

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, February 20, 2014 at 7:00 p.m. at the Schoonover Municipal Center with Mark Oney presiding.

Members present: Mark Oney, Bob Early, Parin Shah, Carrie Wetherbee, Wayne Bolt, Dr. William Surino and Patricia J. Griffin. Also present, Planning Commission Solicitor Todd Weitzmann, Esq., Township Engineer Fred Courtright was unable to attend, however Gilmore & Associates Representative Mike Swartz, P.E., was present, Township Secretary Michele L. Clewell.

Interested parties in attendance; Frank J. Smith, Jr. P.L.S. Township Supervisors' Annette Atkinson and Michael Dwyer.

Approval of Minutes

Wayne Bolt made a motion to approve the January 16, 2014 minutes. Carrie Wetherbee seconded the motion. Motion passed 7-0.

Plan Submittals

None

Plan Reviews and Unfinished Business

Brian Craig-Wankiiri Minor Subdivision and Modification Request– Frank J. Smith, Jr. was present on behalf of the applicant to present the minor subdivision for review. Mr. Smith stated that this subdivision will create two lots off of Cold Spring Road; one on the West side that encompasses 2.53 acres and on the East side where the barn is on the 6.421 acre tract. Lot two has been tested for on-site septic and PA DEP has approved the Planning Module.

Fred Courtright' letter dated February 19, 2014 recommends approval of the plan and modification request.

Bob Early made a motion to approve the modification request. Parin Shah seconded the motion. Motion passed 7-0.

Bob Early made a motion to approve the minor subdivision plan. Carrie Wetherbee seconded the motion. Motion passed 7-0.

Reviews and/or Recommendations

Church of God Holy Ground, Inc. Sketch Plan - Chris McDermott, P.E. of Reilly Associates presented on behalf of his client a sketch plan for discussion purposes only.

Mr. McDermott stated his clients are looking to purchase two parcels of land on Sellersville Road, half way between Route 209 and the Tom X Road. The building was previously used as a tool manufacture. There are two buildings and two driveways on the property. There is a paved area that extends behind an existing building that would accommodate twenty parking spaces. Currently there is an on lot septic system but it's not adequate and his client is aware that they will have to construct a new septic system. They have already contacted All State Septic.

The church wishes to utilize the buildings for the sanctuary and office. Worship services would be held on Friday nights and Sunday during the day. Parking would be .3 parking spaces per seat and they need about 20 to 25 spaces. Mr. McDermott stated that herecommends construction of additional parking spaces and he has outlined an additional 16 for a total of 36 spaces.

No alterations to the buildings would be done. The driveway would have to be widened and recommends the northern driveway be closed off as the site distance is very poor.

Mr. McDermott stated that they do not meet the definitions of the requirement to submit a land development plan as the amount for alterations is less than 20,000 sq.ft. for alternation.

They are here to get feedback and the Reverend is here to answer any questions.

Bob stated that the threshold is 20000 sq. ft. and this is under all that however,it's more than a residence and believes that a land development plan is critical as there issues with high traffic, and the parking is a lot different than just a residence. The township needs to be protected.

Chris McDermott stated that the site plan can go through with just the zoning officer.

Attorney Weitzmann asked if the twoadjacent lots will be joined. Mr. McDermott stated no, that they are not proposing it now. He also stated that there may be a setback issue. Attorney Weitzmann stated that he would like to speak to Twp Solicitor Michael Gaul, Esq. as he understands the argument of the land development plan requirement definitions; however, although not improving the building, they are nonresidential structures and he is not prepared to give a legal opinion tonight. Chris McDermott stated that this is a big cost to the church.

Reverend Sanchez stated that when they came in October 2013 to the township they were told that only a change of use was required by the previous zoning officer. With the recent changes they were told about the land development plan requirement. He stated that his bank is not willing to move forward until they have everything in place. Currently they have (70) parishioners and are located within the Middle Smithfield Presbyterian Church and they don't have a lot of funds.

Chris McDermott stated that Attorney Weitzmann should look at the land development plan requirements definition and speak to Attorney MichaelGaul and get back to him.

Parin Shah stated that he would recommend closing off that driveway that Chris McDermott spoke of.

The planning commission members asked Attorney Weitzmann look into the definition as previously discussed and coordinate with the planning commission prior to the next meeting of March 20, 2014.

Pocono Marketplace LLC Temporary Use Request – A request was received by the zoning officer from Pocono Marketplace LLC , (tenant) to sell flowers and shrubs this coming spring season on a temporary basis at the Pocono Square Mall. The tent would be operational from March to June 2014 and would occupy the parking area and side-walks. (A Representative was present at the meeting on behalf of the tenant).

The Zoning Ordinance Section 044-080 N. H14 Use, temporary (4) states that “A land development plan is required in compliance with SALDO requirements”. The tenant is requesting the planning commission accept the current land development plan that is in place in order for the zoning officer to issue a temporary permit.

A memorandum from Shawn McGlynn, Zoning Officer dated February 20, 2014 asks that the planning commission explore the possibility of a waiver of a fully developed land development plan for the temporary use.

Bob Early stated that the planning commission cannot give relief from the zoning ordinance that would have to go before the zoning hearing board. Attorney Weitzmann stated that the commission cannot second guess the zoning officer and this board only recommends. Following lengthy discussion, Attorney Weitzmann stated that the decision is up to the zoning officer not the planning commission.

Parin Shah made a motion to tell the zoning officer that this is a zoning hearing board matter or a decision that must come from him and to look at the current land development plan, specially the conditional use provision for the flea market. Wayne Bolt seconded the motion. Motion passed 7-0.

New Business

None

Continuing Education

Supervisor Atkinson handed out binders to the newest planning commission members, Pat Griffin and Bill Suriano. Ms. Atkinson stated that the binders contain informational tools that will help them with their new volunteer positions on the planning commission.

Ms. Atkinson announced that the PSATS 2014 convention will be soon and if anyone is interested in attending to please notify Michele Clewell.

Adjournment

Bob Early made a motion to adjourn the meeting at 8:05 p.m. Parin Shah seconded the motion. Motion passed 7-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary