

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, January 20, 2011 at 7:00 P.M. at the Schoonover municipal Building.

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

2011 Planning Commission Appointments

Chairman – Mark Oney upon a motion of Bob Early seconded by Parin Shah. Motion carried 6-0.

Vice-Chairman – Bob Early upon a motion of Parin Shah, seconded by Scott Schaller. Motion carried 6-0.

Secretary – Parin Shah upon a motion of Bob Early, seconded by Mark Oney. Motion carried 6-0.

Approval of Previous Minutes

Bob Early made a motion to approve the December 16, 2010 minutes. Carrie Wetherbee seconded the motion. Motion carried 6-0.

Plan Submissions

Evergreen II Conservation Subdivision Final Plan –Michael Waldeon P.E. of Ott Consulting presented the Evergreen II Conservation Subdivision Final Plan on behalf of Romec Inc.

Mr. Waldeon stated that the Sewage Planning Modules were delivered Monroe County Planning Commission and they are awaiting a reply.

Attorney Wise questioned as to who will own the open space areas within Evergreen II and Mr. Waldeon replied that the homeowners association will own the open space areas, although an HOA has not yet been formed; he will discuss setting up the HOA with his client while the plan is in the planning approval stages.

Attorney Wise stated that some form of mechanism needs to be in place to prevent the HOA from allowing open space lots' taxes to go unpaid and then up for tax sale, particularly if reserve septic systems are going to be in the open space lots.

There was discussion as to who is responsible to maintain the stormwater basins. Doug Olmstead stated that it would be the HOA/POA's responsibility to maintain the basins; however, the basins could be offered to the Township for dedication. He stated that there is

currently a note on the plan stating an intention to offer the roads for dedication to the Township.

Bob Early made a motion to accept the Evergreen II Conservation Subdivision Final Plan. Parin Shah seconded the motion. Motion carried 6-0.

Pine Glen Lot 49 Minor Subdivision Final – Doug Olmstead stated that this proposal is to subdivide Lot 49 into two new lots, namely, Lot 49-A and 49-B.

Currently both structures share (1) on-lot sewage system. Sewage Planning Module Component No. 1 (Exception) has been applied for because there will never be an established system on Lot 49-B. Pursuant to Component No. 1 instructions, a note must be shown on the plan and deed, prior to final approval.

Attorney Wise stated that she would recommend an easement agreement be recorded for water, sewer and maintenance prior to final approval.

There were concerns that if an easement agreement is done it could be an issue especially if the property sells.

Scott Schaller made a motion to accept the Pine Glen Lot 49 Minor Subdivision Final Plan. John Petrizzo seconded the motion. Motion carried 6-0.

Plan Reviews and Unfinished Business -

Site Alteration Plan for the Site Fill for Tree Tops – Deanna Schmoyer P.E. of HRG Engineering and John Briggs from Bushkill Group were present for discussion.

Ms. Schmoyer stated that the Township Solicitor and Township Engineers review letters have been addressed.

Ms. Schmoyer was questioned if there will be a manifest generated for each load of fill being transported to the fill site. Ms. Schmoyer stated that during the NPDES permitting phase the responsibility comes back on the developer, and if there is a problem The Bushkill Group has a hold harmless on the Township.

Ms. Schmoyer was questioned if they have the correct deed for the property and she stated that originally they had the right of way deed but the correct deed has been submitted.

Attorney Wise asked that Note No. 23 on the plan be corrected to reflect where to find the Pennsylvania Department of Environmental Protections definition, cite the section of the regulations, cite the newest definition on the plan and correct the name on the plan.

There was discussion to require a hold harmless waiver be submitted and approved by the Supervisors prior to final approval regarding the possible contamination of fill material.

Scott Schaller made a motion to approve the Site Alteration Plan for the Site Fill for Tree Tops contingent on receiving a Hold Harmless Agreement . Bob Early seconded the motion. Motion carried 6-0.

Reviews and Recommendations

Murray Pocono Estates - Albert Murray Jr. presented a letter requesting approval to subdivide Lot 28A in the minor subdivision titled "Murray Pocono Estates Section 2" from Lot 28 as approved by the MST Planning Commission on January 24, 1979 and the Supervisors on January 26, 1979.

Mr. Murray was questioned as to whether or not the plan was recorded. Mr. Murray stated that he will provide a copy of the deed.

Attorney Wise stated that Mr. Murray needs to have a corrected deed for Lot 28 prepared and then filed at Monroe County Courthouse that shows Lot No. 28 as Parcel No. 1 and Lot No. 28A as Parcel No. 2, then it would be the recommendation of the Planning Commission to move on to the Supervisors and reverse that subdivision. To avoid sewer planning module problems, it was recommend that Mr. Murray request that Lot 28A be made an inseparable part of the remaining lands adjacent thereto and not yet subject to subdivision but referenced on the map as Future Section 3.

Parin Shah made a motion to recommend approval Mr. Murrays request regarding the Murray Pocono Estates Section 2" from Lot 28 contingent that Attorney Wise and Doug Olmstead review and make sure the language is correct prior to submittal to the Board of Supervisors. Scott Schaller seconded the motion. Motion carried 6-0.

Sketch Plan for Township Owned Proposed Leased Parcel – Doug Olmstead reported that when the then Middle Smithfield Township Municipal Authority purchased sewer capacity from the Bushkill Group, a tract of land containing 1.91 acres in front of the Route 209 Sewage Treatment Plant was included as well.

The desire of the Township is to lease out this property for recreational purposes, such as canoe rentals.

The Institute of Traffic Engineers (ITE) is silent on canoe rentals, therefore Mr. Olmstead has included (21) parking spaces for the rental of 32 canoes.

Mr. Olmsted stated that the dilapidated house on the property will need to be removed.

There was discussion to remove the (30) foot access easement, however, Attorney Wise stated that the easement should remain as Mr. Leroy Lewis needs to be able to access his trailer and the lot is titled separately from the sewer treatment plant lot to which it provides access.

No action required.

Conditional Use Application for a Public Hearing – Attorney Wise reported that a letter was hand delivered by Attorney Weismeth requesting the Hott PA, Inc. Conditional Use Hearing Application recommendation(s) be tabled until the February 17, 2011 Planning Commission meeting.

Parin Shah made a motion to accept the letter from Attorney Weismeth to table the Hott PA, Inc. Conditional Use Hearing Application until February 17, 2011 contingent upon receiving the waiver for time limitations in order to change the February 11, 2011 Conditional Use Hearing date as set by the Board of Supervisors. Bob Early seconded the motion. Motion carried 6-0.

There being no further business the meeting adjourned at 8:50 P.M. upon a motion of Parin Shah seconded by Bob Early. Motion carried 6-0.

Respectfully submitted,

Michele L. Clewell
Recording Secretary
January 20, 2011