

## **PLAINFIELD TOWSHIP**

### **PLANNING COMMISSION REGULAR MEETING MINUTES**

**Monday, May 15, 2023**

A meeting of the Plainfield Township Planning commission was held on Monday, May 15, 2023, at the Plainfield Township Municipal Building located at 6292 Sullivan Trail, Nazareth, PA 18064.

Chairman, Paul Levits called the meeting to order at 7:00 PM. The Pledge of Allegiance was performed.

**ROLL CALL:** The following Commissioners answered roll call; Paul Levits, Terry Kleintop, and Robin Dingle. Also present were Solicitor, David Backenstoe, Township Engineer, Jeff Ott, Interim Township Manager, Jeff Bartlett, and Township Administrative Assistant, Kelly Unangst. **Commissioners not present;** Robert Simpson and Glenn Geissinger.

#### **APPROVAL OF MINUTES:**

1. *Approval of the March 20, 2023, Regular Meeting Minutes.*

A motion was made by Chairman Levits and seconded by Commissioner Kleintop to approve the March minutes. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0

2. *Approval of the April 17, 2023, Regular Meeting Minutes.*

A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle to table April's meeting minutes due to incompleteness of the minutes. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0

#### **OLD BUSINESS:**

1. PC-2021-015 – N.A.P.E.R Development, Inc. Site Grading Plan Land Development Application

Application Received: **February 11, 2021**

**Application Expires: May 31, 2023**

Chairman Levits requested a motion to grant an extension until **September 30, 2023**, and to table this project. A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0

2. PC-2021-009 – CRG Services Management, LLC. – Land Development/Subdivision Application (905 W. Pennsylvania Ave. Pen Argyl, PA 18072)

Application Received: **July 26, 2021**

Application Expires: **May 31, 2023**

Chairman Levits requested a motion to grant an extension until **August 31, 2023**, and to table this project. A motion was made by Commissioner Simpson and seconded by Commissioner Dingle and seconded by Commissioner Kleintop. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0

3. PC-2022-015 – JVI, LLC/Green Knight Economic Development Corp. – Land Development Application (45-65 Beers Way)

Application Received: **September 26, 2022**

Application Expires: **May 31, 2023**

Chairman Levits requested a motion to grant an extension until **September 30, 2023**, and to table this project. A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0

4. PC-2022-014 – Crossroads OXO, LLC – Special Exception Application (5664 Sullivan Trail)

Application Received: **September 26, 2022**

Application Expires: **May 31, 2023**

A letter was received from the applicant sent to Interim Manager Bartlett withdrawing their application to the planning commission. Chairman Levits requested a motion to acknowledge receipt of this withdrawal letter. A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle.

Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0. Solicitor Backenstoe requested a copy of the letter from the applicant to keep with his records.

5. PC-2022-017 – Clever Girl Winery – Land Development Application

Application Received: **October 5, 2022**

Application Expires: **May 31, 2023**

Chairman Levits requested a motion to grant an extension until **August 31, 2023**, and to table this project. A motion was made by Commissioner Dingle and seconded by Commissioner Kleintop. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

6. PC-2022-019 – BH Paving Inc. Land Development Application  
(Pennsylvania Ave.)

Application Requested: **October 24, 2022**

Application Expires: **May 31, 2023**

Chairman Levits requested a motion to grant an extension until **September 30, 2023**, and to table this project. A motion was made by Chairman Levits and seconded by Commissioner Dingle. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

7. PC-2022-019 – Sencan Car Dealership – Land Development Application

Application Received: **November 18, 2022**

Application Expires: **May 31, 2023**

Chairman Levits requested a motion to grant an extension until **September 30, 2023**, and to table this project. A motion was made by Commissioner Kleintop and seconded by Chairman Levitz. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

8. PC-2022-010 – RPM Metals Recycling – Special Exception/Site Plan  
(701 N. Broadway, Wind Gap, PA 18091)

Application Received: **July 7, 2022 (RESUBMISSION)**

Application Expires: **July 31, 2023**

Solicitor Backenstoe received a call from RPM's attorney requesting the project be tabled for May's P.C. Meeting as they are unable to attend. Chairman Levits requested a motion to grant an extension until **December 31, 2023**, and to table this project. A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

9. PC-2023-001 – TNL Property Management LLC – Special Exception/Site Plan for Temporary Use (812 Bangor Rd.)

Application Received: **January 20, 2023**

Application Expires: **May 31, 2023**

A letter was received from the applicant sent to Interim Manager Bartlett withdrawing their application to the planning commission. Chairman Levits requested a motion to acknowledge receipt of this withdrawal letter. A motion was made by Chairman Levits and seconded by Commissioner Kleintop. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0. Solicitor Backenstoe requested a copy of the letter from the applicant to keep with his records.

**CURRENT BUSINESS:**

1. PC-2023-003 – 5735 Kesslersville Road Lot Line Adjustment

Application Received: **April 21, 2023**

Application Expires: **July 21, 2023**

The applicant's attorney called Solicitor Backenstoe requesting the P.C. table this month's review until June's P.C. meeting because their engineer is ill and unable to attend this evening. Chairman Levits requested a motion to table PC-2023-003. Solicitor Backenstoe stated that the expiration date for a P.C. submission is 90 days from the first P.C. meeting after the applicant's submission. Time frame does not begin upon receipt of an application. A motion was made by Commissioner

Kleintop and seconded by Commissioner Dingle to table PC-2023-003 until June's P.C. meeting and to reflect the change of the expiration date to **August 21, 2023**. Correction noted and made. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

2. PC-2022-022 – Grand Central Sanitation MRF Building – Land Development/Subdivision

Application Received: **December 16, 2022**

Application Expires: **May 31, 2023**

Township Engineer, Jeff Ott, began reviewing his letter dated May 11, 2023.

***The applicant's waiver request letter numbers and Ott's review letter numbers (referring to numbers of items on each letter, not section numbers) do not match up. Waivers and deferrals are listed in accordance with the motions Solicitor Backenstoe gave the Planning Commission prior to voting.***

As listed in Ott Engineering Letter--22-202—(Definitions)-SALDO defines "street" as "A strip of land, including the entire right-of-way (IE: not limited to the cartway) intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot...whether public or private." There is an existing access from the "Landfill Access Rd" to this project area which is proposed to be modified by the adjacent Grand Central Sanitary Landfill, Inc. project (conditionally approved). This land development further modifies this access, causes this access to serve two lots and therefore be considered a street per ordinance.

GSC-MRF Project would like a waiver for the requirements in the event P.C. determines the access passageway into the facility is a "street." After discussion between the P.C., applicant, and attorneys, it was decided upon that the applicant's waiver request for 22-1004.16 regarding curbs, sidewalks, and street trees being required be granted. It was decided that if a third party were to purchase either lot currently owned by Waste Management, the street requirements being waived for GCS must, then, be met by the new owners. Chairman Levits requested a motion be made supporting this conclusion. A motion was made by Commissioner Dingle and seconded by Chairman Levits. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

As listed in Ott Engineering Letter -- 22-1005.1 – Concrete curb meeting this section is required along this property’s SR 512 (frontage and possibly along the “Landfill Access Rd.” (unclassified). We understand the P.C. is considering waiving/deferring these requirements.

If the proposed trail to this area should run contiguous to SR512 the P.C. will not recommend sidewalks to be installed as the trail would provide a safe space for pedestrians and biking. If the proposed trail does not run contiguous to SR512 then the P.C. will recommend sidewalks. The final decision would be at the sole discretion of the Board of Supervisors, concluding that at this time, a deferral will be granted for GCS’s waiver request to Section 22-1015.1. Chairman Levits requested a motion be made to this effect. A motion was made by Commissioner Dingle and seconded by Commissioner Kleintop. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0. **Note: This motion was ONLY to cover SR512**

Waiver request granted regarding sections 22-1004.3. B, and 22-1007.2, and to defer waiver requests regarding sections 22-1004.1, 27-405 and 22-1015.1 to the extent that they require cartway width, right-of-way width and sidewalks for all applicable existing streets abutting the property which include, **Buss Street, Glass Street, Grand Central Road, Pen Argyl Street, and Pen Argyl Road**. Chairman Levits requested a motion be made to this effect. A motion was made by Chairman Levits and seconded by Commissioner Dingle. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

**Landfill Access Road ONLY**--Deferral for sections 22-1005.1, 22-1015.1, 22-1004.3. B, 22.1007.2 until or unless either lots 1 or 2 of the property were to be sold to another owner or a third lot is created which accesses the Landfill Access Road. Sole discretion on this determination is up to the Board of Supervisors. Chairman Levits requested a motion be made to this effect. A motion was made by Chairman Levits and seconded by Commissioner Kleintop. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

Applicant must list all waivers on the revised plan for final review prior to the P.C. forwarding to the B.O.S.

As listed in Ott Engineering Letter– 22-1009.7 & 22-1009.7.C – Basin grading is required to be within the subject property and a minimum of 5’ from any property line. The proposed lot line will split the proposed basin associated with the adjacent Grand Central Sanitary Landfill, Inc. project (conditionally approved). A waiver must be requested.

Waiver request granted regarding sections 22-1009.7. B.5 & 2022-1009.7.C from the basin grading requirements associated with this property. Such waiver is subject to the developer providing the township with an easement in recordable form approved by Engineer Jeff Ott, and Solicitor David Backenstoe. Which easement shall act as a covenant running with the land and burden both properties. A motion was made by Commissioner Dingle and seconded by Commissioner Kleintop. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

As listed on Ott Engineering Letter – 22-302-1-C – The applicant has requested a waiver “To permit the Plan set as ‘Preliminary & Final Land Development and Subdivision Plan’.”

Chairman Levits requested a motion be made granting a waiver for section 22-302.1. C. A motion was made by Chairman Levits and seconded by Commissioner Kleintop with the contingency that the Board of Supervisors and township staff review applicant’s original waiver requests together with Ott’s response letter to make sure all waiver requests were addressed, and that Engineer Ott’s recommendations were followed by the Planning Commission. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

### **Preliminary / Final Conditional Approval**

Solicitor Backenstoe reviewed the list of items the Planning Commission should have as a result of the applicant’s submission.

Solicitor Backenstoe assisted with the motion to grant the request for a Preliminary/Final Conditional Approval for the Waste Management Grand Central Sanitation Material Recycling Facility – PC-2022-022 – subject to comply with the following;

1. Sewage Planning Module approval, and, or exemption by the Department of Environmental Protection.

2. Notification of the Lehigh Valley Planning Commission approval
3. Notification of the Northampton County Conservation District approval
4. Confirmation of approval regarding individual MPDES permits by the Commonwealth of PA
5. Must comply with all the conditions set forth in the Ott Consulting Engineer review letter dated March 11, 2023
6. Must comply with all the conditions set forth in the Plainfield Township Sewage Enforcements Officer's review letter dated May 11, 2023
7. Must comply with all the conditions set forth in the Zoning Officers letter **(Included in Ott Engineering letter which will be accepted by the P.C. as equivalent for both # 5 & #7 requirements listed in motion.) Stricken from list of requirements.**
8. Must comply with all the conditions set forth in the Traffic Engineer's Benchmark letter dated March 17, 2023
9. Must comply with the conditions set forth in the Environmental Consultant Hearing Engineer letter dated March 16, 2023
10. Must comply with the conditions set forth in the Plainfield Township Fire Chief's review letter
11. Must comply with the conditions set forth in the Emergency Management Coordinator review letter
12. Must provide owner's signature and notarization
13. Must enter into an improvement agreement posting adequate security
14. Contingent upon verification of applicant's waiver requests in accordance with waiver approvals by Plainfield Township staff and professionals

Chairman Levits requested a motion to the previous effect. A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

3. PC-2022-023 – Colton RV – Land Development Application



Application Received: December 16, 2022

Application Expires: May 31, 2023

Per Solicitor Backenstoe, he received an email approximately 30 minutes prior from representatives of Colton RV requesting that their review scheduled for this evening be tabled. Chairman Levits requested a motion be made to table PC-2022-023 until June 2023 Planning Commission Meeting. A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle. Chairman Levits gave the board, and audience the opportunity for questions or comments. No comments or questions. Vote 3-0.

The Planning Commission discussed the need to require applicants to submit much cleaner resubmissions for 2<sup>nd</sup> & 3<sup>rd</sup> revisions to the P.C. The applicant needs to be required to match up their requests to the Engineer's review letter so, as a board, it is more efficient in being able to determine which waiver requests were carried forth to a future meeting. Each time an applicant returns to a P.C. meeting the list of the P.C.'s requirements and the applicant's modifications should continue to decrease.

#### 4. Proposed Backyard Chicken/Fowl Ordinance

Chairman Levits suggested we follow the township's current nuisance and noise ordinances. Where under 1.0 acre is concerned the maximum number of birds/fowls could be 12. This would cover all districts outside of Farm & Forest.

#### **ADJOURNMENT:**

Chairman Levits requested a motion to adjourn the Planning Commission meeting for May 15, 2023. A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle. No questions. Vote 3-0

The meeting adjourned at 9:33 PM.

Respectfully submitted,

Kelly Roth Unangst

Township Secretary

