

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, September 16, 2010 at 7:00 p.m. at the Schoonover Municipal Building with Mark Oney presiding.

Members present: Mark Oney, Bob Early, Parin Shah, Scott Schaller, John Petruzzo and Carrie Wetherbee. Also in attendance were Attorney Jennifer Ann Wise, Township Engineer R. Douglas Olmstead, Jr., P.E., Township Secretary Michele L. Clewell, Zoning Officer Wayne Rohner and several interested parties. Bob Chartock was absent.

Scott Schaller made a motion to approve the August 19, 2010 minutes. Bob Early seconded the motion. Motion carried 6-0.

Mark Oney introduced Carrie Wetherbee to the commission members and public. Ms. Wetherbee has been appointed to fill the vacancy created by the resignation of Bob Vandercar.

Plan Submissions

Alan Siberini Minor Subdivision Plan: Frank J. Smith, Jr., P.L.S. presented the Alan Siberini Minor Subdivision Plan on behalf of Mr. Siberini.

Mr. Smith stated that this is a (4) lot minor subdivision plan with Lot No. 1 being joined to and be made an inseparable part of the lands of Malcolm J. Law Jr. & Margaret N. Law, Lot No. 2 with an existing house, on-site well and septic situate on 16 acres, Lot No. 3 with an existing cabin, on-site well and septic situate on 10.021 acres and Lot No. 4 consists of 23.255 acres.

Lot Nos. 2 and 3 will share a common driveway on Lower Lakeview Drive and access for Lot No. 4 will be on Winona Lakes Road.

Attorney Wise stated that a certificate of Non-Conformance would need to be submitted for the house on Lot that appears to be encroaching within the side yard setback.

Attorney Wise recommend the following note be added to the plan:

“No building permit of any type shall be issued for any structures unless and until the applicant for said building permit submits a land development plan to Middle Smithfield Township for review and approval of any proposed access (or improvement thereto), storm water and related issues, and wetland delineations or concerns, all such matters to be reviewed under the then comprehensive plan, zoning ordinance, subdivision and land development ordinance and storm water ordinance, in effect in Middle Smithfield Township at the time of application for said building permit”.

Bob Early made a motion to accept the Alan Siberini Minor Subdivision Plan submittal. Scott Schaller seconded the motion. Motion carried 6-0.

Plan Reviews and Unfinished Business

Marek Morawiec Minor Subdivision Plan and Four Requests of Modification: Frank J. Smith Jr. of Frank J. Smith, Inc. P.L.S. stated that the minor subdivision plan proposes to subdivide and “trade” a small parcel of real estate off of each of their lots in order to resolve a building encroachment from Parcel 2 onto Parcel 1. The two lots would be served by on-lot septic systems and on-lot wells.

Mr. Smith presented a revised plan titled Marek Morawiec and Elzbieta Morawiec May 28, 2010 revised September 13, 2010 per Township Engineers comments for the commissions review.

There was discussion to add the following note to the plan prior to going before the Board of Supervisors: “No building permit of any type shall be issued for any structures unless and until the applicant for said building permit submits a land development plan to Middle Smithfield Township for review and approval of any proposed access (or improvement thereto), storm water and related issues, and wetland delineations or concerns, all such matters to be reviewed under the then comprehensive plan, zoning ordinance, subdivision and land development ordinance and storm water ordinance, in effect in Middle Smithfield Township at the time of application for said building permit”.

The following modifications were presented:

1. Ordinance requires emergency grid lines be shown – Applicant contends that property locations regarding emergencies is now determined by other means. Parin Shah made a motion to approve the request for modification. Bob Early seconded the motion. Motion carried 6-0.
2. Ordinance requires preparation and submission of an existing resources plan – Applicant contends that the existing resources are adequately shown on the final plan. Bob Early made a motion to approve the request for modification. Parin Shah seconded the motion. Motion carried 6-0.
3. Ordinance requires preparation and submission of a preliminary plan – Applicant contends that since this is a fairly simple lot line adjustment, this item is not applicable. Parin Shah made a motion to approve the request for modification. Bob Early seconded the motion. Motion carried 6-0.
4. Ordinance requires preparation of a stormwater management plan – Applicant contends that since this is basically a lot line adjustment, and all driveways and dwellings are already in place, this item is not applicable at this time. Bob Early made a motion to approve the request for modification. Parin Shah seconded the motion. Motion carried 6-0.

Parin Shah made a motion to approve the Marek Morawiec Minor Subdivision Plan providing that the Note discussed be added to the plan prior to the Board of Supervisors meeting. Bob Early seconded the motion. Motion carried 6-0.

Marshall Square Shopping Center Land Development Plan; Scott Pasterski, P.E. of Keystone Consulting Engineers Inc. stated that pursuant to the Decision filed in the Conditional Use Hearing held before the Board of Supervisors on June 8, 2010, a revised Land Development Plan must be submitted, showing the approved 258 parking spaces with 4 additional handicap parking spaces for a total of 14 handicap parking spaces and also submitting a revised Grading and Erosion & Sediment Control Plan.

Mr. Pasterski stated that a majority of the comments listed in Mr. Olmstead's letter dated September 16, 2010 have been addressed and he requested the planning commission members recommend conditional approval.

Mr. Olmstead recommend the following items be received prior to final approval: (1) updated Soil Erosion and Sedimentation Control Plan should be provided by the Monroe County Conservation District, (2) additional lighting along the southern portion of the site, unless it can be shown that lights attached to the side of the building will provide the necessary safety lighting, (3) Water Agreement Exhibit; the exhibit must be attached to the revised Well Agreement and recorded at the Monroe Country Courthouse.

Attorney Wise stated that the Well Location Exhibit, now shows Blue Ridge Cable having an on lot well and that Well Agreement does not reference the Blue Ridge Cable well.

Mr. Olmstead stated that a letter from Keystone Consulting Engineers, Inc. signed by Lisa M. Kern regarding the Marshall Square, Wetland Assessment states that there are no wetlands present within 25' of the proposed retaining wall. Attorney Wise stated that a Professional Engineers seal should be affixed to the letter.

Parin Shah made a motion to recommend conditional approval of the Marshall Square Land Development Plan providing that (1) the Water Agreement Exhibit be attached to the revised Well Agreement and recorded at the Monroe Country Courthouse prior to the Board of Supervisors October 14, 2010 meeting (2) additional lighting along the southern portion of the site be addressed and (3) provide a letter with a professional engineers signature and seal on the letter explaining the existing wetlands and gabion wall. Bob Early seconded the motion. Motion carried 6-0.

Reviews and Recommendations

Frank Mestecky Conditional Use Application for a Public Hearing; Frank Mestecky presented his application and site plan dated June 1, 2007 for a conditional use hearing for used cars sales to

be located at 5243 Milford Road, East Stroudsburg PA 18302. Currently there is an existing gas station located on the referenced property.

Attorney Wise stated that Mr. Mestecky should have hired a professional engineer or surveyor to draw the plans as the site plan does not show the plan name, the north arrow, existing structure parking or how many parking spaces is allowed for the used car sales.

Attorney Wise asked Mr. Mestecky how many cars is he looking to sell he stated that he hopes to sell (4), (5) or even (10) cars. Mr. Olmstead stated that his paperwork shows he is asking for (4) parking spaces.

Wayne Rohner stated that Mr. Mestecky is fully aware that he needs an appropriate plan; however, under the Subdivision and Land Development Ordinance this is an appropriate plan for the commission to review.

It was stated that the public hearing has been advertised and is scheduled to go before the Board of Supervisors on October 14, 2010. Mr. Mestecky stated that he will have everything in order prior to the October 14, 2010 meeting before the Supervisors.

Bob Early, Carrie Wetherbee and Parin Shah stated that they cannot vote on this application as there are too many unanswered questions. Mr. Mestecky stated that he would be willing to postpone the October 14, 2010 public hearing.

Bob Early made a motion to recommend the Frank Mestecky Conditional Use Application for a Public Hearing be tabled until the next regular meeting of the Middle Smithfield Township Planning Commission in order for the applicant to provide more information and to hire a surveyor and for Wayne Rohner, Zoning Officer, to cancel the advertised October 14, 2010 public hearing and reschedule to a later date. Carrie Wetherbee seconded the motion. Motion carried 6-0.

Ordinance 175 - Planning Commission Amendment; Attorney Wise stated that this is an amendment to the code of the Middle Smithfield Township, Chapter 50 entitled "Planning Commission", Section 50-3. "Qualifications, compensation" to revise the qualification of the membership of the planning commission to comply with the qualification requirements of the Municipalities Planning Code, 53 P.S. §§ 10101 et seq.

Attorney Wise read proposed Ordinance 175 verbatim. Our code said officers were not permitted to serve, however, all these years our elected officials have served on the commission. Ordinance 175 states that pursuant to the MPC, since the planning commission is comprised of seven members, at least five planning commission members shall be citizen members and not be officers or employees of the municipality.

Parin Shah made a motion to recommend approval of Ordinance 175. Carrie Wetherbee seconded the motion. Motion carried 6-0.

Public Comment

Hott PA, Inc. special exception public hearing application was briefly discussed.

There being no further business, Bob Early made a motion to adjourn the meeting at 8:28 p.m. Carrie Wetherbee seconded the motion. Motion carried 6-0.

Respectfully submitted,

Michele L. Clewell
Recording Secretary
September 16, 2010