

**PLAINFIELD TOWNSHIP  
PLANNING COMMISSION REGULAR MEETING  
December 19, 2022**

A regular meeting of the Plainfield Township Planning Commission was held on Monday, December 19, 2022 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: Paul Levits, Robin Dingle, Robert Simpson, Glenn Geissinger, and Terry Kleintop.

Also present were Secretary and Zoning Officer, Sharon Pletchan; Solicitor, David Backenstoe; Township Engineer, Jeffrey Ott; and Alternate Township Engineer representative, Jason Smith of Hanover Engineering.

**APPROVAL OF MINUTES:**

1. Approval of the November 21, 2022 Regular Planning Commission Meeting Minutes:

**ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Geissinger to approve the November 21, 2022 regular meeting minutes. Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. No comments. Motion approved. Vote 4-0 (1 abstention: Kleintop due to absence).**

**OLD BUSINESS:**

1. PC-2021-015- N.A.P.E.R. Development, Inc. Site Grading Plan Land Development Application

**ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Dingle to table PC-2021-015; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. No comments. Motion approved. Vote 5-0.**

2. PC-2021-009- CRG Services Management, LLC. (905 W. Pennsylvania Avenue, Pen Argyl, PA 18072)- Land Development / Subdivision Application

**ACTION: Motion was made by Commissioner Kleintop and seconded by Commissioner Dingle to accept an extension to March 31, 2023 for application PC-2021-009; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. No comments. Motion approved. Vote 5-0.**

**ACTION:** Motion was made by Commissioner Kleintop and seconded by Commissioner Geissinger to table PC-2021-009 to a Special meeting dated February 13, 2023 at the Plainfield Township Volunteer Fire Hall at 7:00PM; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* No comments. **Motion approved. Vote 5-0.**

3. PC-2022-015 - JVI, LLC/Green Knight Economic Development Corporation (45-65 Beers Way)- Land Development Application

**ACTION:** Motion was made by Commissioner Simpson and seconded by Commissioner Dingle to table PC-2022-015; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* No comments. **Motion approved. Vote 5-0.**

**ACTION:** Motion was made by Commissioner Geissinger and seconded by Commissioner Simpson to accept an extension to March 31, 2023 for application PC-2022-015; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* No comments. **Motion approved. Vote 5-0.**

4. PC-2022-014 - Crossroads OXO, LLC (5664 Sullivan Trail) - Special Exception Application

**ACTION:** Motion was made by Commissioner Dingle and seconded by Commissioner Simpson to table PC-2022-014; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* Secretary Pletchan explained that there is another Special Exception application before the Planning Commission in January for the same property. Solicitor Backenstoe explained that since this application is expiring on February 28, 2023, the Commission may want to take action at the January 16, 2023 regarding this application if an extension is not granted by the Applicant. **Motion approved. Vote 5-0.**

5. PC-2022-012- WTDWG, LLC (271 E. 1<sup>st</sup> St. and 1564 Church Rd.)- Minor Subdivision

**ACTION:** Motion was made by Commissioner Dingle and seconded by Commissioner Kleintop to accept an extension to March 31, 2023 for application PC-2022-012; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* Public attendee, James Albanese, stated concern for the proposed 50-55 unit development associated with this area. Chairman Levits asked for a report from the Secretary on the application. Secretary Pletchan explained that there is no application for the development in question on file with the Township at this time. **Motion approved. Vote 5-0.**

**ACTION:** Motion was made by Commissioner Simpson and seconded by Commissioner Kleintop to table PC-2022-012; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* No comments. **Motion approved. Vote 5-0.**

6. PC-2022-017 – Clever Girl Winery (Pen Argyl Rd.) – Land Development Application  
**ACTION: Motion was made by Commissioner Kleintop and seconded by Commissioner Dingle to table PC-2022-017; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. No comments. Motion approved. Vote 5-0.**
  
7. PC-2022-019 – BH Paving Inc. (Pennsylvania Ave.) – Land Development Application  
**ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Geissinger to accept an extension to March 31, 2023 for application PC-2022-019; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. No comments. Motion approved. Vote 5-0.**  
  
**ACTION: Motion was made by Commissioner Kleintop and seconded by Commissioner Dingle to table PC-2021-019; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. No comments. Motion approved. Vote 5-0.**
  
8. PC-2022-018 – Rep. Ann Flood Office (962 W. Pennsylvania Ave.) – Site Plan Application/Change of Use  
Solicitor Backenstoe explained that this application for a Site Plan has been withdrawn based on a ruling from the Zoning Hearing Board at their November 23, 2022 hearing. The application is considered closed. No action needed.
  
9. Winery Definition – Agenda item was not discussed in interest of available time for the applicants under Current Business.

### **CURRENT BUSINESS**

10. PC-2022-005- Grand Central Sanitary Landfill- 910 W. Pennsylvania Avenue, Pen Argyl, PA 18072- Land Development Application resubmission (waiver requests)  
Chris McLean from Fitzpatrick, Lentz and Bubba provided a brief overview of the project. The Applicant is seeking recommendation to the Board of Supervisors for the remaining the waiver requests submitted which are in addition to the waivers discussed at the June 20, 2022 meeting. The Applicant is also seeking recommendation to the Board of Supervisors for Preliminary/Final approval of the Land Development application. The Applicant feels that the remaining comments from the review letters are minor in nature and will be complied with in appropriate revisions of the plan to be submitted to the Township for review. Solicitor reminded the Commission that the application expires on January 31, 2023 and an extension will be required in order to have sufficient time to move this application forward to the Board. Applicant’s Engineer, Matthew Chartrand of Bohler Engineering provided visual aids of the revised project plans and an overview of the project for the Board and public.  
Chairman Levits asked Engineer Ott to go through his December 9, 2022 review letter. Engineer Ott brought focus to the comment related to the new application that is pending

for a Material Recycling Facility located adjacent to this project and asked for an overview of the project in relation to the current application. Engineer Chartrand provided an overview of this project in which he stated will be discussed in detail on the January agenda. He stated that the projects are separate and distinct operations; the new facility will eventually replace this transload facility but this initial phase is still required to consolidate the operation onto this property in order to meet current needs. Engineer Chartrand clarified that the building constructed under the transload application would then eventually become storage only. Engineer Ott asked what is proposed for the Rte 512 property where the transload is currently operating. Engineer Chartrand confirmed that the operation will be shut down and the property will be sold “as is”; pointing out that the “Use Narrative” provided addresses this concern. Commissioners expressed concerns of cumulative impacts of these two projects in reference to impervious surfaces and the construction of a building that is potentially proposed to the abandoned. Engineer Ott confirmed that the Township is tasked to monitor impervious surfaces and both projects require state NPDES permits and stormwater management controls. Solicitor Backenstoe pointed out that the proposed Use change to ‘storage only’ would be required to go back before the Zoning Officer for review which may then come back before the Planning Commission. Secretary Pletchan clarified that a pending subdivision is also proposed as part of the Recycling Facility which is pending Planning Commission review for the January 16, 2023 meeting. Engineer Ott then went through each of the proposed eight additional waiver requests referencing the September 23, 2022 version of the request letter prepared by Bohler Engineering. Engineer Chartrand pointed out that an additional ninth waiver was added to the letter provided to the Planning Commission in reference to the Hanover Engineer Environmental review letter dated December 22, 2022 regarding 22-504.10: wetlands and water elevation of the site.

The first waiver discussed was from the definition of a ‘street’ according to 22-202. Engineer Chartrand stated that the internal access road has been in place for quite some time and has not be considered a ‘street’. Changing classification now will trigger many other code requirements that would not be required for this roadway which is predominately not open to the public nor is a through street. He also pointed out that traffic impacts are reduced along Rte. 512 as the trucks were required to be weighed in one location and travel to another location for the transload operation. Commissioner Kleintop asked if the public recycling drop-off access along this access road will continue with this new operation. The Applicant confirmed that the public drop-off facility is a requirement of PADEP and will remain operational. Chairman Levits asked what will occur with a subdivision of the parcel proposed with the pending Recycling Facility. Engineer Chartrand confirmed that this topic will again be opened with that application, but a subdivision is not proposed as part of this current application. Discussion ensued whether a waiver would then apply. Commissioner Kleintop stated that if the access road ever continues out to Pen Argyl Rd. that the access road would need to be revisited as it would then be a through access between State roads. He also reminded the Applicant of the access easement with the Township for the trail. Engineer Ott read through the

associated definitions, codes and waiver requests and stated that he feels that the access road functions as a driveway and would not be considered a street at this time. The Commission chose to go through the remaining waiver requests before taking action on this request.

The next waiver request discussed was from §22-503.2.G, 22-503.4.A.2 & 22-603.2.A to not provide bearing and distances for the entire property boundary. Engineer Chartrand confirmed that they did provide previous survey information from Art Swallow and Associates which shows the entire parcel acreage for reference. He also pointed out the Trail mapping was also provided for reference to confirm no conflicts to the existing trail. Commissioner Kleintop asked for the relation to the proposed trail for which no information was provided. Commissioner Dingle confirmed that bearing and distances are provided on the reference information submitted with the application. Engineer Chartrand stated that he is unable to confirm the information as it was completed by another engineer, it is provided as reference only.

**ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Geissinger to recommend a waiver from §22-503.2.G, 22-503.4.A.2 & 22-603.2.A to not provide bearing and distances for the entire property boundary. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.** Commissioner Dingle stated that she does not feel that the waiver is required with the reference information provided as this waiver was considered to not be required for a previous application with similar application information. **Motion approved. Vote 4-1 (Dingle: no).**

The next waiver request discussed was from §22-503.4.A.4, 22-503.4.D.9 & 22-1020 to not require verification and depiction of existing or proposed monumentation for the entire property boundary. Engineer Chartrand stated that he is unable to confirm the information presented as it was completed by another engineer, it is again provided as reference only. Chairman Levits asked if there is any existing monumentation.; Engineer Chartrand stated some were found with their survey work but he cannot confirm the monumentation shown on the Art Swallow drawing. Since this project is not changing any lot lines, they are requesting a waiver. Engineer Ott stated that he would support the waiver.

**ACTION: Motion was made by Commissioner Dingle and seconded by Commissioner Geissinger to recommend a waiver from §22-503.4.A.4, 22-503.4.D.9 & 22-1020 to not require verification and depiction of existing or proposed monumentation for the entire property boundary. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.** No comment. **Motion approved. Vote 5-0.**

The next waiver request discussed was from §22-1004.3.B, 22-1007.2 & 22-1007.8 to not require further improvement of the GCS Landfill Access Road, Buss Street, Glass Street, Grand Central Road, Parsons Street and Sanders Rd. (added by way of Commission discussion) to Township Standards including cartway width and right-of-way width. Engineer Ott stated that he would support the waiver with the inclusion of Sanders Rd.

Commissioner Simpson asked about right of way dedication of the existing roads. Engineer Ott stated that with the size and scope of this project, it would be an unreasonable request for this applicant to be required to obtain right of way on roads that are located a great distance from the proposal. If the applicant proposes another project with impact to or near these roads, this code would again be applied to that application. **ACTION: Motion was made by Commissioner Dingle and seconded by Commissioner Simpson to recommend a waiver from §22-1004.3.B, 22-1007.2 & 22-1007.8 to not require further improvement of the GCS Landfill Access Road, Buss Street, Glass Street, Grand Central Road, Parsons Street and Sanders Rd. to Township Standards including cartway width and right-of-way width. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. No comment. Motion approved. Vote 5-0.**

The next waiver request discussed was from 22-1004.16 to not provide street right-of-way for the GCS Landfill Access Road. The Commission discussed deferring to the discretion of the Board of Supervisors who can require ROW at any time in the future. Commissioner Dingle is concerned that with the current multiple uses that the traffic impacts could increase. Engineer Ott stated that there would be more concern if there were multiple entities using the private road. Commission pointed out that Techo-Bloc and the public already use this road.

**ACTION: Motion was made by Commissioner Dingle and seconded by Commissioner Kleintop to defer a waiver from 22-1004.16 requiring street right-of-way for the GCS Landfill Access Road until such time as deemed appropriate under the absolute and 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. Solicitor confirmed that the Board of Supervisors still has the ability to grant a waiver. Motion approved. Vote 5-0.**

The next waiver request discussed was from §22-1005.1 to not provide curbing along the GCS Landfill Access Road and W. Pennsylvania Ave. frontages. Chairman asked if there any existing curbing in this area. Engineer Chartrand provided plan evidence that no curbing is existing along Pennsylvania Ave along the property or beyond. The Commission discussed that due to concern that future development of this area, pending adjacent projects and safety of residents that Township may wish to opt for curbing at another time.

**ACTION: Motion was made by Commissioner Dingle and seconded by Commissioner Simpson to defer a waiver from §22-1005.1 to not provide curbing along the GCS Landfill Access Road and W. Pennsylvania Ave. frontages until such time as deemed appropriate under the absolute and 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. No comment. Motion approved. Vote 5-0.**

The next waiver request discussed was from §22-1009.10.A to permit a minimum storm sewer pipe diameter of 12” for roof drains pipes in lieu of the required minimum 18”. Engineer Ott stated that they would support the waiver for roof drains only. Chairman Levits confirmed that the building is 10,000 SF.

**ACTION: Motion was made by Commissioner Geissinger and seconded by Commissioner Simpson to recommend a partial waiver from §22-1009.10.A to permit a minimum storm sewer pipe diameter of 12” for roof drains pipes only in lieu of the required minimum 18”. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. No comment. Motion approved. Vote 5-0.**

The next waiver request discussed was from §22-1019 to allow not provide street trees along the GCS Landfill Access Road as well as Buss Street, Glass Street, Grand Central Road, Parsons Street. Engineer Ott stated that they would support the waiver with the addition Sanders Rd.

**ACTION: Motion was made by Commissioner Dingle and seconded by Commissioner Kleintop to recommend a waiver from §22-1019 to allow not provide street trees along the GCS Landfill Access Road as well as Buss Street, Glass Street, Grand Central Road, Parsons Street and Sanders Rd. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. No comment. Motion approved. Vote 5-0.**

The next waiver request discussed was from §22-504.10 to not require a wetlands and water evaluation of the site with the condition of the addition of an acceptable plan note and/or indemnification agreement according to the 12/12/22 Hanover Engineering review letter. Engineer Chartrand read the related comment from the Hanover Engineering review letter drafted by Jason Smith. Chairman Levits asked if the Applicant would be amenable to the conditions set forth in the review letter; Engineer Chartrand confirmed. Engineer Ott and Jason Smith confirmed that they would support the waiver with the condition of plan note or agreement.

**ACTION: Motion was made by Commissioner Dingle and seconded by Commissioner Kleintop to recommend a conditional waiver from §22-504.10 to not require a wetlands and water evaluation of the site with the condition of the addition of an acceptable plan note and/or indemnification agreement according to the 12/12/22 Hanover Engineering review letter. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. No comment. Motion approved. Vote 5-0.**

The Commission then referred back to the first wavier request from 22-202 is regards to the ‘street’ classification of the private access drive. Secretary Pletchan and Engineer Ott both read the definition stating that the road does not currently access multiple lots, confirming that the definition does not reference access to multiple uses.

**ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Dingle to interpret that a waiver is not appliable from §22-202 to waive the street classification of the GCS Landfill Access Road as it was determined that the definition of ‘street’ would not apply to the existing private driveway. Prior**

*to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* No comment. **Motion approved. Vote 5-0.**

Zoning Officer Pletchan then went over her December 5, 2022 review letter. The “use narrative” is required to be referenced on the plan of record to support zoning compliance. It was also addressed that since ‘outdoor storage use’ is being reduced as part of this project, a note must be provided on the plan that zoning permitting and possible relief may be required for future expansion. She discussed the need for additional sedimentation control for the invert of the existing pipes. Officer Pletchan requested a zoning permit application submission to be able to process the approval. Steep slope stability was also discussed at the new basin discharge location. Engineer Chartrand addressed that this would be handled during the NPDES permitting process. Officer Pletchan stated that supporting calculations for the proposed riprap configuration on the slope and construction detail is being required by the Township to satisfy local ordinance either way. Engineer Chartrand stated that they would comply to satisfaction of the Township and will provide the additional information. The Sewer ‘will serve letter’ was requested by Officer Pletchan. Engineer Chartrand stated that Sewage Enforcement Officer has responded in writing that sewage planning would not be required for this project. PennDOT HOP support was also requested. Engineer Chartrand stated that the last major development of the parcel was in 2004. With reduction of traffic impacts, they do not wish to approach PennDOT for permitting. Officer Pletchan asked for information regarding the requirements from the 2004 development, as PennDOT permitting was required to be supported with that development and should already exist. The Applicant stated that Techo-Bloc would have been the applicant on the HOP and they will approach Techo-Bloc to obtain a copy. Officer Pletchan stated that the copy would suffice as the Applicant has supported reduction of trips with this application. Officer Pletchan stated that she feels that nothing in her review letter is unachievable at this point.

Jason Smith was then asked if he would support conditional approval; which he confirmed. Commission Kleintop asked if there were any concerns from the traffic review. Solicitor Backenstoe reviewed the December 12, 2022 letter prepared by Peter Terry of Benchmark Engineering stating that it appears that Bohler has satisfied his concerns.

Engineer Ott confirmed that the remaining issues are minor in nature and that he would be in support of conditional approval. Engineer Chartrand reminded the Commission that based on a waiver granted in June 20, 2022, Preliminary/Final approval was granted.

**ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Dingle to recommend conditional approval of the Preliminary/Final Land Development Plan application PC-2022-005 with the following conditions: Comply with all conditions as set forth in the Township Engineer’s, Ott Consulting Inc., review letter dated December 9, 2022, the Sewage Enforcement Officer’s review letter dated December 12, 2022, the Zoning Officer’s review letter dated December 5, 2022, the Traffic Engineer’s, Benchmark Engineering, review letter dated December 12, 2022, and the Environmental**



Consultant's, Hanover Engineering, review letter dated December 12, 2022; they will provide Owner Signature and Notarization on the final plans and provide the Township with 2 sets of mylars and 4 original signed and recorded plans for recording.; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* Solicitor confirmed with the Applicant that the conditions noted were acceptable. Secretary Pletchan was tasked with drafting a letter to the Board of Supervisors. **Motion approved. Vote 5-0.**

Secretary Pletchan mentioned that the Application expires on January 31, 2023 and an extension may be required. Solicitor Backenstoe confirmed that an extension to March 31, 2023 is recommended to provide the Board of Supervisors enough time to process the application accordingly.

**ACTION: Motion was made by Commissioner Kleintop and seconded by Commissioner Simpson to accept an extension to March 31, 2023 for application PC-2022-005; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* No comments. Motion approved. Vote 5-0.**

11. PC-2022-009- Posh Properties (6669-75 Sullivan Trail)- Land Development Application resubmission

Applicant's engineer Bernard Teletovich of Benchmark Engineer provided an overview and update of the project. He confirmed that zoning relief was obtained from the Zoning Hearing Board for the Special Exception required for the proposed drive-thru use. He feels that the landscape and sidewalk concerns brought up by the Commission at the last meeting have been addressed in the resubmission. Overall, they are proposing to change the original design as little as possible, they are mainly coming before the Commission to discuss a change in use. He pointed out that the Conservation District has provided them with written confirmation that a amendment to the NPDES permit would not be required. Engineer Teletovich reported that he does not feel that a planning module would be required as the Wind Gap Municipal Authority has already granted 4 EDUs to this previous land development project and they only need 2 EDUs for this proposed use. Pennsylvania American Water application has been submitted and he expects a 'will serve letter' soon. PennDOT HOP scoping meeting has been held, a traffic impact study was informally submitted to the Township but has not yet been formally reviewed. They anticipate that with the existing driveway and widening of Sullivan Trail that no major modifications will be required by PennDOT; but they will comply with whatever is required. Commissioner Kleintop asked Officer Pletchan to comment on the NPDES permit. She stated that a written email from the District was submitted and is found to be sufficient. Commissioner Dingle stated concern that PennDOT may still require plan adjustments. Engineer Teletovich, stated that the traffic study was generated from the comments from the scoping meeting held with PennDOT however they have not yet reviewed the traffic study and they are confident with their study. The traffic study will be officially submitted to the Township and PennDOT with the next formal submission. The Applicant is seeking Conditional Preliminary Approval subject to returning to the Planning Commission for final approval. Previous Wind Gap Municipal Authority "will serve letter" was provided to the Commission.

Jason Smith of Hanover Engineering was then asked to review the Township Engineer's review letter of December 12, 2022. He proceeded to read the letter in its entirety. Engineer Teletovich stated that the inlet and sidewalk in question can be relocated to accommodate the ADA requirements. He also confirmed that they are willing to perform the additional field survey work to provide the plan information requested. The required grease trap is now provided on the plan. They are confident that the stormsewer was installed per the original plan and will provide As-builts accordingly to confirm. It was questioned whether the recreation fee was paid under the original development. Officer Pletchan will speak with the Township Treasurer as to whether the fee has been paid. Commissioner Simpson confirmed that Hanover Engineering would also be reviewing the pending traffic study submittal which is prepared by the Township's standard Traffic Engineer (Benchmark). He expressed concerns of queuing related to the drive-thru. Engineer Teletovich pointed out that a queuing analysis was provided with the Special Exception which shows space for 20 cars prior to backing up onto Sullivan Trail. Commissioner Geissinger asked for a discussion on deliveries. The Applicant confirmed that off-peak hours (lunchtime) box truck deliveries are proposed in accordance with previous discussion and a note will be added to the plan. Commissioner Kleintop asked for the hours of operation, which were speculated by the Applicant to be 6:00AM to 5:00PM. Applicant, Jason Posh confirmed that all Starbucks operate 7:00AM to 10:00PM.

Officer Pletchan then reviewed her November 29, 2022 review letter. Traffic report remains required to be submitted, reviewed and approved to support compliance with the zoning code. If the plan will not be revised to address all operations, a note would be required to be provided on the plan referencing a Use-narrative. Officer Pletchan then provided an overview of the sign information that is still required to be resubmitted to meet the zoning relief granted. It was confirmed the Hilton Displays will be providing this information with the resubmission.

Engineer Teletovich mentioned that there may be future waiver requests similar to the last project in reference to the Hanover Engineering environmental review letter. Solicitor Backenstoe confirmed with Jason Smith that that he would be in support of conditional preliminary approval..

Commissioner Geissinger is most concerned about the traffic study and the potential issues for Sullivan Trail. Commissioner Kleintop brought up that additional development is proposed across the street which will cause additional traffic concerns. Engineer Teletovich confirmed that the Traffic study would include information related to the approved Medical Office building use across the street. Commissioner Dingle wanted confirmation the ABACT BMPs are implemented. Officer Pletchan confirmed that ABACT requirements did not come into play until 2010 so it would not have been part of the NPDES Permit approval. Commissioner Kleintop mentioned that additional impairments have been added to the associated watershed.

**ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Geissinger to recommend conditional approval of the Preliminary Land Development Plan application PC-2022-009 with the following conditions: Comply with all conditions as set forth in the Township Engineer's, Hanover Engineering, review letter dated December 12, 2022 and the Township Zoning Officer's review letter dated November 29, 2022, and obtain final approval from the Planning Commission; *Prior to the vote, Chairman Levits, asked if there were any***

*comments from the governing body or the public.* Commissioner Kleintop asked for all operation information to be provided on the revised plan for final approval. Secretary Pletchan was tasked with drafting a letter to the Board of Supervisors. **Motion approved. Vote 5-0.**

Secretary Pletchan mentioned that the Application expires on January 31, 2023 and an extension may be required. Solicitor Backenstoe confirmed that an extension to March 31, 2023 is recommended to provide the Board of Supervisors enough time to process the application accordingly.

**ACTION: Motion was made by Commissioner Kleintop and seconded by Commissioner Simpson to accept an extension to March 31, 2023 for application PC-2022-009; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.** No comments. **Motion approved. Vote 5-0.**

12. PC-2022-021 – Sencan Car Dealership (Blue Valley Drive) – Land Development Application - NEW

This agenda item was moved up in respect of time. The Applicant’s engineer, Ryan Engler stated that he had no objection to tabling the project as plan revisions are in process.

**ACTION: Motion was made by Commissioner Geissinger and seconded by Commissioner Dingle to accept an extension to March 31, 2023 for application PC-2022-021; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.** No comments. **Motion approved. Vote 5-0.**

13. PC-2022-010- RPM Metals Recycling (701 N. Broadway, Wind Gap, PA 18091)- Special Exception/Site Plan

Chairman Levits asked Michael Deschler, attorney for George Miller and RPM Metals, to present the project. He began by referring to the original land development plan which was approved in 2006. The property has been functioning as a recycling facility leased to RPM for approximately 15 years. A special exception is pending the zoning hearing board to expand the outdoor storage area beyond what is permitted by the code. The Planning Commission is tasked with providing a recommendation to the Zoning Hearing Board on this matter.

Engineer Ott reviewed the December 12, 2022 review letter and brought initial focus to the conflicts with the separate application also before the Township known as CRG warehouse project. The Applicant was asked to comment. Attorney Deschler stated that he does not believe that there prohibitions to running the applications concurrently through the Township. RPM is the current legal tenant of the property and wishes to move ahead. Engineer Ott confirmed that a shareholders suit remains open with the County Court of Common Pleas for this property. The Commission requested whether there is a current written lease which could not be confirmed. Attorney Deschler stated that property owner Nolan Perin states that the current lease is month to month whereas, tenant, George Miller III believes there is a lease of greater length. Conversation led to discussion of the septic system connections required and the fact that public services were supposedly going to be provided in the future. Engineer Ott drew attention to the December 12, 2022 SEO letter where direction was provided to seek connection to public

sewer; it was suggested that the SEO be contacted to discuss this matter directly. The conversation then led to nuisance avoidance. The Applicant stated that he has an operations manual and standard operating procedure that can be provided. The Applicant's engineer stated that they plan to obtain these documents and consolidate them for submittal to the Township. The discussion led to PennDOT permitting and the need for updates based on increase in employees and trips. The Applicant's engineer stated that he will need to seek out the current permit; Officer Pletchan directed him to Wind Gap Borough as the driveway exits onto Rte. 512 outside of Plainfield Township. Officer Pletchan directed discussion to Jason Smith regarding wetlands existing on the property. Jason Smith stated that the Township is aware that wetlands are located on this property due to other pending applications; an evaluation is required. If wetlands are found, buffers would then be required and any impacts to wetlands would require an alternatives analysis. A discussion ensued as to why a full plan submission was not provided with this application as there were proposed buildings with the last application. Land Development application appears to be required due to the multiple buildings which were not approved under the original development. The Applicant's engineer stated that he feels that there is on only one additional building which was constructed and is undergoing compliance building code approval. It was claimed that the 2006 plan had two buildings proposed and the current buildings are basically at the proposed location and are less square footage than originally proposed. The Applicant's engineer confirmed that the building in question is constructed of overseas containers with a roof, and would be removed if required. A written response to the comment letters was requested by Engineer Ott. Officer Pletchan directed the Commission to the attachments of her letter to find visual aids for comparison of the approved plan and proposed plan. Commissioner Kleintop asked if any building permits were issued by the Township. Officer Pletchan confirmed that only the Scale house was found to have been approved by the previous Zoning Officer, but the office procedures and staff were configured differently in the past. Applicant's engineer stated that they have located a 2007 building permit issued by the Township for a 40x58 ft. building. Officer Pletchan requested all documentation be provided with the resubmission to confirm permitting. She confirmed Building permit applications for the Accessory building and two Fire suppression systems are in process with the Township. Engineer Ott stated that the existing detention basin is not maintained as required and he would like an update on this matter with the resubmission.

Officer Pletchan then went through her December 6, 2022 review letter confirming that the application to the Zoning Hearing Board for a Special Exception, Variances and Interpretation was submitted and is scheduled for a December 28, 2022 hearing. The Zoning Hearing Board will need a recommendation from the Planning Commission on the Special Exception. Solicitor Backenstoe cautioned that the Commission would need to move on this application tonight if a hearing is scheduled. Officer Pletchan stated that the proposed Interpretation may guide how the Board moves on the Special Exception and Variances. Commissioner Kleintop asked to what the Interpretation application pertains. Officer Pletchan referenced her inspection report and pictures documenting stacks of junk vehicles on the property which meets the definition of a Junkyard use more than a Recycling Facility under the current approval. Solicitor Backenstoe asked the Applicant if the interpretation has anything to do with the Special Exception application to which the Attorney responded, no. The Solicitor then guided the Planning

Commission that they would be required to make a recommendation at tonight's meeting if the hearing is scheduled for December 28, 2022 as the Board may be inclined to move on the application if the Commission does not provide a timely recommendation. Chairman Levits asked the Applicant to explain the proposed Special Exception which was stated to only involve the percentage of area related to the expansion of outdoor storage. Commissioner Kleintop explained that the plan does not provide sufficient information concerning the square footage of the legal buildings so a percentage of permitted outdoor storage cannot be deciphered. Attorney Drechsler responded that they far exceed the requirement so it would not matter the square footage of buildings. Commissioner Dingle questioned the impervious surface related to the proposal; without knowledge of the wetlands on the property, the location of potential impacts, permitting and required buffers cannot be determined. Attorney Drechsler clarified that outdoor storage is in question and not impervious cover. Officer Pletchan directed the Commission to her review letter, explaining that this is compliance matter and that there is concern whether this application triggers land development; the record plan is required to be produced to support the proposal. Commissioner Simpson stated that the application does not address the impacts of the proposal and there is a long history of nuisance complaints on this site; he feels that they do not have enough information to make a recommendation at this time. Attorney Drechsler stated that he would be amenable to requesting a continuance from the Zoning Hearing Board. The Applicant's engineer stated that he would like some time to be able to provide a resubmission to the Planning Commission. Solicitor Backenstoe confirmed that there is an extension granted for this application as well as the Zoning Hearing Board Application until March 31, 2023; it was confirmed that the Applicant would provide whatever extension needed to keep the application in process.

**ACTION: Motion was made by Commissioner Kleintop and seconded by Commissioner Simpson to table application PC-2022-010 with the condition that the Applicant request a continuance from the Zoning Hearing Board at their scheduled December 28, 2022 hearing and provide any necessary extensions; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* No comments. Motion approved. Vote 5-0.**

Chairman Levits introduced the new Township staff members present at the meeting; Interim Consulting Township Manager, Jeff Bartlett and Administrative Assistant, Amy Riger.

#### **PUBLIC COMMENT – AGENDA/NON-AGENDA ITEMS:**

In light of the time, Chairman Levits moved public comment up on the agenda and asked if there was any general public comment prior to continuing the remainder of the agenda. No comments were heard.

14. PC-2022-011- Daniel Zavala (1799 Pen Argyl Rd.)- Change of Use/Site Plan resubmission

Attorney for the applicant, Katherine Fina introduced the applicant, Daniel Zavala, and his engineer, Scott Frack of Lehigh Engineering. She went onto summarize the revised Change of Use Site plan application. The Applicant is proposing to change the residential

use of the parcel to a Silviculture/Agricultural use with an accessory single family dwelling. She informed the Commission that the plan has been revised to remove all need for zoning relief. The application before the Zoning Hearing Board has been withdrawn. Solicitor Backenstoe asked for further clarification of how the plan has been revised. Engineer Frack passed out larger scale plans to the Commission. Officer Pletchan confirmed that the plan has been revised since the Township's review letters and asked whether the driveway and solid fence required can meet the required setbacks and stated that the fence must extend to the sight triangle. Compliance was verbally confirmed by Engineer Frack, stating that a few plan revisions are still needed.

Engineer Ott summarized his review letter of December 9, 2022. PennDOT HOP permitting status was requested; Attorney Fina stated that an update has been received and will be provided in the resubmission. The Applicant reported that no nuisances are anticipated; he does not plan on treating the trees for faster growth. Commissioner Dingle asked whether the vehicles being used for the operation are diesel, she also asked about idling needs and hours of operation. Applicant stated that the vehicles proposed to be used will not create noise louder than a lawnmower. Commissioner Dingle asked for these statements to be added to the plan. The Applicant reported that he is not sure of the hours of operation but is speculating them to be 7AM to 4:30PM at the beginning but that may reduce for maintenance only once the planting area has been established.

Commissioner Kleintop asked for operation hours to be added to the plan and questioned the proposed size of the 40'x30' planting area as it compares to a garden. He requested the Applicant provide justification for a change of principal-use to Agriculture for this small of an area. The Applicant stated that this would be the first phase of the farm and he would continue to grow the farm over time. Attorney Fina stated the her client wants to plant trees and be able to cultivate them on his property with employees and the Township advise him to file this type of application. Commissioner Kleintop reminded the group that this is a 12-lot residential subdivision with covenants as such. Attorney Fina responded by saying that this is a permitted-by-right use and is in line with the neighborhood as there are other properties with similar accessory uses. Discussion ensued about the types of uses in the neighborhood; statements were made that they are not within this residential subdivision and have most likely been in existence prior to the zoning code. Act 319 was discussed and its requirement for 10 acres of land to be considered agriculture. Mr. Zavala responded by saying that the law also states that \$2,200 dollars of revenue a year can also deem a property as agricultural use. Engineer Frack stated that the task at hand is to get an acceptable Site Plan together for the Applicant to follow and if he goes outside the plan there will be consequences.

Commissioner Geissinger pointed out that the size of the barn seems excessive to establish and maintain this small Agricultural operation, but it is the Applicant's right to do so. Commissioner Simpson questioned the location of the discussed expansion of the planting area. Commissioner Dingle then stated that the cost associated with establishing 200 arborvitae trees is about \$3-5 dollars a tree, so the investment into the Agricultural use in comparison to the large barn is minimal. She then asked Officer Pletchan to summaries the code requirements for the change in use. She stated that Silviculture is included in the zoning definition for Agriculture which is a permitted use in this zoning

district. A single family accessory use is permitted an accessory use to Agriculture. The definitions were then read for the group and she clarified that the size of the planting area is not specified in the current code. Solicitor Backenstoe asked why the applicant is presenting to the Planning Commission if the use is permitted. Officer Pletchan stated that there is concern for a change of principal use in a residential subdivision approved by the Board and based on Section 8 of the code, she is requesting review and feedback from the Planning Commission. Commissioner Simpson asked if he would be bound to this small area shown; which was confirmed by Officer Pletchan. Discussion then ensued that the plan should be revised to show proposed expansion area and the need for supporting information on the plan. Attorney Fina stated that other properties in the area have accessory pole barns and Mr. Zavala would like one as well but have the ability to use if for Silviculture as well residential storage. Conversation then led to the concern for Mr. Zavala's landscaping company and the overlap of vehicle use and employee access onto the property. Attorney Fina reported that Mr. Zavala has a lease on a property along Hanoverville Rd. to park his landscape equipment and commercial vehicles. Mr. Zavala stated that his employees are not accessing the property [public outcry from audience]. Attorney Fina asked Mr. Zavala to state the types of personal items he plans to store in the pole barn. He stated cars that he has which do not fit in his current attached garages. Mr. Zavala then stated that others in the audience are running businesses out of their homes and the Township is aware of it. [public outcry from audience]. Chairman Levits stated that this is off topic and brought the conversation back to the application stating that he does not have a problem with the building but the size of the proposed agricultural use is concerning to change a principal-use of a property in a subdivision. He stated that there is public concern for the activities occurring on the property and with the construction of large barn there is additional concern that commercial equipment will be stored on the property. However, the planning use at hand is not related to potential current or future zoning violations. Solicitor Backenstoe stated that the Commission should listen to the neighbors concerns. Attorney Fina asked how else would the Applicant have employees that are not family come onto his property to help him maintain and harvest trees which is a permitted use. Chairman Levits then turned to hear public comment.

Attorney Sabatine spoke on behalf of the adjacent neighbors, the Zellmans. He stated that he feels that it is not the intent of this applicant to establish a tree farm. He presented the Commission with pictures of the current activities occurring on the property. Claiming that he is running a landscaping business currently and the equipment on site is for that purpose. He stated that he has been violating your zoning ordinance for the past year and claimed that he has not been cited for running a landscaping business which is not a permitted use. He claims that 200 arborvitaes is not silviculture/agriculture and he does not need the size structure, equipment and traffic for this minor use. He stated that the violations need to be enforced first before the Commission makes a decision.

Commissioner Kleintop stated that he feels that a second driveway is not needed for this use, the existing driveway can be used to access this proposed operation. Chairman Levits stated that the plan before the Commission is not for a proposed business.

Attorney Sabatine agreed that two driveways are not necessary for the proposal. Chairman Levits stated that the Commission is aware of the need for the Applicant to prove the need for a second driveway, but that issue will be discussed at a future meeting due to the lack of time. Attorney Sabatine asked for clarification of the code related to the solid fence (27-703.1.G) in lieu of the driveway set-back; Officer Pletchan read the code and offered a copy of her letter to which provides this citation.

Public attendee, Ed Wolven, stated that during the discussion of the approved subdivision plan, there was a lot of concern that the properties would not be permitted to run businesses out of their homes. He stated that he has pictures and videos of the current use of the property involving employees and has experienced vandalism of his property. He feels that it has become a civil matter.

Carol Zellman claimed that he is using the property as a construction site, stockpiling boulders and makes loud noises moving them around [outcry from applicant]. She states that he is not running a tree farm and does not intend to. Chairman Levits reminded the group that there are two issues at hand, Planning application and a Zoning violation. Officer Pletchan confirmed that Mr. Zavala has been cited and there is hearing scheduled for January 5, 2023 with the magistrate on the current use of the property. Mr. Zavala has requested for the hearing to again be continued as he is out of the county so the hearing will be adjusted accordingly.

**ACTION: Motion was made by Commissioner Geissinger and seconded by Commissioner Dingle to table applications PC-2022-011 and PC-2022-021; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. No comments. Motion approved. Vote 5-0.**

**ADJOURNMENT:**

**Having no further business to come before the Planning Commission, motion was made by Commissioner Geissinger and seconded by Commissioner Dingle to adjourn the meeting. Motion approved. Vote 5-0.**

The meeting adjourned at 11:04 P.M.

Respectfully submitted,

Sharon Pletchan  
Planning Commission Secretary  
Plainfield Township