

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION REGULAR MEETING**

January 15, 2018

The regular monthly meeting of the Plainfield Township Planning Commission was held on Monday, January 15th, 2018 at the Plainfield Township Municipal Building, 6292 Sullivan Trail, Nazareth, PA 18064.

Township Solicitor, David Backenstoe, called the meeting to order at 7:01 P.M.

The Pledge of Allegiance was performed.

ROLL CALL:

The following Commissioners answered roll call: Robin Dingle, Robert Simpson, Jeffrey Beavan, Terry Kleintop, and Secretary, Paige Gerstenberg. Chairman, Paul Levits, was not in attendance at this meeting.

Also present were Township Manager, Tom Petrucci, Zoning Officer, John Lezoche, Solicitor, David Backenstoe, Esq., and Township Engineer, Mike Kukles.

REORGANIZATION:

ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to appoint Mr. Paul Levits as Chairman for the Plainfield Township Planning Commission with the understanding that Mr. Levits would accept the position. *Prior to the vote, Solicitor, David Backenstoe, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.

Terry Kleintop nominated Robert Simpson to fulfill the position of Vice Chairman. No other nominations were made for the position.

ACTION: Motion was made by Terry Kleintop and seconded by Jeffrey Beavan to appoint Robert Simpson as Vice Chairman for the Plainfield Township Planning Commission. *Prior to the vote, Solicitor, David Backenstoe, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.

APPROVAL OF MINUTES:

ACTION: Motion was made by Jeffrey Beavan and seconded by Robin Dingle to approve the December 18, 2017 minutes as presented. *Prior to the vote, Vice Chairman, Robert Simpson, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0.

NEW BUSINESS:

1. SANDRA ALBANESE (763 ALPHA ROAD, WIND GAP, PA) SITE PLAN REVIEW FOR SPECIAL EXCEPTION USE APPLICATION (APPLICATION FILED 12/14/2017- RECOMMENDATION TO ZONING HEARING BOARD DUE 45 DAYS FROM DATE THAT THE SITE PLAN APPLICATION WAS RECEIVED- JANUARY 28, 2018):

Mr. Leroy Albanese along with Sandra Albanese were present at the meeting. Mr. Albanese presented the Planning Commission with his plans for the back porch of the property located at 806 Bangor Road which consisted of closing in a back porch and constructing eight (8) steps to tailor off of the back porch.

Plainfield Township Zoning Officer, John Lezoche, stated that a Cease and Desist Order was issued to the applicant and has complied with all orders made by the Township. Mr. and Mrs. Albanese are currently in need of a Special Exception since the home is currently a non-conforming use and structure on the property. Any changes to be made to any of the structures on this property requires a Special Exception. Planning Commission member, Terry Kleintop, questioned whether there were any issues with the neighbors on the other side of the property. Mr. Lezoche stated that there were no known issues at this time. Additionally, there are no documents on file regarding the construction of the half-a-double on the property. If such homes were built before 1971, those structures are grandfathered in and are considered a lawful, non-conforming use.

Mr. Kleintop confirmed that a Special Exception was needed at this time because the structure is short of the required 80 feet from Bangor Road (SR 191).

Mr. Albanese stated that the steps were moved approximately four (4) feet from the original location of the steps. Mr. Lezoche added that the landing is two (2) feet closer to the road than it should be. Because of this issue, a Variance is also needed along with a Special Exception to complete the scope of work.

Township Solicitor, David Backenstoe, reviewed what happened prior to the Planning Commission meeting that initially sent Mr. and Mrs. Albanese to the Planning Commission. Attorney Backenstoe stated that the construction had already begun without a permit issued by Plainfield Township or KeyCodes Inspection Agency. A resident complained about the construction and after proper investigation into the matter by Township Administrative Staff and Officials, it was confirmed that there was no permit given to undergo construction. A Cease and Desist Order was then issued to the property owner. This is the reasoning for Mr. and Mrs. Albanese coming to the Planning Commission.

Mr. Petrucci questioned Mr. Albanese on whether he spoke to any of the adjoining property owners to see if they had any concerns for the construction that is being done to the structure on the property. Mr. Albanese stated that out of his conversations with adjoining residents, no complaints or concerns were identified. Tom- did you talk to residents? Yes- no one has an issue with it. Tom- ok just wanted to look ahead for the zoning hearing.

Mr. Jeffrey Beavan requested that the Planning Commission go over the Ott Consulting review letter dated January 10, 2018. All items were addressed within the letter by Township Engineer, Mike Kukles. The specific items to be corrected on the Site Plan are as follows:

- **§27-409.3.B-** The Site Plan shall provide ties to the property lines for all structures and note the area of the existing lot.
- **§27-409.3.D-** The Site Plan is required to show dimensions for all areas to be used for motor vehicle access, off-street parking, and off-street loading and unloading. Since the existing residential use will remain, off-street loading and lighting are not required and the 3 car garage provides adequate off-street parking for this proposal. The extents of the existing paved driveway shall be labeled on the plan.
- **§27-409.3.G-** The Site Plan shall include a note indicating water supply and sewer service to be on-lot.
- **§27-409.3.M-** A key map (location map) showing the entire project and its relation to surrounding properties shall be included on the Site Plan.
- **§27-409.3.N-** The applicable Zoning districts and requirements shall be noted on the Site Plan.
- **§27-409.3.P-** The Site Plan shall include a certification by the person who prepared the plan.
- **§27-409.3.Q-** The Site Plan shall include a certification of ownership and acknowledgement of plan signed by the owner or developer.

The items listed above are required to be corrected by the applicant in order to make the plans acceptable.

ACTION: Motion was made by Jeffrey Beavan and seconded by Terry Kleintop to recommend the Zoning Hearing Board to act favorably upon the above-referenced Application for a Special Exception Use and Site Plan Application under the condition that all items highlighted within the Ott Consulting review letter are corrected and addressed. Prior to the vote, Vice Chairman, Robert Simpson, asked if there were any comments from the governing body or the public. Motion approved. Vote 4-0.

After the motion, Township Manager, Tom Petrucci, noted that once the zoning issue is rectified with the property, the applicant still needs to be in compliance with the Building Code. In order to receive the Certificate of Occupancy, all construction on the property needs to be completed in order for KeyCodes Inspection Agency to come out to the property and inspect the work that has been done.

OLD BUSINESS:

1. CONTEMPORARY USE ORDINANCE

Based on the last draft of the Contemporary Use Ordinance, additional uses and revisions were made. Revisions that were made included the exterior retail display and sales provisions as directed by the Planning Commission, adjustment to the microbrewery gallon classification from 15,000 gallons to 25,000 gallons, public retail and use accessory to a vineyard or winery was changed to a public special event use accessory to a brew pub, micro distillery, winery and vineyard, and eliminated separate requirements for retail sales and tasting for wineries as discussed by the Planning Commission while also mirroring distilleries and brew pub provisions. All specified bed and breakfast revisions were made including a provision for the age of the home, and short-term residential uses revisions were also incorporated based on recommendations from PSATS and the Pennsylvania Association of Zoning Officials. No-impact home based business revisions were added in accordance with the Municipalities Planning Code (MPC). Mr. Petrucci stated that the Township has received direction from PennDOT in reference to identifying all permits/site plans/land development plans with provisions on such documents concerning access to state highways. The Contemporary Use Ordinance will allow the Township to be compliant in the Zoning Ordinance aside from the Subdivision and Land Development Ordinance. A statement will also be incorporated into all building permits provided by KeyCodes.

Mr. Petrucci also added that the reasoning for this matter coming up was because PennDOT has stated that there are some uses within the Township which the driveways are not valid and are illegal. PennDOT does not recognize grandfathered driveways. Any access to a highway would require a highway occupancy permit from PennDOT. Any time that a permit is given to a property owner within the Township, the Township should be notifying the owner that a highway occupancy permit is required by PennDOT. Language within the permits that are given to the residents should be included however, the Township will not be enforcing it as it is not appropriate for the Township to be enforcing whether the resident received a highway occupancy permit or not.

Township Manager, Tom Petrucci, noted that he does not believe that the Township should be enforcing such requirements simply because someone needed a permit for drywall or a new sink or some other type of improvement of that nature. A statement from the Township will make the Township compliant with all state regulations including the Uniform Construction Code. It was also added that by law, property owners have permitted access to their property. Changes to their driveway can be prohibited but access to their current driveway cannot be prohibited.

Member, Robin Dingle, stated that the wording of the requirement by PennDOT is very important because the Township does not want to cause any issues with liability but also does not want to guide residents in a way that portrays the statement on the permit to be enforced by the Township.

PennDOT does not currently enforce this regulation. In the past, PennDOT has instructed individuals to keep driveway as-is. If a property owner changes a nonconforming use, then

PennDOT will require the property owner to make changes and obtain necessary permits in order to make the driveway a conforming use. Some driveways located in the Township are very difficult and costly to correct in order to abide by the law.

Mr. Petrucci also added a savings clause within the Contemporary Use Ordinance. Therefore, if there are any uses that are not provided for within the Ordinance, it will need to go to the Board of Supervisors as a Special Exception.

It was added that for short-term residential rentals, there will be one (1) off-street parking spot for each dwelling and two (2) parking spaces per dwelling unit.

ACTION: Motion was made by Terry Kleintop and seconded by Robin Dingle to have Mr. Petrucci send the current drafted Contemporary Use Ordinance with a few minor corrections to the Board of Supervisors. Prior to the vote, Vice Chairman, Robert Simpson, asked if there were any comments from the governing body or the public. Motion approved. Vote 4-0.

Following the vote, Jeffrey Beavan questioned what the determination of the zoning districts within the savings clause. Mr. Petrucci stated that this would be in the Highway Interchange and General Industrial Zoning District. Solicitor, David Backenstoe, noted that this would be a good area to have this location as it is along State Route 33.

NEW BUSINESS:

Terry Kleintop questioned the letter that was received from the Lehigh Valley Planning Commission because that area of landfill in the Lehigh Valley Regional Comprehensive Plan is zoned/ designated as agricultural, they make the stipulation where it's a landfill, that it is consistent with their plan. The plan also provides for waste disposal. Synagro's use is consistent with the landfill use based on the letter that was received from the Lehigh Valley Planning Commission (LVPC).

ADJOURNMENT:

Having no further business to come before the Planning Commission, motion was made by Jeffrey Beavan and seconded by Robin Dingle to adjourn the meeting. Motion approved. Vote 4-0.

The meeting adjourned at 8:22 P.M.

Respectfully submitted,

Paige Gerstenberg
Planning Commission, Secretary
Plainfield Township