

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

Members present: Jay E. Huffman, Bob Early, Mark Oney, Bob Vandercar, Scott Schaller, Parin Shah and John Petrizzo. Also present were Attorney Jennifer Ann Wise, R. Douglas (Doug) Olmstead, Jr. P.E., Michele Clewell, Chris Borger of LTS Development LLC, Chris McDermott of Reilly Associates Engineering, David Lewis and numerous interested parties.

Bob Early made a motion to approve the June 18, 2009 minutes. Jay Huffman seconded the motion. Motion carried 7-0.

Mr. Huffman stated that the planning commission would like to address the majority of the people at the meeting regarding the proposed zoning changes.

Mr. Huffman asked Michele Clewell to read a letter sent to the Planning Commission by Attorney Wise. "The current Zoning Ordinance of 2004 provides that Adult Entertainment Uses are not permitted by right or as a use by special exception in any district, and is only permitted as a conditional use, subject to approval by the Board of Supervisors, in the Commercial Industrial District. This same provision remains unchanged in the proposed Zoning ordinance that was distributed to the Planning Commission members for unofficial review and comments in February 2009... At this time, the proposed ordinance is being completely revisited and is not presently scheduled for review, comment or public hearing".

Mr. Huffman stated that the Planning Commission only makes recommendations to the Board of Supervisors, what the Supervisors do with the recommendations is up to the Supervisors.

There were numerous questions and comments regarding zoning changes, from members of the audience. Mr. Huffman stated that no zoning changes are being made at the present time as Attorney Wise's letter stated "the proposed ordinance is being completely revisited and is not presently scheduled for review, comment or public hearing".

Plan Submission

Doug Olmstead stated that the Engineer for Romec, Inc. was present to submit the Evergreen Estates II plans for a Conservation Subdivision and Mr. Olmstead explained that he had previously received the documents about two months ago but the planning modules were incomplete at that time. Mr. Olmstead stated that he would recommend accepting the plan submission by the Planning Commission at this time. Bob Vandercar made a motion to accept Evergreen Estates II Conservation Subdivision. Bob Early seconded the motion. Motion carried 7-0.

Plan Reviews

Mr. Chris Borger P.E. of LTS Development LLC presented a Lot Line Revision Plan for Water Gap Preserve PRD. Jay Huffman stated that he has a business

relationship with the applicant and will abstain from voting on this plan.

Mr. Borger stated that LTS has submitted the revised plan because two old paper streets (shown on paper but never built), namely, Hemlock Road and Maple lane, from the previous Koehlmel Farms were inadvertently left off the Water Gap Preserve boundary survey. After extensive research, LTS recognized that the plan would need to be revised to add these two paper roads. The lot line revision reconfigures Lots 12-21 in order to insure that none of the building envelopes for these lots would be encroached by the previously established access rights for these paper roads. In addition Highland Court cul-de-sac is also being shortened by approximately 130'. There is no increase or reduction in the number of lots approved by the overall revision and the Open Space Requirement of the Township Code is still the same or slightly more.

Attorney Wise stated that a failure by the developer to address these two papers roads via a lot line revision to the plans would likely create a cloud on the title addressing the oversight at this time, prior to the sale of any of the PRD lots, will remove this cloud and allow the developers to convey clear, unencumbered title.

Attorney Wise stated that she would recommend approval of the lot line revision to the plans. Bob Early made a motion to recommend approval of the LTS Development, LLC, Lot Line Revision for Water Gap Preserve PRD. Scott Schaller seconded the motion. Motion carried 6-1. Jay Huffman abstained.

Mr. Chris McDermott of Reilly Associates Engineering and David Lewis; applicant, appeared before the Planning Commission requesting the Lewis True Value Land Development plan be tabled. A letter was provided granting time extensions to the Planning Commission and the Board of Supervisors.

Mr. McDermott explained that the original intent was to build a hardware store but Mr. Lewis has since purchased a different property and is currently relocating his hardware store to that new location. However he would still like to move forward with the land development plan submitted in September 2008.

Mr. McDermott stated that the submitted plans could possibly change from one retail space to two and there may be some adjustments of the building due to the retaining wall on the adjacent property. Mr. McDermott stated that the connectivity of the properties is still being discussed.

After further discussion Scott Schaller made a motion to table the Lewis True Value Land Development Plan. Parin Shah seconded the motion. Motion carried 7-0.

Sketch Plans and Discussion

John Yetter and Scott Piscarski P.E., provided copies of a minor subdivision sketch plan to subdivide the property into three total lots. The proposed road would come in from Pocono Forest Drive and there is a 50' strip that would come out onto Flagstone Lane.

Doug Olmstead stated that he would like to see the design of the road and asked if there is a deed for the road. He also asked Mr. Yetter if he has the right to connect his road to Pocono Forested Acres. Attorney Wise expressed concern that the location of the road would also create additional "natural subdivisions" thereby creating nonconforming lots. Mr. Huffman stated that there would be three lots with this minor subdivision and the Township Code must be followed. No action required or taken.

Doug Olmstead explained that the Planning Commission has copies of a proposed Dimensional Requirements in Each District (Building Height) Ordinance for review and recommendation.

He stated that this Ordinance would be a change to Chapter 200-34 (B) 2 of the Middle Smithfield Township Zoning Ordinance and this change would allow the height of any building to be up to five (5) stories within 1.5 miles of the centerline of U.S. Route 209 under and subject to approval as a conditional use by the Board of Supervisors. He stated that this proposal allows flexibility and follows the Township Comprehensive Plan whereby having less impervious area and allows applicants to build up instead of out.

Mr. Olmstead stated that the Board of Supervisors has tentatively scheduled a public hearing for August 20, 2009 at 3:30 p.m.

Bob Early stated that he has some concerns with the proposed changes.

Attorney Wise suggested that the Planning Commission review the proposed changes and have a recommendation to the Supervisors to hold a public hearing in October 2009.

Mr. Olmstead stated that fire flow, sprinklers and fire hydrants are included in the proposed ordinance.

There was discussion regarding using a specified height instead of stories and why change the districts that would allow it along the entire Route 209 corridor.

Bob Early made a motion to table action on the proposed Building Height Ordinance and take into consideration the comments received from the audience members. Bob Vandercar seconded the motion. Motion carried 7-0.

There being no further business the meeting adjourned in regular order at 9:05 p.m.

Respectfully submitted,

Michele L. Clewell,
Recording Secretary
July 16, 2009

