

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION SPECIAL MEETING
SEPTEMBER 9, 2019**

A special meeting of the Plainfield Township Planning Commission was held on Monday, September 9, 2019 at the Plainfield Township Volunteer Fire Company Banquet Facility located at 6480 Sullivan Trail, Wind Gap, PA, 18091.

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, Robin Dingle and Terry Kleintop. Mr. Jeffrey Beavan was excused from the meeting.

Also present were Secretary, Paige Stefanelli, Township Manager, Tom Petrucci, Zoning Officer, John Lezoche, Solicitor, David Backenstoe, Esq., Special Environmental Legal Counsel, John Embick, Esq., Special Environmental Engineering Consultant, Phillip Gray, P.E., Alternate Township Engineer, Robert Lynn, P.E. Special Traffic Engineer, Peter A. Terry, P.E., PTOE, PMP, RSP., and Special Environmental/Wetlands Consultant, Mr. Jason Smith, PWS.

APPROVAL OF MINUTES:

No minutes were to be approved at this time.

OLD BUSINESS:

1. GRAND CENTRAL SANITARY LANDFILL, INC. (PEN ARGYL ROAD, PEN ARGYL, PA 18072) SLATE BELT HEAT RECOVERY CENTER PROPOSED LAND DEVELOPMENT PLAN:

Township Manager, Tom Petrucci, read through his memorandum dated September 6, 2019 which is hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit A". Mr. Petrucci and Zoning Officer, John Lezoche, believe that a variance from section §27-316 (2)(II)(2) is required. Additionally, a variance is required from §27-505 which regulates open space and buffer yard requirements. Mr. Petrucci noted that the applicant is to receive approval/relief from the Plainfield Township Zoning Hearing Board for the variances identified. If the applicant

were to receive approval from EPA/DEP, then that requirement will be satisfied in the opinion of Mr. Petrucci.

Mr. Petrucci further discussed the requirements of the Plainfield Township Zoning Ordinance under §27-410 and §27-410(4). The Environmental Impact Study (EIS) was formally requested in multiple review letters but has not been completed to date. The applicant has failed to submit such information as previously requested. Mr. Petrucci recommended that the applicant continue to work to fix the Nuisance Mitigation Control Plan. The applicant does not currently conform to the standards/requirements of the Township based on the most recent Nuisance Mitigation Control Plan submission as there are still outstanding concerns to be addressed with Trudy Johnston from Material Matters.

The access study review has deficiencies with the most current submitted application. Within Mr. Peter Terry's most recent review letter, it was stated that the applicant does not currently comply with section §22-504(8) of the Subdivision and Land Development Ordinance (SALDO) and §27-410(5) of the Zoning Ordinance. Additionally, Mr. Petrucci discussed multiple provisions under Chapter 22 of the SALDO including references to the latest review letter by Mr. Michael Brunamonte from BCM Engineers dated September 4, 2019 which the applicant is currently not in compliance.

Following the discussion of the remaining items to be addressed with respect to Chapter 22 of the SALDO, Mr. Petrucci addressed remaining issues to be resolved within Chapter 23 of the Plainfield Township Code of Ordinances which is in reference to Stormwater Management.

At this time, Township Manager, Tom Petrucci, read over the conditions set forth by Plainfield Township that the applicant must meet if the plan were to be approved. There were a total of thirty-eight (38) conditions which have been agreed upon between Plainfield Township and the applicant. The conditions are set forth at length within Exhibit A of these minutes. Mr. Petrucci read over the conditions that have not been specifically agreed upon between the Township and the applicant, however, the Township believes these conditions are pertinent to Conditional Approval for this application. Currently, there are six (6) conditions that have yet to be agreed upon. Such conditions have been fully set forth within Exhibit A on page 17 through page 18. Two of the conditions within this portion of the memorandum address the variance approval/zoning relief that are required upon the Final Land Development Plan approval. At this time, Mr. Petrucci has concluded his review of the Plainfield Township Memorandum dated September 6, 2019.

Chairman, Paul Levits, noted that the latest submission from the applicant was received on August 30, 2019 and was brought in too late for proper review. Chairman Levits requested that from this point going forward, the Township reject all submissions not submitted within the 21 day time frame as set by the Township SALDO. Ms. Pam Racey on behalf of the applicant noted that they tried to submit as soon as possible based on what was discussed from the previous meeting. Ms. Racey added that the applicant will accept the conditions set forth by Mr. Petrucci with respect to traffic and pond issues. She noted that the Department of Environmental Protection (DEP) is waiting for the applicant to receive Zoning relief on any variances needed prior to the issuance of any approvals by their agency.

Project Manager, Mr. Jim Hecht, noted that if there are issues still unresolved, he is committed to his guarantee that any possible nuisances in result of this facility will not be a long term issue/concern with the community as well as with Ms. Trudy Johnston from Material Matters. Mr. Tom Pullar from EarthRes added that despite daily testing, if an issue were to arise, the applicant will shut down the plant if they cannot address or locate the nuisance. In terms of water testing, there is additional testing to be conducted including background testing and regular testing. The applicant has also included a Corrective Action Plan if there were to be issues with nuisances such as sludge and contamination. Mr. Hecht noted that in terms of traffic, the entrance proposed for S.R. 512 (Pennsylvania Avenue) is the most-safe area for access to the Synagro facility. Mr. Hecht has provided the Planning Commission with a list of disagreements with comments made in Mr. Petrucci's memorandum. Mr. Hecht noted that they have also submitted an Environmental Assessment and a Hydrogeological Study to Plainfield Township.

In reference to the Nuisance Mitigation Control Plan, Ms. Pam Racey noted that there are approximately 3 minor items to discuss between the applicant and Material Matters. She added that it is more of a matter of putting words down on paper, however, they ran out of time for submission prior to the meeting. Comments are still needed to be addressed regarding the plan.

Solicitor Backenstoe stated that there are many items to be addressed that cannot be addressed at the meeting tonight. The Township only has until September 30, 2019 to make a decision on the latest submission made to the Planning Commission by the applicant. Ms. Racey noted that the items remaining are items that can be addressed, however, at a later date. Solicitor Backenstoe stated that the Planning Commission has the option of recommending to the Board of Supervisors to approve the plan as-is, approve the plan with conditions, or to recommend to deny the plan.

Mr. Kleintop questioned whether the applicant will be submitting variance applications before the upcoming Board of Supervisors meeting to be held on September 19, 2019. Ms. Racey believes that they only need to obtain one variance. She noted the applicant has many other options in order to address the additional variance identified by the Township which may not require the need for relief from the Plainfield Township Zoning Ordinance. Mr. Kleintop questioned what the applicant's stance was on sedimentation basin #2. Ms. Racey indicated that there have been many studies submitted to the Township including a hydrogeological study which demonstrates the environmental impact in the area of their proposed facility. Mr. Kleintop referenced the last on-site meeting at the proposed facility area that Mr. Petrucci was in attendance for and questioned Mr. Petrucci whether there were living aquatic animals present. Mr. Petrucci stated that there were fish present. Mr. Kleintop questioned Mr. Jason Smith on whether fish can be found in sedimentation basins. Mr. Smith indicated that fish are not found within sedimentation basins, according to the definition issued by the DEP.

Mr. Jim Hecht stated the DEP will make the final determination on the issued permit, however, the permit cannot be approved until the applicant has received approval from Plainfield Township for their proposed facility. At that point in time, the DEP would then be inclined to issue the permit. Mr. Hecht added that much of the information that Plainfield Township is requesting goes along with the requirements of the DEP, however, the applicant cannot provide the Township with all of the requested information due to the fact that it is not procedurally working with the DEP. Mr. Kleintop noted that if this is the DEP's position in terms of the pond, he questioned why they cannot issue a letter stating as such. He added that a letter was written by Mr. Roger Bellis, however, it has been rescinded since then. Mr. Hecht stated that the Township has the right to appeal any permit that DEP issues. Mr. Tom Pullar added that the DEP only wants to review a monitoring plan that has been fully agreed upon between the applicant and Plainfield Township. They do not intend to review a monitoring plan until such agreement has been reached.

Ms. Robin Dingle stated that the Township ordinance refers to this body of water as a pond per the definition provided within the ordinance. She added that the Township is attempting to protect the waters as they exist today. Mr. Petrucci noted that the language provided within the Zoning Ordinance is not as detailed as the Subdivisions and Land Development Ordinance (SALDO).

Mr. Simpson noted that this application has been deliberated and discussed for years. He added that there are many items remaining to be addressed. Mr. Simpson does not believe that the remaining items can be addressed at tonight's meeting. Mr. Simpson stated that he does not feel comfortable voting to approve the current application before the

Commission due to the fact that there is not a full and complete Nuisance Mitigation Control Plan. Mr. Pullar feels that a lot of the information has been completed within the past two months of review. Mr. Simpson noted that there are still items that have not met the satisfaction of the Township's consultants. Attorney Embick strongly believes that an Environmental Impact Study (EIS) needs to be submitted to the Township.

In reference to the variance with respect to access to the facility, the applicant noted that they will either receive relief from the Plainfield Township Zoning Hearing Board or the matter will be heard by the Court. Mr. Hecht added that there have been many changes to the design of the plan which has been provided to the Township. The applicant believes they have addressed all concerns and do not need a variance for access to the facility. Mr. Hecht noted that they prefer not to have a variance approval on the record for this project. Mr. Hecht and Ms. Racey added that they have been consistently trying to come up with a solution for the variance. They would like to create a design that meets the Township's requirements first, however, if such requirements cannot be met, then the applicant intends to go to court on the matter.

Ms. Racey stated that there will be approximately 400 tons per day on average, however, in order to achieve an average of 400 tons a day, there will be some days of the week that will need to receive a higher tonnage of biosolids. The facility will be capped in at 560 wet tons per day. Mr. Hecht noted that this does not change the volume of product, although, they would need to have some truck volume on Saturday afternoons and on Sundays. Attorney Embick stated that the current application under review specifically states 400 wet tons per day, not an average of 400 wet tons per day. The Township and the applicant are not in agreement with respect to the tonnage per day. Attorney Embick added that a revised plan should be submitted as this information was not specifically stated in the DEP permit application, and was only included within the notice that was issued by the DEP. Mr. Pullar noted that this is a decision that the DEP would need to make in reference to the tonnage issue between the permit application and the notice. Mr. Pullar has not heard of anything with respect to whether the DEP will need to republish the notice or have another hearing based on the issue identified by Attorney Embick and Mr. Petrucci.

Solicitor Backenstoe stated that once the Zoning Officer makes a determination that is contrary to the applicant's request, the applicant then can file an appeal with the Zoning Hearing Board. If the applicant does not agree with the Zoning Officer's interpretation, the applicant may also request a determination from the Zoning Hearing Board in reference to the Zoning Officer's determination. In the alternative, the applicant may also request a variance. Solicitor Backenstoe stated that one of the conditions agreed upon by the applicant states that the applicant will comply with §27-316(2)(II)(2) regarding the

access to an arterial or collector road. The applicant does not believe that this section applies to their application. Solicitor Backenstoe believes that once that Zoning Officer has made that determination, the only avenue is to obtain relief by going to the Zoning Hearing Board and either obtain an interpretation or variance.

Mr. Robert Simpson questioned what the latest status is of the groundwater monitoring. Mr. Pullar noted that they have reviewed the monitoring plan in terms of ground water and proposed to install 4 wells. Slug testing has also been proposed in order to evaluate the characteristics of where the wells were finished in the deep and shallow portions. That data from those proposed wells would be utilized for their evaluation. If the data was dramatically different, then the applicant would need to reevaluate that model. Mr. Simpson questioned whether the applicant will be performing pump tests. Mr. Pullar stated that they intend to install them. Once the wells are installed, Mr. Pullar stated that there will be a baseline that the applicant can go by for testing. Mr. Phil Gray was in agreement with that. Additional information regarding the wells will be provided when they are approved and installed. Additionally, the basin volume will be reduced. Ms. Robin Dingle noted in terms of elevation, this can affect the capacity and recharge from the facility. Mr. Gray stated that if that material is the same as what is in the basin, there should be no negative effects on infiltration. He added that the applicant will get a better understanding of what is currently there once the wells are installed and tested.

Attorney Embick stressed that the Environmental Impact Study is still required. He added that this requirement is protected under the Pennsylvania Constitution and Plainfield Township SALDO. Attorney Embick noted that the Township needs to ensure residents and future residents do not suffer from the construction of this facility. The Environmental Impact Study looks substantially forward in the future. At this time, the applicant has failed to study such foreseeable issues. Attorney Embick added that no major issues with respect to social and economic values, dust, noise, enjoyment of property, health, traffic, security, lighting issues, etc. have been studied or provided to the Township to date. Attorney Embick does not believe that the Planning Commission shall take favorable action to an application with current deficiencies. He added that if members of the Planning Commission do not have the information to which he described, then he does not recommend approval at this time. He also noted that the Board of Supervisors is the entity to make the final decision on the matter. Mr. Terry Kleintop questioned the advice of Attorney Embick and what the best decision may be. Attorney Embick's recommendation is that he believes the Planning Commission does not have all appropriate information as requested. There are still matters to be addressed. Ms. Pam Racey noted that she thought the EIS was for environmental concerns only as Attorney Embick mentioned social issues was well. Ms. Racey added that the applicant has

provided the Township with enforcement provisions and a Nuisance Mitigation Control Plan to address odors, dust and other related information.

Mr. Simpson questioned what section of the SALDO refers to the 50 foot buffer yard setback requirements. Mr. Petrucci stated that it can be found within §22-1023. Mr. Jason Smith questioned the applicant on how the water quality monitoring for the pond will be taken care of as part of the Nuisance Mitigation Control Plan. He noted that this has not yet been included within the Nuisance Mitigation Control Plan. Mr. Brian Cataldo feels they have addressed most issues including frequent monitoring and preventative monitoring. If there are odors present, the applicant will be continuously assessing such issues. If the odor issue cannot be addressed in house, the applicant noted that third party engineers can come in to help evaluate and address issues. The applicant is committed to daily monitoring as well as visual monitoring. Engineers, scientists, and other related experts will be involved with the monitoring.

Ms. Trudy Johnston noted there were two changes made to the Nuisance Mitigation Control Plan recently which included sedimentation basin #2 being added to the odors preventive monitoring procedure as well as changing the word “should” with the word “shall” throughout the plan. Ms. Johnston feels that this requirement has been addressed based on the fact that the applicant had made the changes as requested.

Mr. Smith stated that the SALDO is addressing the pond as a stormwater control pond that permanently contains water. This ordinance will apply to this review. He added that the applicant is proposing a new project which the applicant is now encroaching on the buffer for the stormwater pond. This also entails a new use. Mr. Pullar noted that he has submitted detailed plans that shows all treatment plans, monitoring, and conditions subsequent to the operation start-up of the facility. The applicant is proposing to modify the existing stormwater management basin as well. The applicant will need to obtain approval for the fill that will be used and the physical characteristics for infiltration will need to be shown. Mr. Pullar stated that the material that is in there now has been documented for decades in terms of data. The applicant is requesting a modification of the sedimentation basin. Mr. Pullar noted that there would be proper monitoring in place.

Chairman, Paul Levits, took a short recess from 9:17 P.M. to 9:34 P.M.

PUBLIC COMMENT:

Pete Layman- Mr. Layman questioned Ms. Johnston on whether #5 on page 3 of 5 of her most recent review letter from Material Matters, Inc. was a significant comment yet to be addressed. Ms. Johnston agreed that this is a significant comment. Mr. Layman stated

that this is the first draft of the plan and there is a lot more work that needs to be done on this plan before this plan can be finalized. Ms. Johnston stated that the changes could be incorporated into the plan or within another document as a condition.

Tracy Carluccio- Ms. Carluccio stated that there is no geologic analysis done on the concentrate. Geophysical analysis is needed. She added that the quality and flow of groundwater into the Little Bushkill Creek and Waltz Creek is a major concern. This information has been requested on behalf of the Planning Commission for quite some time. She added that there has been resistance on behalf of the applicant on specific studies/information that was requested. Ms. Carluccio believes that the applicant will be invading the space of the pond when the pond is filled. In order to adequately protect the pond, she questioned the applicant whether it is possible to operate the facility without filling in the pond. She added that this site is undersized and has too many uses. There is not enough room for this type of facility. She questioned whether the applicant can operate the facility and still provide the necessary protections.

Tom Carlo-Mr. Carlo stated that he attended the public hearing with the DEP for this project. He noted that Northampton County did not obtain pollution standards.

Emmanuel Damaris- Mr. Damaris stated that this is an important decision to make as the process for the proposed facility falls under the standards for a separation facility. He added that pathogens and reduction requirements must be met. He mentioned that the Township refers to this facility as a separation facility. Mr. Damaris believes the applicant has created new escape for regulations.

Howard Klein- Mr. Klein stated that he still is uncertain as to what is in the biosolids. He questioned who will be monitoring the material because he does not believe that anyone will be monitoring the material. He added that he does not believe that this facility will ever close once it has begun operating. Mr. Klein stated that if this plant were to be constructed in Plainfield Township, there will be a huge problem on the Township's hands. There are many odor and traffic issues still remaining to be addressed.

Sherry Acevado- Ms. Acevado commended the Township on its due diligence to uphold the concerns of citizens and the ordinances of Plainfield Township. She encouraged the Township to fully review the impact of this facility on the residents. Ms. Acevado stated that if an issue were to occur only once in terms of pollution or contamination, there is no turning back. She mentioned another pollution/contamination issue which took over 5 decades to correct, however, it is still not 100% the same to this day.

Don Moore- Mr. Don Moore noted that Mr. Hecht stated Synagro has a contract with Waste Management for energy. Mr. Moore questioned whether the applicant is purchasing the energy from Waste Management or the Green Knight Economic Development Corporation. Mr. Hecht stated that the applicant has a lease with Waste Management and that the parties are teaming together. Mr. Moore noted that due to the outstanding items including issues with respect to the pond, he requested that the Township reject the plan.

Luther Bond- Mr. Bond presented to the DEP at the last public hearing (9) separate articles on the dangers of sludge. There are too many accidents with Synagro. He added that it is naïve for the applicant to believe that (54) trucks going down S.R. 512 (Pennsylvania Ave) will not have any effect on the residents. He added that there is no way that the trucks are odor proof. Mr. Bond noted that this is a winter state and that there are many truck accidents in the area during the winter due to ice. He added that there have been many spills and this product is too hazardous to bring in Plainfield Township. Mr. Bond mentioned that the Township is entitled to request more information than what DEP requires. He believes the Township should vote no for this proposed project.

At this time, public comment portion of the meeting has been closed.

Chairman, Paul Levits, noted there are many significant issues unresolved. Mr. Levits questioned the Commission on whether they feel an Extension of Time or a vote is necessary at this time.

Mr. Hecht stated the Nuisance Mitigation Control Plan is completed, although, Material Matters does not agree that there are only minor issues left to be addressed. The applicant feels the changes are just a matter of clearing up language. Mr. Hecht added that they are willing to discuss the issues with the Environmental Consultant on additional environmental information that may be requested or required. The applicant would like the opportunity to finish the outstanding items. Mr. Hecht noted that it appears that there is information that needs to be addressed. The applicant also requested for the Township to authorize Attorney Embick to speak with them so they are able to discuss the information being requested.

Chairman, Paul Levits, requested that the applicant provide ample time for submission and review. He added that the applicant made submissions that the Planning Commission could not review in time based on the short time frame provided. Mr. Levits requested that the applicant submit any documents 21 days prior to the meeting going forward. Mr. Levits stated there are many significant issues remaining.

Members of the Planning Commission requested an Extension of Time for 120 days. Mr. Petrucci noted that a 90 day extension would provide ample time for the creation of an EIS. Mr. Hecht stated that he can provide the Planning Commission with a 60 day extension only. Attorney Embick noted that it is possible to put together an EIS within 90 days, however, the Planning Commission would likely review a first draft instead of a final draft at the end of the 90 days if the applicant were to approve the 90 day Extension of Time. The Planning Commission remained firm on the 90 day Extension of Time. Mr. Hecht could not approve a 90 day Extension of Time at this time.

ACTION: Motion was made by Terry Kleintop and seconded by Robert Simpson to recommend denial to the Board of Supervisors for the Major Subdivision and Preliminary Land Development Plan for Slate Belt Heat Recovery Facility” (“Plan”) for lands owned by Grand Central Sanitary Landfill, Inc. and prepared for Slate Belt Heat Recovery Center, LLC, Green Knight Economic Development Corporation, and Grand Central Sanitary Landfill, Inc., Sheets 1 through 23 of 23, dated February 6, 2018 last revised August 13, 2019 (and received by the Plainfield Township Municipal Office on August 30, 2019), prepared by EarthRes Group, Inc.

The Plainfield Township Planning Commission has reviewed the above referenced plans. The Plainfield Township Planning Commission recommends that the Plainfield Township Board of Supervisors deny the Plan for the reasons set forth in the letter (“Letter”) from Thomas R. Petrucci, Township Manager, dated September 6, 2019, attached hereto as “Exhibit A”. The Letter is incorporated herein as if fully set forth. *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.

ADJOURNMENT:

Having no further business to come before the Planning Commission, motion was made by Robert Simpson and seconded by Terry Kleintop to adjourn the meeting. Motion approved. Vote 4-0.

The meeting adjourned at 10:14 P.M.

Respectfully submitted,

Paige Stefanelli
Planning Commission, Secretary
Plainfield Township