

The regular meeting of the Middle Smithfield Township Planning Commission was held at the Schoonover Municipal Building and was called to order on August 20, 2009 at 7:30 p.m. Robert Vandercar presiding.

Members present: Robert Vandercar, Bob Early, Mark Oney, Scott Schaller, Parin Shah and John Petrizzo. Also present were Attorney Jennifer Ann Wise, R. Douglas (Doug) Olmstead, Jr., P.E., Michele Clewell and numerous township residents.

Scott Schaller made a motion to approve the July 16, 2009 minutes. Mark Oney seconded the motion. Motion carried 6-0.

### **Plan Submissions**

None

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

None

### **Tabled Plans**

A letter was received from Ott Consulting Inc. requesting Evergreen Estates II Preliminary Major Subdivision Plan be tabled until the next regular meeting. Scott Schaller made a motion to table action on the Evergreen Estates II Preliminary Major Subdivision Plan. Parin Shah seconded the motion. Motion carried 6-0.

A letter was received from Reilly Associates requesting Lewis True Value Hardware Land Development Plan be tabled until the next regular meeting. Parin Shah made a motion to table action on the Lewis True Value Hardware Land Development Plan. Mark Oney seconded the motion. Motion carried 6-0.

### **Discussion and Recommendations**

Doug Olmstead reported that a letter was received from R.K.R. Hess Associates that the East Stroudsburg Borough will be applying to Pennsylvania Infrastructure Investment Authority for funds for the East Stroudsburg Dam D45-155 Improvements and is requesting a concurrence letter from the Middle Smithfield Township Planning Commission. After further discussion John Petrizzo made a motion to send a letter in support of East Stroudsburg Borough Improvements to Dam D45-155. Bob Early seconded the motion. Motion carried 6-0.

Doug Olmstead explained that at the July 16, 2009 meeting, Planning Commission members had received proposed Ordinance 168; Dimensional Requirements in Each District (Building Height) and in order to allow board members sufficient time to review the proposed ordinance, the matter was discussed and then tabled.

Bob Early stated that he is not in favor of the provision within the proposed ordinance that allows attached residential housing up to 5 stories as it creates additional children in the school system. John Petrizzo concurs. Mr. Petrizzo stated that there is a need to stop

the overwhelming tax burden of this community and if attached residential housing was removed, he would recommend approval of Ordinance 168.

Bob Vandercar stated his concerns that emergency service providers were not part of the process to make their recommendations and that there is no infrastructure in place to get water to this type of building.

Scott Schaller stated that the Township is working on getting a water line installed along Route 209.

Doug Olmstead stated that if applicants cannot show how fire safety concerns are addressed on the plans, the Board of Supervisors cannot approve the plans.

Bob Early stated that when plans are submitted to the Planning Commission for recommendation, emergency services should receive a courtesy copy of the plans.

John Petrizzo asked Mr. Olmstead if he would personally make sure that water can get to the structures and say that there is enough water to fight a fire. Mr. Olmstead stated that he will review that aspect of the plans and once the plan comes in for a building permit, then the building code official will review the plan as well.

Parin Shah asked for clarification regarding Section 5(d) of the proposed Ordinance 168. Mr. Olmstead stated that this would require the applicant to provide a rendering of the proposed structure.

Scott Schaller asked why the discussion went from 5 stories and 1.5 miles from the centerline of Route 209 to 5 stories – 75 feet in height and .75 miles from the centerline of Route 209.

Mr. Olmstead stated that the change in specifics is due to some of the comments received at the last meeting's discussion before the matter was tabled.

Bob Early made a motion to cap the building height to five stories or 75 foot whichever is more strict,  $\frac{3}{4}$  of a mile distance from the centerline of Route 209, no residential housing, unless it is age restricted of 55 and older, to allow time share units, hospitals, medical buildings and schools. John Petrizzo seconded the motion. Motion carried 5-1. Scott Schaller opposed.

There were questions as to where on Route 209 Ordinance 168 would apply. Mr. Olmstead stated that the entire length of Route 209 within Middle Smithfield Township.

It was stated that there would be a 150 foot buffer from residential property and this is not a use by right as it is under a conditional use application process, whereby a public hearing is required.

Mitchell Marcus suggested that professional offices be added to the ordinance.

After reviewing the definition of office buildings, Bob Early amended his motion to revise the ordinance to state “the height of any building to be up to a maximum of 5 stories or 75’, whichever is more restrictive, within .75 miles of the centerline of U.S. Route 209” and revise Section 5(a) to read “timeshare, age-restricted housing, motel/hotel, hospitals, primary and secondary schools, and offices”. Bob Vandercar seconded the motion. Motion carried 5-1. Scott Schaller opposed.

Doug Olmstead explained that proposed Ordinance 169; Sale of Connection Rights is scheduled to go before the Board of Supervisors on September 17, 2009.

Ordinance 169 states that an EDU (Equivalent Dwelling Unit) is based on 200 gpd (gallons per day) and they are on a first come first serve basis, no longer will reservations be accepted and you must have preliminary approval of the project to purchase edu’s for the project.

After further discussion Bob Early made a motion to recommend proposed Ordinance 169 subject to Section 148.9.D(1) to be revised to state “ after official acceptance of a preliminary subdivision or final land development plan by the township and after Act 537...” Bob Vandercar seconded the motion. Motion carried 6-0.

Bob Vandercar stated that the Planning Commission received a letter from Geraldine Griffin regarding future issues that will be coming before them. After further discussion Scott Schaller made a motion authorizing the recording secretary to write to Ms. Griffin and explain what the policy is regarding notification of meetings under the Municipal Planning Code (MPC). Parin Shah seconded the motion. Motion carried 6-0.

### **Sketch Plan**

Alcova Group. *(This item was not on the agenda as the consultant did not notify the recording secretary prior to the meeting.)*

Mr. Shergoh Alkilani, CEO of the Alcova Group provided a sketch plan for retail stores to be located along Route 209 and Oak Grove Road. This is a 12.58 acre site where a proposed total of eighteen retail stores (most sharing the same roof) are proposed to be built, including Price Chopper and Rite Aide Pharmacy.

Preliminary figures would require twenty two edu’s for central sewer, however currently no plan has been developed for water to the retail stores. Mr. Olmstead stated that discussions with PA American Water Company would indicate that they may be able to provide a well site for central water.

The main entrance would come off a future realigned Oak Grove Road (part of the PennDOT road improvements for the Marshalls Creek Traffic Relief Project). There would be a proposed right in and right out, on the South bound lane of Route 209. Side walks are proposed along Route 209 and along a portion of the entrance on Oak Grove Road.

Dr. Donna Hamilton asked where are the wells within Big Ridge that Mr. Olmstead is referring to when he mentioned that PA American Water indicating that they may be able to provide a well site for the central water. Mr. Olmstead stated that he would have to refer to the plans and contact her with an answer.

There were questions as to where in the proposed zoning process is the adult entertainment facilities. Mr. Olmstead stated that this has not been addressed yet and numerous comments have been taken into consideration.

John Ferro questioned who was working on the draft Zoning Ordinance. Attorney Wise stated that along with herself, the two Township Zoning Officers, Engineer, and the Board of Supervisors are working on the proposed ordinance.

There being no further business Bob Vandercar made a motion to adjourn the meeting at 9:45 p.m. seconded by Mark Oney. Motion carried 6-0.

Respectfully submitted,

Michele L. Clewell  
Recording Secretary  
August 20, 2009