

The regular meeting of the Middle Smithfield Township Planning Commission was called to order on Thursday, April 16, 2009 at 7:30 pm, Jay E. Huffman presiding.

Members present: Jay E. Huffman, Bob Vandercar, Bob Early, Scott Schaller, Parin Shah and John Petrizzo. Also present were Attorney Jennifer Ann Wise, R. Douglas Olmstead, Jr., P.E. (Doug), Michele Clewell, Alan Siberini and Bill Hopkins. Representatives from the Marshalls Creek Fire Company, Bushkill Fire Company, Shawnee Fire Company and other interested parties were also present.

Bob Vandercar stated that a correction to the minutes on page 2 should read: International Building Code was adopted by the Township in 2003 which took effect in 2004 and was subsequently amended in 2006 and those amendments became part of our current ordinance at this time. Bob Early made a motion to approve the March 19, 2009 minutes with the correction noted. Parin Shah seconded the motion. The motion carried 6-0.

#### **Plan Reviews and Unfinished Business**

Mr. Bill Hopkins, the consultant retained by Alan Siberini for the Hemlock Ridge Plan, stated that he has met with Doug Olmstead and reviewed the subdivision documents. He stated that if they do not present plans for review at the next meeting, they will withdraw the subdivision plan for Hemlock Ridge. Bob Vandercar made a motion to table the Hemlock Ridge Preliminary Major Subdivision plan until the next regular meeting. Scott Schaller seconded the motion. The motion carried 6-0.

Doug Olmstead reported that a letter was received from Christopher McDermott P.E. of Reilly Engineering, requesting that the Lewis True Value Land Development plan be tabled. Bob Early made a motion to table the plan until the May 21, 2009 meeting. Parin Shah seconded the motion. The motion carried 6-0.

#### **Discussion**

Mr. Huffman stated that draft Ordinance 167 was discussed at the last meeting. He went on to say that the ordinance proposes to rescind Ordinance 68 which adopted Chapter 85 of the Code of the Middle Smithfield Township entitled "Building Construction".

Representatives from the three fire companies that service Middle Smithfield Township were in attendance to discuss the sprinkler system requirements that are currently in Ordinance 68.

Mr. Scott Dreisbach Board of Director of Marshalls Creek Fire Co. read a letter requesting that the Planning Commission make a recommendation to the Board of Supervisors to not rescind Ordinance 68. The letter was written to the board and hand delivered to the Chairperson of the Planning Commission.

There was discussion regarding the requirements in Lehman Township and Smithfield Township. Scott Schaller asked why the fire companies don't persuade them to change their regulations on sprinkler system requirements. Mr. Tim Rohner, Board of Director,

Bushkill Fire Co. stated that because Middle Smithfield Township currently has the 2,000 sq. ft. commercial building requirement in place and questioned, why change it.

Scott Dreisbach stated that to require sprinklers in a commercial business with 2,000 sq. ft. is excessive, however, 12,000 sq. ft. is too extreme; there should be something in between.

Doug Olmstead stated that Labor & Industry will only grant a waiver if there are unusually exceptional existing circumstances in the township. He suggested the fire companies draft a letter providing as much information as possible. Items mentioned to include in the letter were, volunteer response time and water supply source is a detriment to the safety of the residents.

Parin Shah asked Scott Dreisbach if he has any of the calculation used back in 1993 to determine the square footage for sprinkler systems. Mr. Dreisbach responded that the information to determine the 2,000 sq. ft. was obtained from the National Fire Academy.

Mr. Shah also asked what precedents affected previous ordinances in determining the 2,000 sq. ft.

Scott Dreisbach stated that we should be trying to change the legislation in favor of lower minimum requirements for sprinkler systems. He also stated that if we try to submit new information to Labor and Industry and we are denied, he would be upset but at least the Boards and Commissions tried.

Bob Early thanked all the fire company members for attending the meeting.

Bob Vandercar made a motion to leave the current Building Construction Ordinance as it is, to pursue contacting the Legislature to change the minimum requirements for sprinkler systems and recommend the Board of Supervisors not adopt Ordinance 167. Bob Early seconded the motion. There was public comment relating to the motion and a vote was taken; three in favor three against. The motion did not pass.

Doug Olmstead requested the fire companies provide the township with the necessary information to write to Labor and Industry showing why this township is different in order to be granted a waiver.

Attorney Wise read from two cases where sprinkler system requirements were “stricter” than the International Building Codes.

Tim Rohner stated that Lehman Township does not have a lot of commercial growth but the commercial businesses that are located in the township do have sprinkler systems. He also stated that if Middle Smithfield adopts Ordinance 167, the fire companies will have to truck the water in.

John Petrizzo made a motion to research the potential square footage for sprinkler systems and present the findings in 30 days, if additional time is required, allow for an additional 30 days. Scott Schaller seconded the motion. The vote on the motion was two in favor (John Petrizzo and Scott Schaller) and four against (Bob Vandercar, Jay Huffman, Bob Early and Parin Shah). The motion failed.

Jay Huffman made a motion to work with the three fire companies on a solution and present the information within 90 days. Bob Vandercar seconded the motion. The motion carried 5-1. Scott Schaller voted against.

There being no further business Jay Huffman made a motion to adjourn the meeting at 8:17 pm. Scott Schaller seconded the motion. The motion carried 6-0.

Respectfully submitted,

Michele L. Clewell, Recording Secretary  
April 16, 2009