminary Plan due to sewage issue seconded by Jeff Johnson, Joanne Guth opposed, all others agreed, motion carried.

2. **North Whitehall Commercial Center, Lot 5, Wal-Mart Store** – Preliminary – Project # NWT 07-021 – Land Development, 3872 Route 309, south side of Route 309, opposite Levans Road, 32.67 acres, PC zone, Parcel ID# 5468 4911 9262. Current 90-day deadline 4/15/09, **Continued Discussion on Site Security and Loss Prevention from the February Planning Commission Meeting Only.** The questions were responded to by Bud Newton; Newton Engineering, Erick Schock; Fritzpatrick, Lentz & Bubba and Marshall Pierce; Wal-Mart, Market Asset Resource Manager.

Planning Commission Member Joanne Guth questioned if anyone from Wal-Mart has contacted the State Police regarding Wal-Mart possibly coming to North Whitehall Township.

Attorney Erick Schock stated once the store is finalized the State Police will be contacted.

Comments from the Floor:

Nancy Braymar, 3532 Apple Rd, Orefield, The asset managers, are they trained and are their backgrounds checked? How often are the asset managers transferred to other stores? How many stores is Pierce Marshall responsible for? What do the door people do and what is their average age? How many customers are needed to support this Wal-Mart?

Marshall Pierce stated “yes”, the asset managers are trained and their backgrounds are checked, they can be transferred to other stores but it varies as to how often and when Mr. Pierce is responsible for 10 stores, the associate greeters check receipts along with greeter people. He does not know the average age, nor does he know how many customers are needed to support this Wal-Mart.

Several unidentified residents spoke regarding other subject matters not pertaining to the site security and loss prevention, including the number of people needed to support the store.

Joan Casari, 4209 Iroquois Street, Schnecksville, What kind of safety can Wal-mart offer to the residents?

Marshall Pierce stated Wal-mart is committed in maintaining a safe environment to shop and work with cameras, security equipment and training.

Barbara Deane, 4638 Cortland Dr, Orefield, What is the Township going to do to protect us?

Planning Commission member Brian Horwith stated we do not have an answer for that at this time; we are still in the data and fact-gathering phase and assembling information and comments from the residents.

Bob Gerken, 5320 Geiger Dr, Schnecksville, What is the average age of the security people? Are they hourly or salary? Who trains them? How many do you have on staff? Is their main responsibility loss prevention? What is the largest shift at the Trexlertown store? Who watches the security cameras?

Marshall Pierce stated again he does not know the average age of the security people.

Planning commission member John Barto III asked Mr. Pierce if the associate greeters are over the age of 18 or under the age of 18. Mr. Pierce stated the associate greeters are over the age of 18. John Barto III commented that the greeters are adults, correct? Mr. Pierce stated correct.

Marshall Pierce continued to answer Mr. Gerken's previously asked questions, there will be one full time salaried asset protection coordinator and 3 to 5 asset protection associates paid hourly. He will train the asset protection coordinator and oversee the training of the asset protection associates. Yes, their main responsibility is loss prevention. The asset protection coordinator is responsible to monitor the cameras or have someone monitor the camera. The cart recovery people are also watching the parking lot at all times for unusual or suspicious activity.

Wade Haubert, 3730 Apple Rd, Orefield, Why has no advance coordination with the State Police been started? Are all Wal-Mart employees part of a team of security? Did you know that parking lots are very high in crime? When someone is caught at Wal-Mart, are they charged with a criminal crime or a civil crime? Who goes to court for the court hearing?

Marshall Pierce stated once the plans for Wal-Mart have been finalized the State Police will be contacted. Mr. Pierce also stated almost everyone employed at Wal-Mart plays a part on the team in security. Mr. Pierce is not familiar with the statistics on crime in parking lots. Mr. Pierce stated Wal-Mart charges people with both criminal and civil charges, depending on the circumstances of the crime, the age of the defendant, the value of the product and repeat of the criminal. Mr. Pierce or another Market Asset Resource Manager will be present during the court case.

David Parson, 4772 York Dr, Orefield, On a busy day, what is the count at Trexlertown?

Marshall Pierce stated he is not aware of any door counters, but on a busy day such as Black Friday, it has been known to be as high as 20,000 to 30,000.

Tom Tate, 3432 Wilson Ave, Orefield, If the Wal-Mart store is not profitable what will happen, will the Township be stuck with a white elephant?

Planning Commission member Brian Horwith stated the property owner would be the one to deal with the property.

Mr. Pheiffer, Curtis Dr, Schnecksville, Mr. Pierce are you in charge of security at 10 stores? Can you move people from shift to shift? Do you have follow-up training with new training procedures?

Marshall Pierce stated yes he is responsible for 10 stores and he can probably move people from shift to shift if needed on the security teams. There is follow-up security training with new procedures.

John Hall, 5251 Grange Dr, Schnecksville, Do we have a head count and how many more people we can expect in the Township yet? At what point will someone be contacting the State Police regarding the increase in crime in the community?

Planning Commission member Brian Horwith stated we have not gotten the traffic count as of yet and at this time we can not answer your question as to when the State Police will be contacted.

Wal-Mart Engineer Bud Newton stated Wal-Mart has a policy of a 60-day period of time before the store opens when they contact the State Police and any emergency response agencies to inform them of their impending opening.

Andy Harakal, 5134 Ancinetta Dr, Schnecksville, addressed Supervisor Ronald Heintzleman, Would you contact the State Police and inform them of Wal-Mart's intent?

Supervisor Ronald Heintzleman stated he has already spoken to a State Police officer and he feels they can handle the Wal-Mart.

Unidentified resident, can this be an action of the Board of Supervisors?

Attorney Lisa Young stated the Board of Supervisors would have to vote on it.

Planning Commission member John Barto III stated the Planning Commission could recommend to the Board of Supervisors to call the State Police to inform them of Wal-Mart's intent.

Joan Casari, 4209 Iroquois St, Schnecksville, stated the in the past it has taken 25 minutes for the State Police to arrive when called.

Bob Gerken, 5320 Geiger Dr, Schnecksville, Does anyone know how many State Police are on duty in North Whitehall Township?

Kathy Bryan, 3126 Woodlea Rd, Orefield, At the last meeting someone stated this would be the first 24/7 store, We would like the Planning Commission to recommend to the Board of Supervisors to not allow the Wal-mart if approved to be a 24/7 store.

John Getty, 3331 Woodlea Rd, Orefield, made brief presentation titled " Wal-Mart and Crime- 24 hours a day", hard copy included in the minutes.

Molly Riley Cygan, 4235 Route 309, Schnecksville, stated the reason she has gotten involved is due to the safety of her children and she believes having this store open 24/7 will be a safety hazard to the community and her children. Please do not allow it to be open 24/7.

Trisha Burkhardt, 3227 Shankweiler Rd, Allentown, What is the lost child program? What have you change since the Black Friday incident in Long Island NY? Can we require Wal-mart to pay for an increase in State Police protection?

Marshall Pierce stated the "Code Adam" is the lost child program used and everyone is trained. Mr. Pierce is unable to discuss the incident in Long Island NY.

Attorney Lisa Young stated she would check on the status of the state proposal for fees to Townships that do not have their own police force.

Chuck Braymar, 3532 Apple Rd, Orefield, What does the Planning Commission do to plan for our future? What have you researched on your end?

Barbara Deane, 4638 Cortland Dr, Orefield, How can you work for the residents when you pass one plan without some study but you table another plan without that same study?

Township Engineer Steve Gitch explained the plans you are speaking about are two different plans one was a subdivision and one was a land development. The plans can be approved at different stages with different studies. Comparing these two plans is like comparing apples and oranges.

Mr. Pfeiffer, Curtis Dr, Schnecksville, Who is going to conduct the traffic study?

Township Engineer Steve Gitch stated traffic studies are typical completed by the developer, reviewed by the Township Traffic Engineer, and PennDot.

Kathy Bryan, 3126 Woodlea Rd, Orefield, Could you make a condition by the next meeting to not allow the store to be open 24/7 thru the Pennsylvania Planning Code?

Richard Casari, 4209 Iroquois St, Schnecksville, When would a motion be made regarding the 24/7?

John Barto III motioned seconded by Brian Horwith, to recommend to the Board of Supervisors to contact Captain Michelle Turk of the State Police to inform her of Wal-Mart's intent, to see if she feels the current police coverage is adequate or will it put a strain on the current coverage and the recommendation to have the Township Solicitor research and render a legal opinion if a restriction to not allow Wal-Mart to be a 24/7 store is possible, a vote was taken and all agreed.

Brian Horwith announced to the Planning Commission the Smart Transportation Guidebook that was going to be discussed at tonight's meeting will be discussed at the April meeting when Planning Commission Chairman Richard Celmer can be in attendance.

Wal-Mart will be on the April Planning Commission Agenda to discuss Fire Protection, Long Term Tax Implications and other various items still on their list.

Leonard Nuss motioned to adjourn, Jeff Johnson seconded, all others agreed

Meeting Adjourned: 10:10

Jane K. Kelly
Recording Secretary
Planning Administrator
North Whitehall Township