

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION REGULAR MEETING
SEPTEMBER 21, 2020**

A regular meeting of the Plainfield Township Planning Commission was held on Monday, September 21, 2020 via Telephone Conference Zoom Meeting Call-In Number: (888) 788-0099 (US Toll Free)

CALL IN INFORMATION:

Zoom Meeting Link

<https://us02web.zoom.us/j/89956183184>

Meeting ID: 899 5618 3184

Call-In #: 877 853 5247 US Toll-Free

Meeting ID: 899 5618 3184

In accordance with Governor Wolf's ongoing COVID-19 pandemic emergency declaration by the Commonwealth of Pennsylvania, Plainfield Township officials are holding this regular meeting utilizing the Zoom authorized telecommunication device platform only. Remote meetings are permitted under the provisions of Act 15 of 2020 (Health Care Cost Containment Act). The Planning Commission will not be physically present at this meeting. This public meeting will be recorded. We kindly ask that all interested parties participating via the dedicated conference call line to only speak during the sections of the meeting that are specifically reserved for public comment or when prompted by the Chairman and to also state your name each time you are speaking. Members of the public and all interested parties will have the opportunity to comment via the telephone conference call prior to any official action taking place and during the Citizen's Agenda/Non-Agenda portion of the meeting. Anyone intentionally disrupting the meeting will be promptly muted and/or ejected from the call.

Chairman, Paul Levits, called the meeting to order at 7:01 P.M.

The Pledge of Allegiance was performed.

ROLL CALL:

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

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

CITIZENS ROLL CALL:

Maryellen & Bruce Knitter, Residents of Wind Gap Borough

Ari David, BS Virk
Bill Erdman, Engineer for BS Virk
Bonnie & Andrew Jones, Residents of Wind Gap Borough
Christa & Dan Borton
Art Swallow, Engineer for Detzi
Leonard Zito, Attorney for Reagle Dodge
Bruce Ott, Reagle Dodge
Jason Ott, Reagle Dodge
George Collura, Engineer for Reagle Dodge

APPROVAL OF MINUTES:

1. Approval of the August 17, 2020 Regular Planning Commission Meeting Minutes:

ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to approve the August 17, 2020 Regular Planning Commission Meeting Minutes. *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 Jeff Beavan abstaining.*

NEW BUSINESS:

1. BS Virk, LLC.- 497 Moorestown Road, Wind Gap, PA 18091- Site Plan:

Mr. Bill Erdman from Keystone Consulting Engineers was present on behalf of the applicant, Mr. Ari David, who was also present on the Zoom Call. Mr. Erdman stated that the applicant is proposing to use the existing building on the lot for warehouse operations. The applicant intends to renovate the building with minimal site improvements. There has been one issue with PennDOT concerning the access and Mr. Erdman is hoping for optimistic correspondence from PennDOT regarding their latest submission. Mr. Erdman added that there are 4 comments within Mr. Kukles' review letter that require responses from the applicant.

Applicant, Mr. Ari David, stated that he currently has customers that he hauls and stores their products for. He added that those products will be held for a few days at the warehouse until such time that it can be delivered to the final destination. Chairman, Paul Levits, questioned what type of freight will be stored at the facility. Mr. David stated that they store dry food, canned food, paper, plastics, drinks, etc. All materials on site will be basic dry materials and no hazardous materials. Mr. Beavan questioned whether material would be stored within any of the trailers on site after delivery. Mr. David noted the majority will be stored in the building except for times where the building may be at full capacity. In this case, the goods will be stored in trailers outside. Mr. Kleintop questioned

the hours of operation. Mr. David stated that they operate from 8:00 AM to 5:00 PM with approximately 20 employees.

The Ott Consulting, Inc. Review Letter dated September 17, 2020 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, stated that the revised plan submitted to the Township includes a future access drive to provide for emergency access. Mr. Kukles noted there was a diesel leak in this area in the 1990's. Many of the wells that were existing in this area showed signs of pollution from the diesel leak. The Township included this area within the Zoning Map to transfer to public water due to this issue. Currently, there is no intent to apply for a truck terminal and no site work with trucks or other related vehicles have been proposed.

For line item #11, Mr. Kukles requested clarification on water and sewer services. Such indication will need to be added on the final plan. Confirmation of services will need to be done prior to the issuance of a Certificate of Occupancy of the use of the property.

Mr. Petrucci questioned whether chemicals or other related materials will be stored on site. Mr. David indicated that they do not currently carry any hazmat materials. Mr. Petrucci recommended that a narrowed list of what will be stored on site should be provided to the Township. The only materials currently being proposed are packaging materials, cups, cardboard boxes, canned food, juice, water, and coke products. Mr. Erdman stated that the applicant is willing to place a statement on the plan which indicates the items that will be stored on site. Mr. Erdman added that his only concern is that in the event that an additional item is added to the list, but is not considered an issue to store on the property, then the item still may not be able to be stored on site because it would not be on the list of allowable storage for the facility. Mr. Beavan added that supplying a list of what will not be stored on site may be a better option in order to allow the applicant to have more flexibility with items while not increasing the dangers of storing certain items at the facility.

Solicitor Backenstoe added that a list could be compiled and the Township, as well as the Zoning Officer, could review the list and approve the list if deemed acceptable. No large bulk packaging is being proposed as most items will be water cases and soda cases which are all packed within individual cases on each pallet. Ms. Dingle added that the applicant should provide standard language or a note on the plan that provides the Township reassurance that all items will be food related and prepackaged. Solicitor Backenstoe added that the Department of Environmental Protection (DEP) provides lists of this nature.

Additional contours were requested to be on the plan, as stated by Mr. Kukles. Mr. Kukles added that the current site plan does not show any changes to the existing drainage patterns no any additional impervious cover as a result of this proposal.

With respect to the Highway Occupancy Permit (HOP), Mr. Kleintop questioned whether the emergency route will be going through the same gate as the adjoining property and what type of impact this may have on the pending HOP. Mr. Kukles stated that because it was showed previously on the DOT plan, consolidation would likely occur. The HOP would still be in the name of the particular landowner, however, there is an agreement on file with respect to the adjoining property for access. Additionally, there is a recorded easement added to the plan as well which states that it can be used for emergency access by the adjoining property if needed. Mr. Erdman is anticipating the revised submission to be approved by PennDOT, however, he is still awaiting a response. He offered to submit the revised HOP plans that were submitted to PennDOT for the Planning Commission to review.

Mr. Erdman stated there will be one single permit that will be issued for the subject property by PennDOT. The access/driveway issue currently pending with PennDOT does not pose a traffic impact issue and the access is intended to only be used for emergency personnel only. Ms. Dingle questioned whether there are any groundwater issues with the previous diesel fuel leak on the property and whether there is a SPCC Plan for potential oil and gas leaks that may reach into the soil and groundwater. Mr. Erdman stated his understanding is that if there is a trailer on site, it will be transitional until the trailer is ready to be unloaded. Both trailers and tractor trailers will be utilized for shipments/drop-offs. For the existing driveway, Mr. David was unsure of whether it is concrete or asphalt. Mr. Erdman noted that they will need to look into this issue further in light of Ms. Dingle's concerns. Ms. Dingle stressed if there are areas of dirt or gravel on the property, there should be, at a minimum, SPCC Plan, a spill kit or other emergency operation in place to assist in immediate clean up procedures.

Mr. Kleintop questioned whether rigs will be staying overnight. Mr. David indicated that there will be no drivers staying on site overnight. Only a few trucks will be there during the week when the facility is not in operation. Chairman, Paul Levits, questioned whether box trucks will be utilized. Mr. David indicated that only tractor trailers will be utilized at this time and no box trucks are being proposed for deliveries/shipments.

Zoning Officer, John Lezoche, stated that the property was under a Cease and Desist order from the past owner for too much debris on the property. When the property sold to the new owner, the Cease and Desist was not reissued. Mr. David is aware that the clean up on the property needs to be completed. Mr. Lezoche insisted that the warehouse will be a vast improvement to the property.

ACTION: Motion was made by Terry Kleintop and seconded by Jeffrey Beavan to grant an Extension of Time through November 30, 2020 for the BS Virk, LLC. Site Plan Application located at 497 Moorestown Road, Wind Gap, PA 18091, however, in the event that Plainfield Township does not receive a written Extension of Time

on or before Friday, September 25, 2020, the Site Plan Application would be denied and documentation of said denial will be issued to the Applicant as the reasons set forth within Ott Consulting, Inc.'s review letter dated September 17, 2020. *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 Terry Kleintop and seconded by Robert Simpson to table the Site Plan review for BS Virk, LLC. located at 497 Moorestown Road, Wind Gap, PA 18091. *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. Jeffrey D. & Joseph D. & John D. Detzi, et al.- 570 N. Lehigh Avenue- Minor Subdivision:

Mr. Art Swallow was present on the call as the engineer for the Detzi Minor Subdivision. Plans were provided to Plainfield Township for courtesy review. The owners of the tract are proposing to subdivide and sell a portion of their land to Mr. Nolan Perin. Less than 1 acre will be added to the original parcel. No improvements are proposed for the section that is in Plainfield Township. Mr. Swallow added that approximately $\frac{3}{4}$ of the land is located within Wind Gap Borough. He stressed that this is essentially an exchange of property between neighbors. Mr. Perin owns the property to the North. The Detzi brothers will still own and maintain a tract of approximately $\frac{2}{10}$ of an acre. Solicitor Backenstoe added that the entire subdivision as well as any development is not located in Plainfield Township. At this juncture, Plainfield Township cannot require any conditions or make any determinations on this matter before the Planning Commission. The Township was included with this proposal as a courtesy.

Mr. Simpson questioned about the final subdivision plan for recording and whether there would be an issue of Plainfield Township providing signatures considering this matter is not a formal review. Solicitor Backenstoe stated the language would need to be revised so it does not state that the Township approved their review.

Mr. Bruce Knitter, Resident of Wind Gap Borough, questioned where access will be for the new lot being created for Mr. Perin as he is concerned of truck traffic on Liberty Street in Wind Gap Borough. Mr. Swallow stated that there is no plan for the property to be developed, therefore, no access is proposed at this time. Mr. Swallow added that this property is a residential property. Solicitor Backenstoe recommended that any residents with concerns to contact Wind Gap Borough directly as Plainfield Township does not have any legal authority over the plan review for this subdivision. Mr. Swallow indicated that a Zoom meeting is approaching for the review of this project with Wind Gap Borough. He added that if residents contact Debbie with Wind Gap Borough, she will be able to provide residents with instructions/details for the Zoom meeting.

ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to memorialize that the Plainfield Township Planning Commission has reviewed the application for a Minor Subdivision located at 570 N. Lehigh Avenue and have no comment at this time. *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. Joseph C. Reagle- 1211 & 1213 Blue Valley Drive- Site Plan:

Attorney Leonard Zito was present on the call on behalf of Reagle Dodge. He stated that at one time, the subject property had a double home which has since been demolished due to a structural fire. The remains of the property is a vacant lot which Reagle Dodge is proposing to utilize as a display lot for the sale of motor vehicles. This lot would be consistent with the properties to the East and West of this lot. The applicant is present tonight in order to review the Site Plan submitted to Plainfield Township.

The Ott Consulting, Inc. Review Letter dated September 18, 2020 by Mr. Mike Kukles is hereby incorporated for reference in these minutes as though it were more fully set forth at length as “Exhibit B”. Mr. Kukles read verbatim from his comment letter the following information:

“The 2 parcels for this project comprise a total of 6,998 square feet on the north side of S.R. 0512 at 1211-1213 Blue Valley Drive within the GC (General Commercial) Zoning District. Access to the site will be provided from the adjoining property to the east and north that is also owned by the Applicant. The site previously contained a semi-detached dwelling that was destroyed by fire in 2019 and was subsequently razed. The site is within an area served by public water from PA American and sewage disposal is municipal from the Pen Argyl Municipal Authority. The Applicant is proposing to construct 16 gravel spaces on the subject property to expand the existing vehicle display area from the east, in support of the existing ‘**Auto Sales**’ use, as shown on the above referenced plan.” Mr. Kukles added that there are two parcels of property that were recently consolidated into one lot.

Mr. Petrucci questioned whether there is currently a Knox Box on the property. Attorney Zito stated that there is no intent to have a Knox Box as no development is proposed for the lot other than parking spaces for motor vehicles. The current business office is located within Washington Township.

Chairman, Paul Levits, questioned what variances were granted at the Zoning Hearing Board for this proposal. Relief was granted for the 10 foot side yard setback requirement in §27-311(6) of the zoning ordinance as to permit no side yard setback from the eastern property line as well as from the 70 foot front yard setback requirement in §27-311(6) of the zoning ordinance (as modified by §27-405 of the zoning ordinance) contingent upon the Applicant maintaining a 60-foot front yard setback from the center line of Route 512.

Mr. Lezoche noted that on the site plan, it stated the property will have 61% of impervious coverage. The allowable amount of impervious coverage is 65% of impervious coverage, however, there was no indication on what the extra percentage of impervious coverage would be. The type of coverage was also not included. It was requested that this information be included on the plan for clarification.

Mr. Kleintop questioned whether a portion of the existing garage is located on the adjoining property of the northeast corner. Attorney Zito noted this issue was discussed at the Zoning Hearing Board level. Equity actions were filed to ascertain whether there is an encroachment issue. At this time, it has not been determined by the Court but has been depicted on the plan as it currently exists. Solicitor Backenstoe stated that this is likely not a concern of the Township as this is a Site Plan application and the Planning Commission is specifically reviewing the use of the property. The equity filed in Court will determine whether this is an issue and how to move forward.

Mr. Kleintop raised an issue with the current plan as it currently does not honor the order of the Zoning Hearing Board. Attorney Zito acknowledged that the plan was not updated. Mr. Kleintop stated that the front row parking spots are shown in an area where it is not permitted to be located and has crossed the line on what was approved by the Zoning Hearing Board. Attorney Zito stated that from the proceedings, exhibit A-8 was an approval of an adjacent property, the Falcone property, for automobile storage. He added that there was a permit issued by the Zoning Officer which allowed the vehicles to be set back 4 feet. This permit was never subject to any other approvals by the Planning Commission nor the Zoning Hearing Board. The applicant was seeking compatibility for the setback requirement. Attorney Zito added that in all fairness, there is a question to what the setback is for the Reagle property. Solicitor Backenstoe questioned whether the plan accurately reflects the relief ordered by the Zoning Hearing Board. The engineer for the applicant, Mr. George Collura, indicated that changes were to be made after the plan was reviewed by the Plainfield Township Zoning Hearing Board. Such changes were not made to date. Mr. Lezoche concurred with this statement as well as adding impervious coverage. Attorney Zito stated that the applicant can resubmit to the Planning Commission next month for the revisions made to the plan. Mr. Kleintop stated that if the applicant were to eliminate the front row comprised of four parking spaces, it would improve the overall impervious coverage percentage as well. Township Zoning Officer, John Lezoche, added that the traditional 9' x 18' parking space is not the true car size that is going to be displayed and possible measurements of the vehicle can be included. However, he was not too concerned of this issue.

Attorney Zito noted that this may need to be discussed on the Zoning Hearing Board level once more for clarification for the setback issue. Solicitor Backenstoe stated that there are 3 options on how to move forward. The applicant has the option to resubmit the plan in order to comply with the order of the Zoning Hearing Board. The second option

would be to completely revoke the current plan submission for the Planning Commission if they are in fact going to go in front of the Zoning Hearing Board once more. The final option would be to table this matter. Solicitor Backenstoe added that either way, the applicant shall resubmit the plan to accurately reflect the opinion of the Zoning Hearing Board.

Attorney Zito requested the matter to be tabled in order to make a determination on how to proceed at this point with the plan submission.

Mr. Lezoche questioned Solicitor Backenstoe on whether there would be any issues with the applicant returning to the Zoning Hearing Board for additional relief. Solicitor Backenstoe stated that the applicant always has the right to reappear in front of the Zoning Hearing Board for additional/relevant relief under the condition that they are not to request the same relief previously sought for.

An Extension of Time would be needed through December 31, 2020. Attorney Zito's client would be amendable to an extension through the end of the year.

ACTION: Motion was made by Terry Kleintop and seconded by Robert Simpson to grant the Joseph C. Reagle, Inc. Site Plan submission and Extension of Time within to submit another plan through December 31, 2020, however, in the event that Plainfield Township does not receive a written Extension of Time on or before Friday, September 25, 2020, the Site Plan Application would be denied and documentation of said denial will be issued to the Applicant as the reasons set forth within Ott Consulting, Inc.'s review letter dated September 18, 2020. *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.

4. Proposed Zoning Amendment: §27-107 of the Plainfield Township Zoning Ordinance:

Township Manager, Tom Petrucci, sent out a draft amendment to the Planning Commission for review. The amendment covers uses within the Zoning Ordinance that are not specifically provided for. Mr. Petrucci added that there was a section of the ordinance that was passed a few years ago. As the language currently reads, it was apparent that this section needed corrections. The draft provided to the Planning Commission corrects erroneous text. Mr. Petrucci provided both the Plainfield Township Planning Commission as well as the Lehigh Valley Planning Commission with the draft amendment. The amendment protects the Township from any exclusionary challenges and is designed to be a catch-all ordinance. Solicitor Backenstoe added that the language is already there, it is a matter of rewriting the text in a more clarified fashion.

ACTION: Motion was made by Robin Dingle and seconded by Jeff Beavan to move forward with the proposed Zoning Amendment to §27-107 of the Plainfield

Township Zoning Ordinance. *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 in regards to the next Planning Commission meeting, the Township is awaiting a submission for Mr. Ryan Cortazzo located at 6191 Sullivan Trail. Mr. Petrucci will attempt to coordinate an in person meeting at the Plainfield Township Fire Hall Outdoor Pavilion.

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 5-0.

The meeting adjourned at 8:57 P.M.

Respectfully submitted,

Paige Stefanelli
Planning Commission, Secretary
Plainfield Township