

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

A regular meeting of the Plainfield Township Planning Commission was held on Monday, September 19, 2022 at the Plainfield Township Municipal Building located 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, Terry Kleintop, Robin Dingle, Robert Simpson and Glenn Geissinger.

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

**APPROVAL OF MINUTES:**

1. Approval of the July 18, 2022 Regular Planning Commission Meeting Minutes:

**ACTION:** Motion was made by Robert Simpson and seconded by Terry Kleintop to approve the July 18, 2022 regular meeting minutes; with correction of attendance error removing Robin Dingle who confirmed that she was not present at the July 18, 2022 meeting. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved. Vote 4 -0 (Robin abstained).

2. Approval of the August 15, 2022 Regular Planning Commission Meeting Minutes:

**ACTION:** Motion was made by Terry Kleintop and seconded by Robin Dingle to approve the August 15, 2022 regular meeting minutes as presented. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved. Vote 3-0 (Robert Simpson and Glenn Geissinger abstained)

**CURRENT BUSINESS:**

**ACTION:** Motion was made by Robert Simpson and seconded by Glenn Geissinger to table all applications under Current Business. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.*

Solicitor Backenstoe expressed concerns that each should be handled separately due to extension timelines. Secretary Pletchan then went through current extensions. **Motion was rescinded; each business item addressed separately. No Vote.**

1. PC-2021-015- N.A.P.E.R. Development, Inc. Site Grading Plan Land Development Application – Dated February 10, 2021 and Received February 11, 2021

Secretary Pletchan reported that the Applicant requested to table this application for a future Planning Commission meeting; in addition, an extension has been granted until December 31, 2022.

**ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to accept extension of PC-2021-015 through December 31, 2022. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.**

**ACTION: Motion was made by Glenn Geissing and seconded by Robert Simpson to table PC-2021-015 as requested. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.**

2. PC-2022-005- Grand Central Sanitary Landfill- 910 W. Pennsylvania Avenue, Pen Argyl, PA 18072- Preliminary/Final Land Development Plan (Relocation of Commercial Structure)

Secretary Pletchan reported that that Applicant requested to table this matter for discussion at the October 17, 2022 Planning Commission meeting; revised plan is pending submission. Extension has been requested but not yet received.

**ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to deny PC-2022-005 application for the reasons set forth in the most recent review letter of Ott Consulting review letter unless extension to December 31, 2022 is provided on or before the next Board of Supervisors meeting, October 12, 2022. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.**

**ACTION: Motion was made by Terry Kleintop and seconded by Glenn Gessinger to table PC-2022-005 as requested. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Donald Moore asked for clarification of current expiration date, which was clarified as October 31, 2022. Secretary Pletchan confirmed that the Applicant has been contacted to request extension to December 31, 2022. Motion approved. Vote 5-0.**

3. PC-2022-007- JVI, LLC/Green Knight Economic Development Corporation (45-65 Beers Way)- Land Development Sketch Plan:

Secretary Pletchan reported that the Applicant requested to discuss the matter at the October 17, 2022 Planning Commission meeting; revised plan is pending submission. An extension was not requested, as this is only a sketch plan without restricted timelines.

**ACTION: Motion was made by Robin Dingle and seconded by Terry Kleintop to table PC-2022-007 as requested. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.** Discussion ensued concerning statutory timelines for sketch plan applications. Solicitor Backenstoe confirmed no statutory timeline, stating that the Commission could provide a notice to the Applicant requesting a specific date of presentation and could then deny at a future meeting for failure to present, but notification is recommended. Discussion continued.  
**Motion approved. Vote 5-0.**

4. PC-2022-009- Posh Properties (6669-75 Sullivan Trail, Wind Gap, PA 18091)- Land Development Application:

Secretary Pletchan reported that the Applicant requested to table this matter for discussion at the October 17, 2022 Planning Commission meeting; revised plan is pending submission. Extension to November 30, 2022 was presented to the Commission for approval.

**ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to agree to the November 30, 2022 extension for PC-2022-009. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.** Motion approved. Vote 5-0.

**ACTION: Motion was made by Robert Simpson and seconded by Glenn Geisinger to table PC-2022-009 as requested. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.** Motion approved. Vote 5-0.

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

Secretary Pletchan reported that the Applicant requested to table this matter for discussion at the October 17, 2022 Planning Commission meeting; revised plan is pending submission. Extension has been requested but not yet received.

**ACTION: Motion was made by Terry Kleintop and seconded by Glenn Geisinger to deny PC-2022-010 application for the reasons set forth in the most recent review letter of Ott Consulting review letter unless extension to December 31, 2022 is**

provided on or before the next Board of Supervisors meeting, October 12, 2022. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Discussion ensued. **Motion approved. Vote 5-0.**

**ACTION:** Motion was made by Robert Simpson and seconded by Terry Kleintop to table PC-2022-010 as requested. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Donald Moore asked if the matter could be handled at the second BOS meeting, Dave said it must occur at first meeting due to required timeframes for legal processing. **Motion approved. Vote 5-0.**

### **CURRENT BUSINESS:**

For public courtesy, Chairman Levits revised the Current Business agenda to move items in order of the amount of public attendance. The below is the order matters were addressed.

6. **Huratiak Homes, LLC. (Delabole Road- E9-10-10-0626)- Land Development Wavier**

The Applicant, Justin Huratiak, presented the revised project to the Commission and requested written clarification that the Land Development process would not be applicable due to the limited parcel area within the Township or requested a formal waiver from Land Development requirements. He commented that, based on public feedback, the public roadway connection to Horizon Drive, located in Plainfield Township, has now been removed from the project plan leaving only approximately 600 SF of area within the Township. Although the LVPC and the Plainfield Fire Chief stated that they would prefer to have the Horizon Drive connection, Pen Argyl Borough is not requiring the connection based on the opinion of the Pen Argyl Fire Chief. Commissioner Kleintop requested the original goal for the road; Jason stated that the connection was originally proposed as it was in response to LVPC review comments and was logical. Jason stated that since this is a private rental community, permanent access is not required, although they are willing to grant an easement in same location. Chairman Levits inquired about traffic patterns. The applicant responded that most traffic goes to light at Rte. 512 and South Main St.; he went on to state that the study indicates some tips on other roads but were considered minor and no road improvements were required based on traffic counts. The Solicitor counseled that since no development is located in the Township, he does not feel the Township has authority to require road improvements in another municipality; suggestions or recommendations would only be possible. Commissioner Kleintop asked for location clarification; the applicant and township engineer, Jeff Ott, assisted with mapping presentation specifically to the commissioner. Commissioner Dingle asked to confirm that plans have been received which show removal of Horizon Drive connection, the Applicant confirmed early July submittal of plan with traffic study. The Board of Supervisors requested feedback from the Planning Commission before moving forward. Commissioner Simpson confirmed that the Horizon Drive connection would be located in Pen Argyl Borough exclusively where Plainfield would have no jurisdiction; this notion was confirmed by the Solicitor. Jeff Ott stated that he feels that the plan does not trigger Land Development process so a waiver would not be required. Justin asked for written confirmation from the Planning

Commission to the Board of Supervisors to clarify that a road connection would not be required and emergency access easement would be acceptable and thus eliminate the need come back before the Commission. The Applicant explained that that September 22 is the second planning meeting with Pen Argyl Borough and he wishes to have direction for that meeting. Commissioner Kleintop inquired about adequate emergency access turning radius, which was confirmed by the Applicant as meeting Borough standards. Solicitor Backenstoe confirmed that the emergency access easement would be in favor of Pen Argyl and would not involve the Township.

The Chairman then opened the matter for public comment:

Jerry Lennon stated that he does not believe the easement is practical for a fire truck and he is concerned that surrounding property values will be affected. Mr. Lennon referenced a map, published by Pen Argyl Borough in 2020, which shows about 1.5 acres within Plainfield's jurisdiction and feels the plan is inaccurate as presented to the Township and Borough. Chairman requested confirmation from the Township Engineer. Mr. Ott stated that his research shows that the Applicant's plan is accurate for municipal boundaries. The Applicant stated that he is familiar with the referenced Revitalization map which was prepared by a third party for the Borough, and he does not feel that this plan is accurate for municipal boundaries. Commissioner Kleintop confirmed that the referenced map was prepared by a landscape architect which may not hold a surveyor license. Mr. Lennon stated that the Dotta's confirmed that Plainfield Township has jurisdiction over more land in this area and he would be able to obtain a letter. Commissioner Kleintop stated that the deeds would need to be referenced to which Jason confirmed that the title and deeds searches were done and did not show this information. Mr. Ott brought focus to Pen Argyl review comments letters, which also did not show concern for municipal boundaries. Donald Moore stated that he investigated the issue on behalf of the residences. Based on research, he found that the boundary is located on the back property lines of the Crestmont properties. Don confirmed that stronger evidence is needed to argue the Applicant's efforts. Mr. Ott stated that the Township's Official Mapping matches the municipal boundaries shown on the current development plan. Barry Dutt asked for both parties to get together to address concerns. Jason rebutted stating that he feels that he has put forth effort and provided accurate information. Commissioner Simpson suggested that the Commission ask the Borough to review their Revitalization map to ensure proper municipal boundaries; Commissioner Kleintop agreed, Solicitor Backenstoe concurred that this could be requested. Jeff Ott reminded that a Revitalization map is a planning tool and not a survey map. Solicitor Backenstoe requested clarification from Mr. Lennon that the public is in agreement to remove the Horizon Drive connection from the plan; which confirmed to be the consensus. Lisa Genusa stated that she is going to run her own title search tomorrow to ensure no existing right of way as Anita Dotta recalls a right of way for Plainfield Township on back of properties but feels that the previous development plans have been purged as it has been over 30 years. Commissioner Kleintop stated that developers often go with other options and the recorded plans are the only legal documents that can be used. No additional questions were posed before the Commission.

**ACTION:** Motion was made by Robert Simpson and seconded by Robin Dingle to provide written clarification to the Board of Supervisors based on representations of the Township Engineer that land development would not apply including the fact that the plans provided show only approximately 600 SF of Plainfield Township area which is not being developed, however Pen Argyl Borough shall be asked to review municipal boundaries and their Revitalization plan for accuracy due to contradiction and if, after Borough review or plan modifications, a larger area within Plainfield Township is shown, over and above that which area depicted on the current surveyed sealed plans (~600 SF), land development may then apply and submission to Plainfield Township for approval is required. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Donald Moore asked for the motion to mention Cresmont properties specifically, the Solicitor did not recommend modification of the motion. **Motion approved. Vote 5-0.**

Conversation then ensued concerning jurisdiction of the Township in the matter of the emergency access easement. Jason stated that he wishes to have the opinion of the Planning Commission to support that this area will not be developed.

**ACTION:** Motion was made by Terry Kleintop and seconded by Robert Simpson to make the recommendation to Pen Argyl Borough that an easement for emergency access be proposed in lieu of public road connection to Horizon Drive. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Lisa Genuse questioned the reason for three emergency accesses which was clarified by the Chairman as the recommendations of the Plainfield Fire Chief. Donald Moore clarified that the easement would be shown on the plan; Jason confirmed that the easement will be shown as proposed or it will be deeded to the Borough until such time in the future that emergency access requires design and improvement. **Motion approved. Vote 5-0.**

7. PC-2021-009- CRG Services Management, LLC. (905 W. Pennsylvania Avenue, Pen Argyl, PA 18072)- Land Development Application (Traffic discussion)

Chairman announced that the Applicant is proposing a traffic discussion only. Secretary Pletchan presented extension from the Applicant for Planning Commission consideration.

**ACTION:** Motion was made by Robin Dingle and seconded by Robert Simpson agree to extension of PC-2021-009 to December 31, 2022. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* **Motion approved. Vote 5-0.**

Rob Hoffman was present to provide overview of the planned resubmission related to the August 31, 2022 updated traffic consultant review letter. They are working on updating the plans in response to the Plainfield, Pen Argyl and PennDOT review letters. Their current plan is to address concerns and then resubmit the plan to discuss the project at the

October 17<sup>th</sup> Planning Commission meeting. Mr. Hoffman stated that they will be looking at the East-West road intersection and performance study. Commissioner Simpson stressed that he does not feel that overall traffic concerns have been shown to the public in a detailed presentation as requested. He suggested a detailed presentation at the October 17<sup>th</sup> meeting similar to what the previous proposed Walmart project provided. He requested that each intersection be discussed in detail for the Commission and public due to the known traffic issues in this area. Commissioner Kleintop reiterated comment #13 from the Benchmark Engineering 8/31/22 letter and Mr. Hoffman confirmed that all intersections except East West St. have been studied. Commissioner Kleintop wanted to ensure that the Township traffic engineer has all associated traffic studies reference including those from Wind Gap. Mr. Hoffman was involved with the Turkey Hill study and stated that he will provide that information to Peter Terry, Secretary Pletchan asked to be copied so all information could be documented in the file. Rob reiterated that the current studies for this project have more updated traffic counts. Commissioner Kleintop stated that traffic and stormwater are the top two concerns for this project.

The Chairman then opened the matter for public comment:

Pat Sutter asked what time of the day the studies were performed in Wind Gap. Mr. Hoffman responded 6-9AM and 3-6PM which are the peak periods determined by PennDOT and the municipalities during the scoping portion of the project. She then asked if a traffic presentation will also be provided to the Borough, Rob stated that they will discuss that possibility with the design team. Ms. Sutter is concerned that the Borough will be impacted by this traffic and does not have faith in the Borough.

**ACTION: Motion was made by Terry Kleintop and seconded by Robert Simpson to table PC-2021-009 as requested. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.**

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

The Applicant's attorney, Katherine Fina, provided the Commission and Zoning Officer with an updated application in response to the Zoning Officer's review letter. She summarized that the applicant is proposing to change the current principal-use of the property which is single-family residential to an agricultural-use of the property, specifically Silviculture, where the applicant will be planting and harvesting trees while he continues to live on the property. Solicitor Backenstoe asked whether this proposal would be considered two principal-uses and require zoning relief which was confirmed to not be the case by the Zoning Officer, Sharon Pletchan, as the definition of 'Agriculture' permits one single-family residence. The Solicitor requested whether this plan was before the Zoning Hearing Board for relief which was confirmed by both Attorney Fina and Officer Pletchan. Attorney Fina stated that several variances have been submitted to the Zoning Hearing Board, but the use is permitted in this district. Zoning Officer further confirmed that the application is before the Planning Commission to address the change of use, as the Zoning Officer is requiring recommendation from the Planning Commission for the Officer required Site Plan; the base zoning permits the use without a formal Site Plan application.

Mr. Zavala went on to discuss the proposed use and stated that he intends to plant and harvest trees on the property with a portion of sales being distributed to wounded veterans.

Commissioner Simpson verified that the trees are not yet planted and that the land is currently vacant. Commission Dingle clarified that lumber would not be generated; it was stated by Mr. Zavala that the product will be arborvitae trees which would grow well based on the soil type. Commissioner Simpson clarified that the local nurseries have shown interest for this landscaping crop harvest. Mr. Zavala clarified that public access for the proposed use is not proposed and that the property use would be for wholesale only. Commissioner Simpson stated that he is familiar with a use where clients come through and flag trees for bailing which would require additional planning for public access. Commissioner Dingle clarified that the now proposed 1,200 SF tree planting area shown on revised plan is rather small to constitute a change in use. The applicant stated that he hopes to expand the operation but plans to start with 200 arborvitae trees of a single species which will be harvested once they are 4 to 6 ft. tall. Commissioner Geisinger confirmed that no sales would take place on property. The Township Engineer was then asked to go through the review letter.

Commissioner Kleintop expressed concern for the location of the proposed pole barn being within the building restriction line and the ability to prove a hardship for the proposed variance as other flat areas exist on the property outside of the required setbacks. The applicant stated that he is avoiding slopes and excessive disturbance of soils; discussion ensued concerning the slopes of the property and restrictions. Conversation then shifted to discuss the gravel driveway and the purpose of the size of the gravel area. Mr. Zavala stated that he has larger equipment than the typical homeowner. The Commission expressed concern that large equipment should not be required for balling of arborvitae. Mr. Zavala clarified that that larger trucks will be needed to haul the balled trees so a larger gravel turn-around area would be required. Attorney Fina confirmed that the entrance to the pole barn will be facing the back of the property so a larger gravel surrounding area would be required. Commissioner Dingle expressed concern that the barn is three times the size of the planting area and asked what type of equipment will be stored on the property for the proposed use; she feels that it is excessive and concerning since it is known that Mr. Zavala owns a landscaping business. Mr. Zavala stated that a well may be proposed in the future to assist with irrigation, but a larger building is needed initially to assist with establishing the crop. It was clarified that Mr. Zavala has owned the property for 20 months. Commissioner Geisinger drew attention to Township Engineer's concern for clearance for the driveway around building. Mr. Zavala stated that the building only needs to meet a 20 ft. set-back. The Zoning Officer clarified that this structure is proposed along a front lot line and a 50 ft. set-back is required for which a variance is being sought. Mr. Ott continued discussing letter stating requirements which were not addressed on the current plan and stressing the need to address nuisances created by the new use. He also stressed that a second driveway would be permitted from the property onto a major collector road if it is justified to the Township which has not yet been provided. He also identified that Lehigh Engineering is working on the required Drainage plan which has not yet been submitted for review. Parking requirements will also need to be assessed based on the requested description of the proposed use. The Township engineer stated that he feels that the deficiencies can be overcome with plan revisions. Discussion ensued concerning PennDOT approval for the second driveway. Commissioner Kleintop confirmed with the Engineer that the Township would have the final jurisdiction as to whether a second driveway is permitted and stated that he feels that the PennDOT approval for the second driveway is expired. Commissioner Kleintop warned that hardships are needed for all variances,



and he feels that there are alternatives which need to be discussed. He requested justification for the non-use of the existing driveway to access the back of the property. The Applicant stated that existing garage is not able to be moved and secondary septic bed will be impacted with that proposed travel path. Terry pointed out driveway impacts to the existing drywell and primary septic system are more concerning as they are currently existing and would like to hear public concerns for the location of this request. Attorney Fina clarified with the Applicant that expanding the existing driveway would put him in same situation on the other side of the property and some zoning relief would still be required. The Zoning Officer was then asked to go through her review letter, she mainly focused on sections that have not yet been discussed. She stated that the detailed description of the proposed Agricultural use was submitted prior to tonight's meeting will be re-reviewed. The concern for the narrow width of the driveway was discussed, it was mentioned to consider proposing at least a 10 ft. width as 12 ft. is the requirement and hardship must be justified with the variance request. The required driveway screening fence was clarified to now be shown on the revised plan submitted prior to the meeting which is inches off of the lot line and is also seeking zoning relief for the required 2 ft. set-back. Officer Pletchan confirmed the dual agricultural and residential storage use of the proposed pole barn and reiterated that building permitting would then be required for final zoning approval. She stated that the previous application referenced a parking lot for which the use remains unknown; it is unknown whether employees are proposed and thus require parking design. The use description in the application is required to be revised to clearly justify that the proposed pole barn and gravel areas are clearly customary to the proposed principal-use of agriculture. Ms. Pletchan stated that zoning approval will also require support of a written agricultural erosion and sedimentation control plan as required by the State. She stated that the revised plan now shows the location of the alternative septic system and noted that the SEO would require septic permit if the secondary system location will need to be relocated; consider this in your justification of a hardship for driveway location. The Zoning Officer asked for clarification of utility easement impacted by the proposed fence and driveway-use. Solicitor addressed regulatory statutes; discussion ensued. The township engineer stated that the subdivision plan did not have specific easement notes, so it is assumed to be general utility use and any structures (commonly driveways) installed are at the parties own risk and may be removed or impacted legally due to the easement. The Zoning Officer declared that she is asking for recommendation from the Planning Commission to approve the proposed change of use under Part 8 of the Township code. Solicitor stated that the Commission is charged with providing guidance to the Zoning Officer as requested; justification of a hardship is on the onus of the Zoning Hearing Board for the proposed dimensional variances. The Commission stressed concerns for the justification and location of a second driveway. It was clarified during the discussion that the driveway and gravel area currently exist on the property and are under a cease and desist order for any use from the Zoning Officer. Commissioner Kleintop stressed concern for landscaping vehicles on property, again pointing out that owner currently owns landscaping business. The Applicant confirmed a few landscaping vehicles are planned to be stored on the property. The Solicitor stressed that a landscaping business would need a use variance; Attorney Fina affirmed that he is not proposing a landscaping business. Chairman Levits listed various equipment types that would be considered standard equipment for a tree farm which would be similar to landscaping equipment. Commissioner Kleintop reminded the group that the use is not yet approved and he has witnessed Mr. Zavala already storing equipment on the property. Chairman cautioned that Mr. Zavala must purchase equipment for the proposal at some point. Mr. Zavala

stated that he still has to buy equipment in preparation to establish his farm and plans to store it on his property; the proposed small planting area is to establish the farm and to see if his goals can be met on the property. Commissioner Simpson asked the Applicant to show future expansion possibilities onto the back four acres which provides a better idea of the proposed use. Attorney Fina cautioned that new technology may allow for difference in tree farm planning. The Solicitor asked for timeframe for harvest which was confirmed by the Applicant to be 3 to 4 years per tree. The Solicitor asked for if there is another location for his landscaping business. Mr. Zavala stated that there is not another location for his business and he admitted to storing business owned landscaping equipment at the property. Solicitor asked for clarification whether storage of these commercial vehicles is permitted. The Zoning Officer clarified that there is no restriction for storage of commercial vehicles in the Farm and Forest zoning district, so as long as the business is not being run out of the property. Commissioner Kleintop asked for clarification of when storage becomes a use which was further clarified by the Zoning Officer as being employees present on the property which was a previous issue that the Applicant has stated to have been resolved with Mr. Zavala being the only individual taking the equipment in and out of the property. Commissioner Dingle asked for reassessment and revision of the plan to better meet the zoning code and provide justification where the code cannot be met and provide for minimum impact to the property and surrounding properties. She provided examples: the driveway does not have to be straight; it can curve where needed to avoid septic impacts; the proposed dual use pole barn requires justification as to why the building cannot be proposed closer to the existing residential use. The Commission discussed that revision and resubmission of the plan in accordance with the review letters is needed to be able to provide the requested a recommendation to the Zoning Officer.

The Chairman then opened the matter for public comment:

Arnold Zellner commented that he feels that the Applicant is using property as staging area for his business equipment and materials (stones) and stated that employees are still visiting the property. He is concerned for his property values within Country Quest Estates as this subdivision is residential and should remain as such. Carol Zellman also commented that employees are still coming and going and Mr. Zavala is stockpiling boulders and is causing noise and dust concerns as early as 7:00AM due to lack of proper equipment. Paul stated that this statement will be made part of the record.

Debora Ubel stated that she is upset with what the Zellners' are going through and claimed that they have not spoken up in the past due to concerns for retaliation. She confirmed that the Applicant is stockpiling materials right on the property line and is concerned about runoff occurring from current and proposed activities. Rudolph Ubel also commented that he stripped the land and caused stormwater issues on their property. She is concerned that he is not following the rules and did not receive permission for the driveway.

Mr. Zavala abutted that he was not familiar with how Township zoning worked and he installed the stone driveway because truck got stuck traveling to the back of his property when he was moving in. He stated that he feels that he is being targeted based on his race. He is claiming that he did not cause damage and did not strip the property as stated.

Zoning Officer clarified that she is looking for recommendation for Site Plan approval from the Planning Commission; the Solicitor clarified that conditions can be made. The Township Engineer was asked for concerns which were stated as: justification of two driveways, expiration of PennDOT HOP and adequate drainage planning; he feels that resubmission is necessary before approval. Commissioner Simpson stated that with the concerns expressed, he would not be inclined to recommend site plan approval at this time. Commissioner Dingle stated that there are too many gaps in the current plan to be able to make an informed decision, for example: environmental data, surveys, wetlands, noise, glare, air and water quality, fire hazards, etc. These parameters are related to the change of use from residential to an agricultural business and they have not been addressed. Commissioner Simpson commented that erosion concerns were also not addressed and with the steep slopes of the property, additional planning is needed.

A public member in attendance (name not stated for the record), stated that a temporary PennDOT permit was issued because Mr. Zavala installed the driveway also without State approval. The original permit stated that the driveway was for residential use only and this is not true. Chairman acknowledged the comment for the record. The Zoning Officer provided clarification on the matter in that there has been several updates to the HOP declaring different use of the driveway including a residential, farm use and commercial use (contracting company). Commissioner Kleintop again confirmed with the Township Engineer that the Township has jurisdiction over the approval for a second driveway, PennDOT approval does not stand without Township approval. The Zoning Officer stated that if justification cannot be adequately provided a variance would be required for a second driveway to be approved.

Brian Gasda from Lehigh Engineering stated that he not working directly on project for the Applicant but he is requesting recommendation that the use be conditioned upon the review letters so the Applicant can move forward with obtaining zoning relief. Commissioner Simpson clarified that the Commission is asking the applicant to continue to the Zoning Hearing Board as zoning relief is needed for Planning Commission to make a recommendation.

Arnold Zellner commented that he had to move his secondary septic system to install his pole barn, so it should not justify a hardship.

**Motion was made by Robert Simpson and seconded by Terry Kleintop to recommend that the Site Plan for the proposed change of use not be approved by the Zoning Officer until the plan has been adequately revised for compliance with all conditions set forth in the review letters from Township Engineer, Zoning Officer and Sewage Enforcement Officer; resubmission to Planning Commission is required to make a formal recommendation. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved. Vote 5-0.**

Solicitor Backenstoe and Donald Moore clarified that this is a recommendation to the Zoning Officer, she still has the jurisdiction to act on behalf of the Township against or for the recommendation.

Discussion for need of an extension ensued. Attorney Fina agreed to extension for both the Planning Commission and Zoning Hearing Board and signed document presented by the Secretary.

**ACTION: Motion was made by Glenn Geissinger and seconded by Robert Simpson to agree to extension of PC-2022-011 to December 31, 2022. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Discussion ensued with public for reasoning for extension. Motion approved. Vote 5-0.**

9. PC-2022-012- WTDWG, LLC (271 E. 1<sup>st</sup> St. and 1564 Church Rd.)- Minor Subdivision  
Applicant's Engineer, Brian Gasda, reported that the Applicant plans to provide the property owner at 271 E. 1<sup>st</sup> St. with more land behind and along side of his existing lot. He reported that this proposal is related to the proposed subdivision plan under a different application for 1564 Church Rd. in that it will assist to resolve the issue of limitation of the number of lots permitted for a cul-de-sac as this plan will serve to provide a second access point. He clarified that this application is just a "swoping of lot lines". He requested discussion of several specific comments from the September 6, 2022 Township Engineer review letter by Ott Consulting. He discussed that the adjacent Church property was the first choice for land swoping, but they were not interested when approached. Thus, the separation of driveways (less than 150 ft.) will require a waiver and he wanted to be clear as to which municipality needs to be approached. It was determined that both municipalities will need to be approached for a waiver. He stated that the subdivision plan has not yet been presented to Wind Gap Borough. Brian asked for clarification whether the waiver would be considered as it will affect the amount of land swoped for this minor subdivision and the amount of slopes that need to be disturbed as part of the future development. It was acknowledged that there is a concern that a double frontage lot is created with proposed lot 2 so a waiver will also be requested; support of waiver discussion is being requested. It was also acknowledged that a waiver will be needed as Lot 1 will then drain directly onto the new granted portion of Lot 2; however without grading proposed, clarification is requested for if a waiver would be necessary or would a release from property owner be sufficient. Township engineer stated that it would be better to address this issue during the larger land development and not this lot line adjustment; since lot 2 is party to this application and is thus agreeing to the cross drainage by default.

Commissioner Kleintop asked for timeline of Church Rd. subdivision submission. Brian stated winter/fall 2023 submission to the Township due to the need for NPDES permitting would be probable. Commissioner Kleintop asked for clarification of ownership of land and existing paper street. Brian confirmed the paper street is essentially the extension of Cherry St. Brian requested discussion as to whether an emergency access point would alleviate the limitation of lots in a cul-de-sac. Chairman clarified that emergency access would not take place of a public road which was confirmed by the Solicitor. It was further clarified that they would need full access through road and an emergency access is not a through road. Commissioner Kleintop clarified that a subdivision of two lots or less were confirmed to be in the jurisdiction of the Planning Commission and is not required to go through the Board of Supervisors. Brian stated that the Application is not yet requesting conditional approval as they still need to go to Wind Gap Borough and will revise the plan to address the review letters; the plan will be presented with associated waiver requests at a future Planning Commission meeting.

Mr. Ott requested further research on the Cherry St. paper street to ensure that the development rights to open the street are expired. Commissioner Kleintop requested that the church be again approached for possible emergency access due to slope concerns.

Zoning Officer was then asked to address concerns from September 12, 2022 letter. Officer Pletchan asked about the declared use of residual Lot 2 as 'Agriculture' due to lack of property file information; a leased farmer was confirmed with crop present on the property. She also addressed that a non-conformity would be generated for Lot 2 with the proposal of a public road as the garage would then be considered to be located in the front yard. She confirmed that the lot line along Cherry St. (paper street) is documented as the front lot line, thus the current plan is accurate but would change with the larger subdivision application. The existing impervious and building coverages cannot be stated as zero, these values must be updated on this plan to document conformity with the zoning code. The location of the well and septic systems will also be required to be shown on the revised plan to confirm functionality. Commissioner Kleintop requested clarification that the 271 E. 1<sup>st</sup> property owner is fully aware that a public road or emergency access drive may be proposed with future development with this proposed lot line adjustment; Brian confirmed and further iterated that the property owner requested certain pieces of land so the existing trees would be preserved for natural buffer from future development.

**ACTION: Motion was made by Robert Simpson and seconded by Robin Dingle to table PC-2022-012 as requested. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 5-0.**

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

None

**ADJOURNMENT:**

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

The meeting adjourned at 10:08 P.M.

Respectfully submitted,



Sharon Pletchan  
Planning Commission Secretary  
& Zoning Officer  
Plainfield Township