

PLAINFIELD TOWNSHIP

PLANNING COMMISSION MEETING MINUTES

Monday September 18, 2023

A meeting of the Plainfield Township Planning Commission was held on Monday, September 18, 2023, at the Plainfield Township Municipal Building, 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 were present. Paul Levits, Robin Dingle, Terry Kleintop, Robert Simpson, and Glenn Geissinger. Also present were Solicitor David Backenstoe, Township Engineer, Jeff Ott, Township Manager Jeff Bartlett, and Township Secretary, Kelly Unangst

**APPROVAL OF MINUTES:**

**Approval of the August 21, 2023, Planning Commission Meeting Minutes. A motion was made by Commissioner Dingle and seconded by Commissioner Kleintop to table the August 18, 2023, Planning Commission Meeting Minutes because the P.C. members did not receive them until the day of the meeting. No questions or comments from the PC or from the audience. Vote: 4-0; Abstention: Robert Simpson-he was absent from the August P.C. Meeting**

**OLD BUSINESS:**

**A motion was made by Commissioner Simpson and seconded by Commissioner Dingle to table the following Planning Commission submissions;**

PC-2021-015 – N.A.P.E.R. Development

PC-2022-015 – JVI/Green Knights

PC-2022-019 – BH Paving Inc.

PC-2022-010 – RPM Metals Recycling

**and to remove the following Planning Commission applicants from the agendas;**

PC-2021-015 – N.A.P.E.R Development

PC-2022-015 – JVI/Green Knights

PC-2022-021 – Sencan Car Dealership (Expires: 9/30/23)

All are to expire on December 31, 2023, except for Sencan Car Dealership. **No questions or comments from the Committee or from the audience. Vote: 5-0**

**A motion was made by Commissioner Kleintop and seconded by Commissioner Simpson to table PC-2021-009, CRG Services. They will be attending the October Planning Commission meeting. No comments or questions from the audience. Vote: 5-0**

Proposed Backyard Chicken and Fowl Ordinance – The chicken ordinance was discussed. The Commission asked what copy they are currently viewing. Manager Bartlett stated the version in front of the Commission this evening is from Don Moore. The Commission asked for a copy of the amended ordinance where notes were made, and Manager Bartlett was asked to type up a draft with the corrections. Township Secretary, Kelly Unangst provided Chairman Levits with previous meeting minutes from April and May of 2023 when the Chicken Ordinance was last discussed. Manager Bartlett provided the Commission with a copy of the ordinance as it was amended by Don Moore. The Commission decided that since they had never seen this version of the ordinance, they would like to see the last copy of the ordinance with the Commission’s collective changes that were listed. Chairman Levits read the Chicken Ordinance portion of the P.C. Meeting Minutes from April and May of 2023. It was discussed at that time that the Township may want to follow the noise/nuisance ordinances instead of determining a number of chickens or fowl permitted. It was also mentioned in May of 2023 that the Commission may want to add something to the ordinance that states a chicken coop or run should be so far from septic tanks or wells. **A motion was made by Commissioner Geissinger and seconded by Commissioner Dingle to table this discussion until the next P.C. meeting. No comments and questions from the Commissioners or from the audience. Vote: 5-0**

**CURRENT/NEW BUSINESS:**

1. Discussion and recommendations on proposed changes to SALDO and Zoning. Chairman Levits recapped the Commission’s desire to amend the Township’s SALDO Ordinance. Plan size, location maps, scales, are outdated because these sections were written during a time when we did not have the technology we do today. Some committee members recall the previous zoning officer, Sharon Pletchan, taking code ordinances and making suggested changes to those she felt could use an update. It was asked where that packet might be. The staff was unsure. Chairman Levits asked Manager Bartlett if this information could be found and placed in the committee’s packets for October. The retaining wall with the CRG was mentioned. The Commissioners wanted Commissioner Simpson to weigh in on the topic because he was absent from the August P.C. Meeting. Commissioner Simpson stated some things that the Planning Commission and Board of Supervisors may want to consider when revising the ordinance regarding walls. Engineer Ott discussed what CRG is trying to accomplish by constructing a retaining wall on their project site. Commissioner Simpson suggested we add to the township ordinances to include requirements for walls. Commissioner Dingle asked if there are currently any setbacks for a wall in the event of collapse. Engineer Ott stated that the Township may want to include land impact requirements because nowhere in a current ordinance are land impacts being taken into consideration. Commissioner Simpson shared information about how the slope of a wall is configured. Commissioner Dingle asked who would be responsible for the area of land from a setback to a wall on someone’s property. For example, with CRG, there is a PP & L utility easement, but who would care for the area of

land from each side of the easement to where the wall begins. She also mentioned that perhaps something needs to be added to the ordinances that states setbacks of walls built to property lines, or in CRG's situation to a utility easement. Something should be in place in the event the wall collapses. Township Engineer Ott suggested that an applicant should be required to submit land disturbance studies in situations such as this or with any commercial project and that this may be something the Township wants to add to their ordinances. Commissioner Dingle stated that an air pollution study would be helpful too. Commissioner Simpson stated that he is glad there is a maximum height allowed for walls. Engineer Ott stated that he is as well, and that his is only in a steep slope area. Otherwise, the wall can go as high as the applicant wants.

Solicitor Backenstoe, and Engineer Ott discussed the fact the fact that RPM and CRG have both submitted plans for the same parcel. Solicitor Backenstoe stated that while two sets of plans can be submitted for one parcel, only one set of plans can be approved. Commissioner Simpson asked if it is then a race to see who can get their plans approved first? Solicitor Backenstoe stated that it would be nice, if RPM has a legitimate interest in the property, that they get an injunction to have CRG halt in moving forward. If RPM wins, they can move forward with their plans. If they do not win, then CRG would be able to proceed. Engineer Ott asked if CRG is on the Board of Supervisors agenda for October's meeting, and they ask the Board for conditional approval, what is the Board of Supervisors to say to them. Commissioner Dingle stated that RPM's submission plan expires on 12/30/23. She asked if they would need to also be on October's Planning Commission Agenda. Commissioner Simpson stated that he asked what the P.C. is to do if CRG asks for conditional approval in October, and the P.C. tells them they can have conditional approval once RPM withdraws their plan submission. Commissioner Simpson stated that CRG is going to make a fuss about this as they have been fighting for the project for 5 years now. Commissioner Kleintop asked Solicitor Backenstoe if the Planning Commission gets to the point of conditional approval at October's P.C. Meeting, would Solicitor Backenstoe be able to legally permit the Planning Commission to do so. Solicitor Backenstoe stated that without an injunction from RPM which would show that they are still interested in the property, then there is no reason why he should refrain from advising the Planning Commission to grant conditional approval to CRG. Township Engineer Ott suggested this be added when revising the Township's S.A.L.D.O. Commissioner Simpson asked if the fact that CRG has never provided the Commission with a traffic report other than to say that CRG's engineer has met with and presented a traffic report to the Township Traffic Engineer, Peter Terry, would be any reason the Planning Commission could deny a request for conditional approval. Commissioner Kleintop stated that the Planning Commission made Engineer Chartrand aware that he should not attend the October P.C. Meeting without the full traffic report that the two engineers discussed. Commissioner Dingle stated that she requested a noise and air pollution plan, and safety plan in the past, and they have not complied. She stated that CRG has not addressed the health and safety portion of this project at all. They have not reported any action plan for spills. She stated that it is not a requirement, so how can they enforce these things to be submitted. Commissioner Simpson stated that have been asking for a presentation on the traffic report, noise and air pollution reports and actions plans for a spill, and they have not provided any of these things, but where in the Township's ordinances does it state that these things are required. They are not listed in the ordinances. Chairman Levits asked the Planning

Commission if there is anything further that the P.C. would like Solicitor Backenstoe or Engineer Ott to address with the review & revision of the Township S.A.L.D.O. Commissioner Dingle asked if there is something that can be added to the ordinances that will address solar farms. Township Manager Bartlett stated that there is an ordinance that addresses solar energy. Chairman Levits requested a copy of this from Manager Bartlett. Chairman Levits requested the following for next P.C. meeting.

--Previous zoning officer, Sharon Pletchen's ordinance rough draft with suggested changes written.

--Chicken Ordinance rough draft where P.C. members made their suggestions.

--History of CRG waivers, approvals, denials, or changes

--CRG Revision Submission Packet

--Jane's email regarding solar energy options and if we have an ordinance.

--Preliminary S.A.L.D.O. revision from Ott Consulting, if possible,

Engineer Ott stated that he will do his best to have a revised S.A.L.D.O for us for the next Planning Commission meeting. He has the end of his company's fiscal year on September 30, 2023, as well as the CRG project, but he will try to enlist the help of his team as well.

### **PUBLIC COMMENT – AGENDA/NON-AGENDA ITEMS**

Mr. Stoudt asked if the Planning Commission ever considered making warehouses place solar panels on the roofs of the warehouse. Chairman Levitz stated that he agreed with Mr. Stoudt because there is a lot of space on the roof of warehouse.

**ADJOURMENT:** Having no further business to discuss, the Planning Commission Meeting, held at the Plainfield Township Municipal Building adjourned at 8:45 PM.

**A motion was made by Commissioner Simpson and seconded by Commission Dingle. No questions or comments from the Commission or from the audience. Vote: 5-0**