

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, May 20, 2010 at 7:00 p.m. at the Schoonover Municipal Building with Mark Oney presiding.

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

Bob Early made a motion to approve the April 15, 2010 minutes. Parin Shah seconded the motion. Motion carried 5-0.

Plan Submissions

None

Plan Reviews and Unfinished Business

Lands of HARA Corp. Minor Subdivision Plan and Request for Modifications; 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 within the Resort Complex, merely just those parcels affected by the intended consolidation.

Attorney Wolfe presented four (4) modification requests:

1. Ordinance requires submission of a sketch plan and preliminary plan – Applicant contends this Plan is basically a lot line adjustment and no improvements are proposed and therefore, the requirement of a sketch plan and preliminary plan can be bypassed.
2. Ordinance requires wetlands to be accurately shown – Applicant contends that a current delineation has not been prepared because no improvements or earth disturbance is proposed applicant feels this item is not applicable
3. Ordinance requires steep slopes over 25% and contour lines to be shown – Applicant contends that this is a lot line adjustment and no improvements or earth disturbance is proposed, applicant feels this item is not applicable at this time.
4. Ordinance requires emergency grid lines to be shown – Applicant explained that Monroe County Control Center no longer uses emergency grid numbers.

Doug Olmstead provided his review letter dated May 20, 2010 and recommended approval of the minor subdivision plan and the four (4) modification requests.

Bob Early made a motion to approve the Lands of HARA Corp. Minor Subdivision Plan and four (4) modification requests. Parin Shah seconded the motion. Motion carried 4-1. John Petrizzo abstained from voting as he is an adjoining property owner.

Children's Education & Learning Center, Site Alteration Plan; Doug Olmstead reported that no representative is present to discuss the project and no information has been received since the last meeting therefore, he would recommend a motion to reject the Plan, unless a letter is received before the close of business, Friday, May 21, 2010 extending the time period for review as the 90 days for review expires on June 16, 2010.

Bob Early made a motion to reject the Children's Education & Learning Center Site Alteration Plan unless a letter extending the time period for plan review is received by the close of business on May 21, 2010. Bob Chartock seconded the motion. Motion carried 5-0.

John M. & Van D. Yetter Minor Subdivision Plan; John M. and Van D. Yetter were present represented by Attorney James J. Holzinger of Boyer, Holzinger, Harak & Scommillio, and Richard and Georgeanne Klingensmith and Attorney Shelli L. Smolenski of Fisher & Fisher Law Offices, L.L.C. – the parties presented an update to the planning commission regarding the project.

Attorney Holzinger stated that they have reached a tentative agreement on the parties' shared use of Smokey Hill Road which will be recorded as a part of the Plan and that the Declaration of Easement will run with the land and a note added to the Plan.

Attorney Holzinger stated that his clients are proposing to divide the 211 acre tract into two large lots and although Smokey Hill Road will bisect the two parcels, there will be a note added to the Plan that the parts are inseparable and cannot be subdivided without prior township approval. The Yettters will access their property by using Smokey Hill Road.

Attorney Holzinger stated that his clients also have the ability to access the property through Flagstone Lane by virtue of a 50 foot right-of-way however they are asking for a deferral for the construction of a cul-de-sac at the end of this 50 foot access to prevent vandalism, illegal dumping... and have requested that a note be added to the plan stating "at such time when a building permit applied for, the application for said permit would trigger the permit applicant to come back in to the Township to address issues with the Planning Commission regarding construction of the cul-de-sac, extending the roadway... added to the plan that would trigger this requirement.

Attorney Shelli Smolenski of Fisher & Fisher Law Offices, LLC on behalf of her clients, Richard and Georgeanne Klingensmith concurred with this request.

Attorney Smolenski stated that she will provide a Declaration of Easement to Attorney Wise for her review.

Attorney Smolenski requested that an extension of time be allowed so that a cleaner set of plans can be prepared and presented to the Planning Commission.

Bob Early asked about the creation of multiple lots via a natural subdivision by Smokey Hill Road. Attorney Holzinger and Attorney Wise said a restrictive covenant would be placed on the plan 'making these lots inseparable' unless applicant comes back to the township.

Doug Olmstead recommended that the plan be revised to reflect the Declaration of Easement, which shall be submitted for Attorney Wise to review and if ready, then moved on the Supervisors after the next month's Planning Commission meeting.

After further discussion Parin Shah made a motion to table action on the John M. and Van D. Yetter Minor Subdivision Plan. Bob Early seconded the motion. Motion carried 5-0.

The Estates at Great Bear Hotel Addition Land Development Plan - Doug Olmstead reported that a letter was received from Attorney Matergia requesting the plan be tabled and extending the time to render a decision until June 30, 2010. Mr. Olmstead stated that there are numerous comments to be addressed and June 30th does not allow sufficient time to do this.

Doug Olmstead reported that issues regarding ownership of the sewer lines and parking are needed to be addressed.

Mr. Olmstead stated that he needs additional plan detail with regard to the sewer lines.

Bob Chartock stated that the plan should be rejected as there are too many issues that require to be worked out. Attorney Wise stated that historically the Planning Commission has allowed the applicants to work on the issues while still keeping the application active.

Attorney Timothy McManus, Counsel for the Estates at Great Bear Community Association, advised the Planning Commission that a lot of issues that are critical to this plan revolve around the sewer system and who can use it. Attorney McManus also advised that his clients were looking to table the Plan to allow counsel additional time to resolve the issues.

Bob Early made a motion to reject the Estates at Great Bear Hotel Addition Land Development Plan unless a letter extending the time period for plan review for an additional sixty (60) days is received by the close of business on May 21, 2010. Bob Chartock seconded the motion. Motion carried 5-0.

Reviews and Recommendations

Marshalls Square Shopping Center Conditional Use Application; The applicant, Tarisa Realty LLC is requesting a Conditional Use hearing, seeking to use the existing parking area be used as shared parking due to a movie theatre. Phil Natosi of Marshalls Square Shopping Center made

a presentation and advised that he was not the owner of the property but rather a construction manager and that they needed 364 shared parking spaces.

Attorney Wise stated that the Conditional Use Application was just received this evening by the Planning Commission members and is scheduled for a public hearing on June 8, 2010 by the Zoning Officer and that there is not sufficient time before the public hearing for the Planning Commission members to review and return to the next meeting to make and comments on the application.

Mr. Olmstead explained that under the 2010 Zoning Ordinance they have the ability to share parking however they need to provide the necessary information.

Mark Oney stated that there is not sufficient time to review the application and make a recommendation as the hearing is scheduled for the Board of Supervisors June 8, 2010 meeting.

Attorney Wise asked Mr. Natosi if an overlay of the plan is available to show the new parking spots. He answered no.

Mr. Olmstead stated that currently there are 297 parking spaces for the entire shopping center and by adding a movie theatre the shopping center is shy 64 parking spaces.

Attorney Wise stated that the applicant's plans represent that 297 parking spaces can be provided; however, they are shy 64 spaces. The applicant is asking for a conditional uue hearing to seek approval for 64 "shared parking spaces" and not 361 as originally stated. Mr. Natosi confirmed.

Shared parking, hours of operation for the movie theatre, and the medium volume highway occupancy permit were discussed.

Attorney Wise asked Mr. Natosi's if he is an authorized officer of the Tarisa Realty, LLC. Company. He stated he is an authorized officer of the corporation, despite signing the application as the "owner".

Mark Oney stated that he wants the review of the application done correctly. Mr. Olmstead stated that he has not had the time to do a review letter for the Planning Commission.

After further discussion Doug Olmstead stated that the hearing should be for a special exception not a conditional use as a reduction of parking spaces triggers a Special Exception.

Bob Early made a motion to reject the Tarisa Realty LLC Conditional Use Hearing application for movie theatre parking as it should be a Special Exception. Parin Shah seconded the motion. Motion carried 5-0.

There being no further business the meeting adjourned at 8:50 p.m. upon a motion by Bob Early, seconded by Parin Shah. Motion carried 5-0.

Respectfully submitted,

Michele L. Clewell
Recording Secretary