

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, January 15, 2015 at 7:00 p.m. at the Schoonover Municipal Building.

Members present: Bob Early, Parin Shah, Carrie Wetherbee, Wayne Bolt and Dr. William Suriano, Planning Commission Solicitor Todd Weitzmann, Esq., Township Secretary Michele L. Clewell were also in attendance. Mark Oney was absent.

Drake C. Stinson, P.E., & Marie Deresky and Supervisor Annette Atkinson were also in attendance.

### **2015 Organization**

Chairman – Mark Oney upon a motion of Bob Early, seconded by Carrie Wetherbee. Bill Suriano closed the nominations. Motion passed 5-0.

Vice – Chairman – Bob Early upon a motion of Wayne Bolt, seconded by Carrie Wetherbee. Bill Suriano closed the nominations. Motion passed 5-0.

Secretary – Parin Shah upon a motion of Carrie Wetherbee, seconded by Bob Early. Bill Suriano closed the nominations. Motion passed 5-0.

### **Approval of Minutes**

Wayne Bolt made a motion to approve the November 20, 2014 minutes. Parin Shah seconded the motion. Motion passed 5-0.

### **Plan Submittals**

None

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

None

### **Reviews and or Recommendations**

Marie Deresky; Sketch Plan for a (5) Lot Subdivision – Ms. Deresky had recently submitted a sketch plan and paid a fee for the township engineer to review the plan. However, Ms. Deresky has an unpaid bill for township review costs in connection with a *prior* subdivision plan. Attorney Weitzmann explained that under the Municipalities Planning Code the township can refuse to issue any permits or approvals if an applicant is in violation of an ordinance. Because Ms. Deresky's failure to pay her prior review bill to the township puts her in violation of an ordinance, the township can refuse to review her new plan or issue any further approvals or permits until Ms. Deresky pays her prior bill. Attorney Weitzmann explained that the Middle Smithfield Township Planning Commission is not comfortable in reviewing or discussing the plan without its engineer present. Mr. Deresky was free to present the plan, but the Planning Commission was equally free to refrain from commenting on the plan. Attorney Weitzmann went on to say that sketch plans were not a mandatory part of the plan review process under the MPC, but instead are just a courtesy to an applicant who is seeking input from the township.

Drake Stinson, P.E. for the applicant stated that he was prepared to present the plan now or next month.

Ms. Deresky stated that the prior submittal is still in dispute and the State is still reviewing her complaint. She stated that she was told to submit a brand new plan and put the past in the past as the new plan does not have anything to do with the disputed plan and allow the State to investigate it.

Attorney Weitzmann stated that the Municipalities Planning Code doesn't differentiate between old and new plans, and if there is a violation of an ordinance the township can withhold permits or approvals for *any plan*. Attorney Weitzmann explained to Ms. Deresky that if she had a dispute over the prior fee, she needed to take that up with the Board of Supervisors and not with the Planning Commission. The Planning Commission should not get in the middle of township fee disputes.

Bob Early stated that Ms. Deresky should review the matter with the Board of Supervisors as he is sure they would be happy to meet with her.

Bill Suriano stated that since he has been on the commission, he does not recall any sketch plans coming before the commission in which the applicant has an unresolved dispute with the township and does not want the commission to set a precedent by conducting a review.

**New Business**

None

**Discussion**

None

**Continuing Education**

Carrie Wetherbee and Bill Suriano have signed up for the Penn State Extension Land Use Decision Making Winter/Spring 2015 and the Monroe County Planning Commissions Planning Fundamentals II seminar.

**Public Comment**

None

**Adjournment**

Parin Shah made a motion to adjourn the meeting at 7:12 p.m. Carrie Wetherbee seconded the motion. Motion passed 5-0.

Respectfully submitted,

Michele L. Clewell  
Recording Secretary  
January 15, 2015