



## MIDDLE SMITHFIELD TOWNSHIP PLANNING COMMISSION MINUTES

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, June 19, 2024, at 5:30 pm at Schoonover Municipal Building.

The meeting was held in-person, with the opportunity for public participation through video and audio advanced communication technology ("ACT"), using the ZOOM internet application, including telephone option.

Planning Commission members in attendance: Bob Early, Parin Shah, Carrie Wetherbee, Nick Theofilos, and Mark Oney. Also in attendance, Township Engineer Ben Kutz, P.E. and Planning Commission Solicitor Deborah L. Huffman Esq. and Assistant Township Secretary Holly Dennis.

In Attendance on Zoom: Supervisor Annette Atkinson, Economic Development Manager James Brechbiel, Bonnie Jungfer.

Plan presenters: Bo Root from Hanover Engineering.

### **Call Meeting to Order**

The meeting was called to order at 5:30 p.m. by Bob Early and was opened with the Pledge of Allegiance.

### **Approval of Agenda and any Amendments:**

Carrie Wetherbee made the motion to approve the agenda as written. Nick Theofilos seconded the motion. Motion passed 3-0. Mark Oney and Parin Shah arrived after the motion was made.

### **Approval of the Minutes:**

Carrie Wetherbee made the motion to approve the May 15, 2025, minutes. Nick Theofilos seconded the motion. Motion passed 3-0. Mark Oney and Parin Shah arrived after the motion was made.

### **Correspondence**

None

### **Plan Submittals**

CCP Phase 3 Section 5; Land Development Plan: Ben Kutz briefly explained the plan submittal. A similar plan previously came in between 2008-2013 and received conditional approval. However, that conditional approval has since been revoked. Ben Kutz stated that the plan that is being submitted looks very similar to the previous plan. Attorney Huffman stated that she has a conflict of interest since she also represents one of the developers, and Attorney Armstrong will be handling this review.

Ben Kutz said this is a complete application that can be accepted for review. Carrie Wetherbee made a motion to accept the plan. Nick Theofilos seconded the motion. Motion passed 3-0. Mark Oney and Parin Shah arrived after the motion was made.

### **Plan Reviews and Unfinished Business:**

Mt. Nebo Apartments Phase 2; Preliminary/Final Land Development Plan: Bo Root from Hanover Engineering was in attendance to present the plan and go over the review letter provided by Gilmore and Associates. Mr. Root stated that this is an extension of the current Mt. Nebo Apartments but submitted as a separate Land Development Plan.

Ben Kutz stated that the comments in the review letter are relatively straightforward, but asked Mr. Root to address any concerns or questions Hanover Engineering has.

Mr. Root asked about the public sewer capacity. Ben Kutz said that he believes the 537 Plan will probably require another planning exemption mailer, but it will depend on how the Department of Environment Protection (DEP) wants to handle it. He doesn't believe there will be any infrastructure changes, just a matter of permitting.

Mr. Root addressed the public access trail and stated that part of it had been constructed the last time he was at the property. Ben Kutz stated that the conservation easement note #2 stated that the trail was not noted on the plan and just needs to be consistent across plans.

Mr. Root stated that in the Subdivision and Land Development Ordinance (SALDO) and Stormwater Ordinance, the wetland setback required is 50 feet of the edge of the outer wetland buffer. With the proposed layout, a very small portion of the building (approx. 5 feet) is within the proposed buffer. Mr. Root asked if they would accept a waiver for the encroachment, since they are preserving over 99% of the wetland buffer on the property that will not be developed. Ben Kutz mentioned the right of way for Mt. Nebo Road because the title line for the property doesn't match the centerline, which will impact the 50ft right-of-way required. Mr. Root stated that it would probably move the setbacks a few feet, which will increase the encroachment of the buffer a little more. Attorney Huffman asked if there were any issues with earth disturbance on the inner buffer because of the location of the building. Mr. Root stated no. Mr. Root stated that they are also planning on restoring the outer and inner buffers near the existing home. There is a landscaping plan as an alternative option for anyone who would like to see it. Ben Kutz stated he does not have an issue with the waiver, since from an NPDES permitting standpoint, these kinds of buffers are not necessarily required. Parin Shah asked about the conditional use and open space requirements from Phase 1. Mr. Root stated that there is an existing conservation open space easement from phase 1, and there is an additional 3.31 acres above it of conservation open space easement for the additional proposed units. Mr. Root will submit the formal modification requests.

Mr. Root asked if the updated trip generation letter can be only for the proposed additional apartments. Ben Kutz stated that he believes that it should be treated as a whole since there is a shared driveway but is willing to review any justification and comments in regard to this.

Mr. Root addressed that the plan shows sidewalks located outside of the right-of-way that tie into the existing sidewalks from phase 1. Ben Kutz recommends approving the sidewalks as shown and defers to the township whether a pedestrian access easement is required. Mr. Root asked that due to the nature of the sidewalk that ties into an existing sidewalk, whether they felt an easement was necessary. Ben Kutz recommends at least a partial easement or partial waiver, and submitting a modification request.

Ben Kutz addressed improvements to Mt. Nebo Rd, since it is classified as a minor street in SALDO. Road widening wasn't required for Phase 1, but the township could request widening to get that portion of the road up to township standards. Bob Early stated that where the entrance is located is not the bad part of Mt. Nebo Rd and is a straight-away with decent sight distance.

Mr. Root stated they are requesting a waiver for the requirement for the minimum of one deciduous shade tree per 10 parking spaces in addition to the one deciduous shade tree per dwelling unit, which would be a total of 36 deciduous shade trees. They are currently proposing 41 total for the entirety of the development, including the landscaping proposed for the repair of the wetland buffers. Ben Kutz stated that he believes they are meeting the requirements. Attorney Huffman stated that she believes the concern is where the trees are required to be located. Ben Kutz will take a closer look at the language and see if there was a misinterpretation of the requirement.

Mr. Root asked if orange construction fencing would be adequate fencing around the tree areas for protection. Ben Kutz stated yes. Mr. Root asked for clarification on the area he was referring to for this protection. Ben Kutz stated it is just for perimeter controls to delineate the existing woodland areas.

Mr. Root stated they will be submitting a modification request to use alternate rainfall data than what is required in the ordinance that is more specific to the location.

Ben Kutz stated that the township is in the process of adopting an ordinance that will establish a more formal relationship with the fire marshal. He recommended reaching out to Michele Clewell for the contact information for the fire marshal and reaching out to them directly to review the plan.

Ben Kutz asked about the status with PA American Water. Mr. Root needs to confirm.

Ben Kutz asked about the status of the NPDES permitting. Mr. Root stated they submitted application for completeness, waiting for a response.

Ben Kutz asked Attorney Huffman about this being a standalone plan development plan with the shared improvements of phase 1 if it should be amended to include phase one. Attorney Huffman asked if anything that was approved for phase 1 is being modified in this plan. Mr. Root stated that no, there are no changes to phase 1. Attorney Huffman and Ben Kutz agreed that there should be a reference to phase 1, but could likely be handled as a standalone plan; however, Attorney Armstrong should be consulted.

Mark Oney addressed the Monroe County Planning Commission's comments about dumpsters. Mr. Root stated that existing dumpsters will be used, no additional disposal is being proposed. Mr. Root also stated that there is only currently pedestrian access. Mr. Oney also addressed the proposed storage units. Mr. Root stated they were proposed for phase 1 but are not existing. Mr. Root will need to confirm. Carrie Wetherbee asked about the traffic flow for the proposed storage units. Mr. Root stated that he believes that traffic was factored into the original plan. Mr. Oney asked about the plan for snow removal, since there is nowhere to put the snow. Mr. Root will confirm and report back on both comments.

Bob Early reminded Mr. Root that the plan deadline is August 15, 2025, and should consider submitting a time extension.

Parin Shah made a motion to table action on the plan, Carrie Wetherbee seconded the motion. Motion passed 5-0.

Personal Care Home Land Development Plan; Carrie Wetherbee made a motion to table discussion until the July 17, 2025 meeting. Parin Shah seconded the motion. Motion passed 5-0.

Marshall's Square Shopping Center Land Development Plan; Carrie Wetherbee made a motion to table discussion until the July 17, 2025 meeting. Parin Shah seconded the motion. Motion passed 5-0.

### **Other Reviews and/or Recommendations**

SALDO Ordinance Amendment; The proposed ordinance now will require 6 copies of plans to be submitted.

Carrie Wetherbee made a motion to recommend approval of the proposed ordinance with the changes in the number of copies required. Parin Shah seconded the motion. Motion passed 5-0.

Zoning Ordinance Amendment; Members of the planning commission were provided copies of the draft zoning ordinance to review and provide comments at the July meeting.

### **New Business**

Middle Smithfield Township Contract for Professional Services; A copy was provided to the planning commission for reference.

### **Continuing Education**

Penn State Extension; Carrie Wetherbee advised the members on the seminar she took regarding the change of population and the impacts of it.

### **Public Comment**

None

### **Next Meeting**

July 17, 2024, at 5:30 p.m.

### **Adjourn**

Carrie Wetherbee made a motion to adjourn the meeting at 6:41 p.m. Nick Theofilos seconded the motion. Motion passed 5-0.

Respectfully submitted,

Holly Dennis  
Assistant Township Secretary  
June 19, 2025

