

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION REGULAR MEETING
January 16, 2023**

A regular meeting of the Plainfield Township Planning Commission was held on Monday, January 16, 2023 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 (arrived late).

Also present were Secretary and Zoning Officer, Sharon Pletchan; Solicitor, David Backenstoe; and Township Engineer, Jeffrey Ott.

REORGANIZATION:

1. Appointment of Chairman/Chairperson:

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Dingle to appoint Paul Levits as Chairman of the Plainfield Township Planning Commission. Prior to the vote, Solicitor Backenstoe asked if there were any comments from the governing body or the public. No comment. Motion approved. Vote 4-0 (Terry Kleintop absent at the time).

Solicitor Backenstoe then handed the meeting over to Chairman Levits.

2. Appointment of Vice Chairman/Chairperson:

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Dingle to appoint Glenn Geissinger as Vice-Chairman of the Plainfield Township Planning Commission. Prior to the vote, Chairman Levits asked if there were any comments from the governing body or the public. No comment. Motion approved. Vote 4-0 (Terry Kleintop absent at the time).

APPROVAL OF MINUTES:

1. Approval of the December 19, 2022 Regular Planning Commission Meeting Minutes:

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Geissinger to approve the December 19, 2022 regular meeting

minutes as presented. *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** (Terry Kleintop absent at the time).

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 4-0** (Terry Kleintop absent at the time).

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 Dingle and seconded by Commissioner Simpson to table 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 4-0** (Terry Kleintop absent at the time).

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

ACTION: Motion was made by Commissioner Dingle and seconded by Commissioner Geissinger 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 4-0** (Terry Kleintop absent at the time).

Solicitor Backenstoe counseled that extensions are recommended to be requested until at least April 30, 2023 to ensure the Commission and Board of Supervisors have sufficient time to process the applications. Secretary Pletchan stated that she would reach out to the Applicants prior to the February meeting to request the extensions.

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

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Geissinger to accept an extension to March 31, 2023 for application PC-2022-014; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* No comment. **Motion approved. Vote 5-0.**

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.* Commissioner Kleintop asked if the Commission had to take action since there is another application on the agenda for the same property. Chairman Levits confirmed that they are two separate projects. Solicitor Backenstoe again cautioned

that another extension would be required and explained procedures. Secretary Pletchan stated that the Applicant extended only until March as the sale of the property is contingent on Zoning relief for the potential buyer; he would end up withdrawing this application if the sale goes through. She also reminded the Commission that both applications are for a Special Exception and not land development which do not need to go to the Board of Supervisors for action. **Motion approved. Vote 5-0.**

5. PC-2022-012- WTDWG, LLC (271 E. 1st St. and 1564 Church Rd.)- *Minor Subdivision*
ACTION: Motion was made by Commissioner Dingle and seconded by Commissioner Kleintop to table application PC-2022-012; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. No comment. **Motion approved. Vote 5-0.**
6. PC-2022-017 – Clever Girl Winery (Pen Argyl Rd.) – *Land Development Application*
ACTION: Motion was made by Commissioner Geissinger and seconded by Commissioner Simpson 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 Kleintop and seconded by Commissioner Simpson to table 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.**
8. PC-2022-009- Posh Properties (6669-75 Sullivan Trail)- *Land Development Application resubmission*
ACTION: Motion was made by Commissioner Dingle and seconded by Commissioner Kleintop to table application PC-2022-009; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. Secretary Pletchan clarified that final plan submittal is still required. **Motion approved. Vote 5-0.**
9. PC-2022-010– RPM Metals Recycling (701 N. Broadway) – *Special Exception/Site Plan*
ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Dingle to table application PC-2022-010; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. No comment. **Motion approved. Vote 5-0.**
10. PC-2022-021 – Sencan Car Dealership (Blue Valley Drive) – *Land Development Application*
ACTION: Motion was made by Commissioner Geissinger and seconded by Commissioner Kleintop to table 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.**

Solicitor Backenstoe again counseled that extensions are recommended to be requested at least until April 30, 2023 for items 5 through 10 to ensure the Commission and Board of Supervisors has sufficient time to process the applications. Secretary Pletchan stated that a week remains for application submission for the February agenda, only RPM Metals has been received to date.

CURRENT BUSINESS

1. Clean-Fill Ordinance

Chairman Levits reported the final draft of the ordinance was prepared by URDC and is on the agenda for any comment and action for recommendation to the Board of Supervisors. Secretary Pletchan stated that URDC reported that the only changes to the ordinance were those requested by the Commission and are in italics. No comment was received from the Commissioners.

ACTION: Motion was made by Commissioner Kleintop and seconded by Commissioner Dingle to recommend adoption of the ordinance by 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

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

Attorney for the applicant, Katherine Fina, introduced the applicant, Daniel Zavala, and his engineer, Scott Frack of Lehigh Engineering. She summarized the project, stating that they are appearing before the Commission again to request feedback prior to plan revisions due to lack of time at December's meeting. Engineer Frack first requested feedback on the Commission's stance on the second driveway in relation to the zoning code. He also asked for guidance as to whether land development application would be required. He stated that most of the comments from the letters have been rectified, are surmountable or may change based on tonight's discussion. Chairman Levits asked Engineer Ott to comment on the second driveway. Engineer Ott read aloud Comment 6 from the December 9, 2022 review letter. He clarified that the second southern driveway was recently installed and the northern driveway was the original driveway where the Commission questioned its potential use to access the rear of the property. Commissioner Kleintop reiterated that the existing driveway already has an extension and reviewed the existing features of the property. He feels that the rear of the property would be able to be accessed from an extension of the existing driveway and asked for further clarification from the Applicant for the need of the second driveway. Engineer Frack stated that he feels that the second driveway is a most direct route to the proposed pole barn with the least impact to the septic system. In addition, the type of vehicles traversing the driveway to the pole barn for the agricultural-use would be better suited on a more direct driveway as opposed to the indirect route through the backyard. He also pointed out the second driveway was provided a permit from PennDOT so it has been deemed to be safe and he does not feel that the request for a second driveway is excessive to separate the two uses proposed. Commissioner Kleintop asked if the secondary septic area would be able to be relocated. Engineer Frack stated that there would be costs associated with retesting an area for a secondary system. Commissioner Kleintop pointed

out that the second driveway infringes on the neighbors and asked for a more clear proposed use of the driveway and pole barn (i.e. number of employees, hours of operation, trips per day, etc.). Mr. Zavala stated that he will have three employees with about six to seven trips per day total to assist him in establishing and maintaining the tree farm. He also stated that the initial hours of operation would be 7:00AM to 5:00PM, five days a week; a reduction of hours and trips once the farm is established is likely. He stated that he will not be using pesticides and herbicides. Commissioner Dingle pointed out that the small planned planting area would be able to be established in a day or two and three employees and trips discussed would be excessive. Mr. Zavala stated that this will be a wholesale business and the public will not be accessing the property. Attorney Fina stated that her client is being conservative based on public opinion on this matter. Chairman Levits asked what type of supplies will be brought to the building. Mr. Zavala stated that burlap, baskets, stakes and other maintenance items. Chairman Levits stated that he is struggling with the need, the level of intensity and size of the second driveway. Commissioner Dingle clarified that Mr. Zavala would be diversifying the age of the trees to stagger sales and asked for further clarification of his business plan to support the need for the second driveway. Chairman Levits clarified the type of equipment the Applicant plans to store in the pole barn would be excavators and 20 ft. trailers. Commissioner Dingle and Chairman Levits questioned the class equipment proposed to establish or maintain the farm. Engineer Frack handed out larger plan copies. Commissioner Simpson questioned how the driveway is already installed and compared previous aerial photos of the vegetated area along the neighbors property. He stated that the property use appears to be a construction staging area currently, questioning the piles of stone and blocks. The Applicant stated that this is landscaping materials he is using for his own property. He feels that he should not be judged for what he does for a living, he wants to start another business. Chairman Levits brought the conversation back to discussion of the need for support of industry appropriate equipment and deliveries which has not yet been presented as requested. He pointed out that pictures provided to the Commission of large dump truck stone delivery would not be appropriate. He then asked for comments from Commissioner Geissinger on the driveway who stated that he also feels adequate support has not yet been provided for the need and use of the second driveway. Chairman Levits stated that the consensus of the Commission is that they are not happy with the second driveway. Discussion ensued requesting an extension for the Application to April 30th due to the need for more information related to the equipment related to the proposed silviculture activity. Attorney Fina asked for clarification whether the Board is requiring that the Applicant extend the existing driveway, she feels that zoning relief may be required. Commissioner Kleintop stated that it would be best for the Applicant to depict the scenario of extension of the original driveway to support the need for the second driveway. Engineer Frack stated that the Applicant wishes to keep the uses separate and the second driveway assists with that. Commissioner Geissinger pointed out that the proposed use of the pole barn is a dual use, agriculture and residential, so it could share a driveway. Commissioner Dingle stated that if the Applicant would have come in for required approval prior to installation of the driveway, they would have pushed for use of the original driveway to provide a better buffer for your neighbors. The conversation was then directed to whether land development application would be required for the new pole barn associated with agricultural operation (comment #21 on page 5 of the Township Engineer review letter.) Engineer Ott read his comment and definition of land

development from the Township code. Engineer Ott stated that the barn is not accessory for the proposed second use of and would therefore require a land development application. Discussion then ensued whether this use could be considered accessory due to the proposed size of the agricultural operation. The Zoning Officer stated that a minimum of 5 acres is required for consideration for an accessory seasonal sale of agricultural products. She also clarified that it is the employee access and not the trees that are driving the change in use. She reminded that land development waiver can be requested, but establishment of the first barn on a new farm would appear to require land development under the wording of the current code. Discussion ensued over the definition of a 'farm' and the possible need for code definition revision and clarification of a 'hobby farm' which are both family run and would not have employees accessing the property. A 3-year Business plan was requested by Commissioner Dingle with the resubmission. Applicant reminded the Commission that the farm is non-profit. Officer Pletchan pointed out that a variance could be requested for the 5 acre minimum related to the accessory seasonal sale of agricultural products. Engineer Ott stated that Applicant is not far from Land Development application as they have Drainage Planning already. Chairman Levits summarized that the proposed use does not match the plan and statements made. Commissioner Simpson reminded that the use is by right. Engineer Ott stated that they are close for a land development design but more clarification and information would be required under that approval. Commissioner Simpson pointed out that more information seems to be what is needed to move forward with this application, so he would be in favor of land development application requirement. Engineer Frack stated that he feels that the Site Plan will provide this information and land development would not change the level of the Applicant's required commitment under the code. Commissioner Simpson stated that revision of the plan with a more sensible business plan and proposed access for operation for the size of the silviculture proposed with statements of reasonable fluctuation of employee and vehicles access would be recommended to be submitted with the resubmission. The Site plan would then memorized this commitment and if it is not followed, the Township would have a compliance case. All Commissioners agreed that if a well thought out committed Site Plan supporting public protection was provided, the decision of land development waiver can be further discussed. If the level of clarity is not there, the waiver would not be recommended and land development application would be required to proceed to gain a level of comfort. Commissioner Dingle reminded that the alterative layout of the driveway would be needed to justify the need for the second driveway.

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Dingle to accept an extension to April 30, 2023 application PC-2022-011; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. Donald Moore commented that the Zoning Officer made the right call as multiple uses on a lot are not permitted under the code and the Applicant would like to have employees on the property to run his agricultural business. He reminded the Commission that it is the Officer's final call for this permitted by right use and she is requesting recommendation from this Commission. The Board may need to look into revising code definitions in reference to size of Agricultural operations of the Township. **Motion approved. Vote 5-0.**

3. **PC-2022-022 Grand Central Sanitation MRF Building – Land Development/ Subdivision**

The Applicant was asked to provide an overview of the project. Attorney Joseph Statile introduced Henry Angelili, a representative of the Applicant, Waste Management, and their engineer, Dave Allen of EarthRes. A material recycling facility (MRF) is proposed on a subdivided portion of the landfill parcel creating two lots. Conversation ensued concerning the association with the recycling transload facility pending under conditional approval with the Township. It was clarified that that project is immediately adjacent, will remain on the parent parcel and is required to phase into this proposed operation. A subdivision was required for this proposal as only one principal-use is permitted on a parcel; the transload was a permitted accessory-use under 2004 approval and therefore did not require a subdivision. Mr. Angelili gave an overview of the operation providing visual diagrams and a short video presentation. He stated that he has been a manager of several MRF facilities including the facility in Northampton which will be decommissioned if this proposed facility is operational by 2025. Both local residential and commercial recyclables; glass, plastic and cardboard (largest); will be collected, trucked into and processed at the MRF for shipment to an outside end user. The local drop-off facility will remain open in its current location and size; these materials are currently shipped offsite for processing, which would now be processed at this facility and will be emptied more frequently. The facility is proposed to be 90,000 SF with the entire operation occurring under roof with a multi-purpose conference and training room. The facility will use both human and automated procedures to process the materials. Twenty-eight employees are proposed at highest shift with fourteen during second shift are expected. The facility is expected to have four transactions hourly of 8-ton weighted trucks; overall it will retain the same traffic patterns. Receiving hours are proposed as 6:00AM to 6:00PM with operation hours directed by amount received. The facility will have its own scale and will be independent of the landfill operation.

Engineer Ott summarized his review letter first focusing on the proposed driveway onto Pen Argyl Rd. He clarified that the second driveway is not needed but is required under SALDO. He discussed a possible waiver with gated emergency access to reduce impact to Township's Official Map area and existing buffer area along the public road. The Applicant confirmed that a six foot high vegetated berm exists along the road providing a buffer from the landfill operation and emergency access is already in place. Further discussion with the Fire Chief is needed prior to the next meeting. The Applicant stated that a PennDOT scoping meeting was held and they are in support of the access. The Commissioner Kleintop stated that there is concern of employee and public traffic from this access. Engineer Allen went on to explain the proposed stormwater management plan and its interaction with the land fill and Techo-Bloc operations. Engineer Ott asked if a vegetative swale is proposed within the Official map area or Trail area, stating that the Township may be interested in working on a MS4 PRP project with Waste Management. Engineer Allen stated he would be willing to meet the Ott to discuss the possibility further.

Chairman Levits then requested public comment:

Greg Azzalina expressed concern about utilization of Parson's Road gate. The Applicant confirmed that they do not wish to change function of the access and will verify with the Fire Chief and Emergency Management.

Donald Moore asked for more information concerning the association between the transload and MRF facility. Applicant confirmed the transload is needed to transition to this MRF facility. He also confirmed that all truck loading and unloading will be indoors with bale

storage indoors; 17 trucks are expected in AM and 19 trucks in the PM. Engineer Ott asked for the Transload facility to be shown on the revised plan to depict association and discussion of its use once MRF is operational.

Chairman Kleintop asked for confirmation of noise ordinance compliance; Applicant confirmed a typo in Use Narrative and they will comply (under 65 dbh). It was stated that the noise levels within the facility will not exceed those which require their workers to use hearing protection under OSHA. Mr. Angelili stated that the current Northampton facility is next to a high school and they do not have noise complaints. Engineer Allen pointed out the existing buffer areas due to current Techo-Bloc and landfill operations. But they will provide measurements and ambient data with the resubmission to confirm concerns.

Engineer Ott proceeded to skim through the remainder of his letter. It was decided that since they will be requesting additional waivers, the Applicant will approach the Commission for waivers in March and are not requesting action tonight. Engineer Ott touched on concerns about classification of the landfill access road as a street with the subdivision and proposed impacts to the riparian buffer.

Commissioner Simpson expressed concern about comment #9 which denial of a waiver is mentioned; Ott clarified what he would be looking for and that a partial waiver may be more appropriate.

Chairman Levits asked for Zoning Officer comments, she stated that she had met with Applicant and ironed out most of the issues.

Commissioner Kleintop asked if there were any concerns about Hanover Engineering letter. Engineer Allen wanted clarification if a JD was required and composition of the alternatives analysis mentioned in the letter. The Applicant stated that they will approach Jason Smith directly with their questions.

Solicitor Backenstoe asked that all green cards be returned to the Township to support proper neighbor notification. The Applicant assured that he can support the attempt for notification but may never receive the returned green cards. He confirmed that the applicant would agree to an extension through May.

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Dingle to accept an extension to May 31, 2023 application PC-2022-022; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public. No comment. Motion approved. Vote 5-0.

4. PC-2022-023 Colton RV – Land Development

Attorney Michael Santanasto introduced the Applicant, Mike Gibson of Colton RV, their engineer Terry DeGroot and developer Joe Correia of JG Petrucci. Attorney Santanasto summarized that this is the next stage of construction for this development with the first phase being temporary use for RV storage which was conditionally approved by the Board. Mike Gibson provided a background of the New York based business stating that the 1403 Jacobsburg Rd. lot has been used for RV storage in conjunction with their current business location on a contiguous lot in Bushkill Township. Mr. Gibson explained that the larger sales and service facility is of great need for this area. Engineer Ott reviewed his January 9, 2023 letter first focusing on the Transcontinental pipeline bisecting the site. Terry DeGroot stated that they have had several meetings with Transcontinental and the plan before the Commission is the same plan. He stated that they are most concerned about activities over the gas line and have agreed to allow gravel over the gas line with monitoring ports and no

parking. Commissioner Dingle asked for the specifications of the gravel cover over the lines as approved by Transcontinental and confirmed that they will be surveying the area to ensure proper cover over the pipes with a signed encroachment agreement in place. Engineer Ott then requested discussion on the grass paver area. Engineer DeGroot responded that the area is being treated as impervious coverage and is not being credited for stormwater management. Engineer DeGroot discussed a few waivers they will be requesting. Solicitor Backenstoe confirmed that a formal waiver request letter would be submitted and no action is being requested at this time. Discussion ensued over previous waivers granted for the previous land development project referred to as “Kitchen Magic”. It was agreed that whatever relief that was previously granted will be formally requested associated with the current application as it was discussed by the Township Engineer that the previous land development plan will be required to be withdrawn. Zoning Officer and Solicitor stated that previous zoning relief will also need to be represented on the plan so formal zoning determinations can be made if the relief rides with the land or with the use. There was no discussion of the SEO review letter, the applicant stated that they would comply. The Zoning Officer discussed an item of concern from her December 29, 2022 review letter relating to the previous temporary RV display conditional approval and the required conditions still have not been met. The Applicant confirmed that the RVs are only being displayed on the Bushkill Township portion of the property and they will schedule a meeting to discuss the conditional approval resubmission to the Township. The Applicant confirmed that review letters have not yet been received from Bushkill Township and they would be meeting with their Planning Commission next Monday.

Solicitor Backenstoe confirmed that the applicant would agree to an extension through May.

ACTION: Motion was made by Commissioner Kleintop and seconded by Commissioner Simpson to accept an extension to May 31, 2023 application PC-2022-023; Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.. Motion approved. Vote 5-0.

5. PC-2022-013- Plainfield Township Community Park (1280 Gap View Road) –Land Development Application

Richard Rosenberry of Colliers Engineering presented the project and requested waivers and preliminary conditional recommendation from the Commission. Engineer Ott summarized his January 9, 2023 review letter and the waivers being requested.

With the receipt of the confirmation letter. A waiver was recommended to be granted from §22-503.4.D.10 requiring the proposed routing within the site for truck traffic.

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Kleintop to recommend a waiver from §22-503.4.D.10 requiring the proposed routing within the site for truck traffic. 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.

Discussion then ensued on the proposal of overhead electric which requires a discretionary decision from the Commission based on the SALDO. Engineer Rosenberry stated that if the electric line had to be placed underground it would need to travel around

the existing parking lot which would incur substantial costs. The Commission stressed concern about safety for kite flying in the park. Engineer Rosenberry stated that overhead line would be located above the parking lot which is not near public recreational areas; the playground is over 75 ft. away. Commissioner Dingle suggested a cost comparison for the alternate configurations. Commissioner Simpson stated that it is only a single line to a single pavilion and is in line with the spirit of the ordinance as it is not a large development or residential subdivision. Engineer Ott concurred and would support the overhead line to an isolated unoccupied building as there would be no public impact if there was a power outage. The Commission stated a consensus that they would allow the overhead configuration of the electric line as it is more practical and in the spirit of the ordinance.

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Geissinger to exempt the project from the requirement of §22-1012 to place the electric line to the pavilion underground as it is was determined to be more practical and in the spirit of the ordinance since this is a single line to an isolated non-residential/un-occupied building. *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.

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Dingle to recommend conditional approval of the Preliminary Land Development Plan application PC-2022-013 with the following conditions: Comply with all conditions as set forth in the Township Engineer's, Ott Engineering, review letter dated January 9, 2023; the Township Sewage Enforcement Officer's review letter dated January 9, 2023; the Township Zoning Officer's review letter dated December 28, 2022, the Fire Chief's review letter dated December 9, 2020 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.* Clarification for the second ADA access was requested by Donald Moore which was provided by Engineer Ott. Motion approved. Vote 5-0.

Discussion ensued as to when the project would be started. Engineer Rosenberry stated that they are awaiting approval of the septic design by PADEP and that the Township needs to send the planning module up to PADEP but signatures are still required.

6. **PC-2022-024 5664 Sullivan Trail – Angelo Napoli – Special Exception**

Attorney Frank D'Amore introduced the applicant, Angelo Napoli, and summarized the Special Exception request. The request is for the expansion of a legal non-conforming dual use property. The first floor is currently approved under zoning for continuation of a legal non-conforming use as a catering business with gift shop and a residential unit on the second floor with storage on the third floor. The Applicant would like to expand the residential use to have two residential units on the second floor. The Applicant explained that his catering business involves scheduling with 2-4 guests at a single table five days a week noon to 6:00PM (Wednesday-Sunday). The only food offered on site is for tastings with potential clients. All food made on premises would be taken to an off-site location under contract. The Applicant then stated that the 2000 SF second floor would be split

into two apartments without the addition of any bedrooms. There would be one two-bedroom unit and one one-bedroom unit proposed with no exterior alterations. Nine spaces are being dedicated to the residential units which exceeds the code requirements. Two employee and two catering truck spaces are required and a total of 14 spaces will be marked in accordance with prior zoning approval. It was clarified that the original application was to add two residential units but the Applicant has downsized his request due to feasibility restrictions; a January 6, 2023 revised application was submitted. Commissioner Kleintop asked about the function of the existing septic system with the increase in units. The Applicant stated that he had the cesspool tested for hydraulic load for a cafe and three possible units and it passed and he will provide this information as an exhibit to the Zoning Hearing Board. It was explained that he has been running the business for 15 years in conjunction with his father's pizza shop and wishes to have his own space. Discussion ensued whether the existing JVI trailers will be removed from the property, it was stated that they are under an agreement of sale subject to zoning approval and the trailers would be removed upon sale. Engineer Ott then went through his review letter stating that most of the comments are related to drafting errors, requiring the plan be cleaned-up. He stated that septic functionality, PennDOT HOP, nuisance avoidance narrative and buffering would be required to be supported with the resubmission. He then discussed support of a wavier, if requested, for the required land development application for which this project would fall under the Township's definition. The method of parking space marking was clarified to be painted on the existing gravel. The Zoning Officer confirmed that the code requires four parking spaces for the residential units, two catering truck spaces and the remainder spaces would be for catering business; so adequate parking has been supported. Engineer Ott recommended updating the Township code for land development requirements, exempting where needed, which is permitted under the MPC. The Zoning Officer then summarized her letter stating that most items can easily be addressed with the cleaning up and submission of a formal Site Plan. The parking is sufficient based on tonight's discussion and she requested a lighting plan if after dusk activities are proposed. The Applicant stated that flood lighting on the building directed towards the parking lot may be proposed and would be submitted to the Township for approval during the building permit process. Discussion then ensued on the need for a Site Plan even though there are not any changes to the outside. The Applicant understands that a condition may be placed by the Commission to provide a formal Site Plan. The Solicitor then reviewed the applicable general requirements of a Special Exception with the Commission and stated that there are no specific criteria other than conditions listed under the non-conformities code section. Discussion ensued on the Applicant's request of the Planning Commission for the January 25, 2023 scheduled Zoning Hearing Board meeting. The Applicant plans to appear before the Zoning Hearing Board and requested conditional special exception recommendation from the Commission. The Solicitor suggested that they tighten the Site Plan up before appearing before the Board. The Zoning Officer was asked if she had objection to the Commission moving forward to which she stated no. She stated that the Applicant would need to grant an extension to the Zoning Hearing Board. Attorney D'Amore stated that he would not object to providing an extension due to the tight frames and potential winter weather conditions. Commission Geissinger stated that a formal Site Plan and Lighting Plan would be required to be presented to the Zoning Hearing Board which does not seem probable with the timeframe available.

ACTION: Motion was made by Commissioner Geissinger and seconded by Commissioner Simpson to recommend approval of the Special Exception by the Zoning Hearing Board to enlarge a non-confirming use under the following conditions: The applicant provides an adequate Site Plan and Lighting Plan; the applicant provides written verification from a professional supporting adequate function of the existing septic system and its ability to handle additional flows from the proposed additional residential unit; the applicant makes all necessary modifications to the Site Plan to comply with all provisions set forth in the Ott Consulting, Inc. review letter dated January 9, 2023, the Sewage Enforcement Officer's review letter dated January 9, 2023, and the Plainfield Township Zoning Officer review letter dated January 6, 2023.; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* Don Moore clarified from the Applicant that the tastings would only be for potential clients and not open to general public. **Motion approved. Vote 5-0.**

7. **PC-2022-025 Clever Girl Winery – Special Exception**

Attorney Katherine Fina introduced the applicant, Don Andreas and engineer Ryan Engler and summarized the Special Exception request for a public Special Event Use. Engineer Engler reminded the Commission of the background of the project for the proposed winery. He stated that the Site Plan has been updated according to the review letters submitted and would like to request recommendation from the Commission to the Zoning Hearing Board for this special exception use. Chairman asked how many events are being proposed. Engineer Engler stated he placed a note on the plan in accordance with the township code for a maximum of 24 events over the course of the year. Don Andreas confirmed that the use would include food trucks. Officer Pletchan confirmed the definition of outdoor event is a gathering of people which includes the use of amplified sound. The Applicant confirmed that amplified acoustic music would be offered. Discussion ensued whether each weekend would be considered an event or whether each day the food truck is present would be considered an event. The Applicant confirmed that the facility would not be used as a wedding venue or restaurant. Commissioner Kleintop asked for clarification whether the Applicant is asking for Site Plan recommendation and expressed concerns about the required variances required for Special Exception/Site Plan approval, focusing on parking requirements. Attorney Fina and Engineer Engler discussed that a Special Exception and various variances are being requested and are scheduled to be heard by the Zoning Hearing Board on January 25, 2023; Officer Pletchan confirmed hearing. Engineer Ott was asked to comment on his review letter. Engineer Ott suggested the implementation of cones to designate the food truck area and provide a fire contingency plan that the food trucks will be required to be moved in case of an emergency. Discussion ensued on the use of the accessory building; which the Applicant clarified that it would not be used for public space and may not be constructed with the initial phase. Officer Pletchan clarified the application under review is for a single Special Exception whereas the original application has been since revised which requested two special exceptions. The Solicitor asked for confirmation that a Site Plan was submitted for this application. Officer Pletchan confirmed that the land development plan was labeled as a site plan for the purposes of this application. The Solicitor again reviewed the applicable general requirements of a Special Exception with

the Commission and clarified with the Zoning Officer that there are specific criteria under section 27-317.5.XXX which also apply to this application. He proceeded to summarize the additional standards for the Commission.

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Geissing to recommend approval of the Special Exception use for a Public Special Event Use Accessory to a Winery by the Zoning Hearing Board under the following conditions: The applicant makes all necessary modifications to the Site Plan to comply with all provisions set forth in the Ott Consulting, Inc. review letter dated January 9, 2023, the Sewage Enforcement Officer's review letter dated January 9, 2023, and the Plainfield Township Zoning Officer review letter dated January 4, 2023.; *Prior to the vote, Chairman Levits, asked if there were any comments from the governing body or the public.* Don Moore stated concern for weekend events being counted as only one event; Solicitor Backenstoe stated that the Zoning Hearing Board would have jurisdiction and concerns shall be brought to them. **Motion approved. Vote 5-0.**

8. Winery Definition – item was not discussed due to lack of time.

PUBLIC COMMENT – AGENDA/NON-AGENDA ITEMS:

No comments were heard from the public, however the Chairman expressed concerns for the excessive length of Commission meetings.

ADJOURNMENT:

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

The meeting adjourned at 10:47 P.M.

Respectfully submitted,

Sharon Pletchan
Planning Commission Secretary
Plainfield Township