

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

Members present: Mark Oney, Bob Early, Parin Shah and Bob Chartock. Also present were Township Solicitor Jennifer Ann Wise, Township Engineer R. Douglas Olmstead (Doug) Jr. P.E., Township Secretary Michele Clewell and several interested parties. Bob Vandercar, Scott Schaller and John Petrizzo were absent.

Bob Chartock made a motion to approve the June 17, 2010 minutes. Bob Early seconded the motion. Motion carried 4-0.

Plan Submission(s)

None

Plan Reviews and Unfinished Business

John M. and Van D. Yetter Minor Subdivision Plan – Attorney James J. Holzinger of Boyer, Holzinger Harack and Scamilio representing John M. and Van D. Yetter Minor Subdivision Plan and Attorney Shelli Smolenski of Fisher and Fisher Law Offices, L.L.C. on behalf of her clients, Mr. and Mrs. Klingensmith.

Attorney Smolenski stated that both parties have finalized the Declaration of Easement, which copies were provided to Attorney Wise and the Planning Commission members for their review. Attorney Smolenski requested clarifications to the plan and those requests have been satisfied.

Attorney Holzinger stated that there are a few housekeeping issues that need to be addressed on the plans. He stated that Scott Policelli of Policelli Engineering, Inc. was out in the field today and could not make the changes to the plans but he would like to review each issue relating to Attorney Smolenski letter dated July 14, 2010.

There was discussion regarding the May 2010 Planning Commission minutes in relation to John and Van Yettters access to their property.

Attorney Wise stated that for the record, Counsel for the Yettters have clarified that based on present knowledge, without doing a title search, the Yettters have access via Flagstone Lane not via the lot off Coolbaugh Road.

Attorney Smolenski's letter dated July 14, 2010 was summarized.

The Declaration of Easement was summarized.

Attorney Smolenski stated that she would like the Declaration of Easement and map simultaneously recorded.

Doug Olmstead summarized his review letter dated July 15, 2010. He stated that there are a couple of outstanding issues with relation to the Minor Subdivision Plan.

Doug Olmstead stated that three requests for modifications have been presented, however; the applicant is requesting an additional modification from the requirement to provide a stormwater management plan as no construction is proposed.

Attorney Wise stated that the applicant can complete the fourth modification form now (which was done so by applicant).

The following modifications were presented:

1. Ordinance requires the plan scale of 1"=200' – Applicant contends that due to the unusually large size of the tract, which is over 200 acres, this requirement is not necessary. Bob Early made a motion to approve the request for modification. Parin Shah seconded the motion. Motion carried 4-0.
2. Ordinance requires gird locations be listed on the plan – Applicant contends that property locations regarding emergencies is now determined by other means. Bob Chartock made a motion to approve the request for modification. Parin Shah seconded the motion. Motion carried 4-0.
3. Ordinance requires that the wetlands be accurately shown on the plan – Applicant contends that the wetlands delineation from 1991 be acceptable as the subdivision proposes only to divide 200 acre tract between brothers and that no wetland areas are impacted. Parin Shah made a motion to approve the request for modification. Bob Early seconded the motion. Motion carried 4-0.
4. Ordinance requires a stormwater management plan – Applicant contends that as no construction is proposed this is not necessary. Bob Early made a motion to approve the request for modification. Parin Shah seconded the motion. Motion carried 4-0.

Attorney Wise stated that the names vary between several legal documents and asked Attorney Holzinger to correctly identify the names on the documents.

Parin Shah made a motion to recommend approval of the John M. and Van D. Yetter Minor Subdivision Plan subject to the applicant addressing all the engineers and solicitors comments, as well as addressing Attorney Shelli Smolenski's recommendations that the Plan include the full meets and bounds descriptions of her client's easement and a notation regarding the recording information for the declaration of easement on the plan. Bob Early seconded the motion. Motion carried 4-0.

Children's Education & Learning Center – Site Alteration Plan – Brick Linder of Linder Engineering representing Frank J. Riccobono. Mr. Linder stated that the purpose of the site alteration is to relocate the detention basin further back on the parcel to allow more children to play. No other site development will take place.

Doug Olmstead stated that revised plans were submitted to the township on July 14, 2010 to address his comments.

The Standard Stormwater Facilities Maintenance and Monitoring Agreement were also received.

Judy Summers questioned if the site alteration will impact Rake Pond. Mr. Linder replied “no”.

Mr. Olmstead stated that the Monroe County Conservation District has not approved the plan to date.

Mr. Olmstead stated that Chapter 160-31 Stormwater Management Ordinance states that site alteration plans do not go to the Board of Supervisors for formal approval, however, after further discussion, Attorney Wise recommended that the Planning Commission make a recommendation to send the Children's Education & Learning Center – Site Alteration Plan to the Board of Supervisors subject to the Standard Stormwater Facilities Maintenance and Monitoring Agreement being executed and address all the Township Solicitors and Engineers comments as formal action by the Board of supervisors is required for approval of the Maintenance Agreement and requiring the applicant to then come back to the Planning Commission for final approval as opposed to simply obtaining it from the Board of Supervisors, at the time of approval of the Maintenance Agreement, would simply delay the project an additional month.

Parin Shah made a motion to forward the Children's Education & Learning Center – Site Alteration plan to the Board of Supervisors subject to the Standard Stormwater Facilities Maintenance and Monitoring Agreement being executed and address all the Township Solicitors and Engineers comments. Bob Early seconded the motion. Motion carried 4-0.

Marek Morawiec Minor Subdivision Plan – A letter was received from Frank J. Smith, Jr., Inc. P.L.S. requesting the plan be tabled for the July 15, 2010 Planning Commission meeting.

Bob Chartock made a motion to accept the letter to table the Marek Morawiec Minor Subdivision Plan. Parin Shah seconded the motion. Motion carried 4-0.

Tabled Plans

None

Reviews and Recommendations

Public Hearing Special Use Application for HOTT PA Inc. – An application for special exception filed by HOTT PA, Inc. has been filed to establish an adult entertainment use at 5130 Milford Road pursuant to Section 044-010.F.1 of the 2010 Middle Smithfield Township Zoning Ordinance.

At the inquiry of Planning Commission members, Attorney Wise stated that based on her review letter dated July 12, 2010 the HOTT PA Inc. application has numerous outstanding issue and unless properly addressed the application is incomplete as presented.

The term special exception was explained to the Planning Commission and the public.

Doug Olmstead stated that the original hearing date for the Zoning Hearing Board is August 5, 2010 at 4:00 p.m. but a revised date is tentatively scheduled for August 17, 2010 at 4:00 p.m.

Doug Olmstead summarized his review letter dated July 14, 2010.

Adjacent property owner uses, traffic flow patterns, lighting, side and rear buffers, property setbacks, signage, lot lines, Met-Ed Electric Right of Way were discussed at length.

Mark Oney and Bob Early stated that not enough time has been given for the Planning Commission to do a proper review of the application. Attorney Wise stated that the Planning Commission members should speak with the Zoning Officer regarding this matter.

A dwelling compared to motel/hotel rooms should be given, the owner of the property should be required to submit the hotel tax records showing how many rooms collected hotel tax, thanked the Planning Commission members for their time in thoroughly reviewing the application with such short notice, 1000 lineal feet from the lot lines were also discussed.

Parin Shah stated that the owner of the property should provide any leases currently in effect for the cottages, motel rooms, the owner of the property should be required to submit the hotel tax records showing how many rooms collected hotel tax, the 1000 lineal feet buffer from the lot lines were also discussed.

After further discussion Parin Shah made a motion to recommend to the Middle Smithfield Township Zoning Hearing Board that the HOTT PA Inc. special exception application be rejected as the application is incomplete. In addition, that the Zoning Hearing Board reject the application for Special Exception because, based on the information provided at this stage, the applicant cannot satisfy the requirements under Section 044-010 of the 2010 Zoning Ordinance "Regulations Governing Specific Uses", Section F1 "Adult Use".

The following recommendations were given:

1. Recommend the Hott PA, Inc. plan and application be rejected as it is incomplete.
2. Recommend the application for Special Exception be rejected at this stage, as the applicant cannot satisfy the requirements of Adult Use based on the Township Engineers and Solicitors comments and unless the requirements of the Adult Use are satisfied at the hearing, the application should be rejected.
3. Provide proof that HOTT PA, Inc. currently exists.
4. Provide proof that the corporation existed at the time the application for a Special Use Hearing was submitted.
5. Is Mr. David Russo the owner?
6. Are there any other owners? If so, what are their names?
7. Provide a list of addresses of the HOTT PA, Inc. owners.
8. Require Deed for property identifying current property ownership and, if a corporation, require proof of corporate documents.
9. The application does not state what type of adult entertainment the applicant is applying for; this should be provided on the application.
10. The plan does not depict the location of where the Adult Entertainment will be; this should be provided on the application.
11. Do they intend to serve alcohol? If so, provide necessary documentation.
12. Which of the cottages/units shown on the plan are permanent dwellings based on their hotel occupancy tax and sales tax?
13. Which cottages/units have been exempted?
14. Which cottages/units have leases?
15. Questions 11 and 12 apply for anything denoted as an apartment on the plan.
16. Which of the units have leases?
17. Provide all documentation that Attorney Wise's review letter dated July 12, 2010 is satisfactorily answered with respect to the Middle Smithfield Township Zoning Ordinance of 2010.

18. Provide all documentation that R. Douglas Olmstead, Jr. P.E. review letter dated July 14, 2010 is satisfactorily answered with respect to the Middle Smithfield Township Zoning Ordinance of 2010.

19. Pursuant to item #4 in R. Douglas Olmstead, Jr. P.E. review letter dated July 14, 2010 with regard to buffers, do not give any leeway with the requirements, and hold applicant to the ordinance.

Bob Chartock seconded the motion. Motion carried 4-0.

Public Comment

None

As a courtesy, the Planning Commission members were given information on GreenSky Technologies.

The next regular meeting is scheduled for August 19, 2010 at 7:00 p.m.

There being no further business Parin Shah made a motion to adjourn the meeting at 9:20 p.m. Bob Chartock seconded the motion. Motion carried 4-0.

Respectfully submitted

Michele L. Clewell
Recording Secretary
July 15, 2010

