

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION MEETING
NOVEMBER 21, 2011**

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THE REGULAR MONTHLY MEETING OF THE PLAINFIELD TOWNSHIP PLANNING COMMISSION WAS HELD ON MONDAY, NOVEMBER 21, 2011 AT THE MUNICIPAL BUILDING, 6292 SULLIVAN TRAIL, NAZARETH, PA. 18064

THE FOLLOWING PLANNING COMMISSION MEMBERS WERE PRESENT: CHAIRMAN, ROBERT CORNMAN, JR., ROBIN DINGLE, TERRY KLEINTOP, PAUL LEVITS AND VICE-CHAIRMAN, ROBERT SIMPSON. ALSO PRESENT WERE DAVID BACKENSTOE, ESQUIRE, ENGINEER, KECIN HARWICK, ZONING OFFICER, CHARLES KNECHT AND SECRETARY, JOYCE LAMBERT.

Chairman, Robert Cornman, Jr. called the meeting to order at 7:00pm.

APPROVAL OF MINUTES:

Motion was made by Robin Dingle and seconded by Vice-Chairman, Robert Simpson to approve the minutes of the September 19, 2011 Planning Commission Meeting, as presented. Motion approved. Vote 5-0.

NEW BUSINESS:

1) NAZARETH PELLETS LLC – SITE PLAN REVIEW:

As a guide, the review letter dated November 11, 2011 from Keystone Consulting Engineer, Inc. was used.

PROPOSED:

In 2006, the total 13.3-acre Engler Road Properties, LLC tract was granted a Variance by the Zoning Hearing Board to operate as a Planned Business Park with multiple business uses. The various uses must be Permitted Uses within the I/BP Zoning District. In March 2008, the 13.3-acre tract was subdivided into Lots 1 and 2. In July of 2008, the TreeCycle Site Plan for Lot 1 was reviewed by the Planning Commission under Zoning 312.B.24 “Millwork and Other Wood Products”. The facility was built and operated until 2010.

On October 11, 2011, BioMaxx, Inc. (now Nazareth Pellets, LLC) filed for an Occupancy Permit, which the Zoning Officer is currently reviewing under Zoning 312.B.24 “Millwork and Other Wood Products”. A portion of the existing

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building on Lot 1 & Lot 2 of the Engler Road Properties, LLC subdivision approved and recorded in 2008, is to be developed as a Wood Pellet Processing Plant. The Plainfield Township Zoning Officer responded via his letter of October 18, 2011 indicating that Zoning Section 409 (Site Plan), 410, 509, 511, 512, 513, 514, 515, 516 and Article 7 must be addressed.

The proposed use as “Millwork and Other Wood Products” is a Permitted Use under Zoning 312.B.24, operated under a Planned Business Park, which is permitted by Zoning 312.B.27. Additional requirements for a Planned Business Park are listed in Zoning 315.B.32. Both Uses require Site Plan review and Zoning 315.B.32 requires that use shall be in accordance with the Performance Standards of the Zoning Ordinance and in accordance with all Development Standards of the Township Subdivision and Land Development Ordinance. This Plan is currently being reviewed as a Zoning Site Plan, as required by Zoning 312.B.24. Zoning 409.C requires that Zoning Site Plans be reviewed by the Planning Commission with comments from the Planning Commission to the Zoning Officer.

The facility will span the common property line of both Lots 1 & 2 and utilize both lots. Attorney Backenstoe informed the Planning Commission and Mr. Holmberg that consolidation of Lots 1 & 2 would be required.

Zoning Officer, Charles Knecht noted that there is a concrete pad that the previous owner had installed, which encroaches in the setback because the two lots are subdivided. A permit was never issued for this structure.

Attorney Backenstoe indicated that since the previous owner installed the concrete pad without a permit, it was not put in legally and it is not grandfathered. Consequently, the Zoning Officer has several options:

1. Cite the owner and have the owner remove the nonconformity.
2. Get a Variance for the setback.
3. Consolidate both lots.

The Applicant must resolve this issue to the satisfaction of the Zoning Officer.

Chairman, Robert Cornman, Jr. reported that the Planning Commission’s greatest concern is with the noise. The township and the residents in this area trusted the previous owner in regards to this issue and it didn’t work out. He asked Mr. Holmberg how he knew that his plant would not create the same problems we had before.

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Mr. Holmberg informed the Planning Commission that there are two pieces of equipment that the previous owner used for his business that will not be used for his business. The smoke stack and the hammer mill will not be part of his operation. The only piece of equipment that he will be reusing that was there previously is the hog mill, and it will be enclosed. This hammer mill is not an offensively loud piece of equipment.

Mr. Holmberg informed the Commission that this is the fifth mill that they own and they have never had complaints from any residents.

Chairman, Robert Cornman recommended that the equipment be put in a building unless it could be proven to the satisfaction of the township engineer and the Zoning Officer that Mr. Holmberg's operation could meet the sound regulations.

Mr. Holmberg indicated that he had purchased a Sound Meter in order to test and monitor equipment. If they find out that they are in violation, one of their contingency plans would be to construct a building.

Mr. Holmberg tried to start the hog mill to do sound testing and found out that the motor must be replaced. This is going to cost \$14,000. They are not in a position where they can afford to buy the motor if they aren't going to get the approval to move forward.

There will be one new piece of equipment, which is called a crumbler. This piece of equipment is inside the building.

Robin Dingle suggested that maybe the applicant could develop a noise management program. Something that would tell when and where they would test, how often they would be testing. They could put money in an escrow account in case they would be required to put up a building. Because they can't operate the system until everything is up and running, they are unable to prove that they can meet the sound levels that are required.

Robert Simpson asked Mr. Holmberg if they found out that they were out of compliance, would be willing to shut down immediately. Mr. Simpson didn't want to see months go by while Mr. Holmberg tries to figure out what the problem is and how to fix it. Mr. Holmberg was agreeable to this request.

It was felt that Mr. Holmberg should put together a sound measurement plan, which would be suitable to the applicant, the township engineer and the Zoning Officer. Tests should be done no more than 10 days after the plant has started and is fully operational. If they are not in compliance, the owner should shut down the plant immediately.

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Motion was made by Chairman, Robert Cornman, Jr. and seconded by Vice-Chairman, Robert Simpson to send a letter to the Zoning Officer regarding the Nazareth Pellets LLC Site Plan, as follows:

- 1. Compliance with the comments in the Ke4ystone Consulting Engineers, Inc. review letter dated November 11, 2011.**
- 2. The issue regarding the Concrete Pad on Lot #1 must be resolved by either a Variance; removal; consolidation of Lot #1 and Lot #2 via a Consolidation Deed; or to the satisfaction of the Zoning Officer.**
- 3. A copy of the Site Plan is to be submitted to the Fire Chief and the Emergency Management Coordinator for their review and comment.**
- 4. Compliance with the Plainfield Township Zoning Ordinance Section 511 regarding noise is to be demonstrated in accordance with the following plan:**
 - a. As a condition of approval, the applicant shall supply evidence satisfactory to the Zoning Officer that the proposed use, structure, process or equipment will conform fully with all of the applicable performance standards. As evidence of compliance the Board of Supervisors may require certification of tests by appropriate government agencies or by recognized testing laboratories. Any costs of tests thereof are to be borne by the applicant.**
 - b. The developer is to prepare a methodology and procedure for the measurement of sound to demonstrate compliance with the Township Zoning Ordinance that is acceptable to the Plainfield Township Engineer and Zoning Officer.**
 - c. Once the plant has been completed and all of the equipment is installed and fully operational, Nazareth Pellets LLC will have 10 days from the date of full operation to conduct sound tests in accordance with the approved test procedure.**
 - d. Any Permit issued by the Zoning Officer should be conditioned upon the following:**
 - If the test results show that the noise levels generated from the plant are not in compliance with the Plainfield Township Zoning Ordinance Section 511 – Noise Control, the plant is to be shut down immediately, without further notice from the Township.**
 - The plant is to remain in a shut down status until Nazareth Pellets LLC has taken all of the**

necessary steps to demonstrate that the plant can be operated in compliance with Plainfield Township Zoning Ordinance 511,

- 5. Truck traffic is to be limited to the hours of 7:00am to 7:00pm Monday through Friday.**

Prior to the vote being taken, a motion was made by Paul Levits and seconded by Vice-Chairman, Robert Simpson to amend the part of the previous motion regarding truck traffic to include the hours of 7:00am to Noon on Saturdays. Motion approved. Vote 5-0.

Motion on the recommendation to send the letter to the Zoning Officer was approved with a 5-0 vote.

UPDATES ON LIST OF OUTSTANDING ITEMS FOR APPROVALS:

- 1) MINTBROOK FARMS – PHASE II PRELIMINARY/MAJOR SUBDIVISION PLAN (EXPIRES 12/31/2011):**

Attorney, Timothy Charlesworth and Engineer, Brian Gasda were present along with James Faust, Developer, for the project.

Engineer Gasda reported that they had begun working diligently last month on the outstanding third party agency items that needed to be completed for this project. They have been working with the Northampton County Conservation District and PaDEP on challenges presented by wetlands on the site. There is a stream crossing and other potential wetland impact. The outcome of a meeting held just a few days ago, was that the proposed cul-de-sac would likely have to be relocated.

The shifting of the cul-de-sac requires that they analyze grading, lot lines, setbacks and other issues. All of these items are feasible, but will require additional time for completion.

In the meantime, Attorney Charlesworth informed the Planning Commission that his client has granted the Township an Extension of Time through June 30, 2012 for review and approval of the plan. Furthermore, Attorney Charlesworth requested that the Planning Commission recommended granting a Conditional Approval of the Mintbrook Farms Phase II subdivision since the only outstanding issues were related to third-party items.

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Chairman, Robert Cornman, Jr. indicated that according to the Keystone Consulting Engineers, Inc. review letter dated November 8, 2011, there were still sixteen outstanding issues which were non third-party agency related that needed to be addressed as well as the outstanding third-party reviews along with the changes to the cul-de-sac that Mr. Gasda described. Consequently, the Planning Commission was not in a position to recommend Conditional Approval.

Motion was made by Chairman, Robert Cornman, Jr. and seconded by Robert Simpson to recommend that the Board of Supervisors accept the Extension of Time for Review and Approval of the Mintbrook Farms Phase II – Preliminary/Major Subdivision Plan until June 30, 2011. Motion approved. Vote 4-1, with Paul Levits voting no.

**2) ESTATES AT SULLIVAN TRAIL, LLC –
PRELIMINARY/MAJOR SUBDIVISION PLAN (EXPIRES
12/31/2011):**

The Planning Commission had received a letter dated November 17, 2011 from Attorney, Timothy D. Charlesworth.

Attorney Charlesworth wrote that their engineers have been working on both the Subdivision Plan revisions and Erosion and Sedimentation Control Plan revisions for the Estates at Sullivan Trail, with drainage items being the most significant issue. Their engineer has been in contact with the township engineer and all drainage issues have been addressed.

Lehigh Valley Planning Commission Approval has been received. They also have Northampton County Conservation District's technical review and a meeting was held recently with the NCCD to exchange information and address concerns of the landowner and the Conservation District.

A submission has been made to Bushkill Township and they have received Conditional Approval.

Although no new plan submissions have been made since the October 25, 2010 submittal, Attorney Charlesworth was requesting that the Planning Commission recommend granting a Conditional Approval for the Estates at Sullivan Trail, LLC Subdivision since the only outstanding issues were related to third-party agency reviews.

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Chairman, Robert Cornman, Jr. indicated that according to the Keystone Consulting Engineers, Inc. review letter dated November 8, 2011, there were still a number of outstanding issues which were non third-party agency related that needed to be addressed as well as the outstanding third-party agency reviews.

Chairman Cornman informed Mr. Charlesworth that the Planning Commission wants to see revised plans that address the issues in the Keystone Consulting Engineers' review letter dated November 8, 2011. Until such time as revised plans are submitted and reviewed by Keystone Consulting, the Planning Commission will not be in a position to consider recommending a Conditional Approval.

Attorney Charlesworth then granted the township an Extension of Time for Review and Approval of the Estates at Sullivan Trail, LLC – Preliminary/Major Subdivision Plan until February 28, 2012.

Motion was made by Chairman, Robert Cornman, Jr. and seconded by Vice-Chairman, Robert Simpson to recommend that the Board of Supervisors accept the Extension of Time until February 28, 2012, as granted. Motion approved. Vote 5-0.

PLANS TO BE TABLED:

- 1) **MINTBROOK FARMS – PHASE II –
PRELIMINARY/MAJOR SUBDIVISION PLAN (EXPIRES
12/30/2011)**
- 2) **ESTATES AT SULLIVAN TRAIL, LLC –
PRELIMINARY/MAJOR SUBDIVISION PLAN (EXPIRES
12/31/2011)**

Motion was made by Vice-Chairman, Robert Simpson and seconded by Robin Dingle to table the plans as listed above. Motion approved. Vote 5-0.

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OLD BUSINESS:

1) DOLLAR GENERAL – PRELIMINARY/MAJOR SUBDIVISION PLAN AND PRELIMINARY/MAJOR LAND DEVELOPMENT PLAN (EXPIRES 12/19/2011):

A request had been received from Dollar General to put the project on hold until further notice. After discussing this request with Attorney Backenstoe, the following motion was made:

Motion was made by Chairman, Robert Cornman, Jr. and seconded by Vice-Chairman, Robert Simpson to recommend that the Board of Supervisors deny both the Dollar General Preliminary/Major Subdivision Plan and the Dollar General Preliminary/Major Land Development Plan based upon non-compliance with the Keystone Consulting Engineers' review letter dated September 12, 2011 unless the developer grants an Extension of Time for Review and Approval for a one-year time period (December 31, 2012). Motion approved. Vote 5-0.

NEW BUSINESS:

1) REVIEW OF DRAFT ZONING ORDINANCE #275, SECTION 312 CHANGES, AS RECOMMENDED BY THE EAC:

Attorney Backenstoe reported that at the request of the residents, the Board of Supervisors had him prepare an amendment to the Noise Ordinance. The Board indicated that the draft was okay and sent it on to the EAC for their review and recommendations.

Pursuant to the EAC's comments, changes have been made and the ordinance was re-drafted and sent on to the Planning Commission for their review and comments.

Engineer Harwick reported that the revised ordinance now provides for all uses in the IBP (Industrial Business Park) are to be conducted, maintained, operated and run within a fully enclosed building. Numerous previously "permitted" uses have now been categorized as "Special Exception Uses". Therefore, those uses will require a Zoning Hearing and Site Plan review by the Planning Commission prior to being issued a permit.

Chairman, Robert Cornman, Jr. indicated that the other piece of this ordinance deals with sound and sound ordinances. The EAC felt that it would make sense to get input for this section of the ordinance from

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a professional Sound Engineer. The Board of Supervisors gave their approval to obtain a list of the names of Sound Engineering Companies and estimated costs to review our existing sound ordinances and prepare a revised ordinance that would be consistent with current technology and applications.

During his preparation of the ordinance revision, Engineer Harwick realized that we needed a definition of a Planned Industrial Park, and suggested that the EAC tackle that issue. Terry Kleintop will place this on the agenda for the EAC.

Several items were discussed during the review of the draft:

1. Section 312.H – All Uses Conducted in an Enclosed Building:
 - a. All uses permitted under Section 312.C “Special Exception Uses” with the exception of 312.C.3, 6 & 7. (Item #4 s to be added to this section of exceptions.)
2. Zoning Officer, Charles Knecht informed the Commission that there is no definition for wood products in Item #4. We also need to have a definition for research laboratory and similar. (These items will be addressed at a later time.
3. The Special Exception Uses have an asterisk behind them. The meanings of the single and double asterisks need to be added to this portion of the ordinance. (* Site Plan Review Required – See Section 409) (** See Section 315 for Additional Requirements)

Motion was made by Chairman, Robert Cornman, Jr. and seconded by Terry Kleintop to recommend that the Board of Supervisors adopt the Draft Ordinance dated October 20, 2011, with the addition of the two changes (addition of item #4 and single and double asterisk placement into the Special Exception portion). Motion approved. Vote 4-1, with Paul Levits voting no.

Prior to the vote being taken, Paul Levits indicated that he agreed with the enclosure of buildings, but taking the industries out of Permitted Uses in the Industrial Business Park Zoning District and making them Special Exception Uses would cost the developers additional time and money to go through the Zoning Hearing and Site Plan review process. This is going to prevent industry from coming into our municipality.

Chairman, Robert Cornman, Jr. indicated that by making certain types of industries a “Special Exception Use” you allow both the Planning Commission and the Zoning Officer to look in depth at the specifics of the

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proposed use and to give guidance to both the Zoning Officer and the Zoning Hearing Board.

OTHER:

1) CHAIRMAN, ROBERT CORNMAN, Jr.:

Chairman, Robert Cornman, Jr. reported that he had participated in a Webinar over his lunch hour that was given by the Pennsylvania State Association of Boroughs. It was “Seven Steps for an Effective Planning Commission”.

Chairman Cornman has a copy of the Power Point Presentation and when we have a short Planning Commission Agenda he would like to share these with everybody.

2) PAUL LEVITS:

Paul Levits asked the Zoning Officer if a heating oil tank would be considered a structure if they are placed in a permanent location.

Charlie reported that heating oil tanks would be considered a structure, however, if it is less than a certain size, they do not require a permit.

Paul then indicated that Gemini Machining is currently constructing their addition that was approved by the Planning Commission. When Gemini installs their machinery, do they have to come to the Zoning Officer for a permit to put the machinery in?

Charlie indicated that the machinery is all a part of the permit that was issued for the addition.

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

Meeting adjourned at 9:45pm.

Respectfully submitted,

Joyce A. Lambert, Secretary
Plainfield Township
Planning Commission