

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, January 19, 2012 at 7:00 P.M., at the Schoonover Municipal Building with Mark Oney presiding.

Members present: Mark Oney, Robert Early, Parin Shah, Scott Schaller, Carrie Wetherbee and Wayne Bolt. Also in attendance, Planning Commission Engineer Fred Courtright, P.E., Planning Commission Alternate Engineer Christopher McDermott, P.E. Planning Commission Solicitor Todd Weizmann, Esq., Alternate Planning Commission Solicitor Michael Gaul, Esq., Township Secretary Michele Clewell and several interested parties. (Robert Chartock was not present.)

Wayne Bolt requested a moment to address the Planning Commission Board and members of the audience. Mr. Bolt thanked Township Supervisor Annette Atkinson for his appointment to the commission, but he cannot sit on the commission with Scott Schaller as Mr. Schaller has cost the township a lot of money and until Mr. Schaller is removed he will not be back.

2012 Reorganization

Chairman – Mark Oney, upon a motion of Parin Shah, seconded by Scott Schaller. Motion carried 5-0.

Vice-Chairman – Robert Early upon a motion of Parin Shah, seconded by Carrie Wetherbee. Motion carried 5-0.

Secretary – Parin Shah, upon a motion of Robert Early, seconded by Scott Schaller. Motion carried 5-0.

Approval of the Prior Minutes

The minutes were not available for approval.

Plan Submissions

Hott PA, Inc. - Preliminary Land Development Plan – Jodi Litus, P.E. Presented the Hott PA, Inc. Preliminary Land Development Plan on behalf of the applicant. Mr. Litus stated that there is an existing public hotel and want to use an existing building and rent to Hott PA, Inc. for an adult use. Parking would be added while bringing it up to code.

Mr. Litus stated that access from the existing driveway will be utilized and there will be limited amount of impervious surface.

Mr. Litus stated that the storm water management plan shows where it is divided into (2) sites; drainage north and south and Milford Road.

Mr. Litus stated that the original submission was missing (2) pages however those (2) pages have been received by the Township.

Mr. Litus stated that the warehouse will be converted. When asked if there would be water or bathrooms. The applicant Kevin Hickey and Attorney Joe Weismeth both stated there would be water and bathrooms.

Fred Courtright stated that based on what we have received the submittal is complete.

Robert Early stated that his copy of the plan is not signed or sealed by the Engineer. Fred Courtright concurred with Mr. Early's statement. Attorney Weizmann stated that "this is an administrative issue and this plan is being submitted in reliance to a Conditional Use approval that is on appeal to the Court of Common Pleas, if that court were to reverse the Conditional Use approval this plan may not be permitted. It is important that the Applicant is aware of that while the Township is accepting this application for review, the applicant is put on notice that they are proceeding at their own risk. If the court reverses the conditional use approval and the applicant's proposed development is no longer permitted, the applicant will still be responsible for all township review fees in connection with the land development application."

Scott Schaller made a motion to accept the Hott PA, Inc. - Preliminary Land Development Plan with the condition that (3) signed and sealed copies of the plan must be received by the Township by Monday morning (within 48 hours) and for the record the applicant is proceeding at their own risk, if the conditional use is appealed you could lose this.

A question was asked to explain the (90) day approval process and what are the changes from the plans in November compared to the plans submitted this evening. The approval process was explained and Attorney Weismeth stated that the difference between now and then is that there was a lot more engineering data needed and is now shown on the plan.

Jodi Litus, P.E., stated that there will be set backs from the current septic and they will try to use the existing system. Attorney Weismeth stated that some of the units located on the property will be removed.

A question was asked if the pub and not the gentleman's club could be hooked up to the central sewer or vice-versa. Fred Courtright stated that he wants to look into that before answering.

A member of the audience stated that the property owned by John Lowris does flood and it is marshy and there is an odor.

Fred Courtright stated that the Township Sewage Enforcement Officer could visit the site and review the septic now in order to provide a report to the commission. (No action taken)

Robert Early stated that there is currently a park permit issued for the nearby property.

Robert Early seconded the motion to accept the Hott PA Preliminary Land Development Plan. Motion carried 5-0.

Plan Reviews and Unfinished Business

Marie Deresky Minor Subdivision Plan – It was stated that a letter was received requesting the plan be tabled and providing an extension of time to render a decision until May 17, 2012. Ray Rogers of Frank Smith, Jr. P.L.S. Stated that they are very close to completing the plan. Robert Early made a motion to table the plan and grant a (60) day time extension to render a decision. Carrie Wetherbee seconded

the motion. Motion carried 5-0.

Turkey Hill Minit Market Minor Subdivision Plan – Ray Rogers of Frank J. Smith, Jr., P.L.S. Stated that the Turkey Hill Minit Market was built as a lease hold about two years ago and now they wish to own it. This plan will confirm that the lease hold turns into a subdivision.

Fred Courtright stated that he would recommend the plan be forwarded to the Board of Supervisors as all the engineering comments have been addressed. Attorney Weizmann stated that there are no legal comments.

Scott Schaller made a motion to forward the Turkey Hill Minit Market Minor Subdivision Plan be forwarded to the Board of Supervisors. Carrie Wetherbee seconded the motion. Motion carried 5-0.

Monroe Pike Land LLC, Country Club of the Poconos Phase 3 Section 5 PRD Plan – Planning Commission Attorney Todd Weizmann stated that he has a conflict; thereby Township Attorney Michael Gaul stepped in. Fred Courtright P.E. Stated that he has a conflict, thereby Alternate Engineer Christopher McDermott, P.E., of Reilly Associates stepped in. Attorney Weizmann asked to be excused if the commission did not have anything further for him. Mark Oney excused Attorney Weizmann for the remainder of the meeting.

Brick Linder P.E., of Linder Engineering and Attorney Charlie Vogt presented the plan on behalf of Monroe Pike Land LLC, Bob Brown, applicant.

Attorney Gaul stated that he met with the developer and their attorney to review the plan.

Attorney Gaul stated that a letter was submitted by Attorney Vogt dated January 19, 2012 providing for a time to waive on behalf of the applicant the specific requirements as set forth the SALDO and the MPC requiring a decision by the Planning Commission within (90) days from the plan submission receipt date and waiving for an additional period ending May 12, 2012 the requirements that the Board of Supervisors render a decision on the plan within the time specified in the SALDO and the MPC.

Following discussion regarding the submitted letter, it was agreed to add the following verbiage to the letter to: “Extension to apply to all action time and notice deadlines under the MPC and Township ordinances on Land Use, including PRD approval, that may be applicable to Township action on submitted plans, both Board of Supervisors and Planning Commission”. Attorney Vogt agreed and signed the letter agreeing to the wording.

Attorney Gaul stated that the original PRD from 1988 is inconsistent with the MPC but that will not be a problem.

Christopher McDermott stated that the applicant did get a 1st review letter from him and the one being discussed tonight is the 2nd review letter dated January 19, 2012.

Attorney Vogt stated that this plan is under the PRD and is a final plan but the developer may want to develop in sub-phases but that will depend on the stormwater work. He also stated that although this

is a final plan the bonding will be in phases.

Open space was discussed regarding the layout of the proposed plan.

The tax Identification numbers was discussed. The tax parcel number consolidated the tax parcel numbers, this is the 28.87 acres.

Attorney Charlie Vogt stated that there will be no cutting within the 50" foot setbacks, except where the (2) storm water facilities have to go. They will do planting on the berm. Attorney Gaul stated that it sounds like they are requiring a waiver, but Attorney Vogt stated that once Mr. Linder finish the stormwater plan, then they will determine if they did a waiver.

How are we going to work on this as the person next to the stormwater is going to come in and want something within that 50 feet of the stormwater.

Brick Linder stated that the layout is the exact same as the previous submission. They have to do some additional calculations but give them the opportunity to accommodate the new calculations and to provide the buffer that everyone is speaking of.

Christopher McDermott's review letter #2 was discussed at length.

Comment #15 – parking was discussed. The 24 feet is border line to park a car. Brick Linder suggests following Monroe County and make the roads 18 feet roads whereby the people would have to park in the driveway. Bob Early doesn't like the suggestion as it would make it difficult for emergency vehicles to access the properties.

There was a suggestion of 20" foot wide roads for single units and 24" foot wide roads for double units in order for parking.

Attorney Vogt stated that the (3) retaining walls are being reevaluated.

Attorney Vogt asked for direction regarding the parking: Christopher McDermott stated that if they can get access to the units with a car parked across the street from the unit, he would support the 24" feet driveway. Mr. McDermott stated that they should provide a diagram of a car parked across the street. Attorney Gaul asked where would a visitor park. Attorney Vogt stated the overflow parking is shown on the plan.

Attorney Vogt stated that they will look at Pinehurst a little closer.

Comment No. 16, Attorney Vogt stated that he did not believe they need to screen out the 5 spaces. Planning Commission stated that don't want them screened. Attorney Gaul stated these things should be modifications to the Ordinance.

Comment No. 20 – Christopher McDermott requested an addition or a modification/waiver. Attorney Gaul stated that he will review the Ordinance and determine the wording for the modifications.

Comment No.23 and No. 28 – Attorney Vogt stated that they will seek modifications for both of these comments.

Comment No. 37, Attorney Vogt stated that they will comply with a landscaping plan

Comment No. 38 – Traffic study is not required, per Attorney Vogt.

Comment No. 43 – Brick Linder stated that additional calculations will be forthcoming.

Comment No. 46 – Christopher McDermott stated that this should be extended to the paved area.

Following further discussion, Attorney Vogt requested that the plan be tabled in order to address the Engineering comments and return next month.

Mark Oney asked about the Monroe County Planning Commission comments. Attorney Vogt stated there were minor comments received.

Bob Early stated that page 7 of 7 is the erosion and sediment plan and is not included with the submitted information. Brick Linder stated that the E&S plan has to be re-calculated and once that is complete the plan will be provided to the Engineer and Planning Commission members.

There were questions concerning the Settlement Agreement Page 2 item No. 4. Attorney Vogt stated that he would look into it.

It was stated that there should be some type of access into and out of the stormwater basin.

Mark Oney asked if the trees will remain in between Rivera and Pinehurst. It was stated that there will be limited disturbance.

Bob Early stated he has some questions regarding the Settlement Agreement, page 3 No. 10. Attorney Vogt stated that he will provide a copy to Mr. Linder.

Attorney Gaul and Attorney Vogt stated they will review the PRD Ordinance with regard to request for modifications.

Parin Shah made motion to accept the letter from Attorney Vogt dated January 19, 2012 with the revisions for time limitations. Bob Early seconded the motion. Motion carried 5-0.

Carrie Wetherbee made a motion to table a decision on the plan and stated that Monroe Pike LLC needs to come back with the modifications and waivers. Parin Shah seconded the motion. Motion carried 5-0.

Reviews and Recommendations

Edward Regina/Adams Outdoor Advertising – Application for a Public Hearing; Request for Variance from Zoning Ordinance - No action required.

Public Comment

Patricia J. Griffin stated that with regard to the CCP plan, you shouldn't have to do it now just because it was done before, let's not repeat it. Mark Oney and Bob Early both agreed.

Parin Shah made a motion to adjourn the meeting at 9:16 p.m. Carrie Wetherbee seconded the motion. Motion carried 5-0. .

Respectfully submitted,

Michele L. Clewell,
Recording Secretary
January 19, 2012.