

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, April 15, 2010 at 7:00 p.m. at the Schoonover Municipal building with Mark Oney presiding.

Members present: Mark Oney, Bob Vandercar, Bob Early, Parin Shah, John Petrizzo, Bob Chartock and Scott Schaller (not present for the entire meeting). Also present were Attorney Wise, Wayne Rohner, Township Zoning Officer, Michele Clewell, Township Secretary and numerous interested parties. R. Douglas Olmstead Jr., P.E. absent.

Bob Chartock made a motion to approve the March 18, 2010 minutes. Parin Shah seconded the motion. Motion carried 7-0.

Plan Submission

Lands of HARA Corp. Minor Subdivision Plan: Attorney Andrew Wolfe presented a minor subdivision plan on behalf of the Bushkill Group. The applicant is proposing to consolidate and simplify the property lines of HARA Corporation properties. Attorney Wolfe stated that no new parcels will be introduced to the Resort Complex nor will any land be removed from the existing Resort Complex and this application does not include all the properties with the Resort Complex, merely just those parcels affected by the intended consolidation.

John Petrizzo questioned Attorney Wise if he should vote on this submittal as he is an adjacent property owner. Attorney Wise stated that he is only required to abstain if he or an immediate family member has a financial interest in the proposed consolidation or can financially benefit from it then he is required by law to abstain and he must state the reason for his abstention on the record in the event the rule of necessity is required.

Bob Vandercar made a motion to accept the Lands of HARA Corporation Minor Subdivision Plan for submittal. Bob Early seconded the motion. Motion carried 7-0.

Great Bear Resort Complex Conditional Use Application: Dave Osborne P.E. of Ceco Associates and W. Peter Ahnert were present to discuss the application for a conditional use as a Resort Complex. Mr. Osborne presented 11x17 plans for the Planning Commission members to review.

Mr. Osborne explained that the submission before the planning commission is for a new Resort Complex and previous discussion with the Township Engineer indicated that the submittal is complete.

After reviewing the submission requirements for a new Resort Complex, the members determined that numerous items were missing from the submittal.

Attorney Wise stated that the Great Bear Resort Complex Conditional Use Application is governed under the 2004 Middle Smithfield Township Zoning Ordinance not the proposed 2010 ordinance and read aloud Section 917 of the Municipalities Planning Code.

After lengthy discussion regarding the fact that this is an incomplete submittal, Bob Chartock made a motion to reject the Great Bear Resort Complex Conditional Use Application. Bob Vandercar seconded the motion. Motion carried 6-0.

Scott Schaller was not present for the remainder of the meeting.

Tabled Plans

John M. & Van D. Yetter Minor Subdivision Plan: Attorney Wise stated that she received a letter from Attorney Shelli L. Smolenski of Fisher & Fisher indicating that alternate solutions are being worked out regarding adjoining property owners.

A letter was received from John M. Yetter requesting the John M. & Van D. Yetter Minor Subdivision Plan be tabled and requesting a 90 day time extension to render a decision.

After further discussion, Bob Vandercar made a motion to table the John M. & Van D. Yetter Minor Subdivision Plan, deny the additional 90 day time extension and send a letter to Mr. John M. & Van D. Yetter requesting they attend and be prepared to discuss ongoing issues associated with the project at the May 20, 2010 meeting. Bob Early seconded the motion. Motion carried 6-0.

The Estates at Great Bear Hotel Addition Land Development Plan: A letter was received from Ceco Associates requesting the plan be tabled and requesting to extend the time period for review of the land development application until June 30, 2010.

After further discussion three (3) separate motions were made: (1) Parin Shah made a motion to table action on The Estates at Great Bear Hotel Addition Land Development Plan. Bob Vandercar seconded the motion. Motion carried 6-0. (2) Parin Shah made a motion to grant extension of time for review of the land development application until June 30, 2010. Bob Early seconded the motion. Motion carried 6-0. (3) Parin Shah made a motion to send a letter to David Osborne P.E. of Ceco Associates, Inc. on behalf of W. Peter Ahnert applicant requesting attendance at the May 20, 2010 meeting to address issues raised by residents of Great Bear Estates regarding ability to provide sewage flow from the proposed hotel site to a municipal sewage connection, related issues and whether an additional pump station will be required. Bob Chartock seconded the motion. Motion carried 6-0.

John Petrizzo asked how long the Lower Lakeview plan languished prior to any action taken by the planning commission. Mr. Petrizzo asked that an answer be provided for the next meeting.

Children's Education & Learning Center Site Alteration Plan: A letter was received from Brick Linder, P.E. requesting the plan be tabled. Bob Vandercar made a motion to table the plan. Parin Shah seconded the motion. Motion carried 6-0.

Sketch Plans

Ray Rogers of Frank J. Smith, Jr. Professional Surveyors presented a sketch plan for the Lands of Marie Deresky. There was discussion regarding the use of multiple driveways. Mr. Rogers stated that a possible solution is to request a waiver as a 40 foot driveway would work instead of the required 50 foot driveway and as there will be a "T" turn around, it will not be dedicated to the township. He stated that the Township Engineer, Doug Olmstead P.E. has also reviewed the concept. Attorney Wise stated that this would be considered a major subdivision not a minor subdivision as the project is calling for six lots. No action is required.

Reviews and Recommendations

Revised Zoning Ordinance #172: The proposed revised zoning ordinance was discussed at length. The conversation revolved around the following comments offered by the Planning Commission members:

1. Impervious surface standards look like they have been changed
2. Effect of Ordinance
3. Adult Use
4. Adult Use and setback requirements
5. Zoning Officers Duties and Power
6. Signs mounted on trucks or trailers
7. Monroe County Planning Commission comments dated February 24, 2010 regarding digital billboards and the PRD issue.
8. Non conforming structures that are damaged 50% or more

Bob Vandercar requested that the Revised Zoning Ordinance #172 Monroe County comments be forwarded to the Planning Commission members once they are received.

Mitchell Marcus stated for the record that he did not vote in favor of placing the Adult Use under Special Exception as it should be a Conditional Use, heard by the Board of Supervisors.

Mr. Marcus also stated that he believes that there are other alternative locations for Adult Use other than the Route 209 location.

After further discussion Parin Shah made a motion to recommend the Board of Supervisors review the submitted comments, return the performance standards as they were in the previously shown draft ordinance reviewed in February 2010 and keep the adult use in the CI as "zoning district. Bob Vandercar seconded the motion. Motion carried 6-0. Editorial note: The CI district is identified as "I" in the proposed 2010 ordinance)

Public Comment

The issuance of zoning permits and flea markets were discussed.

There being no further business the meeting adjourned in regular order upon a motion of Bob Vandercar, seconded by Bob Chartock. Motion carried 6-0.

Respectfully submitted,

Michele L. Clewell
Recording Secretary
Planning Commission.

