

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
FEBRUARY 17, 2022**

A special meeting of the Plainfield Township Board of Supervisors was held on Thursday, February 17, 2022 at the Plainfield Township Municipal Building, which is located at 6292 Sullivan Trail, Nazareth, PA 18064. The meeting public notice was duly advertised in the February 14, 2022 issue of the *Express-Times* newspaper.

Chairman, Glenn Borger, called the meeting to order at 7:00 P.M. The Pledge of Allegiance was performed.

ROLL CALL:

The following Supervisors answered roll call: Chairman Glenn Borger, Vice-Chairman Stephen Hurni, Supervisor Jane Mellert, and Supervisor Donald Moore. Supervisor Randy Heard was excused from attending the meeting.

Also present were Township Manager Thomas Petrucci and Solicitor David Backenstoe.

I. TOWNSHIP MANAGER– THOMAS PETRUCCI:

1. Discussion on Open Space/Recreation Area(s) (No Official Action):

Mr. David Jaindl requested to address the Board of Supervisors for a matter involving open space and recreation. David Jaindl offered the following information for the consideration of the Board of Supervisors:

- David Jaindl identified that he is the owner of a twenty-one (21) acre parcel of land situated on Gall Road (611 Gall Road).
- CRG Services Management, LLC has proposed a land development for a large industrial facility at the 905 Pennsylvania Avenue location that is owned by NAPER Development.
- David Jaindl noted that there was a buyer (Catalyst Communications) that previously appeared before the Plainfield Township Planning Commission twice to review a sketch plan proposal for a large warehouse that was to be located on Gall Road. There were concerns with the sketch plan identified by the Planning Commission, and David Jaindl recognized the concerns- including the proximity of the proposed use to the Plainfield Township Recreation Trail and the proposed Northampton County Gall Farm Preserve.

- David Jaindl had looked at whether a residential subdivision would make sense, and after discussion with Plainfield Township representatives (including the Township Manager), it was noted that the rezoning may not be able to work out from a zoning perspective.
- David Jaindl had then examined whether it would make sense to offer the Gall Road property in part or in whole to the Township in order to satisfy the open space requirements of the CRG Services Management, LLC proposal. CRG Services Management, LLC has direct control over the NAPER site, but Jaindl Farms, LLC is also involved in the proposal.
- David Jaindl indicated that he did not like the warehouse use on the Gall Road site, and his initial thought was to examine the feasibility of an alternate use at the site. A residential use would require rezoning the parcel, and he generally does not like rezoning.
- David Jaindl then asked if there were any questions of the members of the Board of Supervisors.
- Supervisor Moore inquired as to what recreation fees are required to satisfy the open space/recreation requirements for the CRG Management Services, LLC proposed land development, and David Jaindl replied that it was his understanding that there is enough open space proposed for dedication to the Township on the CRG Management Services, LLC site to satisfy the open space requirements. The developer is primarily seeking to satisfy the open space/recreation requirements by the dedication of land (as opposed to a fee-in-lieu of dedication). If there was a shortage in the amount of open space land proposed for dedication, CRG Management Services, LLC is prepared to offer a fee in lieu of the dedication to make up the shortage, but David Jaindl believes that the Gall Road property dedication would make more sense. The proposed open space area for CRG Management Services, LLC was the proposed buffer space between the use and Constitution Avenue. Supervisor Moore pointed out that the applicant may not need the Gall Road property to satisfy the open space requirements for CRG Management Services, LLC. David Jaindl agreed with Supervisor Moore. David Jaindl then reiterated that the warehouse use does not make sense at the Gall Road site, in his opinion.
- David Jaindl noted that there was some level of disagreement (further clarification was not provided) with respect to whether the CRG Management Services, LLC open space requirements would be met with the proposed buffer area dedication.

- Supervisor Moore stated that there were identified risks with developing the Gall Road site- including steep slopes and grading. David Jaindl agreed, and indicated that there is no large warehouse use proposed for the site at this time.
- Supervisor Mellert questioned if the Gall Road parcel was dedicated to the Township, would it have to remain as an open space/recreation use in perpetuity. Solicitor Backenstoe responded that the Township could draft an agreement regarding the dedication where the developer would waive their interest in the property and allow the Township to develop the property as it deemed appropriate. The Municipalities Planning Code requires the Township to spend/utilize open space/recreation fees within three (3) years; however, Solicitor Backenstoe always includes language in the Developer's Improvements Agreements which waives this requirement.
- Supervisor Hurni asked if the Township could sell the land in the future; Solicitor Backenstoe responded that the Township could only do so if the developer agreed to allow the conveyance of land in the future as part of the dedication to the Township.
- Supervisor Moore expressed a concern with the Gall Road parcel remaining in open space in perpetuity and removing a possible viable parcel/industrial land use from of the Industrial Business Park Zoning District. He noted that the Township has few locations that are zoned for industrial uses.
- Supervisor Borger asked if the Gall Road parcel were to be dedicated to the Township, would the proposed CRG Services Management, LLC buffer area be developed, and David. Jaindl confirmed that would not be the intention.
- After a discussion with Supervisor Moore, David. Jaindl clarified that he is not simply trying to unload an undesirable property, but he identified that he had absorbed the comments of the Planning Commission concerning the proposed warehouse at the Gall Road site, and he had taken them under consideration. David Jaindl reiterated that his primary concern is related to the proximity of the warehouse use to the Township's linear park (Plainfield Township Recreation Trail) and the proposed Northampton County Gall Farm Preserve. David Jaindl remains open to any concepts for the use of the property that the Township may also propose.
- Township Manager Petrucci clarified that the Northampton County Farmland Preservation Partnership Program would permit the property to be preserved even though it is under twenty-five (25) acres, but it may only be preserved by local County and/or Township Open Space funds. It would not be eligible for state preservation funding.

- Supervisor Mellert suggested that Township Manager Petrucci should prepare a memorandum which delineates the various options for this parcel, and that these options should then be thoroughly vetted with the Solicitor and the property owner at a future public meeting.

Following the discussion which occurred amongst the Board of Supervisors and David Jandl, no official action was taken by the Plainfield Township Board of Supervisors. Township Manager Petrucci and Solicitor Backenstoe will meet with David Jandl, Joe Zator (Mr. Jandl's attorney), and possibly a representative from CRG Management Services, LLC in order to discuss this matter and report back to the Plainfield Township Board of Supervisors in the form of a memorandum addressed to the Board of Supervisors.

2. Discussion on Domestic Fowl/Poultry Ordinance (No Official Action):

The Board of Supervisors discussed the history of the Domestic Fowl/Poultry Zoning Ordinance Amendment, which had gone through several iterations between the years of 2018 and 2020. There were two (2) general concepts previously discussed, including a Zoning Ordinance Amendment which imposed restrictions on the number of chickens permitted and dimensional standards for structures related to the use of backyard chickens. Backyard chickens would be a permitted use across the entire Township. The other ordinance concept was a combined domestic fowl/poultry nuisance stand-alone ordinance that would only address public nuisances related to the keeping of domestic fowl (including, but not limited to, issues related to manure management, runaway chickens, vermin, and sound). The fowl nuisance ordinance would apply to chickens, ducks, guinea fowl, geese, pea fowl, pigeons, partridge, pheasants, and turkeys.

Township Manager Petrucci noted that backyard chickens are very popular, and that the Board may want to consider sending out a survey to residents to gauge the overall sentiments concerning the keeping of backyard chickens. The Board of Supervisors were not inclined to begin a survey at this time concerning this topic. Solicitor Backenstoe stated that the Board of Supervisors should conduct a survey with the intention of "taking a temperature" on a particular matter, but not necessarily base their governance on the results of a survey. The Board of Supervisors are elected by the residents to make decisions on their behalf, and if the Board feels strongly about a matter, they have the right to take action on that item.

Solicitor Backenstoe clarified that the Township does not have any standing to enforce deed restrictions. For example, if a deed restriction is placed on a property prohibiting the keeping of fowl, any legal action would have to be commenced by private citizens that have standing (ex. a neighbor).

The members of the Board of Supervisors expressed the sentiment that backyard chickens can be handled in such a way as to not impact neighbors. However, there are properties in the Township

where the owners are impacting other neighbor by their actions, including the burning of manure and allowing the chickens to run wild.

Following the discussion that occurred during the meeting concerning this agenda item, the Board of Supervisors directed Township Manager Petrucci to place this matter on the agenda of the March 24, 2022 second regular Board of Supervisors meeting for further discussion.

No official action was taken by the Board of Supervisors concerning this agenda item.

CITIZEN’S AGENDA/NON-AGENDA:

Jerry Lennon, Resident- Jerry Lennon addressed the Board of Supervisors and requested that the Board of Supervisors should consider the Farmer’s Grove property to be labeled as a parks/recreation property. He is under the impression that if the property was considered to be a playground, then the Nazareth Borough Municipal Authority (NBMA) may not be able to spread biosolids on the Hower Farm property, which is now owned by the NBMA, since the Grove is adjacent to the Hower Farm. Jerry Lennon also stated that if the slopes of the property are over twenty-five percent (25%), the presence of steep slopes would preclude the spreading of biosolids.

In response to statements made by Jerry Lennon in which he identified that the Hower Farm is preserved, Solicitor Backenstoe clarified that the current state agricultural preservation laws do not permit the County or the Township to prohibit the spreading of biosolids on preserved farmland.

ADJOURNMENT:

Having no further business to come before the Board of Supervisors, a motion was made by Stephen Hurni and seconded by Donald Moore to adjourn the meeting. The motion was approved unanimously.

The meeting adjourned at 8:13 P.M.

Respectfully submitted,

Thomas Petrucci
Township Manager/Secretary
Plainfield Township
Board of Supervisors