

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION REGULAR MEETING
OCTOBER 21, 2019**

A regular meeting of the Plainfield Township Planning Commission was held on Monday, October 21, 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, Ms. Robin Dingle, Terry Kleintop and Jeffrey Beavan. Vice Chairman, Robert Simpson, was excused from the meeting.

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 September 9, 2019 Special Planning Commission Meeting Minutes:

ACTION: Motion was made by Terry Kleintop and seconded by Robin Dingle to approve the September 9, 2019 Special Planning Commission Meeting Minutes with one minor correction 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 3-0-1 with Jeffrey Beavan abstaining.

2. Approval of the September 16, 2019 Regular Planning Commission Meeting Minutes:

ACTION: Motion was made by Jeffrey Beavan and seconded by Terry Kleintop to approve the September 16, 2019 Regular Planning Commission Meeting Minutes with one minor correction as discussed. *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.

OLD BUSINESS:

1. JERC Partners (550 Male Road, Wind Gap, PA 18091):

ACTION: Motion was made by Terry Kleintop and seconded by Robin Dingle to table the JERC Partners Land Development Plan (550 Male Road, Wind Gap, PA 18091) 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 3-0-1 with Jeffrey Beavan abstaining.

2. Alice Friend (5866 Sullivan Trail, Nazareth, PA, 18064) Minor Subdivision/Lot Line Adjustment:

Ms. Alice Friend stated that she has received relief from the Zoning Hearing Board in regards to the buffer placement due to the driveway setback requirements not being met. Ms. Friend has received a variance from §27-703.1.G and therefore, the installation of a buffer (i.e. trees, fence) is not required for this project. Mr. Kleintop questioned why there was no screening required between the Friend and Daumer driveway (referenced as Parcel D). Solicitor Backenstoe noted that the driveway is over 10 feet in distance, hence why a variance was not required for the other side of the driveway.

Township Engineer, Mike Kukles, noted that the applicant received favorable comments from the Lehigh Valley Planning Commission (LVPC). Mr. Kukles also reviewed the following waivers previously approved:

- §22-703.2.F – The location map shall be revised to be 1”=1,000’ and shall show all streets, roads, municipal boundaries, zoning districts, watercourses, and any areas subject to flooding within 1,000 feet of any part of the properties. The Planning Commission granted a waiver of the above requirements at their May 20, 2019 meeting. The waiver shall be listed on the plan, including the section reference and date of approval by the Planning Commission.
- §22-705 – Each applicant for a minor subdivision shall provide monetary compensation to the Township for recreation prior to recording the plan. As this proposal does not create any additional lots nor new dwelling units, the Applicant requested a waiver. The Planning Commission granted a waiver of this requirement at their May 20, 2019 meeting. The waiver shall be listed on the plan, including the section reference and date of approval by the Planning Commission.
- §22-1020 – All of the exterior points are shown on the plan with various markers set. The Planning Commission granted a waiver of Concrete Monuments at their May 20, 2019 meeting. The waiver shall be listed on the plan, including the section reference and date of approval by the Planning Commission.

Mr. Kukles stressed adding each waiver onto the plan for future reference. Mr. Kukles noted that a sewage module is not necessary for this project.

ACTION: Motion was made by Robin Dingle and seconded by Jeffrey Beavan to approve the Preliminary Final Minor Subdivision Plan for Ms. Alice Friend (5866 Sullivan Trail, Nazareth, PA, 18064) conditional upon compliance with all conditions as set forth within Ott Consulting, Inc.'s Review Letter dated October 1, 2019, owner signature, and notarization. *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.

NEW BUSINESS:

1. Bub Herfurth Jr. (6092 Sullivan Trail, Nazareth, PA 18064) Special Exception:

Mr. Karl Scherzberg from Keystone Consulting Engineers briefly discussed the current project details. The project location address is 6092 Sullivan Trail between Aspen Street and Fulmer Road which is now known as Lehigh Valley Meats. The facility was previously referred to as Kessler's Meat Locker. The property is situated on approximately .74 acres. Mr. Scherzberg stated that the applicant is proposing to raise the elevation of the roof in order to expand their refrigeration system. The applicant is not proposing any addition to the building itself and is only intending to conduct a vertical alteration to the roof. Additionally, no new utilities will be added. Mr. Scherzberg does not foresee any issues with obtaining compliance with the review letter issued by Township Engineer, Mike Kukles, from Ott Engineering, Inc.

The Ott Consulting Review Letter dated October 18, 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". Township Engineer, Mike Kukles, noted that clarification was requested for §27-317.5.CCC on the definition of a "slaughter house". Mr. Herfurth, the applicant, stated that they intake livestock meat, process the meat, and sell it back to owner.

In reference to #8 within Ott Consulting's review letter, Mr. Scherzberg stated that those were preliminary plans and the dimensions were not accurate as they were off by a few inches. These plans were to provide an idea of how the building will look in terms of roof lining with the height of the building. The plans to be submitted for the building permit would mimic the plans submitted for review of the Planning Commission and Zoning Hearing Board.

§27-409.3.C was in reference to the buffer. Additionally, there are no additional light installations being proposed. All lighting currently on the property and building will stay in place with no additions. Lot lines will also remain the same as well as the building location, and parking area. Mr. Herfurth noted that they need to justify airflows and refrigeration needs. He added that Kessler's Meat Locker was not regulated by the USDA. Lehigh Valley Meats is now regulated by the USDA and their standards. The

applicant is intending to alter the downstairs internally in order to allow for more retail and office space. The building would be expanding 28 feet in height. Born Wild is the other company him and his wife own.

The signs currently on the property will not be altered. Township Engineer, Mike Kukles, requested that the applicant follow up with the Sewage Enforcement Officer for all sewage related matters. The newest portion will not have any noise issues. The applicant, Bub Herfurth, believes that with the addition, the facility will be quieter in terms of noise generation. Inspections by the USDA are done twice a year for one week (Monday through Friday). The inspectors consist of a veterinarian inspector and a building inspector. Mr. Herfurth noted that they process around 10-12 hogs a week and process cattle 2 days a week.

Solicitor, David Backenstoe, stated that this facility is a lawfully non-conforming use. In terms of expansion, the owner/applicant has the right to expand.

ACTION: Motion was made by Robin Dingle and seconded by Jeffrey Beavan to recommend to the Plainfield Township Zoning Hearing Board to grant the Special Exception request for Lehigh Valley Meats located at 6092 Sullivan Trail in order to expand the roof height of the facility for additional capacity conditional upon addressing all comments within Ott Consulting, Inc. review letter dated October 18, 2019. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.

Commissioner, Terry Kleintop, questioned how soon the sewage facilities will be reviewed. Township Engineer, Mike Kukles, stated that it will be up to the applicant when this will be reviewed with the Sewage Enforcement Officer. Township Manager, Tom Petrucci, questioned Mr. Herfurth on whether it is possible to abide by all comments made by Emergency Management including the installation of a Knox Box. Mr. Herfurth was in agreement that he will address all comments from Emergency Management.

Motion approved. Vote 4-0.

2. Chandler Estates (1569 Teels Road, Pen Argyl, PA 18072) Sketch Plan:

Mr. Karl Scherzberg from Keystone Consulting Engineers briefly discussed the current sketch plan proposal for 1569 Teels Road. This facility is located within the Planned Residential Zoning District. Previously, this property was approved for senior housing within the Suburban Residential Zoning District. The primary reason for this sketch plan is to explore the possibility of a subdivision for financial reasons. No new development is being proposed.

Mr. Scherzberg showed the Planning Commission an alternate sketch plan that shows the subdivision more clearly. Copies were not provided to the Planning Commission for review. In reference to lot #1 on the sketch plan, this use will be a personal care facility. Mr. Scherzberg questioned whether this is a conditional use or not. Township Engineer, Mike Kukles, and Township Zoning Officer, John Lezoche, do not believe this is a conditional use.

Joleone Kinney, the owner of Chandler Estates, stated that financing has become an issue. Ms. Kinney looked into refinancing the facility and noted that the banks are not real friendly with this size of property. Therefore, Ms. Kinney went to HUD for financing. The current dilemma is that there is both independent and dependent housing. In order to obtain the loans needed, the owner needs to divide the land into the two separate uses. Multiple uses on an indivial lot usually do not qualify for loans. Ms. Kinney would like to make the previously approved improvements on the property which have been halted for some time. Previously, there were 27 units that were approved for construction. Individual construction/zoning permits for each until will still be required at the time of construction.

Township Zoning Officer, John Lezoche, stated that the Personal Care Facility Use was removed from the revised 2000 Plainfield Township Zoning Ordinance in the Planned Residential District (formerly a Conditional Use), but remained as a Conditional Use in the Suburban Residential District. In 1994, the Zoning Ordinance specifically allowed for Personal Care Centers within the Planned Residential and Suburban Residential zoning districts as Conditional Uses. Solicitor Backenstoe questioned if the applicant has considered other avenues to alleviate the financing issue. Mr. Scherzberg stated that they are considering lease lines and are waiting for correspondence from HUD on that issue. Mr. Petrucci noted that the most recent ordinance amendment clarifies that this is in fact a non-conforming use. Chairman, Paul Levits, questioned whether there is private waste water treatment on the property. Mr. Scherzberg stated that the station is entirely private with 2 pumping stations. Mr. Levits added that any existing agreements in place would need to be addressed/fixed for each with the authority.

The Planning Commission agreed that based on what was shown by Mr. Scherzberg for the second subdivision configuration, that plan was clearer. Mr. Scherzberg added that the applicant may lose the ability to construct some of the units because of the current NPDES permit requirements.

Township Engineer, Mike Kukles, redacted comment #1 of the Zoning portion of his review letter in reference to §27-202 for the Planned Residential Development definition. For comment #3 under the Zoning portion, Mr. Kukles redacted the last sentence. Comment #4 was also redacted by Mr. Kukles.

Chairman, Paul Levits, noted that the consensus of the Planning Commission is the second option for the subdivision plan as this plan is more palatable. The applicant previously received approval for the ability to finish Phase 4 of the Chandler Estates project and to approve the square footage for what was originally approved.

Township Solicitor, David Backenstoe, Township Engineer, Mike Kukles, and Township Zoning Officer, John Lezoche, will sit down and discuss the sketch plan.

3. Richard Lieberman (1553 Pen Argyl Road, Pen Argyl, PA 18072) Minor Subdivision Plan:

Mr. Ryan Engler from Robert Collura's office was present as Mr. Richard Lieberman's Engineer. He noted that the applicant's intent is to subdivide a small portion of his 127 acre farm. Mr. Lieberman placed the farm into Act 315 and has excluded 4 acres along Pen Argyl Road that were to be subdivided and given to two family members. Currently, the 4 acre area to be subdivided does not meet the current ordinance. Mr. Lieberman has received relief for the lot size and lot width from the Zoning Hearing Board. The subdivided land would be going to a granddaughter and a brother. The parcel ID for the lot to be subdivided is lot is F9-6-5.

Mr. Kleintop questioned about the trailer home located on the property and the driveway connection to the homes and farm in the area. Mr. Engler noted that the trailer is still on the same lot as the farm. Commissioner, Robin Dingle, noted that the driveway issue is not related to the proposed subdivision.

Mr. Lezoche requested that the plan include all zoning related material including net and gross lot areas for the right-of-way. Mr. Beavan requested details on the ultimate right-of-way.

ACTION: Motion was made by Jeffrey Beavan and seconded by Robin Dingle to approve the waiver request for §22-703.3 to only show the natural features surrounding the area to be subdivided. *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.

ACTION: Motion was made by Jeffrey Beavan and seconded by Robin Dingle to approve the Minor Subdivision Plan for Richard Lieberman located at 1553 Pen Argyl Road, Pen Argyl, PA 18072 conditional upon compliance with all conditions as set forth within Ott Consulting, Inc.'s Review Letter dated October 18, 2019, Owner Signature, Notarization, and Show Ultimate Right-of-Way on Preliminary/Final Minor Subdivision Plan. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.*

4. Dennis/Frank Greggo (1508-1510 Pen Argyl Road, Pen Argyl, PA 18072) Minor Subdivision Plan:

Mr. Ryan Engler from Robert Collura's office was present as Mr. Dennis Greggo's Engineer. The Greggo farm has approximately 52 acres with exclusionary areas. The subdivision will take place in two phases in order to eliminate the necessity to pay roll back taxes. The farm was originally preserved in 2016.

Copies of the deed and green cards were provided at the time of submission. Township Engineer, Mike Kukles, went over his review letter dated October 18, 2019.

ACTION: Motion was made by Jeffrey Beavan and seconded by Terry Kleintop to approve the waiver request for §22-703.3. *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.

ACTION: Motion was made by Jeffrey Beavan and seconded by Terry Kleintop to approve the waiver request for §22-.703.3.D. *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.

ACTION: Motion was made by Terry Kleintop and seconded by Jeffrey Beavan to approve the waiver request for §22-703.3.D. *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.

ACTION: Motion was made by Robin Dingle and seconded by Jeffrey Beavan to approve the waiver request for §22-703.5. *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.

In reference to #14 of Mr. Kukles' review letter, there were issues concerning whether the one lot would be considered a new lot since the existing dwelling previously burnt down. The opinion of the Planning Commission is that this area is creating a new lot.

ACTION: Motion was made by Robin Dingle and seconded by Jeffrey Beavan to approve the waiver request for §22-1016. *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.

Mr. Beavan questioned about two structures that will be located within the right-of-way and whether they will be remaining in place. Mr. Greggo confirmed they will be remaining in place.

ACTION: Motion was made by Jeffrey Beavan and seconded by Robin Dingle to approve the Minor Subdivision Plan for Dennis Greggo located at 1508-1510 Pen Argyl Road, Pen Argyl, PA 18072 conditional upon compliance with all conditions as set forth within Ott Consulting, Inc.'s Review Letter dated October 18, 2019, Owner Signature, and Notarization. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.*

5. Official Map – Review of Draft Official Map and Corresponding Ordinance:

Mr. Petrucci questioned whether the Planning Commission had any major comments prior to moving the ordinance forward. Members of the Planning Commission did not have any comments at this time, however, they did review the ordinance at great length.

ACTION: Motion was made by Terry Kleintop and seconded by Robin Dingle to approve the Draft Official Map and Corresponding Ordinance in order to move forward with the adoption process. *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 Terry Kleintop and seconded by Jeffrey Beavan to adjourn the meeting. Motion approved. Vote 4-0.

The meeting adjourned at 9:52 P.M.

Respectfully submitted,

Paige Stefanelli
Planning Commission, Secretary
Plainfield Township