

PLAINFIELD TOWNSHIP

PLANNING COMMISSION REGULAR MEETING

Monday, April 17, 2023

A regular meeting of the Plainfield Township Planning Commission was held on Monday, April 17, 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, Robert Simpson, Glenn Geisinger, Robin Dingle and Terry Kleintop. Also present were Solicitor, David Backenstoe, Township Engineer, Jeff Ott, Township Traffic Engineer, Peter Terry, Interim Township Manager Jeff Bartlett, and Township Administrative Assistant, Kelly Unangst.

APPROVAL OF MINUTES:

1. *Approval of the March 20, 2023, Regular Planning Commission Meeting Minutes.* March's meeting minutes were not complete and unable to be presented to the Planning Commission for review. Chairman Levits requested a motion to table March's P.C. Meeting Minutes. A motion was made by Commissioner Dingle and seconded by Commissioner Simpson. Chairman Levits gave the opportunity for questions from the panel and audience. No questions. Vote 5-0

OLD BUSINESS:

Per Solicitor Backenstoe, the Planning Commission could no longer table previously submitted projects. He stated that if the applicants do not submit their revisions by April 28, 2023, to have the Board of Supervisors vote on these PC projects at their May 10, 2023, meeting, all projects would then, by default, be approved due to the township's lack of response. Solicitor Backenstoe advised that the Commission deny the current projects from which they have not received revisions or extension requests.

1. **PC-2021-015 – N.A.P.E.R. Development, Inc. Site Grading Plan Land Development** Application Received: **February 11, 2021**

Application Expires: **May 31, 2023**

With Solicitor Backenstoe' s assistance, Chairman Levits requested a motion to be made to deny **PC-2021-015** for the reason(s) set forth in the most recent engineering review letter unless an extension request is received by April 28, 2023. A motion was made by Commissioner Simpson and seconded by Commissioner Dingle. Chairman Levits gave the opportunity for questions from the panel an audience. Don Moore from the audience asked what that meant for the Board of Supervisors. Solicitor Backenstoe replied that if the Board does not receive an extension of time by the next Board of Supervisors Meeting, the Planning Commission must vote to deny the application. Vote -5-0

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**

With Solicitor Backenstoe' s assistance, Chairman Levits requested a motion to be made to deny **PC-2021-009** for the reason(s) set forth in the most recent engineering review letter unless an extension of time is received by the next Board of Supervisors meeting. A motion was made by Commissioner Dingle and seconded by Commissioner Kleintop. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

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

Application Received: **September 26, 2022**

Application Expires: **May 31, 2023**

With Solicitor Backenstoe' s assistance, Chairman Levits requested a motion to be made to deny **PC-2022-015** for the reason(s) set forth in the most recent engineering review letter unless an extension of time is received by the next Board of Supervisors meeting. A motion was made by Commissioner Kleintop and

seconded by Commissioner Simpson. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

4. **PC-2022-014 – Crossroads OXO, LLC – Special Exception Application**

(5664 Sullivan Trail) Application Received: **September 26, 2022**

Application Expires: **May 31, 2023**

With Solicitor Backenstoe’s assistance, Chairman Levits requested a motion to be made to deny **PC-2022-014** for the reason(s) set forth in the most recent engineering review letter unless an extension of time is received by the next Board of Supervisors Meeting. A motion was made by Commissioner Dingle and seconded by Commissioner Kleintop. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

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

Application Received: **October 5, 2022**

Application Expires: **May 31, 2023**

With Solicitor Backenstoe’s assistance, Chairman Levits requested a motion to be made to deny **PC-2022-017** for the reason(s) set forth in the most recent engineering review letter unless an extension of time is received by the next Board of Supervisors Meeting. A motion was made by Commissioner Simpson and seconded by Commissioner Dingle. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

6. **PC-2022-019 – BH Paving Inc. – Land Development Application**

(Pennsylvania Ave.) Application Received: **October 24, 2022**

Application Expires: **May 31, 2023**

No resubmission received.

With Solicitor Backenstoe’s assistance, Chairman Levits requested a motion to be made to deny **PC-2022-019** for the reason(s) set forth in the most recent engineering review letter unless an extension of time is received by the next Board of Supervisors Meeting. A motion was made by Commissioner Simpson

and seconded by Commissioner Kleintop. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

7. **PC-2022-021 – Sencan Car Dealership – Land Development Application**

(Blue Valley Drive) Application Received: **November 18, 2022**

Application Expires: **May 31, 2023**

With Solicitor Backenstoe’s assistance, Chairman Levits requested a motion to be made to deny **PC-2022-021** for the reason(s) set forth in the most recent engineering review letter unless an extension of time is received by the next Board of Supervisors Meeting. A motion was made by Commissioner Simpson and seconded by Commissioner Dingle. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

8. **PC-2022-022 Grand Central Sanitation MRF Building – Land Development Application**

**Extension granted & Resubmission received*

** Discussion and presentation later in the meeting**

9. **PC-2022-023 – Colton RV – Land Development Application**

Application Received: **December 16, 2022**

Application Expires: **May 31, 2023**

With Solicitor Backenstoe’s assistance, Chairman Levits requested a motion to be made to deny **PC-2022-023** for the reason(s) set forth in the most recent engineering review letter unless an extension of time is received by the next Board of Supervisors Meeting. A motion was made by Commissioner Dingle and seconded by Commissioner Kleintop. Chairman Levits gave the opportunity for questions from the panel an audience. Don Moore asked if a date should be given in place of stating “the next Board of Supervisors meeting. Solicitor Backenstoe stated that since we don’t have an exact date, we are using the next Board of Supervisors meeting as the latest day extension letters can be submitted. Vote 5-0

10. **PC-2022-010 – RPM Metals Recycling – Special Exception/Site Plan**

(701 N. Broadway, Wind Gap)

Application Received: **July 7, 2022**

Application Expires: **July 31, 2023**

No resubmission was received. Extension not needed at this time. Chairman Levits requested a motion to be made to table **PC-2022-010**. A motion was made by Commissioner Simpson and seconded by Commissioner Dingle. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

11. PC-2023-001 – TNL Property Management LLC – Special Exception/Site Plan

(812 Bangor Road) Application Received: **January 202, 2023**

Application Expires: **May 31, 2023**

With Solicitor Backenstoe’s assistance, Chairman Levits requested a motion to be made to deny **PC-2023-001** for the reason(s) set forth in the most recent engineering review letter unless an extension of time is received by the next Board of Supervisors Meeting. A motion was made by Commissioner Simpson and seconded by Commissioner Kleintop. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

12. PC-2023-002 – Bradley & Kristen Ransom – Re-Subdivision Plan

(608 W. Center Street, Wind Gap)

Application Received: **March 16, 2023**

Application Expires: **June 16, 2023**

Applicant has requested item be tabled to address engineer review letters. Chairman Levits requested a motion be made to table **PC-2023-002**. A motion was made by Commissioner Dingle and seconded by Commissioner Kleintop. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

8. Resumed discussion regarding PC-2022-022 Grand Central Sanitation MRF Building – Land Development Application

Presenting: Gregory Davis – Attorney for Applicant – Saul, Ewing, Arnstein & Lehr

David Allen, P.E. Sr. Project Manager Earthres Engineering

Mr. Allen, and Attorney Davis met with Township Engineer, Jeff Ott and Township Traffic Engineer, Peter Terry since the applicant attending the March Planning Commission Meeting. Per Engineer Ott, the primary subject of discussion during that meeting was addressing the traffic waivers the applicant has requested. Specifically, the gentlemen discussed the definition of the road leading to the landfill. Engineer Ott stated that Engineer Terry stated that this is a shared access road, and not actually a street. Per Mr. Terry this access road only leads to internal businesses and is not used by the public. Now that the definition of the road has been clarified, the applicant's waiver requests along this road can now be addressed. Mr. Ott stated that the Planning Commission now needs to decide if they want to classify the shared access road a private access drive or a private street. Commissioner Kleintop stated that he feels it is a road that can be accessed by the public as it is a connecting road to access Evergreen Cemetery as one way to enter or exit the cemetery. A Waste Management representative in the audience stated that typically they do not see the public using this as a short cut. The entrance from the landfill is also gated closed after WM's business hours. Commissioners Kleintop and Dingle mention that if future projects were to transpire, would this then be considered an access or public street. Attorney Davis stated that the classification of this road could then be re-evaluated at that time, if any additional projects are submitted to the Planning Commission. Attorney Davis stated that the potential for future projects doesn't relate to what is being done by W.M. for the MRF project. Commissioner Terry requested numbers in relation to the traffic studies done by Mr. Spizak. Mr. Spizak reported the findings of his traffic studies. He performed the studies at three different Waste Management sites. An average of the three sites were used after obtaining numbers of trucks in and out of the facilities at the AM Peak time and PM Peak time at each location. Mr. Spizak then added for the 35 employees at the facilities entering the facility in the morning and 35 employees exiting the facility in the afternoon using personal vehicles. The average of the three facilities during the AM Peak time was 52 total vehicle trips (trucks & personal vehicles for staff) and the PM Peak time was 54 (trucks & personal vehicles for staff). These numbers were calculated during 1 hour in the morning and during 1 hour in the afternoon. W.M. representatives in the audience and Commissioner Kleintop discussed the number of trucks, personal vehicles, and the weight of the trucks. Mr. Spizak stated that the traffic study looked at the conditions of the intersection and roads

at the present time, as well as calculating the potential traffic for the future with the MRF. Both present time and in the future show the intersection operating at service level A. Traffic Engineer Peter Terry stated that the intersection operates at service level D. This would be the case with or without the MRF being built. Commissioner Kleintop asked whether this increased traffic would warrant a traffic light at the intersection. Mr. Terry and Mr. Spizak both confirmed that the requirements from PennDOT for a traffic signal would not be met by this project. Mr. Terry suggested and “after study” because “we cannot predict the future.” Engineer Ott stated that he feels the road would best be classified as a private access road. Solicitor Backenstoe asked what the requirements would be if it were to be defined as a private street. Engineer Ott stated that it would then need to be built to township standards, which would include right of way, right of way width, roadway width, curbs, sidewalk, and street trees. If a future project were to take place to increase the traffic, potentially warranting traffic control signals, another traffic study could be conducted, and the definition of this road could be re-evaluated and be changed at that time. Then the Planning Commission could require the road be built to township standards. Solicitor Backenstoe stated there needs to be a “trigger” determined that would make the Planning Commission enforce changes for the upgrades. In the event it is never classified as a street, what would the trigger be that would require right of way, right of way width, roadway width, curbs, sidewalk, and street trees? Discussion continued about the future of this area, the intersection at 512, and what the P.C. would like to see in this area.

Solicitor Backenstoe reviewed what the P.C. would like to see in this area, requirements that the applicant is approving of, and that will allow the approval process of this application to move forward.

--The P.C. is going to consider the road a private street as opposed to an access road.

--The P.C. is going to waive any improvements on the private street 500 feet from the intersection of 512.

--The P.C. is going to differ any improvements at the intersection of the private street and 512 until a traffic study would confirm the necessity of a signalization,

at which time, Plainfield Township would require improvements be done to 512 or as an alternative, make certain improvements to the trail.

Additional discussion took place to finalize the motion.

Chairman Levits requested a motion be made to the following.

--The P.C. is going to consider the road a private street as opposed to an access road.

--The P.C. is going to waive any improvements on the private street 500 feet from the intersection of 512.

--The P.C. is going to differ any improvements at the intersection of the private street and 512 until a traffic study would confirm a signalization is warranted, at which time, Plainfield Township would require necessitated improvements be done to 512 or as an alternative, ask Waste Management to make certain improvements to the trail that would aid in pedestrian access. A motion was made by Commissioner Simpson and seconded by Commissioner Dingle. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

Jeff Stoudt from the audience asked if a traffic study will be done after the MRF project was finished. Solicitor Backenstoe stated this would be part of the MRF plan.

To confirm the waivers the applicant applied for, and which sections are being referenced, individual motions were made.

(18) --The waiver requests regarding being on a private street 500 ft from 512 shall require right away width, conditional right of way width & widening shall be required are referring to sections...

--22-10-04.3B

--22-10-07.2

--22.10.05.1

--22-10-15.1

A motion was made by Commissioner Dingle and seconded by Commissioner Simpson. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

A discussion between Engineer Ott, Solicitor Backenstoe and board members let to the conclusion that if the applicant submits a final review and meets a deadline of resubmission by April 28, 2023, to Ott Engineering for Jeff to review, Jeff will return this review to Plainfield Twsp by May 5, 2023 so it can then be provided to the P.C. The applicant will then be permitted to attend the May 15, 2023 P.C. meeting rather than waiting for the June P.C. meeting. This is an exception, as the deadline for the May P.C. meeting is the date of this meeting. A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

A motion was made by Commissioner Simpson to extend the time for consideration for this project to August 31, 2023. It was seconded by Commissioner Geissinger. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

A motion was made by Commissioner Kleintop to table the resubmission of the GCS MRF Land Development/Subdivision Application until the applicant submits their final revision at the May 15, 20223 Planning Commission provided this deadline is met. It was seconded by Commissioner Dingle. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

At this time, due to the time of evening, Chairman Levits proceeded to the Public Comment portion of the meeting.

PUBLIC COMMENT:

Mr. Cortazo requested if anyone looked into the buffer of space that he was verbally told would be a specific distance off of his property in regard to the Green Knight Project. Engineer Ott stated that he went back into his records of their review of the project but saw no mention of this in the engineering notes. Mr. Ott asked Mr. Cortazo if he had any idea as to when

this conversation may have taken place. Mr. Cortazo stated it would have been around 2018-2019 prior to CoVid. Don Moore stated he reviewed P.C. meeting minutes back to 2018 and did not find any documentation of this discussion. Chairman Levits asked Mr. Cortazo if he had a way of contacting Peter Albanese, who Mr. Cortazo stated was present at the P.C meeting where this conversation took place to see if he can confirm. Mr. Cortazo stated that he will try to do so but that Mr. Albanese is in the process of selling his property and may have a lot going on. Mr. Cortazo stated that currently there is only 25 ft from his property line. Commissioner Kleintop stated that this meeting would have taken place around the time of the groundbreaking for the Green Knights Industrial Park. It was determined by conducting a Google search that the date of the groundbreaking was in June of 2018.

CURRENT/NEW BUSINESS:

1. Proposed Warehouse Ordinance: Recommendation from PC to BOS will be to present the ordinance to the LVPC while continuing to make changes to the ordinance. A motion was made by Commissioner Simpson and seconded by Commissioner Geissinger to present this information to the Board of Supervisors. Chairman Levits gave the opportunity for questions from the panel an audience. No questions. Vote 5-0

2. Proposed Backyard Chicken/Fowl Ordinance: No change to ordinance since last month. Chairman Levits shared the information he found upon researching different towns, and areas and their chicken/fowl ordinances. Discussion among board members ensued including size of properties, number of chickens and or, number fowl permitted, and the necessity for the owner to maintain the property, care of birds, to prevent varmints, bugs, other animals. Discussion was held regarding who would re-write the new ordinance. Ideas discussed were the size of lot; regulating those lots under an acre and what those guidelines would look like. Nuisance issues should they arise & would the zoning office deal with these complaints? A primary concern is setbacks. Should a coop and run size be enforced if a property is less than 1 acre? Commissioner Dingle recommend that the ordinance state something about not placing chickens, or coops over wells

or septic tanks. Chairman Levits advised we move on to next topic at this time due to time of the evening.

Items not on Agenda:

Chairman Levits shared information he received from Wind Gap Municipal Authority regarding CRG trying to find a place to accept their sewage. Wind Gap Sewage Plant is a one-million-gallon p/ day plant. Once a plant reaches 60-70% capacity, they need to start looking toward expanding. Flow readings at the Wind Gap plant from March of 2022 to Feb. of 2023 were as follows;

March 2022 -- 0.8	Sept. – 0.6
April 2022—1.2	Oct. – 0.6
May – 0.9(high flow day of 1.7)	Nov. – 0.5
June – 0.8	Dec. – 0.9
July – 0.4	Jan 2023 – 0.9
Aug – 0.4	Feb. 0.6

Overall average is 0.83 for the past 11 months. Per Chairman Levits, the DEP should be looking at this plant as they approach maximum capacity. Pen Argyl is closer to their maximum. Chairman Levits didn't have specific numbers on their recent intake. He shared portions of a letter he received from Wind Gap Municipal Authority. Fixing the infiltration would become a high priority. The cost of the task to upgrade the plant would be about 14 million dollars for Wind Gap.

ADJOURNMENT: Chairman Levits requested a motion be made for adjournment. A motion was made by Commissioner Simpson and seconded by Commissioner Geissing. No questions. Vote 5-0

The meeting adjourned at 10:33 PM.

Respectfully submitted,

Kelly Roth Unangst

Township Secretary

