

The Middle Smithfield Township Board of Supervisors held a special meeting on Tuesday, March 27, 2012 at 7:00 P.M. at the Schoonover Municipal Building with Mitchell Marcus presiding.

Members present: Mitchell K. Marcus, Annette Atkinson and Michael Dwyer. Also attending, Township Solicitor Michael Gaul, Township Engineer Fred Courtright, Township Zoning Officer Wayne Rohner, Township Secretary Michele Clewell, Stenographer Tara Figuccio and numerous residents and interested parties.

Attorney Gaul announced that two proposed ordinances and one conditional use application are on the agenda and if anyone wishes to be a party to the proceedings to please sign the sign in sheets.

Mitchell Marcus announced the upcoming townships' Easter Egg Hunt on March 31, 2012 at Resica Park from Noon – 4 p.m. and the Maddie Law Character Brunch to be held at the Reform Church of Bushkill also on March 31, 2012. Mr. Marcus asked for volunteers for the Easter Egg Hunt and also thanked the many volunteers who have already helped stuff plastic eggs.

Solicitors Report

Settlement Agreement and Release Sam Ginnel and Donna L. Christner; Attorney Gaul stated that due to an improperly approved on-lot septic system, an agreement was reached and prepared Attorney Gaul stated that the Supervisors have a revised agreement to identify the property.

Mitchell Marcus made a motion to approve the revised Settlement Agreement and Release between Sam Ginnel and Donna L. Christner and Middle Smithfield township and that once the document is fully executed a check be issued as noted in the agreement. Michael Dwyer seconded the motion. Motion carried 3-0.

Big Ridge Developers Robert Pritz; Attorney Gaul stated that he has spoken to Attorney Wengiel who represents Mr. Pritz and the parties agree to enter into another Standstill Agreement for another 120 days from March 5, 2012.

Mitchell Marcus made a motion to enter into another Standstill Agreement with Robert Pritz for an additional 120 days from March 5, 2012. Annette Atkinson seconded the motion. Motion carried 3-0.

Engineers Report

Chapter 94 Reports for the Fernwood and Winona Lakes Sewage Treatment Plants; Fred Courtright stated that the Chapter 94 Reports are required by PA DEP and the goal is to keep the municipality from overloading the facilities.

Annette Atkinson made a motion authorizing the Chairperson to sign both Chapter 94 Reports in order for them to be submitted to PA DEP. Michael Dwyer seconded the motion. Motion carried 3-0.

New Business

Robert Chartock submitted his letter of resignation from the Economic Development Committee effective March 31, 2012 for personal reasons.

Mitchell Marcus made a motion to accept Mr. Chartock's letter of resignation from the EDC. Michael Dwyer seconded the motion. Motion carried 3-0.

Public Hearing(s)

Tara Figuccio of Panko Reporting took a stenographic record of the (3) public hearings.

Proposed Ordinance No. 183; Amending Part II, General Legislation, Chapter 200 "Zoning", Attachment 3 "Township of Middle Smithfield Table of Use Regulations within Zoning Districts"...

Michael Dwyer made a motion to open the public hearing for proposed Ordinance No. 183 at 7:10 P.M. Annette Atkinson seconded the motion. Motion carried 3-0.

Attorney Gaul went through all the exhibits presented for proposed Ordinance No. 183 for the record.

Public comment was received regarding Township of Middle Smithfield table of use regulations within zoning districts so as to prohibit use category F1 adult use in the C-1 Commercial Zoning District.

Annette Atkinson made a motion to close the public hearing for proposed Ordinance No. 183 at 7:19 P.M. Michael Dwyer seconded the motion. Motion carried 3-0.

Proposed Ordinance No. 184; Amending Part II, General Legislation, Chapter 200 "Zoning", Appendix "A" "Middle Smithfield Township Zoning Map of 2010-A" to Change the Zoning District Classification of a Certain Property...

Michael Dwyer made a motion to open the public hearing for proposed Ordinance No. 184 at 7:20 P.M. Annette Atkinson seconded the motion. Motion carried 3-0.

Attorney Gaul went through all the exhibits presented for proposed Ordinance No. 184 for the record.

No public comment was received.

Michael Dwyer made a motion to close the public hearing for proposed Ordinance No. 184 at 7:21 P.M. Annette Atkinson seconded the motion. Motion carried 3-0.

Annette Atkinson made a motion to adopt Ordinance No. 183. Michael Dwyer seconded the motion. Motion carried 3-0.

Michael Dwyer made a motion to adopt Ordinance No. 184 as revised. Annette Atkinson seconded the motion. Motion carried 3-0.

Conditional Use Application; Hillside Resort Property Treatment Facility

Attorney Gaul presided over the Conditional Use Public Hearing at the request of the Board of Supervisors.

Attorney Gaul stated that the Supervisors will consider the application of JL and Associates, Stroudsburg LP affiliated with Pyramid Health Care, Inc.

Presenting on behalf of the Applicant: Attorney Robert Wracher, Jason Hendricks Vice-President of Operations for Pyramid Health Care, Inc. and Christopher McDermott, P.E. of Reilly Associates.

Attorney Wracher stated that the applicant has additional exhibits to present.

Attorney Gaul went through the Township Exhibits with Wayne Rohner, Zoning Officer.

Christopher McDermott, P.E. stated that a revised plan dated March 27, 2012 shows the (16) acre tract of land off of Frutchey Road within a C-1 Zoning District. He stated that there are no new buildings proposed.

Currently there are (84) parking spaces and the new use requires for (54) parking spaces. The traffic threshold is under what would require a traffic study.

Mr. McDermott stated that the landscaping requirements under the SALDO call for street trees even though there are existing trees. He stated that they tried to introduce a landscaping feature to put in a split rail fence on the southern side of the property and run it to the existing swale and will add Evergreen plantings 25 feet apart and extend to the Northern edge of the swale.

Mr. McDermott proposed an emergency gate to Saunders Court.

Mr. McDermott stated that the property is currently served by on lot well and septic. A Water Analysis dated March 15, 2012 was presented to the Middle Smithfield Township Planning Commission at their last meeting.

He stated that there is enough sewage capacity for (98) beds at the facility and proposes metering the water flow against the number of beds and as the number goes up, due to the increase of beds, that information would be given to the township.

Mr. McDermott recommended metering the water flow and performs the soil testing if expanding the sewage beds is needed in order to get approval.

Lights and illumination at the facility was briefly discussed.

Attorney Gaul asked if the Applicant is satisfied with the Middle Smithfield Township Planning Commission's recommendations. Attorney Wracher said "yes".

Attorney Gaul asked what the trigger point is when they come back to the Township for sewer issues. Mr. McDermott stated that with the water meter readings....Attorney Gaul asked if they would be willing to take steps to do sewer planning at 80% capacity. Mr. McDermott and Attorney Watcher said "yes".

Chris McDermott stated that he would recommend metering the water in order to gauge the sewer as it's much easier and in order to monitor the water; the applicant would have to install a water meter with daily readings done by an employee of the business.

Attorney Wracher was asked about the patients vehicles and leaving them at the facility. He stated that patients are not allowed to leave their cars at the facility although with the understanding that it's not 100% but close. Attorney Wracher There stated that they would accept this as one of the conditions.

Following testimony by Jason Hendricks Vice-President of Operations and the presentation of additional exhibits, Attorney Gaul stated that the evidence will be closed and will now allow for public comment and the Supervisors will decide if a decision will be given tonight or if they will reconvene for another meeting.

Public comment was received regarding the need for sprinklers at the facility; statements in favor and against the facility were given, visiting hours, traffic studies and the possibility of contraband being brought into the facility.

Attorney Gaul stated that he provided Attorney Wracher a White Paper from the Economic Development Committee, although it is not a part of the evidence it is EDC comments.

Albert R. Murray, Jr. owner of the property stated that a meeting did take place with Pyramid Health Care, Inc. and the residents of Murray Pocono Estates. He stated that everyone is going to try to work together and will meet again April 22, 2012 with the homeowners and townhouse residents. Mr. Murray stated that they will continue to have meetings with the residents.

Attorney Gaul went through all the exhibits that were presented.

Attorney Gaul stated that the Board of Supervisors could vote on the matter or think about it and reconvene the meeting for another date and time.

Mitchell Marcus stated that the consensus of the Board of Supervisors is to meet again on May 1, 2012 at 7:00 P.M. Attorney Watcher agreed to come back for a decision on the conditional use application.

Attorney Gaul recommended the Findings of Fact and Conclusion of Law be submitted by Attorney Watcher within 21 days of the hearing.

Mitchell Marcus made a motion to continue the Conditional Use Application; Hillside Resort Property Treatment Facility decision until the Board of Supervisors regular meeting, May 1, 2012 at 7:00 P.M. Michael Dwyer seconded the motion. Motion carried 3-0.

Mitchell Marcus made a motion to adjourn the meeting at 9:40 P.M. Michael Dwyer seconded the motion. Motion carried 3-0.

Respectfully submitted,

Michele L. Clewell,
Township Secretary
March 27, 2012