

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, March 17, 2011 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 Petrizzo and Bob Chartock. Carrie Wetherbee was absent. Also present were Township Solicitor Jennifer Ann Wise, Esq., Township Zoning Officer Wayne Rohner and Township Secretary Michele Clewell.

Approval of Previous Minutes

Bob Early stated that a correction to the February 17, 2011 minutes should read that Bob Early had asked if the Board of Supervisors considered the length of the lease for the lot. Scott Schaller said one year.

Editors Note: The audio tape was reviewed at Mr. Schaller's request and the minutes are accurate as corrected.

Parin Shah made a motion to approve the minutes with the correction stated by Mr. Early. Bob Chartock seconded the motion. Motion carried 6-0.

Reviews and Recommendations

Guy Moore Variance of Regulations Application for a Public Hearing – Mr. Moore stated that he resides in Northpark Estates and would like to build a 12' foot deck on his home.

Attorney Wise read her comment letter and recommended that a Certificate of Non-conformity be issued for the dwelling, if it is determined that it was legally constructed within the parameters of the ordinances in effect at time of construction, by the Zoning Officer.

Attorney Wise stated that if Mr. Moore is willing to erect the deck off of the existing side deck he would not be required to go before the Zoning Hearing Board; likewise, he could put a patio in the ground that would not trigger a building permit.

Attorney Wise stated in her letter that she does not have a professional opinion at this time as to whether the applicant can and/or will meet the burden to warrant approval of his request for a variance.

John Petrizzo made a motion recommending the Variance of Regulation application for a Public Hearing be forwarded to the Zoning Hearing Board. Bob Chartock seconded the motion. Mr. Oney questioned Mr. Rohner if the deck was built when the house was built would it have been conforming, he stated "no". The application fees were briefly discussed. Attorney Wise stated that Mr. Moore should probably pull his declaration of covenants for Northpark Estates before paying the application fee to review the restrictive covenants that are against his property to be certain that if he spends the time and money to apply for a variance, that if granted, he in fact

could install the deck as opposed to being prohibited by the restrictive covenant; reviewing these covenants will help him protect himself. The motion carried 6-0.

Hott PA, Inc. Conditional Use Application for a Public Hearing

Mr. Robert F. Spano, Sr., property owner, and Mr. Kevin Hickey, applicant, introduced themselves to the Planning Commission members.

Mark Oney stated that the Conditional Use Public Hearing is scheduled for Friday, March 18, 2011 at 4:00 P.M.

Mr. Oney stated that Carrie Wetherbee could not be present tonight, however, she provided a comment letter to be read, whereby Mr. Oney read verbatim Mrs. Wetherbee's letter.

Following lengthy discussion regarding the Hott PA, Inc. Conditional Use Application for a Public Hearing, Scott Schaller made a motion to recommend approval of the application subject to the following recommendations and to have Solicitor Wise forward the recommendations to Special Hearing Officer Attorney Donald Karpowich, Independent Legal Counsel Appointed by the Board of Supervisors, as Township Secretary, Michele L. Clewell, was unable to do so, the following day:

1. The "Adult Use, Live Entertainment Facility" must be operated, at all times, in compliance with the Pennsylvania Liquor Code, as amended from time to time, and the rules and regulations of the Pennsylvania Liquor Control Board.
2. Upon future submission of a formal Land Development Plan, as required by the Zoning Ordinance, parking shall be restricted to:
 - (i) Prohibit no tractor trailer parking on the property;
 - (ii) Require a maximum of (6) parking spaces for buses on the property;
 - (iii) Require that the internal traffic flow on the property be able to accommodate buses; and
 - (iv) The parking area for the "Adult Use, Live Entertainment Facility" shall be separated from the parking areas for other uses on the property with a barrier.
3. A vegetative screen shall be installed along all adjacent R-2 parcels which screen shall be comprised of evergreens (minimum 6' high at time of installation) and deciduous shrubs sufficient at time of installation to create an impenetrable vegetative screen. Any plants that die, at any future date, shall be replaced within a six (6) month period.
4. No parking signs shall be installed along Penn Drive and Lakeview Lane as identified on the plan submission. Editor's Note: Under the new Monroe County 911 re-addressing, Penn Drive is now known as "Charlotte Way" and Lakeview Lane is now known as "place Lane" and this should be noted in the said Condition.

5. The subject parcel shall have no access to Penn Drive and/or Lakeview Lane (as identified on the plan submission) as one of the intentions of the impenetrable vegetative screen is to block access into the residential development behind the subject property.
6. This recommendation of approval of the Application request is Limited to one (1) adult use on this property, specifically an "Adult Use, Live Entertainment Facility" featuring live male and/or female dancers either fully clothed, partially nude or totally nude, and will not in any way involve the displaying, engaging or simulating of "Specified Sexual Activities" as defined in Zoning Ordinance No. 176. No other Adult Use" shall be permitted on this property.
7. The Hours of Operation of the "Adult Use, Live Entertainment Facility" shall be restricted to 4:00 P.M. to 2:00 A.M., seven (7) days a week.

Bob Chartock seconded the motion. Motion carried 6-0.

Scott Schaller made a motion to adjourn the meeting at 10:45 P.M. Bob Chartock seconded the motion. Motion carried 6-0.

Respectfully submitted,

Michele L. Clewell
Recording Secretary
March 17, 2011