

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION REGULAR MEETING**

May 21, 2018

The regular monthly meeting of the Plainfield Township Planning Commission was held on Monday, May 21st, 2018 at the Plainfield Township Municipal Building, 6292 Sullivan Trail, Nazareth, PA 18064.

Chairman, Paul Levits, called the meeting to order at 7:00 P.M.

The Pledge of Allegiance was performed.

ROLL CALL:

The following Commissioners were present at the meeting: Chairman, Paul Levits, Vice-Chairman, Robert Simpson, Robin Dingle, Jeffrey Beavan, Terry Kleintop, and Secretary, Paige Gerstenberg.

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

APPROVAL OF MINUTES:

1. APPROVAL OF THE APRIL 4TH, 2018 PLANNING COMMISSION MEETING MINUTES:

ACTION: Motion was made by Robert Simpson and seconded by Jeffrey Beavan to approve the April 4th, 2018 minutes with changes as discussed at the meeting. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

2. APPROVAL OF THE APRIL 16TH, 2018 PLANNING COMMISSION MEETING MINUTES:

ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to approve the April 16, 2018 minutes as presented. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

TIME EXTENSIONS:

1. GRAND CENTRAL SANITARY LANDFILL, INC. SLATE BELT HEAT RECOVERY CENTER LAND DEVELOPMENT/MAJOR SUBDIVISION; TIME EXTENSION EXPIRES AUGUST 31, 2018:

This agenda item was for informational purposes only. No vote was required.

NEW BUSINESS:

1. CONTEMPORARY USE ORDINANCE (MPC Review Required):

ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to move forward the current drafted Contemporary Use Ordinance to the Board of Supervisors for review and recommendation for approval. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

2. TACO BELL LAND DEVELOPMENT PLAN (6695 SULLIVAN TRAIL, WIND GAP, PA 18091); SUBMISSION DATE: APRIL 27, 2018; EXPIRATION DATE: JULY 26, 2018 (90 DAYS FROM SUBMISSION DATE):

Mr. Leo DeVito and Mr. John Pettit, PE were present at the meeting on behalf of Taco Bell. Mr. DeVito did a short overview of the project and the changes that were made from the previous submission. The new proposal included a 2,753 square foot Taco Bell located at the corner of Sullivan Trail and SR 512 in Plainfield Township.

The applicant was approved for a special exception use and variances on the last submission, however, this new submission is in compliance with all Zoning requirements. There are a total of 45 parking spaces which have been redesigned in order to comply with parking regulations within the Township's Ordinance. Representatives of the applicant stated that they are expecting the Highway Occupancy Permit shortly and there were only minor comments from PennDOT which the traffic engineers will address. The applicant showed the Planning Commission members drawings of the proposed Taco Bell in order to show how the building will look once it has been constructed.

Commissioner, Terry Kleintop, questioned where the delivery section will be at the Taco Bell location as the previous location was an issue. Mr. Pettit noted that all deliveries will arrive in the morning before the facility opens to the public. This will ensure that there are no traffic issues in the parking lot at the time of delivery. Chairman, Paul Levits, questioned whether tractor trailers will be used for the deliveries and the size of the parking spots. Mr. Pettit stated that there will be tractor trailers used and the parking spaces were adjusted so there were no variance requests. The proposed size of the parking spots are 10x18 feet which Township Engineer, Mike Kukles, stated that the sizing of their parking spaces are pretty standard. Mr. Levits also questioned whether stormwater and sewer would need to be designed and calculated. Mr. DeVito added that these items are still in the process of being designed.

Following the discussion, Chairman, Paul Levits, allowed Township Engineer, Mike Kukles, to read over the review letter dated May 16, 2018. The Ott Consulting review letter is hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit A".

Land Development Plan

Township Engineer, Mike Kukles, noted that the majority of the items were drafting related. With the requirements of §22-503.2.G, it was requested by Mr. Kukles that there be a consolidation deed to provide for the parcel line clarification. In regards to §22-503.4.D(4), the applicant stated that the stop bar will be painted but the arrows located there will not be painted.

Mr. Kukles pointed out that §22-503.5.C still refers to the Lehigh Valley Planning Commission (LVPC) as the Joint Planning Commission (JPC). The signature box shall reflect those changes and refer to the LVPC only. The next line item, §22-503.5.D referred to the proposed lot size. The applicant stated that the gross lot size is 1.29 which will be reflected in the changes.

With respect to §22-503.6.B(1), a waiver of showing the slope ranges by shadings or markings on the plans was requested.

ACTION: Motion was made by Robert Simpson and seconded by Jeffrey Beavan to recommend to the Board of Supervisors to grant the waiver request for §22-503.6.B(1). Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

Mr. Kukles stated that there may be a maintenance concern with §22-503.6.D(8). However, this matter can be addressed at a later time. In reference to §22-503.7.B(1), The location of the water flow at the proposed land development area is still unknown by the applicant at this time. Construction detail regarding the inlet to manhole conversion will be provided to the Township Engineer if it is so requested.

A waiver of §22-602 was requested on behalf of the applicant. After discussing the possibility, the Planning Commission did not feel comfortable granting this waiver at this time. It was recommended to have this matter be addressed at the next submission. Township Manager, Tom Petrucci, asked that the applicant submit a letter to the Board of Supervisors memorializing the waivers being requested and the reasoning for each request.

§22-1004.6.A requirement provides for sidewalks, curbing, and travel lanes. Chairman, Paul Levits, noted that Kmart previously received waivers for the placement of sidewalks. It was noted that many people walk along Male Road because of the shopping center despite the lack of sidewalks. Given the location of the new proposed Taco Bell, the Planning Commission heavily advised the applicant of Taco Bell to install sidewalks so there is a safer way of transportation for residents who wish to walk. The Planning Commission will recommend the placement of sidewalks to the Board of Supervisors but will be included in the formal motion at the end of the review. Mr. DeVito added that he will address the sidewalk concerns with his client within the meantime as well.

With respect to line item number 35, the applicant requested a waiver for §22-1009.7.J in order to allow for the placement of ADS pipe which would be welded together to already pre-existing piping. The requirement for this section states that galvanized steel or concrete must be used for the outlet control. Commissioner, Robin Dingle, stated to the applicant that they must comply with and use ABACT (Antidegradation Best Available Combination of Technologies) approved methods for the proposed project.

Commissioner, Jeffrey Beavan, stated that this matter is not normally regulated by ABACT or HQ Watershed.

ACTION: Motion was made by Jeffrey Beavan and seconded by Chairman, Paul Levits, to recommend to the Board of Supervisors to grant the waiver request for §22-1009.7.J. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 3-2 with Robin Dingle and Terry Kleintop voting no.

§22-1009.10.A provides for all storm sewer pipes to be a minimum of 18 inches in diameter. The applicant requested to have a minimum of 15 inches in diameter in place of the 18 inches requirement. Commissioner, Robin Dingle, expressed concern with lowering the diameter as this may cause maintenance issues in the end. Ms. Dingle stated that this requirement was made for a reason and did not believe it should be altered in the form of a waiver. Commissioner, Jeffrey Beavan, did find one pipe on the plan that showed 12 inches in diameter instead of the recommended 15 inches in diameter. The applicant stated that they will make this change and it will be reflected on the plan.

ACTION: Motion was made by Robert Simpson and seconded by Terry Kleintop to recommend to the Board of Supervisors to grant the waiver request for §22-1009.10.A. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 3-2 with Robin Dingle and Terry Kleintop voting no.

With respect to §22-1011.4, Township Engineer, Mike Kukles, received the fire flow data from the applicant and after review, he did not see any future issues with the data provided.

Within Plainfield Township's current SALDO, §22-1013.4.B(3) requires driveways along major collector and arterial roads to have a minimum curb return radius of 25 feet. The Planning Commission feels it is necessary to defer this requirement to PennDOT's jurisdiction with the understanding that the Township's Ordinance requires a minimum of 25 feet for the curb return radius. It is the recommendation of the Planning Commission that PennDOT should utilize the Township requirements where the Township requirements are greater than what is required by PennDOT.

ACTION: Motion was made by Robin Dingle and seconded by Robert Simpson to recommend to the Board of Supervisors to grant the waiver request for §22-1013.4.B(3). Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.

Stormwater Management:

Most items under the stormwater management section were agreed to by the applicant. With respect to letter “D” of the review letter under the stormwater management heading, Mr. Kukles stated that Ott Consulting does not recommend Plainfield Township to approve the connection to the inlet at EDA-02 unless the applicant is inclined to post security for future maintenance. The Planning Commission did not wish to comment on the matter at that time and will address the issue at the next meeting.

Zoning:

Commissioner, Terry Kleintop, questioned the applicant on what the hours would be for the proposed Taco Bell. Mr. Pettit stated that the hours will be from 7:00 A.M. until 11:00 P.M. The drive-thru will stay open longer, until 1:00 A.M. or 2:00 A.M., on Fridays and Saturdays only. The applicant will memorialize the hours of operation and check with the Special Exception use that was previously granted with the first submission for Taco Bell.

Representatives from Wendy’s, Mr. Peter Terry and Attorney John Dunn stated concerns of the traffic getting in and out of the Wendy’s and the heavy traffic located at the intersection of SR 512 and Sullivan Trail. He also noted that Wendy’s location was not memorialized on the submitted plans. Chairman, Paul Levits, added that the traffic flow at Dunkin Donuts in Wind Gap also has a high volume of traffic at certain times of the day which traces cars in line for the drive-thru all the way onto SR 512. This is a major traffic concern and he does not want to see these types of issues with the proposed Taco Bell. Solicitor, David Backenstoe, added that the Township is preempted by the Highway Occupancy Permit and if there were to be any issues, those issues would be directed to PennDOT directly.

With respect to §27-703.2.A, Plainfield Township Zoning Officer, John Lezoche, noted that if the applicant were to increase the off street parking space, that may increase the impervious coverage. If this were to be done, new calculations will need to be performed on the application submission. The applicant also stated that they will make sure that the parking spots will be a minimum width of 10 feet.

Township Manager, Tom Petrucci, stated that there will need to be an Extension of Time given that this matter will be addressed at the next meeting. The Applicant noted that the appropriate forms/request will be submitted to the Township Manager, Tom Petrucci, by Attorney James Preston.

ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to recommend to the Board of Supervisors to grant the Extension of Time through August 31, 2018 subject to receiving a written request from the applicant. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

ACTION: Motion was made by Robert Simpson and seconded by Terry Kleintop to table the Taco Bell Land Development submission review to the next regular Planning Commission meeting. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

3. GREEN KNIGHT INDUSTRIAL PARK II (REQUESTING INTERPRETATION OF 10.12 WITHIN THE TOWNSHIP'S SALDO); SUBMISSION DATE: APRIL 27, 2018:

Representatives of Green Knight Industrial Park II, Mr. Peter Albanese, Mr. Robert Cornman, and Mr. John Goffredo were present at the meeting. Mr. Albanese stated that they are requesting an interpretation because the current power company that will be servicing this area is requiring above ground wiring only and with the current voltage, there is no possible way to place the wires underground as previously approved for. There are existing power lines that are located within Plainfield Township and they are rerouted back into Wind Gap. The power company will need to place a pole in the right-of-way in order to allow the sewer pump to be fed into. Total, there will be approximately two to three pole relocations.

Commissioner, Terry Kleintop, questioned how much will there be of underground wire in the area. Mr. Albanese stated that the power company will feed whatever is more feasible. Mr. Kleintop also questioned whether there will be any issues with the altered construction requirements. Mr. Albanese indicated that there are no foreseen issues.

Commissioner, Jeffrey Beavan, stated that he cannot vote on this matter because of his employer.

Chairman, Paul Levits, requested the input of Township Solicitor, David Backenstoe, on the matter. Solicitor Backenstoe stated that this plan approval was conditional on the utilities being underground only unless the Planning Commission determines that the underground placement is not feasible. Solicitor Backenstoe recommended to the Planning Commission to defer the decision on this matter until all questions from the Planning Commission have been answered unless the Commission felt comfortable with applicants statements, then a decision can be rendered immediately.

Chairman, Paul Levits, stated that the letter received from Met Ed was vague in nature and wanted a more detailed explanation of the reasoning for the wires to be aboveground instead of below ground. Township Engineer, Mike Kukles, questioned how the applicant can guarantee that the first lot sold from this development will receive power. The applicant stated that they will have an agreement with the utility company in order to ensure there is power to all lots at any given time. Chairman, Paul Levits, requested that the Planning Commission receive a copy of the general agreement that the applicant will have with the utility company for this issue. With these changes, Solicitor Backenstoe

stated that the applicant will need to submit a revised plan to show the changes being made.

Township Engineer, Mike Kukles, stated that he has many issues with this request. There are many outstanding items that need to be addressed with the conditionally approved plan. These issues have been ongoing and his firm has not received any of the requested information to date regarding this subdivision. The developer of this subdivision has not submitted a cost estimate for this project. Until one is submitted to the engineer and approved, the subdivision is deemed not completed.

Commissioner, Robert Simpson, added that there are two issues that he foresees with this request. Mr. Simpson noted that the Ordinance cannot be met once a piece is sold and power will be delivered to that property. He also added that the Commission needs a better explanation from Met Ed. Commissioner, Robin Dingle, and Solicitor Backenstoe stated that all of this information including the agreement with Met Ed will need to be addressed on the plans directly in order for the Township to have files on record for this information.

ACTION: Motion was made by Robert Simpson and seconded by Terry Kleintop to table the discussion on this matter regarding the interpretation request for Green Knight Industrial Park II. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4-0-1 with Jeffrey Beavan abstaining.

4. APPALACHIAN TRAIL ORDINANCE REVIEW:

Township Manager, Tom Petrucci, questioned the Planning Commission on whether they had any additional comments on the Ordinance to relay to Mr. Schmehl. Commissioner, Terry Kleintop, stated that PennDOT requires a maximum on sequencing for billboards. He questioned why the consideration for a minimum sequencing be done with respect to the Township's Ordinance when there is a maximum already in place. Mr. Petrucci stated that he will follow up with Mr. Schmehl about the timing of the billboards.

ACTION: Motion was made by Robert Simpson and seconded by Terry Kleintop to table the discussion of the Appalachian Trail Ordinance review until Mr. Petrucci gets more information for Mr. Schmehl. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.

OLD BUSINESS:

There was no previous business to be addressed.

ADJOURNMENT:

Having no further business to come before the Planning Commission, motion was made by Vice Chairman, Robert Simpson, and seconded by Jeffrey Beavan to adjourn the meeting. Motion approved. Vote 5-0.

The meeting adjourned at 9:24 P.M.

Respectfully submitted,

Paige Gerstenberg
Planning Commission, Secretary
Plainfield Township