

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, February 17, 2010 at 7:00 P.M. at the Schoonover Municipal Building with Mark Oney presiding.

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

Approval of Previous Minutes

Scott Schaller made a motion to approve the January 20, 2011 minutes. Carrie Wetherbee seconded the motion. Motion carried 6-0.

Plan Submissions

Middle Smithfield Township 1.91 ± Acres Parcel with Tax ID No. 9/4/1/80-1 and 9/4/1/80/1/1C Land Development Plan- Doug Olmstead stated that a sketch plan for a portion of the property that the Township owns along Route 209, just north of the Petrizzo property was discussed at the last meeting.

Mr. Olmstead stated that the following modifications are included with the submittal: request not to show contours as the site is very flat with slopes less than 3%, not show existing/proposed signs as only existing small sign indicates location of wastewater treatment facility, lessee to get sign permit for his/her seasonal business, request not to show emergency grid lines as they are no longer used by the county, request not to show centerline profiles as the driveway already exists and slopes on site are less than 3%, request not to provide a stormwater management plan as the site is very flat, seasonal use, less than 15,000 S.F. of total disturbance, request not requiring completion of construction improvements agreement as it is a township project, request to waive fees with application as this is a township project.

Mr. Olmstead reported that the house has been torn down and Porta-potties will be used as no well and septic will be constructed. A construction trailer could be used for an office. The parking lot would be gravel or grass and ADA requirement would be met for parking.

Lease terms of property was discussed with John Petrizzo stated that a 30 year lease of the property would be best.

Bob Early made a motion to accept the Middle Smithfield Township 1.91 ± Acres Parcel with Tax ID No. 9/4/1/80-1 and 9/4/1/80/1/1C Land Development Plan. Parin Shah seconded the motion. Motion carried 6-0.

Plan Reviews and Unfinished Business

Evergreen II Conservation Subdivision Final Plan – Michael Waldeon P.E. of Ott Consulting stated that the Township Engineer's letter marked Review Letter #1 was received as well as the county comments and provided revised plans pursuant to the Engineer's comments.

Mr. Olmstead stated that the PIN (Property Identification Numbers) need to be verified and revised as necessary since Evergreen III had been previously approved and assigned new numbers, the monument on the reverse curve into the cul-de-sac on Lot 4 should move to the other end of the curve and a request for a modification of regulations since grid location numbers are no longer used in Monroe County.

Doug Olmstead stated that the Evergreen II Conservation Subdivision Preliminary Plan received conditional approval in 2009.

Mr. Olmstead stated that he would recommend forwarding the Evergreen II Conservation Subdivision Preliminary Plan to the Board of Supervisors subject to his comments.

Attorney Wise stated that she does not have any supplemental comments to add from what Monroe County Planning Commission or Township Engineer have already stated.

Mr. Oney questioned the county comments regarding the septic. Mr. Olmstead stated that the Sewage Enforcement Officer has signed off on the Sewage Planning Modules.

John Petrizzo made a motion to approve the Sewage Planning Modules and forward them to the Board of Supervisors. Bob Early seconded the motion. Motion carried 6-0.

Bob Early made a motion to accept the request for modification requesting the emergency grid lines not be shown on the plan. John Petrizzo seconded the motion. Motion carried 6-0.

Bob Early made a motion to approve the Evergreen II Conservation Subdivision Final Plan subject to addressing the Engineer's letter, receiving outside agency approvals, and addressing the Township Solicitor's comments. Scott Schaller seconded the motion. Motion carried 6-0.

Daniel Malsch Lot 49 Subdivision Plan – Doug Olmstead stated that he assisted Richard C. Storm, P.L.S. on this plan, therefore, he will not be doing a review letter but will rely on the Monroe County Planning Commission comments dated February 14, 2011.

Mr. Olmstead stated that the applicant is requesting (6) waivers from the SALDO regulations regarding: showing wetlands, providing a stormwater management plan, providing an E & S plan, showing detailed contours, showing emergency grid lines and combining preliminary and final plans.

Mr. Olmstead stated that Dave Manter, Sewage Enforcement Officer reviewed Note No. 12 on the Plan and agrees on the verbiage taken directly from the Pennsylvania Department of Environmental Protection.

There was discussion regarding Attorney Wise's suggestion at January 20, 2011 meeting that she would recommend an easement agreement be recorded for the water, sewer and maintenance prior to final approval, whereby, Doug Olmstead stated that the applicant is working toward getting that agreement completed.

Mark Oney questioned Solicitor Wise if she thought her comments could be addressed prior to the Supervisors next regular meeting. Attorney Wise stated that there is no reason they couldn't be done.

Mr. Olmstead stated that issues raised by Attorney Wise can be addressed prior to the March 10, 2011 Board of Supervisors meeting.

Bob Early stated that this subdivision is going to be problematic in the future. Attorney Wise explained that Conservation Subdivisions have been removed from the new Zoning Ordinance No. 176 as a result of this concern.

It was discussed that the utility agreements will need to be inserted in the new deeds.

Scott Schaller made a motion to approve the (6) requests for modification from the SALDO. John Petrizzo seconded the motion. Bob Early voted no. Motion carried 5-1.

Parin Shah made a motion to approve the special sewage planning modules for planning exemption. Scott Schaller seconded the motion. Bob Early voted no. Motion carried 5-1.

Parin Shah made a motion to recommend approval of the Daniel Malsch Lot 49 Subdivision Plan be forwarded to the Board of Supervisors subject to addressing Attorney Wise's comments and letter dated January 25, 2011 and any Monroe County Comments. Carrie Wetherbee seconded the motion. Bob Early voted no. Motion carried 5-1.

Middle Smithfield Township 1.91 Acre Parcel – Doug Olmstead stated that as there have been no changes from last month, except this plan shows the restrictive covenants on the plan. He would recommend approval subject to Attorney Wise's review with the covenants and language and since the county comments have not been received, subject to the Monroe County comments.

John Petrizzo made a motion to recommend approval of the Middle Smithfield Township 1.91 Acre Parcel Land Development Plan and modifications subject to addressing the Township Solicitor's comments and the county comments prior to the next regular Board of Supervisors meeting. Parin Shah seconded the motion. Motion carried 5-0. Scott Schaller was not present when the vote was called.

Reviews and Recommendations

Conditional Use Application for a Public Hearing - Attorney Wise stated that the Planning Commission has received her review letters dated January 20, 2011, February 16, 2011 and February 17, 2011 for HOTT PA, INC. and review letters from Township Engineer dated January 20, 2011, February 16, 2011 and February 17, 2011.

Doug Olmstead questioned Bob Spano if the applicant or Attorney is here to speak to the Planning Commission. He replied no.

Bob Early stated that he read through Ordinance No. 176 and it is very specific on Conditional Use procedures and the series of steps leading up to the Conditional Use Hearing.

Mr. Early stated that Ordinance No. 176 Section 084-020 C(4)(f) states that the Planning Commission members are suppose to have the information 10 days prior to the meeting, which they only just received the information tonight.

Mr. Early does not believe the application can be reviewed at this time.

There was discussion to request the zoning Officer to push back the date on the Conditional Use Hearing so that the Planning Commission has the 10 days prior to the meeting to review the plan.

Doug Olmstead advised the Board that because Wayne Rohner did not follow proper procedure, the plan should be rejected.

Attorney Wise stated it was improper to reject the Plan because a letter was received from Attorney Weismeth on January 20, 2011, applicants Attorney, granting a 60 day time extension to render a decision on the HOTT PA, INC. application. With the time extension, the Planning Commission has the option to meet again prior to March 25, 2011.

Mr. Spano was questioned as to why his name is not on the deed named under HARIMA, Inc. Mr. Spano stated that he owns HARIMA, Inc. and has the stock certificates as proof of ownership. Attorney Wise confirmed that the deed before the members is what was submitted. Attorney Wise confirmed that she had review stock certificates for HARIMA, Inc. and asked Mr. Spano to provide copies of his stock certificates for the file.

Doug Olmstead stated that Ray Rogers of Frank J. Smith, Jr. Surveying, Inc. contacted him and stated that he would not be at the meeting as he was told by the applicant's attorney that he did not need to be present.

Carrie Wetherbee made a motion to table the HOTT PA, Inc. Conditional Use Application.

Attorney Wise stated that the Planning Commission should mandate that representatives attend the meetings to present their plans – not just for this application but all applications because it is inappropriate for the Township Engineer to summarize and essentially act on their behalf to move plans forward.

Bob Early seconded the motion. Mark Oney stated that the Conditional Use public hearing is still scheduled for February 25, 2011.

Attorney Wise reviewed the dates the application was received and distributed and stated the next Planning Commission meeting is March 17, 2011 and the applicant has until March 24, 2011 to hold the hearing based on the 60 day time waiver.

Attorney Wise stated that the application was received January 20, 2011.

Attorney Wise suggested that the Zoning Officer inform the Township Secretary when a Conditional Use Application is submitted and then an email is generated to the Planning Commission members explaining that a submittal has been received.

Mr. Kevin Hickey (he signed the application as the applicant) stated that he did not speak earlier as his attorney is not present.

Attorney Wise recommended the Board of Supervisors and Zoning Officer reschedule the Conditional Use Hearing after the March 17, 2011 Planning Commission meeting.

Carrie Wetherbee made a motion to amend her previous motion and table the Conditional Use Application for a Public Hearing for HOTT PA, Inc. pursuant to Ordinance No. 176 Section 084-020 C(4)(f) until the March 17, 2011 Planning Commission meeting. Bob Early seconded the motion. Motion carried 5-0. Scott Schaller returned to the meeting after the vote was called.

Parin Shah made a motion to adjourn the meeting at 8:56 P.M. Bob Early seconded the motion. Motion carried 6-0.

Respectfully submitted,

Michele L. Clewell
Recording Secretary
MST Planning Commission
February 17, 2011