

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION REGULAR MEETING
JULY 15, 2019**

A regular meeting of the Plainfield Township Planning Commission was held on Monday, July 15, 2019 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 P.M.

The Pledge of Allegiance was performed.

ROLL CALL:

The following Commissioners answered roll call: Chairman, Paul Levits, Vice Chairman, Robert Simpson, Ms. Robin Dingle, Terry Kleintop and Jeffrey Beavan.

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

APPROVAL OF MINUTES:

1. APPROVAL OF THE JUNE 10, 2019 SPECIAL PLANNING COMMISSION MEETING MINUTES:

ACTION: Motion was made by Robert Simpson and seconded by Terry Kleintop to approve the June 10, 2019 Special Planning Commission Meeting 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 3-0-2 with Jeffrey Beavan and Robin Dingle abstaining.

Chairman, Paul Levits, questioned whether Ms. Racey used a unit size regarding BTU's for the plant mentioned on page 6 of the minutes. Ms. Stefanelli stated that Ms. Racey only stated BTU amounts for the facility in general, and did not clarify whether it was per ton, per load, etc.

2. APPROVAL OF THE JUNE 17, 2019 REGULAR PLANNING COMMISSION MEETING MINUTES:

ACTION: Motion was made by Robert Simpson and seconded by Jeffrey Beavan to approve the June 17, 2019 Regular Planning Commission Meeting 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. ALICE FRIEND (5866 SULLIVAN TRAIL, NAZARETH, PA 18064) MINOR SUBDIVISION/LOT LINE ADJUSTMENT:

ACTION: Motion was made by Robin Dingle and seconded by Terry Kleintop to approve the Extension of Time request from Ms. Alice Friend for a Minor Subdivision/Lot Line Adjustment through September 30, 2019. *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:

1. ASGCO MANUFACTURING (730 BANGOR ROAD, NAZARETH, PA 18064) LAND DEVELOPMENT PLAN:

Ms. Nicole Galio from Maser Consulting provided a brief overview of the project. She stated the existing site, between 191 and Belfast Road, will be taking over the former Nico's Polymers Facility. The lot is approximately 18 acres. There is an existing wet detention basin on the property and they are proposing an additional basin for a spray irrigation system. There are multiple parking spaces with various uses on the plan. The applicant previously appeared in front of the Plainfield Township Zoning Hearing Board and has been granted variances for maneuvering and a reduction in required parking spots. The applicant acknowledged receipt of Township Engineer, Mike Kukles', latest review letter. The Ott Consulting, Inc. review letter dated July 14, 2019 by Mr. Mike Kukles is hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit A".

ACTION: Motion was made by Robert Simpson and seconded by Jeffrey Beavan to recommend to the Board of Supervisors to approve the waiver request for §22-503.2.B for the ASGCO Manufacturing, Inc. Land Development Plan. *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 noted that he appreciated the clean look of the plan.

In reference to number 10 of the review letter, Mr. Kukles recommended the applicant to provide a blanket easement to the Township to simplify the plan while still maintaining the intent of the ordinance. Ms. Galio will reach out to her representatives and will return to Mr. Kukles with further information regarding that request.

ACTION: Motion was made by Robert Simpson and seconded by Jeffrey Beavan to recommend to the Board of Supervisors to approve the waiver request for 22-503.6.b(1) for the ASGCO Manufacturing, Inc. Land Development Plan. *Prior to the*

vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.

Mr. Kleintop questioned why this ordinance exists. Mr. Kukles stated that this ordinance was originally intended to assist the Planning Commission members to look at submission plans in order to evaluate if testing was being performed and if the testing was sustained because of steep slopes.

Motion approved. Vote 5-0.

In reference to number 17(a-c), Ms. Galio is not aware of water line locations. All lines will be removed from the site. Mr. Kukles stated he has no objection to this. Ms. Galio will also provide detailed plumbing and water plans including the downspouts at a later time. Mr. Kukles expressed no objection to this as long as he can review the details at a later date. Additionally, there is a pump house and potentially a well for supplemental water supply. Ms. Galio noted that her firm does not design this portion of the project. She added that additional data needs to be collected prior to the design. The Architect will be taking care of this information. The applicant previously contacted PA American Water for a possible water connection and they stated that they have exceptionally poor pressure which would not be beneficial in the event of a fire.

ACTION: Motion was made by Robert Simpson and seconded by Jeffrey Beavan to recommend to the Board of Supervisors to defer §22-503.7.E, §22-603.2.D, §22-1016.1 for the ASGCO Manufacturing, Inc. Land Development Plan until required at the absolute sole discretion of the Board of Supervisors. *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.

Chairman, Paul Levits stated that this is a very different situation considering this facility is across many residential homes. The Planning Commission was not in favor of adding more lights to the area, especially since there are no sidewalks located within the vicinity of this location.

In reference to number 19 of Mr. Kukles' review letter, Mr. Beavan questioned Mr. Kukles of what this portion pertains to. Mr. Kukles stated that this project will allow for a rational method for routing. There are no significant changes to stormwater. Mr. Kleintop questioned whether there was any correspondence from the Conservation District regarding the severe stormwater runoff in the rear of the proposed facility that leads into the field and walking trail. Ms. Galio does not have anything official in writing from the Conservation District to date. However, they did hold a pre-application meeting with the Conservation District and showed the analysis of discharge paths and locations. The applicant is proposing to reduce the rate/volume of stormwater and improved water quality. Ms. Galio stated that their proposal should alleviate the current stormwater runoff issue. Mr. Kukles noted that the placement of Basin B is incorrect. Ms. Galio can do an onsite visit to ensure the path is correct and will make any changes necessary.

ACTION: Motion was made by Robert Simpson and seconded by Jeffrey Beavan to recommend to the Board of Supervisors to approve the waiver request for §22-602.2.A for the ASGCO Manufacturing, Inc. Land Development Plan. *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. Petrucci stated that he will confirm whether all fees were previously paid for regarding recreation fees.

ACTION: Motion was made by Jeffrey Beavan and seconded by Robin Dingle to recommend to the Board of Supervisors to approve the waiver request for §22-1009.7.E for the ASGCO Manufacturing, Inc. Land Development Plan. *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 Jeffrey Beavan to recommend to the Board of Supervisors to approve the waiver request for §22-1009.7.G for the ASGCO Manufacturing, Inc. Land Development Plan. *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 Robin Dingle and seconded by Terry Kleintop to recommend to the Board of Supervisors to approve the waiver request for §22-1009.10.A for the ASGCO Manufacturing, Inc. Land Development Plan. *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.

In reference to stormwater management, Ms. Galio has contacted the Lehigh Valley Planning Commission. She added that a representative from the LVPC will contact Mr. Kukles regarding information and whether a new drainage plan is required.

It was noted that there is no pedestrian facilities in the area.

Mr. Kukles requested additional information in terms of fire related items. One of Mr. Kukles' main concerns is not to have another major fire. Mr. Petrucci referenced §27-510 for sewage facilities plan. He noted that Sewage Enforcement Officer, Dan Mantz, should review this prior to rendering a decision on this matter. Mr. Kukles added that if the flows are less than before, the applicant may not need to make any changes. Ms. Galio had a professional evaluate the existing system and received tips on how to improve the system. Mr. Petrucci requested confirmation from Dan Mantz on the matter.

All variances and special exceptions needed for this application have been previously addressed.

Ms. Galio requested a Preliminary/Final Conditional Approval. Solicitor Backenstoe provided the various options that the Planning Commission has for a vote. Members of

the Planning Commission are concerned about the length of the review letter and rendering a recommendation of Conditional Approval. Mr. Kleintop would like to have the applicant return back to the Planning Commission once more items from the review letter have been addressed. All members were in favor of his comment. Because of the expiration date of the plan, if an extension could not be granted tonight, the Planning Commission would need to deny the plan. Representative from JVI, Phil Jedrich, was in attendance and signed the Extension of Time through October 31, 2019.

ACTION: Motion was made by Terry Kleintop and seconded by Robin Dingle to approve the Extension of Time request through October 31, 2019 for the ASGCO Manufacturing, Inc. Land Development Plan. *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 ASGCO Manufacturing, Inc. Land Development Plan review until 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.

NEW BUSINESS:

1. DIMARCO'S BAKERY (H8SE4-1-3A; 5684 SULLIVAN TRAIL, NAZARETH, PA 18064) SPECIAL EXCEPTION USE:

Representative from Robert Collura's office, Mr. Ryan Engler, provided an overview of the proposed DiMarco's Bakery located at the former PNC Bank (5684 Sullivan Trail, Nazareth, PA 18064). There are currently two entrances off of S.R. 191 (Bangor Road) and S.R. 0115 (Sullivan Trail). The building will remain the same size and shape. Mr. Engler added that the external look of the facility will be altered. Mr. DiMarco provided an overview for his reasoning to open a business at this location. He noted that he currently has a bakery/ice cream shop in Brodheads ville. Due to PennDOT installing a roundabout, they will be eliminating the entire plaza that they are currently located in. Mr. DiMarco is looking to open a 50's style shop to bring the community together.

Township Engineer, Mike Kukles, went over items within his review letter dated July 10, 2019. The Ott Consulting Review Letter dated July 10, 2019 by Mr. Mike Kukles is hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit A". Mr. Kukles stated that the lot is approximately .66 acres. There are dual state roads surrounding the property. This lot is within the Village Residential Zoning District. He added that the lot is serviced by public water and has an on-lot sewage disposal system. He noted that the address on file is not consistent with Northampton County records. Mrs. Stefanelli will contact Joseph Laky at the GIS department of Northampton County. The building is located outside of the setback lines.

In reference to 27-403.1 and 27-404.3.B, various options regarding the placement of a fence was discussed. For the placement of a fence, the applicant would likely need to appear in front of the Zoning Hearing Board for relief. Hours of operation were proposed as Sunday through Thursday from 11:00 A.M. to 9:00 P.M. and Friday through Saturday from 11:00 A.M. to 10 P.M. Parking for the bakery will be open on both sides of the property, but will not be open for through traffic. Mr. DiMarco wants to put all protective measures in place for children at both entry/exit ways. Lighting will also be installed for security by the dumpster. At his current location, there are 10 employees on staff total. Approximately 4-6 employees will be present each shift.

The current owner of the property, Mr. Victor Ricki, stated that all neighbors are in agreement with the current parking at the property.

Solicitor, David Backenstoe, stated that §27-407.7.b is the applicable standard for this plan review. He added that the applicant has the right to expand the current non-conforming use. The new non-conforming use is no more detrimental than the other non-conforming use. Solicitor Backenstoe reviewed the requirements for the standards for §27-407.7.b.

Solicitor Backenstoe noted that the applicant went out of order in terms of the application. A zoning hearing board application should have been submitted at the same time the Planning Commission application was submitted.

Zoning Officer, John Lezoche, stated that the buffer issue will need to be alleviated by a variance. Mr. DiMarco is proposing to extend the hedge row or fence that is currently existing, however, he will address the issue with the adjoining property owners to determine their opinion/preference of the various options. Mr. DiMarco proposed a 6 foot PVC white fence for both sides of the property. A dumpster will be placed outside and will be enclosed with fencing. Additionally, there will be no issues with milk/residue.

With respect to number 11 within the review letter, Mr. Kukles redacted the word “wholesale”. Mr. Ryan Engler stated that the site plan will be revised to reflect that change.

§27-409.3.D discusses driveways. The applicant will be utilizing the existing parking space. Only small box trucks will be used for delivery. It was questioned whether the applicant should seek relief from any sections with respect to the driveway considering they are only utilizing what is existing. Mr. Lezoche stated that as long as its existing parking that is being utilized, the applicant most likely would not need to seek relief with respect to this matter. Chairman, Paul Levits, questioned what Mr. DiMarco’s definition of what a small box truck is. Mr. DiMarco stated that the truck would be smaller than 24 feet. Additionally, deliveries will be made between 9 A.M. and 4 P.M. There will be indoor and outdoor seating for customers. There were a total of 48 seats are proposed on the plan. The proposed signs as distinguished on the plan for the property will need a variance (as shown).

The applicant will be using approximately 750 gallons of water each day. Members of the Planning Commission expressed concern with the amount of water being used each day as the previous use was well below the proposed 750 gallons. Chairman, Paul Levits, noted that in reference to §27-409.3.g, there could be an issue as well if the grease is not trapped property. Mr. DiMarco stated that they will have two grease catches.

Ms. Dingle questioned what the applicant will be doing with the fryer grease. Mr. DiMarco stated that fryer grease will be placed in sealed 55 gallon drums and a company will haul it offsite to repurpose the grease.

ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to recommend to the Zoning Hearing Board to allow a Special Exception Use from a Bank to a Bakery contingent upon the conditions set forth within Ott Consulting's Review Letter dated July 19, 2019 and all comments from the Zoning Officer. 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.

The applicant is still waiting on existing septic system information.

OLD BUSINESS (Cont'd):

1. CONSERVATION DEVELOPMENT ORDINANCE- DATED 6/20/19 DRAFT:

Township Manager, Tom Petrucci, held a meeting with Solicitor Backenstoe and Mike Kukles. They determined that there is some language that was not clear and paired it down to its base intent. In lieu of trying to solve the contiguous issue from the last draft, this portion has been removed and the ordinance now states that a property needs to be contiguous in its entirety. Mr. Petrucci stated that the ordinance was very cumbersome and took many hours to go through in order to create an ordinance that was simple and that conveyed the original intent. The ordinance does protect against poorly constructed subdivisions. Such issues as this simply cannot occur under this new ordinance.

Robert Simpson noted that the lots should at least be usable with 5 acres. He requested to have owners be able to have small businesses and such including but not limited to Beauty Salons or other small scale businesses.

Mr. Lezoche noted that for an individual to have a temporary construction trailer on a property, the ordinance currently requires review by the Planning Commission and Zoning Hearing Board. He believes this is too much for something as small as a 10 x 40 ft. structure. In reference to the ordinance providing guidance for numbers of structures, etc., Mr. Lezoche stated that there should be specific numbers of allowed items. Wording such as "only one" or "maximum of two" should be used for better clarity for the Zoning Ordinance.

ACTION: Motion was made by Robert Simpson and seconded by Terry Kleintop to move the Conservation Development Ordinance forward to the Board of Supervisors for their review. *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.

In reference to the Synagro application, the Township is currently working on a list of Conditions.

ADJOURNMENT:

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

The meeting adjourned at 9:47 P.M.

Respectfully submitted,

Paige Stefanelli
Planning Commission, Secretary
Plainfield Township