

PLAINFIELD TOWNSHIP

PLANNING COMMISSION REGULAR MEETING

Monday, March 20, 2023

A regular meeting of the Plainfield Township Planning Commission was held on Monday, March 20, 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 PM. The Pledge of Allegiance was performed.

ROLL CALL:

The following Commissioners answered roll call: Paul Levits, Robert Simpson, Glenn Geissinger, Robin Dingle, and Terry Kleintop. Also present were Interim Secretary and Zoning Officer, Jeff Bartlett, Solicitor, David Backenstoe, Township Engineer, Jeffrey Ott, and Township Administrative Assistant, Kelly Unangst.

APPROVAL OF MINUTES:

1. *Approval of the February 20, 2023, Regular Planning Meeting Minutes:*

ACTION: Motion was made by Commissioner Simpson and seconded by Commissioner Geissinger to approve the February 20, 2023, regular meeting minutes. Motion approved. Vote 4-0 (Abstention-Dingle as she was not present for February meeting).

OLD BUSINESS:

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

--Application Received: **February 11, 2021**

--Expire: **May 31, 2023**

--No resubmission received. Action needed.

2. **PC-2021-009---CRG Services Management, LLC - Land Development/Subdivision Application**

(905 W. Pennsylvania Ave Pen Argyl, PA 18072)

--Application Received: **July 26, 2021**

--Expires: **May 31, 2023—Extension approved**

--Special meeting still recommended, but no date provided

3. **PC-2022-014---Crossroads OXO, LLC – Special Exception Application**

(5664 Sullivan Trail)

--Application Received: **September 26, 2022**

--Expires: **May 31, 2023**

--No resubmission received. Action needed.

4. **PC-2022-17---Clever Girl Winery – Land Development Application**

(Pen Argyl Rd.)

--Application received: **October 5, 2022**

--Expires: **May 31, 2023—Extension approved**

--No resubmission received. Action needed.

5. **PC-2022-019---BH Paving Inc. – Land Development Application**

(Pennsylvania Ave.)

--Application received: **October 24, 2022**

--Expires: **May 31, 2023—Extension approved**

--No resubmission received. Action needed.

6. **PC-2022-021---Sencan Car Dealership – Land Development Application**

(Blue Valley Drive)

--Application Received: **November 18, 2022**

--Expires: **May 31, 2023—Extension approved**

--No resubmission received. Action needed.

7. **PC-2022-023---Colton RV – Land Development Application**

--Application Received: **December 16, 2022**

--Expires: **May 31, 2023**

--No resubmission received. Action needed.

8. **PC-2022-010---RPM Metals Recycling – Special Exception Site Plan**

(701 N. Broadway, Wind Gap, PA 18091)

--Application Received: **July 7, 2022 (Resubmission)**

--Expires: **July 31, 2023**

--No resubmission received. Action needed.

9. **PC-2023-001 TNL Property Management LLC – Special Exception Site Plan**

(812 Bangor Rd.)

--Application received: **January 20, 2023 (New)**

--Expires: **May 31, 2023**

--ZHB Hearing scheduled for: **February 22, 2023 (Cancelled)**--No resubmission received.

---ZHB Hearing not rescheduled. Action needed.

ACTION TAKEN: Chairman Levits requested a motion be made to table Old Business items 1 through nine listed above. A motion was made by Commissioner Simpson and seconded by Commissioner Dingle to table; **PC—2021-015, PC-2021-009, PC-2022-014, PC-2022-17, PC-2022-019, PC-2022-021, PC-2022-023, PC-2022-010, PC-2023-001** due to lack of resubmissions. Chairman Levits asked if there were any questions from the governing body or the public. No comments. Motion approved. Vote 5-0

10. **PC-2022-011---Daniel Zavala – Change of Use/ Site Plan**

(1799 Pen Argyl Rd.) Mr. Zavala has withdrawn his application for change in use. Chairman Levits requested a motion be made to except Mr. Zavala's withdrawal. The township received a letter from Perusi Law Firm dated March 14, 2023, which we received on March 15, 2023, on Mr. Zavala's behalf stating that he is withdrawing his application to the Planning Commission. A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle to accept the withdrawal letter. No comments. Motion approved. Vote 5-0

CURRENT BUSINESS

1. **PC-2022-015---JVI LLC-Green Knight Economic Development Corp. – Land Development Application**

(45-65 Beers Way)

Presenting: Jim JVI-Developer

Laura Eberly, PE Reuther+Bowen Engineering

Ms. Eberly briefly reviewed the letter she submitted on February 20, 2023, to Plainfield Township Engineer, Jeff Ott. This was in response to Reuther+Bowen going before the Planning

Commission in October of 2022. Laura stated that she and Jim have been in contact with Ott Engineering since October 2022 through this evening's meeting. They have compiled tonight's presentation based on the review letter from Jeff Ott and the issues listed that needed to be addressed.

Engineer Ott began reviewing his letter to Plainfield Twsp Planning Commission dated March 13, 2023. All PC members were provided with copies of this letter.

Mr. Ott cited the following from his review letter.

Under Land Development

Page # 4 # 13—**22-503.4. D.7-8 & 22-503-5. D.7-8 & 22-1008** (Discussed further, later in the minutes)

14—**22-503.4. D.7.10 & 22-1013.4.C**

17 – **22-503.7. C.3 & 22-1011.4**

Page # 5 # 25 – **22-1003.2 & 6**

28 – **22-1004.5**

28 A. Per Mr. Ott, his conversation with Pete Terry, and their review of Plainfield Township ordinances, there seems to be no clarification of a minor & major collector. Once the definition of a minor collector is defined by the township, Mr. Ott can then decide what would be required for Beers Way. While it is for commercial use, since it is a cul-de-sac, it would be considered a minor collector. Mr. Ott suggested a discussion with Solicitor Backenstoe to find out what is necessary to classify a road as a minor or major collector.

Page # 6 # 31 – **22-1005 (waiver request)**

Page # 8 # 41 – **22-1015**

42 – **22-1016**

44 – **22-1023 (waiver request)**

Engineer Ott noted that the reason a "Zoning" section is included in his review letter is that Ott Engineering has been filling in for zoning matters in the absence of a Z.O. at Plainfield Township.

Ms. Eberly then began responding to the items Mr. Ott mentioned.

Under Land Development

Page # 4

13 -- **22-503.4. D.7-8 & 22-503-5. D.7-8 & 22-1008**

They would like credit for the nine acres of conservation easement that is unable to be utilized. They would like to know if this can be factored in with the recreation requirements. They would like to discuss this further with Plainfield Twsp.

17 – 22-503.7. C.3 & 22-1011.4

Ms. Eberly stated that they will arrange to have the water pressure evaluated.

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#25 -- 22-1003.2 & 6

Ms. Eberly stated that a copy of the Act II Report should be on file w/ Plainfield Township from the Green Knights Project, but they can forward that to Ott Engineering, so it is attached to JVI's current project. Mr. Ott stated that this would be helpful and appreciated.

Ms. Eberly stated that she has some questions regarding the storm water comments Mr. Ott made in his review letter, but she would like to discuss these with Mr. Ott via email.

Under Stormwater Management

Page # 8

41 – 22-1015

Ms. Eberly noted that sidewalks are not required in this area since it is an industrial subdivision. She stated that since it is a cul-de-sac and does not lead anywhere, it is not an area that needs to have bikeways, pathways, or sidewalks. She stated it would not really make sense to install bikeways, pathways, or sidewalks. (Discussed further later in the minutes)

42 -- 22-1016

Ms. Eberly stated that there are two streetlights along the frontage of the lot on Beers Way that were installed with the Green Knight's Subdivision and approved by Plainfield Twsp. JVI LLC proposed plans to install lighting on the grounds for their own driveway, parking lot, and truck court. She stated they do not feel there should be any additional lighting required for JVI LLC's project. They are not proposing to change Beers Way in any way, so the lighting already installed there should be sufficient. (Discussed further later in the minutes)

Chairman Levits then questioned if the 9 acres of conservation easement on this property is all in Plainfield Twsp. Ms. Eberly stated that a great deal of this land is in Bushkill Twsp and is part of the JVI LLC property. Chairman Levits stated that this is then outside of Plainfield Twsp jurisdiction. Chairman Levits ask if there were any questions at this time. There were none. Chairman Levits gave instruction for **waiver requests** from JVI LLC to be reviewed at this time.

Under Lot Consolidation

Page # 2

5 – 22-703.1.C – The Applicant has requested a waiver to allow the Lot Consolidation Plan to be drawn at 60’ scale which exceeds the maximum permitted scale of 50.’

Chairman Levits asked Mr. Ott of Ott Engineering if he had any issues reviewing the plan at 50’ scale. Mr. Ott stated he did not. Chairman Levits asked for a motion to grant a waiver for the applicant for **22-703.1. C**. A motion was made by Commissioner Simpson and seconded by Commissioner Geissinger. Chairman Levits gave opportunity for questions from the panel and audience. No questions or comments. Motion Approved. Vote 5-0

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13 – 22-1023 – The Applicant has requested a deferral “for showing wetland and riparian buffers on the lot consolidation plan.”

Chairman Levits gave the panel opportunity for questions regarding this waiver request. No questions. Chairman Levits asked the Applicant, “What is the purpose for this referral? Why?”

Ms. Eberly stated that they feel there is no purpose to show the buffers on their plan since lot lines are not changing and that it would make the plan more cluttered. Mr. Ott advised that a note be added to the final Lot Consolidation plan that the wetland and riparian buffers do exist and to refer to the Land Development plan. Chairman Levits asked Solicitor Backenstoe if this is something that can be done and what is required of Plainfield Township for this. Solicitor Backenstoe stated that this fine as long as the Lot Consolidation plan is documented as such so it doesn’t seem as though the buffers were omitted completely. Chairman Levits asked for a motion to grant the waiver for the applicant for **22-1023**. Solicitor Backenstoe stated that with a caveat that a note should be placed on the Lot Consolidation plan that JVI LLC was granted a waiver giving them permission not to reflect the wetland and riparian buffers on the Lot Consolidation plan and that it is reflected on the Land Development plan. A motion was made by Commissioner Dingle and seconded by Commissioner Simpson. Chairman Levits gave opportunity for questions from the panel and audience. No questions or comments. Motion Approved. Vote 5-0

Under Land Development

Page # 3

3 -- 22-302.1.C – The Applicant has requested a waiver to allow a Preliminary/Final plan.

Chairman Levits asked Mr. Ott of Ott Engineering if he had any issues with this request. Engineer Ott stated he did not. Chairman Levits asked for a motion to allow the Land Development plans to be a Preliminary/Final. Commissioner Kleintop stated he did not feel the PC is ready to do that quite yet. No motion was made. Per Solicitor Backenstoe’s recommendation, Chairman Levits requested a motion be made to table the waiver request for **22-302.1.C** at this time. A motion was made by Commissioner Simpson and seconded by Commissioner Kleintop.

Chairman Levits gave opportunity for questions from the panel and audience. No questions or comments. Motion Approved. Vote 5-0

Page # 6

31 -- 22-1005 – The Applicant has requested a waiver of the requirement to provide curbing along this site’s frontage.

Engineer Ott stated that JVI LLC has submitted in their request that in keeping with the Green Knights Industrial Park’s waiver of not providing curbing, JVI would like to continue with a waiver for the same, to refrain from interfering with the current drainage patterns. Chairman Levits asked Mr. Ott if he had any issues with this request. Mr. Ott stated from an engineering standpoint that he had no issues with this request. Chairman Levits requested a motion be made to grant waiver for **22-1005** for the applicant. A motion was made by Commissioner Simpson and seconded by Commissioner Geissinger. Chairman Levits gave opportunity for questions from the panel and audience. No questions or comments. Motion Approved. Vote 5-0

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44 – 22-1023 – The Applicant has requested a waiver “for providing a riparian buffer from the mapped isolated wetland within Plainfield Township. DEP permitting for disturbing the wetlands and mitigation is being pursued.”

Ms. Eberly stated the reason for this waiver request is because the wetland area already has a fire hydrant in this area. The south-west corner of the building. Since the wetlands are in both Plainfield and Bushkill Township, they would need to apply for a joint permit. Ms. Eberly stated that based on previous conversations she has had with DEP, it is her understanding that the DEP prefers that one does not do wetland mitigation on one’s own property. DEP’s reasoning for this is because they do not want property owners to have the responsibility of long-term property maintenance because this currently does not end up happening. Ms. Eberly stated that in lieu of preserving these wetlands, it is her understanding that there is a wetlands mitigation bank, or an option similar to recreational fees where the applicant pays a fee in lieu of preservation or unused acreage.

Engineer Ott stated that in his conversation with DEP, he found that there is no wetlands mitigation bank East of the Susquehanna River, therefore the option to relocate wetlands to a bank would not be an option. Solicitor Backenstoe stated that due to another project he is advising on, the nearest wetland bank is in Bradford County. A conversation between Mr. Ott, Solicitor Backenstoe and Ms. Eberly concluded that this waiver request should be tabled until further information is obtained from the DEP & Army of Engineers by JVI LLC, that they can then present to Plainfield Twsp and Ott Engineering. Chairman Levits requested a motion be made to table this waiver request at this time. A motion was made by Commissioner Dingle and seconded by Commissioner Kleintop. Chairman Levits gave opportunity for questions from the panel and audience. No questions or comments. Motion Approved. Vote 5-0

Discussion resumed with review of # 41 – 22-1015 under Stormwater Management on page # 8

Ms. Eberly and Mr. Ott stated that curbs, sidewalks, bikeways, & pathways are not mandatory per Plainfield Twsp ordinances. Ms. Eberly stated that they are suggested but not mandatory. Chairman Levits asked what currently stands in the area from the Green Knights Project in the past. An unknown audience member with involvement in another project on Beers Way stated that there are no curbs, sidewalks, bikeways, or pathways in this area. Chairman Levits asked the board if they would like to remain consistent with what is currently there, or to have JVI add any of these additions. Board members discussed the potential for public transit to this area, with it being a cul-de-sac. Potential future projects coming to this area may dictate a need for public transportation due to the increase of companies, and therefore, increase in employment and their need for transportation.

Per Engineer Ott, it is difficult to determine where a pathway could best be utilized if a bus stop is not decided upon first. Commissioner Kleintop asked a Waste Management representative in the audience if he was aware of any future projects that may bring the need for public transportation to the area. The Waste Management representative stated that usually they will reach out to LANTA to discuss such matters, but that they have not for this area regarding past and potential future projects due to the cul-de-sac. After discussion between the board members, Engineer Ott, and Solicitor Backenstoe, Chairman Levits requested a motion to table **22-1015** until further information is obtained from LANTA by the applicant regarding the need for public transportation for this area. A motion was made by Commissioner Simpson and seconded by Commissioner Kleintop. Chairman Levits gave opportunity for questions from the panel and audience. No questions or comments. Motion Approved. Vote 5-0

Discussion resumed with review of # 42 -- 22-1016 under Stormwater Management on page # 8

Chairman Levits requested the wishes of the board in this matter. The board is satisfied with the current lighting on Beers Way and the proposed lighting that JVI LCC has proposed for this project. Per Engineer Ott, a motion is not needed as this was a mere recommendation from Mr. Ott to make sure it is reviewed and reflected on JVI LLC plans.

Discussion resumed with review of # 13—22-503.4. D.7-8 & 22-503-5. D.7-8 & 22-1008 under Land Development on page # 4

Chairman Levits asked what has been done historically when an applicant crossed boundary lines into an adjacent township. Per Solicitor Backenstoe, if an applicant's project crossed into another township, this does not count against Plainfield Townships recreation fee ordinance. Chairman Levits asked the board if they would like to apply Plainfield Twsp's standard regulations. Ms. Eberly stated that they provided Engineer Ott with their calculations of the

amount of property in Plainfield Twsp. Mr. Ott is requesting information as to how the applicant came up with these calculations.

At this time Chairman Levits asked if there was anything further from Engineer Ott for the applicants. Nothing further. Chairman Levits asked if there was anything further from the review board for the applicants. Nothing further. Chairman Levits asked the audience if there were any questions.

Mr. Alex Cortezzo Sr.

495 Old Allentown Rd.

Wind Gap, PA 18091

Mr. Cortezzo referred to a previous discussion where the Green Knights Project was going to investigate the setback from Mr. Cortezzo's property line. It was verbally discussed "as a round table discussion" before the pandemic, Mr. Cortezzo said. He stated that Peter Albanese was present for this discussion where there was going to be a 50-foot setback from his property to any building. Currently, the plans for JVI LLC are showing a 25-foot setback from Mr. Cortezzo's property. Engineer Ott recommended that the final approved plans for the Green Knight Project be reviewed to see if this setback is reflected.

Mr. Alex Cortezzo Jr.

495 Old Allentown Rd.

Wind Gap, PA 18091

Mr. Cortezzo Jr. stated that in this verbal discussion that Mr. Cortezzo Sr. is referring to could be as far back as 2018 - 2019. He stated that the Green Knight Project had first proposed several small buildings on their property. The Cortezzo's referred to remembering the "groundbreaking" for the Green Knights Project in reference to the time frame of the discussion at a previous P.C. meeting. Mr. Cortezzo expressed concern over his property flooding from this project and how this could affect his campground business. Mr. Cortezzo asked what type of businesses would be occupying this warehouse. What about noise? Chairman Levits assured Mr. Cortezzo that stormwater studies, and other requirements will need to be met to be sure flooding does not occur to neighboring parcels. Chairman Levits made Mr. Cortezzo aware that noise ordinances with must be complied with for any business that occupies the building. Chairman Levits would like to go back to the meeting minutes from the 2018-2019 PC meeting where the Cortezzo's state the setback from his property to the Green Knights Project would be 50 feet.

Chairman Levits gave the floor to Mr. Smith from Hanover Engineering. Mr. Smith

Wetlands have been surveyed twice for this property. By the first Green Knights Project and by the Green Knights II Project. The second study found more wetlands on the property than is

required. The newest wetland area was small, connected wetlands to the main wetlands. Mitigation was worked out with the DEP in the Green Knights II project. Mr. Smith's stated he feels it is up to the applicant to work the wetlands areas out with DEP.

Chairman Levits asked if there were any questions for Mr. Smith from the panel or from the audience. No comments or questions. Per Solicitor Backenstoe's recommendation to table the JVI LLC Project until further resolutions have been made, Chairman Levits requested a motion be made to table **PC-2022-015**. A motion was made by Commissioner Simpson and seconded by Commissioner Kleintop. Chairman Levits gave opportunity for questions from the panel and audience. No questions or comments. Motion Approved. Vote 5-0 This concluded the JVI LLC presentation by Jim JVI-Developer and Laura Eberly, PE Reuther+Bowen Engineering.

2. PC-2022-022 --- Grand Central Sanitation MRF Building – Land Development Application

Presenting: Gregory Davis – Attorney at Law – Saul Ewing Arnstein & Lehr

David Allen, P.E. Sr. Project Manager Earthres Engineering

Chairman Levits gave the presenters the opportunity to give an update. Attorney Davis stated the major change in the plans made since they last went before the Planning Commission was that they removed the access entry from Pen Argyl Road. Chairman Levits turned the review over to Jeff Ott of Ott Engineering to begin going over his review letter from March 13, 2023. He cited items he'd like to discuss or receive clarification as well as the waivers the applicant has applied for.

Chairman Levits stated they would begin with the waiver requests.

Under Major Subdivision

Page # 3

7 – 22-503.2. A -- The Applicant has requested a waiver to allow the Overall Property Boundary Plan to be drawn at 300' scale and the Subdivision Plan to be drawn at 100.'

Chairman Levits requested a motion be made to grant the applicant's request for a waiver for **22-503.2. A**. A motion was made by Commissioner Geissinger and seconded by Commissioner Simpson. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

9 — 22-503.4. A.4 & 22-503.4. D.9 & 22-1020 -- The Applicant has requested a waiver of these sections as follows; "The Applicant is proposing to install monuments for Lot #2, the development area, and is requesting a waiver from setting monuments for the remaining property boundary." We have no engineering objection to waiving monumentation for the Remaining Lot. However, monumentation should be shown for all of Proposed Lot #2.

Chairman Levits requested a motion be made to grant the applicant's request for a waiver for **22-503.4. A.4 & 22-503.4. D.9 & 22-1020**. A motion was made by Commissioner Dingle and seconded by Commissioner Kleintop. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

18 – 22-1004.3. B & 22-1007.2 – Where a subdivision or land development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width and widening of the cartway shall be required in conformance with Table 22-1004.1 and 27-405. The Applicant has requested a waiver “for all applicable existing streets abutting the property.” The applicable streets are Buss St., Grand Central Rd., and West Pen Argyl St.

Chairman Levits asked Engineer Ott to further elaborate. Mr. Ott stated that in lieu of a waiver, the board may want to consider a deferral so that this issue doesn't affect future waivers. Solicitor Backenstoe stated that a deferral would need a trigger or conditions. Chairman Levits asked the board their thoughts. The board prefers to have a deferral for this request. A discussion between the board, solicitor and engineer confirmed that a waiver would prevent Plainfield Township from enforcing this in the future if other projects caused a need for this. A deferral with conditions would allow the township to require the right of way be met in the future if another project was developed on Lot #1, deeming more of a need. Commissioner Kleintop stated that he doesn't understand how this cannot be considered a major intersection with all of the large company's business and trucks passing through. He stated he would like to see a traffic study from this intersection.

Peter Spizak of Pattern Traffic Design was in the audience and offered some clarification to this matter. Mr. Spizak stated that his company did provide PENDOT with a review letter of their findings. The amount of traffic through the intersection currently does not warrant needing turning lanes, or a traffic light. Mr. Spizak's study also concluded this same outcome even including potential business across the street from GCS. Commissioner Kleintop stated he doesn't understand how this could be with the amount of traffic currently, and the amount of tons going into the facility. Mr. Spizak stated that to warrant a stop light, there has to be a specific number of vehicles on the main line of traffic. Both sides of side street traffic are calculated. Whichever side is higher is what is calculated into the signal marker. Pattern Traffic Designs' study didn't show that the requirements for a traffic signal would be met, therefore, according to Mr. Spizak, PENDOT will not place a traffic signal where it is not warranted. Engineer Ott refers to a letter sent to Plainfield Twsp Manager Jeff Bartlet from Peter Terry, P.E., PTOE, PMP, RSP21 on March 17, 2023. Mr. Terry (not present) recommends that a post development study be performed once this facility and the background developments have been constructed to determine whether the additional two hours required for the four-hour signal warrant are satisfied. Commissioner Kleintop asked what numbers the traffic study reflects. Mr. Spizak stated that the study involved specifically looking at the truck traffic going in and out of 3 other facilities and through weigh stations. There were 200 trucks daily in the AM and PM peak times. Mr. Spizak stated that they estimated approximately 35 employees for the

site, so they counted 35 in and 35 out. Various Waste Management staff members in the audience made comments regarding the trucks, weight, and patterns taken in and out of the facility currently. Commissioner Kleintop stated he feels the numbers provided by the traffic study done by Pattern Traffic Designs.

Chairman Levits regrouped the panel and audience to come to a decision regarding a waiver v.s. a deferral for # 18 as previously listed. Commissioner Dingle suggested a deferral because there is no way of knowing what the future holds. Solicitor Backenstoe reiterates that a deferral needs to have a trigger. After discussion between board members, and attorneys, Chairman Levits suggests to table this waiver request until further information can be obtained to make an educated decision. Chairman Levits request a motion be made to table waiver request for **22-1004.3. B & 22-1007.2.** until further information can be obtained from Jeff Ott of Ott Engineering and Peter Terry, P.E., PTOE, PMP, RSP21, traffic engineer. A motion was made by Commissioner Kleintop and seconded by Commissioner Dingle. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

19 – 22-1004.11. A.2 – The Applicant has requested a waiver of perimeter easements.

Chairman Levits asked Engineer Ott to comment on this waiver request. Mr. Ott stated he has no issue with the request as long as the applicant is aware that the easement crosses over utilities. Chairman Levits requests a motion to approve the applicants request for a waiver for **22-1004.11. A.2.** A motion was made by Commissioner Simpson and seconded by Commissioner Geissinger. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

Page # 4

20 – 22-1005.1 – Concrete curb meeting this section is required along this property’s W. Pennsylvania Ave. frontage. The classification of the “Landfill Access Rd” should be discussed. The response letter indicates the Applicant is requesting a waiver of this requirement.

Mr. Ott stated that this was discussed at a previous meeting and decided that the need for curbing was not present. Attorney Davis stated that if the “access road” continues to be treated as such, an access road, then several of their waiver requests will not be necessary because curbs, sidewalks, pathways, or bikeways will not be required if it is not considered to be a street. Board members and Engineer Ott discussed that since the current owners of the property are the same owners on this project, Mr. Ott doesn’t see an issue keeping it listed as an access road. If, in the future, other lots nearby are purchased and it becomes a road to other lots owned by different people, then the classification of the current access road may need to be re-evaluated. If it is left as an access road does the board want curbing installed by this applicant? Solicitor Backenstoe stated that for future purposes, it could be stated as such that if the current access road becomes a street, curbing could be installed at that time. Commissioner Kleintop asked if curbing would be needed from the access road into the MRC for stormwater management. Mr.

Ott replied, No. After discussion between the board members, Solicitor Backenstoe, Engineer Ott and Attorney Davis, it was determined that the board needs additional information and clarification as this waiver seems to include curbing, sidewalks, and pathways that could potentially be needed in the future if a bus stop were to come to the area. Chairman Levits requested a motion to table waiver request for **22-1005.1** until further information can be provided to the board by Mr. Ott and Mr. Terry. A motion was made by Commissioner Dingle and seconded by Commissioner Simpson. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

21-B – 22-1007.2 – There appear to be two additional existing access points on Proposed Lot # 2 (gated access to West Pen Argyl St., and gated emergency access to Pen Argyl Rd.) The permitting status shall be verified. The Township may wish to discuss whether the access to West Pen Argyl St. should be closed or possibly utilized for emergency access.

After discussion between Waste Management representatives, commission members and Engineer Ott, it was determined that Pen Argyl Rd would remain a gated emergency access only.

24 – 22-1015.1 – The Applicant has requested a waiver to not install sidewalks “along the existing street frontages.”

Chairman Levits stated he feels this is another item that should be discussed with Peter Terry as a package with curbing. Solicitor Backenstoe agreed. Chairman Levits requested a motion to table – **22-1015.1** until the PC has a meeting with Mr. Terry. A motion was made by Commissioner Geissinger and seconded by Commissioner Simpson. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

26 – 22-1019 – The Applicant has requested a waiver to not install street trees “along the existing street frontages.” Please note street trees are also required along any access drive serving more than one commercial/industrial use.

Discussion among board members concluded that there are enough trees currently. Chairman Levits requested a motion to grant waiver for **22-1019**. A motion was made by Commissioner Simpson and seconded by Commissioner Geissinger. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

Under Land Development

Page # 5

7 – 22-503.1. A.7 & 22-503.10 – The Applicant has requested a waiver of the requirement to provide water system profiles. Due to the number of crossings with other utilities, we do not recommend granting this waiver.

Chairman Levits asked the applicant if they would like to respond. Attorney Davis stated that as of their meeting with the PC in January of 2023 he was under the understanding that since the

utility crossings would be shown in their plans that the water system profile would not be necessary. Engineer Ott replied that as long as all utilities are reflected on the Applicant's plans that he would not require the water system profiles. Chairman Levits requested a motion to grant the request of a waiver from the Applicant for **22-503.1.A.7 & 22-503.10**. A motion was made by Commissioner Dingle and seconded by Commissioner Geissinger. . Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

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9 – 22-503.2. A – The Applicant has requested a waiver to allow plans scales not specified in this section (20', 30', 50' scales specified in this section).

Chairman Levits asked Engineer Ott if he had any issues with this request. Mr. Ott did not. Chairman Levits requested a motion to grant the waiver for **22-503.2. A**. A motion was made by Commissioner Simpson and seconded by Commissioner Dingle. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

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32 – 22-1004.11. A.2 – The Applicant has requested waiver of perimeter easements. We have no engineering objection to granting this waiver provided all other required easements are shown.

Chairman Levits asked Mr. Ott to elaborate. He stated that there are perimeter easements for the purpose of having space and having it marked for electricity lines or other utilities that are run underground. These are usually required in residency subdivisions. Mr. Ott stated that as long as all other easements that are required for industrial/commercial lots are shown on the plans, he has no issues with the Applicant omitting the perimeter easements. Chairman Levits requested a motion to grant the waiver for **22-1004.11. A.2**. A motion was made by Commissioner Dingle and seconded by Commissioner Geissinger. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

Under Stormwater Management

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34 F – 22-1009.7. E – The Applicant has requested a waiver to allow basin bottom slopes of 0% without low-flow concrete channels in lieu of the required 2% basin bottom slopes.

Chairman Levits asked the Applicant to elaborate. Mr. Allen stated that this is an old school method that isn't really used any longer. Engineer Ott stated that the idea of a flat bottom basin (no slope) is that there becomes ponding water. Ponding water ends up becoming man-made wetlands. The Township is required to go out annually and inspect the wetland areas. There

could come a time when the retention basin will need to be cleaned out. Mr. Ott stated he is not aware of the timeline for this, but for example, it could be once every 10 years, the basin must be pumped out and have any sediment removed. Mr. Ott doesn't have an issue with granting the Applicant's waiver request, he just wants to make them aware that this is a possibility. Chairman Levits requested a motion to grant waiver for **22-1009.7. E**. A motion was made by Commissioner Simpson and seconded by Commissioner Dingle. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

34 G – 22-1009.7. G – The Applicant has requested a waiver of the required basin fencing.

Chairman Levits requested the Applicant elaborate. Mr. Allen stated the basins are in an area where there is current fencing installed. The area is not accessible to the public. There are other basins that do not have fencing. Mr. Ott replied that the main purpose for basin fencing is due to the liability the Township has if there is not fencing. Mr. Ott stated that since there is no accessibility to the basin from the public, and there is current fencing at this location, he doesn't have any issue granting this waiver. Solicitor Backenstoe stated that since it is enclosed and there is no access to the public that he has no issue with this waiver being granted. Chairman Levits requested a motion to grant waiver for **22-1009.7. G**. A motion was made by Commissioner Geissinger and seconded by Commissioner Simpson. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

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37 – 22-1013.4. A.1 – The Applicant has requested a waiver of the requirement to provide curbing for access drives. This would apply to the proposed access to the "Landfill Access Rd" if the "street" classification is waived. Curbs are proposed in some areas. We also recommend guiderails along steep topography.

This is one of the subjects the P.C. would like to discuss with Peter Terry. Chairman Levits requested a motion to table this waiver request until Mr. Terry is reviews. A motion was made by Commissioner Simpson and seconded by Commissioner Dingle. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

41 – 22-1019 – The Applicant has requested a waiver to not install street trees "along the existing street frontages." Please note street trees are also required along any access drive serving more than one commercial/industrial use.

Chairman Levits stated that this waiver request follows along with the waiver request granted for **22-1019** under Land Development. Chairman Levits requested a motion to grant the waiver request for **22-1019** under Stormwater Management. A motion was made by Commissioner

Dingle and seconded by Commissioner Geissinger. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

Chairman Levits requested a motion to table the Applicant's waiver request for **22-302.1.C # 4**; on Page # 2; under Major Subdivision due to the length of reviewing this waiver request and the time of evening. A motion was made by Commissioner Geissinger and seconded by Commissioner Dingle. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

Commissioner Dingle stated that the same waiver requested is also listed on # 3, Page # 5 under Land Development. Chairman Levits requested a motion to table the Applicant's waiver request for **22-302.1.C** under Land Development. A motion was made by Commissioner Dingle and seconded by Commissioner Geissinger. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

With no further questions or comments for Engineer Ott regarding the applicant's waivers, Chairman Levits gave the floor to Mr. Smith. Jason Smith, PWS of Hanover Engineering went over his review letter. Chairman Levits gave the panel and audience opportunity for questions. There were no comments or questions. Attorney Davis asked for clarification on what the Applicant's next step needs to be. Engineer Ott stated they would need to meet again with him and the traffic engineer, Peter Terry. Attorney Davis asked if the only thing causing the P.C. to pause is to receive additional clarification and recommendation from Peter Terry. Chairman Levits stated that he feels there are some things that require resubmission and asked for Mr. Ott's view on this. Attorney Davis stated he would like to refrain from waiting two months to come back and would like to return in one month with solutions to the P.C.'s concerns. He asked if the P.C. would consider consulting with Peter Terry in one month and allow them to return in April. The deadline for submissions for April's P.C. meeting was March 20, 2023, the date of this P.C. meeting. After discussion between the Solicitor and the board, it was decided that the board will make every effort to meet with Mr. Terry to discuss traffic engineering before April's P.C. meeting. Chairman Levits requested a motion to table the resubmission from Grand Central Sanitation for the MRF. Commissioner Simpson and seconded by Commissioner Kleintop. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

NEW BUSINESS

1. Proposed Backyard Chicken / Fowl Ordinance – Discussion and Recommendation to the Board of Supervisors

Commissioner Geissinger questioned how the numbers of 12 chickens per every 3 acres came to be the recommendation. Chairman Levits stated there is no formula that was used to come to these numbers. Commissioner Geissinger stated he feels that this is too conservative

considering we are in a farming and agricultural area. Commissioner Dingle stated that if a family is using the chickens for personal use to provide for their own needs, and not selling the eggs, as they are not permitted to do, 12 chickens should be plenty. She used her own chickens as an example. She stated that having 9 chickens herself she gets plenty of eggs for herself and she gives some to neighbors. Commissioner Dingle stated she does not use heat lamps in the Winter and still gets plenty of eggs. Discussion among board members stated that the 12 chickens per 3 acres is an improvement from the current ordinance which only allows residents in the Farm & Forest Districts to have chickens. This will allow residents in other districts to have chickens as well. Commissioner Kleintop stated that this isn't just chickens, but fowl in general. Discussion continued among board members and Commissioner Geissinger stated that the ordinance should be broken down into the number of fowl per different amounts of acreage. Commissioner Dingle stated that rather than use the amount of land someone has, to allow a certain number of birds for everyone, and if health ordinances are not followed, IE noise, odor, pests, then enforce the ordinances not being followed. Chairman Levits asked who is going to enforce these ordinances when we have such a limited number of staff? Discussion continued among board members as to whether the goal of changing this ordinance is to limit the number of chickens someone has on smaller lots, IE: ¼, ½ acre. Chairman Levits stated the purpose for revising this ordinance is to allow those residents who do not live in the Farm & Forest District to be able to have birds. Chairman Levits stated he is curious to find out if Penn State has any information available that could be used as guidance for our township. Don Moore gave some history of the purpose of revising this ordinance as it has been a topic of discussion for over two years. Chairman Levits stated he feels that lot sizes should be considered and have limits set, but that due to the time of the evening and how much time this current meeting has taken, he recommends tabling this ordinance revision until April's P.C. meeting. Chairman Levits requested a motion to table the revision of the chicken ordinance. A motion was made by Commissioner Kleintop and seconded by Commissioner Geissinger. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

2. **Proposed Warehouse Ordinance** -- Discussion and Recommendation to the Board of Supervisors

Chairman Levits referred members to a copy of the history of this ordinance provided. Discussion among board members included the volume of heavy truck traffic and its effects on the roads. The 512, 191, 33 highways are highly used and convenient direct routes to 22, 78, and 611. When the major arteries become too busy, 512 and 191 are going to be used more. Solicitor Backenstoe stated some things that the ordinance can include are weight restrictions of vehicles. Commissioner Dingle suggested that the township enforce a fee to the companies owning or building the warehouses that we would then use for road maintenance. Solicitor Backenstoe stated that this is not permitted. The Solicitor stated that while PennDOT can require towns and municipalities to pay into a fund for this, Plainfield Twsp cannot enforce such fees at the local level. Chairman Levits requested a motion to move ahead with the Proposed

Warehouse Ordinance with option to make amendments as needed. A motion was made by Commissioner Simpson and seconded by Commissioner Kleintop. Chairman Levits gave the panel and audience opportunity for questions. No comments or questions. Motion approved. Vote 5-0

3. **Winery Definition** -- Discussion and Recommendation to the Board of Supervisors

Discussion among board members. Chairman Levits stated that due to the time of evening, this ordinance discussion should be tabled until April's meeting. Chairman Levits asked the audience if there was anyone had a public comment. **Mr. Don Andres from Clever Girl Winery spoke. He was present at February's Planning Commission Meeting. He stated that the lack of having a winery ordinance is 100% affecting him and his business. He stated that he has attended a previous Board of Supervisors meeting where there was discussion about putting a restaurant in the same area as the Planning Commission is unsure if they want to allow a winery. Mr. Andres stated that he feels he is being viewed as though he is lying about what he is looking to do on his property, which is open a winery. He stated that per our current ordinance a winery is permitted in the Farm and Forest District. He stated that he is not trying to open a restaurant.** Chairman Levits stated that this ordinance will be discussed further at April's P.C. meeting. Chairman Levits requested a motion to table the Winery Definition until April's P.C. meeting. A motion was made by Commissioner Geissinger and seconded by Commissioner Dingle. Chairman Levits gave the panel and audience opportunity for questions. Motion approved. Vote 5-0

PUBLIC COMMENT – AGENDA/NON-AGENDA ITEMS: Documented under the topic of discussion to which audience member made comment. Notated in bold.

ADJOURNMENT: Having no further business to come before the Plannig Commission, a motion was made by Commissioner Geissinger, and seconded by Commissioners Dingle, and Simpson to adjourn the meeting. Motion approved. Vote 5-0

The meeting adjourned at 10:45 PM.

Respectfully submitted,

Kelly Roth Unangst

Secretary,

Plainfield Township

