

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS & ENVIRONMENTAL ADVISORY COUNCIL
COMBINED WORKSHOP MEETING
FEBRUARY 28, 2019**

The workshop monthly meeting of the Plainfield Township Board of Supervisors was held on Thursday, February 28, 2019 at the Plainfield Township Municipal Building, 6292 Sullivan Trail, Nazareth, PA 18064.

Chairman, Randy Heard, called the meeting to order at 7:01 P.M.

The Pledge of Allegiance was performed.

ROLL CALL:

The following Supervisors answered roll call: Chairman, Randy Heard, Vice Chairman, Glenn Borger, Joyce Lambert, Jane Mellert, and Stephen Hurni.

The following EAC members answered roll call: Chairman, Robert Cornman, Secretary, Jane Mellert, Bruce Rabenold, Terry Kleintop, and Don Moore. Ms. Robin Dingle and Mr. Robert Simpson were excused from the meeting.

Also present were Township Manager, Thomas Petrucci and Administrative Assistant, Paige Stefanelli.

I. TOWNSHIP MANAGER–THOMAS PETRUCCI:

Township Manager, Tom Petrucci, stated that an Earned Income Tax (EIT) study was conducted in order to identify areas that could potentially be acquired by the Township or to place land in conservation with the EIT funds. The Township applied for a grant through Lehigh Valley Greenways totaling approximately \$5,000.00 with a \$5,000.00 match. The Environmental Advisory Council (EAC) has gone through several versions of the Official Map. The original map started out as large tracts of land but has since dwindled down to small portions. There is a 3rd Official Map draft which is an overview of all open space areas in Plainfield Township. The second sheet shows the different areas that are broken out.

The areas along the trail which would directly impact waterways are currently being reviewed as potential land. The intent is to review the most recent draft and determine whether the Board of Supervisors (BOS) should move forward with the public review. Mr. Petrucci added that support from the BOS should be unanimous in order to move forward with public input.

Due to the fact that this map would further restrict development and cause possible property rights issues, this could be problematic with the public. The open space plan and Official Map go hand in hand as the two maps closely resemble each other. EIT would go towards any property that the Township would like to purchase and protect.

Township Manager, Tom Petrucci, provided the Board of Supervisors with a packet that outlined details of the Official Map Landowner Process. Mr. Petrucci read the handout as follows:

What is an Official Map?

An Official Map is a map and ordinance that shows existing public lands and designations for future public lands and facilities in the Township. Many of these designations have already been identified in the Township's Comprehensive Plan, traffic studies, the Open Space Plan, or other studies that have been completed by the Township. Facilities are designated on an Official Map in order to potentially address issues such as bike and pedestrian paths, existing and proposed parks and open spaces, intersection improvements, road extensions, stormwater facilities, and flood improvement areas.

The Official Map and Ordinance are permitted under the Pennsylvania Municipalities Planning Code (MPC) and much of the language of the Ordinance is from the MPC. While the Official Map is a separate document from the Township Zoning Ordinance, Zoning Map, and Subdivision and Land Development Ordinance, the Official Map and Ordinance are supplements depicting potential future public facilities and establishing a process for the Township to facilitate construction of the facilities simultaneously with new development projects.

Why is an Official Map Beneficial to the Township?

1. The map establishes the long-term planning efforts of the Township to provide for additional public facilities and safety improvements to the road network.
2. It conveys the goals and objectives of the Comprehensive Plan and other planning documents completed by the Township. By combining the goals and objectives of numerous planning documents into one map, the Township is able to focus its resources and prioritize areas for future public facilities. The map will be utilized in financial planning and collaboration among Township Departments.
3. The Township Zoning and Subdivision and Land Development Ordinances are limited by the MPC to regulating things like permitted uses and the design of new construction projects on private property. When used in conjunction with these Ordinances, Official Maps help to provide an additional planning tool to municipalities by serving as a guide for the location of future public facilities, and ensuring that the facilities are either completed or otherwise incorporated into the development proposed on private properties.

4. The Official Map increases the likelihood that sensitive environmental features will be preserved by enabling the Township to reserve land for future parks, trails, greenways and protection of other environmental resources, without having to immediately commit funds to purchase land or easements.
5. The Map will give the Township a competitive advantage over those municipalities that don't have an Official Map and up-to-date Comprehensive Plan when applying for grants and other funding to implement priority areas identified on the map.

Official Map Timeline and Potential Outcomes:

1. The municipality receives a notice of intent to develop and/or build on a property (or a portion of the property) which is identified on the Official Map in any of the following methods:
 - a. Landowner notice of an intention to subdivide the subject property.
 - b. Notice of intent to develop a property under circumstances where a land development plan would first have to be approved (essentially every type of development other than a single family residence) by the municipality.
 - c. The owner does not have to obtain either subdivision or land development approval, and applies directly for a building permit.

The notice of intent starts the one-year time limit reservation process as prescribed by the MPC.

Review Process Following Receipt of Notice of Intent:

1. Once an application for a qualified development is received, the Township has up to one year to determine whether they want to pursue acquisition of land for the facility shown on the Official Map. When an application is submitted for private development (i.e. a residential building permit) that is not associated with a formal subdivision or land development submission, this determination would be able to occur quickly so that the permit process is not held up for a significant amount of time beyond typical review periods.
2. If the Township decides to proceed with acquisition of lands, a negotiation process will begin with all of the impacted property owners. The property owner may dedicate land or right-of-way for the facility to be constructed, the Township may condemn and/or purchase an easement or right-of-way from the owner, or the developer may construct the facility as part of their development. In order to

ensure the integrity of the Official Map, it is recommended that the adopted Ordinance include a provision to prevent any new structure from being constructed within the lines of a public facility shown on the Map. Once the map is adopted, this limitation provides that any building or improvement knowingly placed within the lines of a public facility shall be removed at the expense of the owner.

3. To protect property rights and values, the Board of Supervisors may issue special encroachment permits under the Ordinance for construction of an improvement in the area where a public facility has been identified on the Map, provided the owner can demonstrate that no other alternative locations exist for that improvement. If a special encroachment permit is issued, the applicant may legally proceed with the improvement to their property.

Potential outcomes of the Official Map process include the following:

1. Municipality approves the development proposal conditioned on the purpose of the Official Map designation being accomplished (e.g., landowner donates a trail easement to the municipality).
2. Municipality and landowner negotiate the municipality's acquisition of an easement or the property in fee on either the entire reserved property or a portion of the land.
3. Negotiations fail and the municipality decides to let the Official Map reservation lapse (after one full year).
4. As part of a successful negotiation, the municipality proceeds with a friendly condemnation of the reserved land—a helpful approach when the title to the land has problems or when the negotiated price is likely more than fair market value.
5. Negotiations fail and the municipality chooses to use its power of eminent domain. This outcome is rare.

For instance, if a property owner wanted to build within an area that is depicted on the Official Map, that property owner would come to the Township with a building permit application. This would then begin the one year time clock for the Township to negotiate possible changes. There are one of three options that could take place which include the Township is not in opposition of the project and allows the property owner to move forward without any negotiation, the Township could request the property owner to build further away from the boundary located on the Official Map or requesting to have a corridor or some other type of agreement. If negotiations were to turn adversarial, the Township would then condemn the property. Mr. Petrucci added that with the statutory authority the map holds, it mandates negotiation between the Township and property owner if it is a portion of land that the Township holds with high priority.

With respect to the fifth potential outcome and eminent domain, Mr. Petrucci stressed that this would be the last resort for the Township as taking this route would diminish the integrity of the Township. This is not an option that the Township would be interested in pursuing. Most townships do not go through this process because of the negativity surrounded by it.

Township Supervisor, Stephen Hurni, questioned Mr. Petrucci on whether the Township currently has eminent domain without the proposed map. Mr. Petrucci confirmed that the Township currently has eminent domain, however, this proposed map would provide more protection and an easier way to negotiate with property owners. Some property owners are not willing to negotiate with the Township currently.

EAC member, Don Moore, stated that when an individual purchases a property, that does not automatically trigger negotiation with the Township. When this action is triggered, it is because a Building Permit Application was submitted and the proposed project is located within the 125 foot setback in the Official Map.

Ms. Jane Mellert noted that the older homes built in the Township were built too close to streams based on the need for water. Septic systems were also built within close proximity of streams. To date, most of these homes have become quite problematic. This map will alleviate these issues from reoccurring with new development. On the map, the highlighted areas are the areas of high priority for protection and preservation. Ms. Mellert added that the intent of the Official Map is not to remove the property rights from landowners but rather to protect specified areas in the Township.

Currently, the Comprehensive Plan is only a recommendation. The Official Map would take those recommendations and make them requirements. Mr. Kleintop added that any area along the corridor regarding stream quality will have a better outlook based on the legal authority with the Official Map if it were to be adopted.

There were many possible areas in the Township that would have a major impact on the corridor buffer areas which included Gall Farm area and Waste Management. Both areas have encroachment on the area of the corridor and may impact this in some way.

Chairman of the EAC, Robert Cornman, stated that the current SALDO provides protection and allows the Township to preserve the land. He does not believe that the Township needs to adopt an Official Map in order to accomplish protection of the specified land areas. He added that there is a definitive process for approval of land development and building accessory structures. There is an opportunity to negotiate between the owner and the Township within that process. However, if the Township were to adopt the Official Map, and negotiations fail, the Township could essentially take land away from a property owner. Mr. Cornman is not in favor of this action. Mr. Petrucci added that this is a potential pitfall of the Official Map. Mr. Jason Smith provided a lot of

assistance and insight on the Official Map and the point he made is that an Official Map is not overly popular with the residents of the municipality.

Supervisors, Joyce Lambert and Stephen Hurni, questioned what impact the adoption of the Official Map would have on Earned Income Tax. Mr. Petrucci stated that the impact would be slim, however, there will be times where the Township would need to use the funds to purchase land. At some point in time, there would not be a need for EIT. Mr. Hurni questioned whether the adoption of the Official Map would make it necessary to have EIT. Mr. Petrucci confirmed that the Township would need to have EIT in order to have funds for purchasing protected property.

Mr. Petrucci added that prior to the Township moving forward on this matter, he would like to confirm whether the Board members are in agreement with the Official Map. He added that if the Official Map becomes adversarial in any way, the Board would need to be on the same page with how to address situations such as that.

On behalf of Waste Management, Michael Brennan, questioned whether the Comprehensive Plan is still in place. Mr. Petrucci confirmed that this plan is still in place. Mr. Brennan added that the sections of land on the proposed Official Map are essentially the same as the current Comprehensive Plan. He does not believe the Township needs the extra legal authority that comes with the Official Map. Mr. Don Moore added that this is usually on a case by case basis as some property owners are not willing to negotiate with the Township.

Mr. Hurni questioned how the Township were to make changes to the Official Map if the Township were to adopt the Map. Mr. Petrucci stated that changes could definitely be made and that this process would be very similar to adopting a Zoning Ordinance. The process would mimic that of adopting an ordinance.

Mr. Kleintop added that at a minimum, he would want to at least protect the first 125' from the stream bank onto land. His top concern is to protect the quality of streams within Plainfield Township.

Township Manager, Tom Petrucci, questioned what the stance is of the Board of Supervisors on this matter. Mr. Petrucci wanted to make sure that the Board is on the same page if they were to move forward with this. May 1st, 2019 is the cut off for the grant. The bulk of cost for this project is the Engineering cost. At this point in time, the Township has approximately \$3,500.00 invested into the project. Now would be the time to terminate if the board is not inclined to do this project.

Mr. Hurni stated that he is currently in opposition of the adoption of the Official Map, however, he would like to have more time to think about the Official Map and possibly gain insight from the public.

Ms. Mellert noted that she thought that when the Board decided to vote for the grant that the Board was in favor of the adoption of an Official Map. Chairman, Randy Heard, added that he understands the Official Map and what it entails more fully than when the Board previously voted for the grant.

Township Manager, Tom Petrucci, stated that he will create a survey in order to gain input from Township residents. Ms. Mellert also requested that a press release be put into the paper including Blue Valley Times and The Key. The press release will also be put on the Township website, and Slate Belt Regional Police Department Facebook.

ADJOURNMENT:

Having no further business to come before the Board of Supervisors, motion was made by Glenn Borger and seconded by Joyce Lambert to adjourn the meeting. Motion approved. Vote 5-0.

The meeting adjourned at 9:12 P.M.

Respectfully submitted,

Thomas Petrucci, Township Manager/Secretary
Plainfield Township
Board of Supervisors

These minutes were prepared with the assistance of the Administrative Assistant of the Township, Paige Stefanelli, under the direction of the Township Manager/Secretary.