

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION MEETING
JULY 17, 2017**

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THE REGULAR MONTHLY MEETING OF THE PLAINFIELD TOWNSHIP PLANNING COMMISSION WAS HELD ON MONDAY, JULY 17, 2017 AT THE MUNICIPAL BUILDING, 6292 SULLIVAN TRAIL, NAZARETH, PA. 18064.

THE FOLLOWING PLANNING COMMISSION MEMBERS WERE PRESENT: CHAIRMAN, PAUL LEVITS, VICE-CHAIRMAN, ROBERT SIMPSON, JEFFREY BEAVAN, ROBIN DINGLE AND TERRY KLEINTOP. ALSO PRESENT WERE: SOLICITOR, DAVID BACKENSTOE, TOWNSHIP ENGINEER, MICHAEL KUKLES, ZONING OFFICER, JOHN LEZOCHÉ, TOWNSHIP MANAGER, THOMAS PETRUCCI AND SECRETARY, JOYCE LAMBERT.

Chairman, Paul Levits called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

APPROVAL OF MINUTES:

Motion was made by Robert Simpson and seconded by Jeffrey Beavan to approve the minutes of the June 12, 2017 Special Planning Commission Meeting, as presented. Motion approved. Vote 5-0.

TIME EXTENSIONS:

- 1) SYNAGRO TECHNOLOGIES, INC. – BIOSOLIDS FACILITY – SITE PLAN #1 – EXTENSION OF TIME FOR REVIEW AND RECOMMENDATION TO THE ZONING HEARING BOARD UNTIL OCTOBER 31, 2017**
- 2) SYNAGRO TECHNOLOGIES, INC. – BIOSOLIDS FACILITY – SITE PLAN #1 – EXTENSION OF TIME UNTIL OCTOBER 31, 2017 TO HOLD THE INITIAL ZONING HEARING FOR THE VARIANCE/SPECIAL EXCEPTION USE APPLICATION**
- 3) SYNAGRO TECHNOLOGIES, INC. – BIOSOLIDS FACILITY – SITE PLAN #2 – EXTENSION OF TIME FOR REVIEW AND RECOMMENDATION TO THE ZONING OFFICER UNTIL SEPTEMBER 30, 2017**
- 4) SYNAGRO TECHNOLOGIELS, INC. BIOSOLIDS FACILITY – SITE PLAN #2 – EXTENSION OF TIME UNTIL OCTOBER 31, 2017 FOR THE ZONING OFFICER TO ISSUE OR DENY THE ZONING PERMIT AND COMMUNICATE SAID DECISION TO THE APPLICANT**

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Motion was made by Vice-Chairman, Robert Simpson and seconded by Robin Dingle to approve the four time Extensions for Synagro Technologies, Inc. Biosolids Facility Site Plan #1 and Site Plan #2, as listed above. Motion approved. Vote 4-0-1, with Jeffrey Beavan abstaining.

PLANS TO BE TABLED:

1) SYNAGRO TECHNOLOGIES, INC. – BIOSOLIDS FACILITY – SITE PLAN #1 (TIME FOR REVIEW AND RECOMMENDATION TO THE ZONING HEARING BOARD AND TIME TO HOLD THE INITIAL HEARING FOR THE VARIANCES/SPECIAL EXCEPTION USE (EXPIRES OCTOBER 31, 2017))

2) SYNAGRO TECHNOLOGIES, INC. – BIOSOLIDS FACILITY SITE PLAN #2 (TIME FOR REVIEW AND RECOMMENDATION TO THE ZONING OFFICER EXPIRES SEPTEMBER 30, 2017 AND TIME FOR THE ZONING OFFICER TO ISSUE OR DENY THE ZONING PERMIT AND COMMUNICATE SAID DECISION TO THE APPLICANT EXPIRES OCTOBER 31, 2017)

Motion was made by Vice-Chairman, Robert Simpson and seconded by Terry Kleintop to table Synagro Technologies, Inc. – Biosolids facility site Plan #1 and Site Plan #2, as listed above. Motion approved. Vote 4-0-1, with Jeffrey Beavan abstaining.

NEW BUSINESS:

1) REVIEW AND COMMENT TO THE BOARD OF SUPERVISORS ON PROPOSED ORDINANCE NO. 382 – ZONING ORDINANCE AMENDMENT

At this time, Township Manager, Tom Petrucci gave a brief over-view of proposed Ordinance #382 – Zoning Ordinance Amendment.

Reviewing some of the on-going applications for zoning permits in the Township, it was brought to our attention that the Township previously only had 15 days from the receipt of the application either issue or deny the zoning permit. Fifteen days seemed like a very narrow time frame when you factor in that the zoning officer is only here two days a week. It seemed like an unreasonable restriction that the Township had placed on itself unnecessarily.

So, this draft ordinance revises the time frame from 15 days to allow for 30 days for the zoning officer's to review the zoning permit applications.

On page 2, Section 3.c – This is the language that came up at the Synagro Meeting last month and this actually just confirms that prior to the issuance of any Zoning Permit,

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the Zoning Officer shall review the application for such permit to determine if all other necessary governmental permits (such as those required by State and Federal laws such as Act 537, the Pennsylvania Sewage Facilities Act, the Water Obstruction Act of 1913, the Uniform Construction Code, the Clean Streams Law and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334) have been obtained. No permit shall be issued until this determination has been made.

The only thing that changed was adding “the Uniform Construction Code” and “the Clean Streams Law.”

Pursuant to the request of Solicitor Backenstoe, this wording is to be changed to say that: No permit shall be issued until the necessary permits have been issued and the applicant has provided copies of the permits to the Township.

On page 1, it defines what a zoning permit is.

Scope: It shall be unlawful to construct, enlarge, alter or demolish a structure, or change the occupancies of a building or structure requiring greater strength, exit way, or sanitary provisions, or to change to another use, to change or extend a lawfully existing Nonconforming Use or Structure, or to install or alter any equipment (fixtures) for which provision is made or the installation of which is regulated by the adopted Uniform Construction Code., as last revised, until a Zoning Permit is obtained by the Zoning Officer. Repairs that do not increase the size of the structure or building or constitute an alteration of the use shall not require a Zoning Permit. For purposes of administration, the Zoning Permit required herein may be made part of a building permit but shall at no time be construed to be a building permit.

Occupancy Permit is issued when you have a structure which is ready to be occupied and you need an inspection to make sure it is ready to be occupied.

Zoning Officer: The Zoning Officer shall be appointed by the Board of Supervisors and shall not hold any elective office in the Township. (Could hold an elective office in another municipality).

Duties and Powers: The Zoning Officer shall identify and register Nonconforming Uses and Nonconforming Structure (This would be uses and structures that were permitted legally at the time the zoning ordinance changed).

Zoning Officer, John Lezoche asked if the Planning Commission really wanted to see all of the applications that he receives for Variances.

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For Special Exceptions, the zoning ordinance requires the Planning Commission to review the applications and forward their comments to the Zoning Hearing Board, but Planning Commission review is not required for Variances.

John noted that he always contacts Chairman Levits when a Variance Application comes in to find out if he wants this on the Planning Commission Agenda.

In-depth discussion was held on this issue with Solicitor Backenstoe informing the Planning Commission that very few zoning ordinances require the Planning Commission to review Variances. Special exceptions, yes, but not Variances.

It was recommended that the maybe the Planning Commission should review all Use Variances but not Dimensional Variances.

Chairman, Paul Levits noted that if an applicant is just going for a small shed and cannot meet the setbacks, it becomes quite costly for them to have to have a professional site plan prepared and have that reviewed by the Planning Commission. That is an extra burden on the property owner.

Some further discussion was held on this issue with the Planning Commission directing Tom to prepare revisions for Ordinance #382, as discussed and come back next month for further review.

2) REVIEW AND DISCUSSION ONLY ON THE PROPOSED ORDINANCE AMENDMENT PROVIDING FOR BED-AND-BREAKFAST, BREW PUB, E-COMMERCE LODGING AND HOSPITALITY, DISTILLERY, MOCROBREWERY, LIMITED DISTILLERY, WINERY AND LIMITED WINERY, PUBLIC AND RETAIL USE ACCESSORY TO A VINEYARD OR WINERY, AND VINEYARD USES IN CERTAIN ZONING DISTRICTS WITHIN PLAINFIELD TOWNSHIP:

Chairman, Paul Levits asked Tom where he had pulled the information for this next ordinance from and was told that he pulled it from multiple sources. He indicated that he had been to a PSATS Seminar where they recommended that all of these uses, which are temporary, should be looked at.

Tom indicated that he is trying to be pro-active in areas where these uses are not defined. Preparing and putting this ordinance together for future adoption will require a lot of work.

Some of these uses are not currently in our ordinance and they would make sense in an area where they have public water and public sewer.

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At this time, Tom was looking to start dialogue with the Planning Commission and try to get this moving forward.

Solicitor Backenstoe asked Tom if there was any way that he could prepare a chart indicating where these uses are permitted. Go down the side and say what the use is use and what district and then put P for permitted or NP for not permitted, C for Conditional Use or an SP for Special Exception. He was going through section 7 and found it really hard to work your way through the Farm and Forest District for the uses.

If you could just get Section 7 charted, that would be awesome.

Tom informed the Planning Commission that some of these uses (Distillery, Micro-Brewery, and Accessory Use for a Limited Winery are not in the ordinance currently).

The Bed & Breakfast is not provided for in our Township. The Short Term Rental is also not defined.

These uses should be defined and placed where these uses should be placed.

Chairman Levits asked if a full-blown Distillery and a full-blown Winery would be considered industrial businesses rather than agricultural businesses.

Discussion was also held on what constitutes a Short-Term Rental, which does not include a Bed & Breakfast. (AirBnB) For the purpose of this ordinance, this definition and use shall mean a primary residence that is used to provide lodging accommodations to transients for a period of thirty (30) consecutive days or less (i.e. a duration of stay between one (1) to thirty (30) days).

The Planning Commission discussed ways to control who is renting out their property as an AirBnB. Several items were listed such as have the property owners obtain a license or register with the Township. We could also catch them when a complaint is received (nuisance, noise, etc.)

Solicitor Backenstoe indicated that the parameters of an AirBnB should be defined and they should be permitted everywhere in the Township. You should not limit them and take money away from the residents, but if it becomes an issue, you could cite them.

Tom now has some direction from the Planning Commission. The ordinance should define what an AirBnB is and issue a permit with criteria to be spelled out for this use. If there is a violation issue a Cease and Desist.

Solicitor Backenstoe recommended that Tom digest some of the information he had received from the Planning Commission this evening and put a chart together. A revised proposed ordinance should then be provided for the members to once again review.

OTHER:

At this time, Chairman, Paul Levits asked Solicitor Backenstoe to review what the procedure would be with the future meetings for Synagro for the speakers and people attending in the audience.

A brief over-view of how the meeting should continue was discussed by Solicitor Backenstoe. It was noted that it is going to take numerous meetings before the conclusion of the Synagro Site Plan review is concluded.

Having no further business to come before the Planning Commission, Motion was made by Vice-Chairman, Robert Simpson and seconded by Terry Kleintop to adjourn the meeting. Motion approved. Vote 5-0.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Joyce A. Lambert, Secretary
Plainfield Township
Planning Commission