

The regular meeting of the Middle Smithfield Township Planning Commission was held on February 16, 2012 at 7:00 p.m. at the Schoonover Municipal Building with Mark Oney presiding.

Members present: Mark Oney, Bob Early, Parin Shah, Carrie, and Wetherbee. Scott Schaller, Wayne Bolt and Gary Summers. Also in attendance, Attorney Todd Weitzmann, Alternate Attorney Michael Gaul, Fred Courtright, P.E., Alternate Engineer Chris McDermott, P.E. and Township Secretary Michele Clewell.

Mark Oney welcomed newly appointed member to the Planning Commission, Gary Summers and welcomed back Wayne Bolt.

Approval of Minutes

Carrie Wetherbee made a motion to approve the December 12, 2011 minutes. Wayne Bolt seconded the motion. Gary Summers abstained from voting. Motion carried 6-0.

January 19, 2012 – Carrie Wetherbee made a motion to approve the January 19, 2012 minutes. Wayne Bolt seconded the motion. Gary Summers abstained from voting. Motion carried 6-0.

Plan Submissions

Marshalls Square Shopping Center – Fred Courtright asked who was presenting the plan. Phil Natosi, representative for Marshalls Square stated that he was present for the plan. Mr. Courtright stated that the submission is incomplete and asked why we have a site plan. Mr. Natosi stated that Wayne Rohner, Zoning Officer told him to submit (10) copies to the Planning Commission for review as there are some revisions to the plan.

Following lengthy discussion, it was determined by the information provided by Mr. Natosi, although no one officially reviewed the plan, that the revised final record plan shows that the conditions set by the previous Board of Supervisors were met with regard to the lighting plan and automobile changes etc.

Attorney Todd Weitzmann stated that if there are changes on the plan then it needs to come to the Planning Commission but if there are no changes, it should go to the Board of Supervisors. Mark Oney stated that Mr. Natosi should set up an appointment with the Township Secretary to review the time table. No action required.

Plan Reviews and Unfinished Business

Marie Deresky Minor Subdivision Plan – Fred Courtright stated that his review letter dated February 10, 2012 is in response to a letter from Ray Rogers; P.L.S. of Frank J. Smith, Jr., Inc. dated February 2, 2012.

Three modifications requests have been submitted:

1. Applicant is requesting not to be required to show easements, only to have them in the covenants,
2. Applicant is requesting that the driveway serve three lots,
3. Applicant is requesting that the grid numbers not be shown as Monroe County Emergency Services no longer utilize the grid location numbers.

Fred Courtright stated that he recommends all three requests be granted.

Mr. Rogers stated that the lots are now numbered 1 and 2.

There was lengthy discussion regarding the driveway access to the property. Ray Rogers stated that PennDOT will not act on the State permit until the Township acts on the plan.

Bob Early stated that if the driveway access is approved that presidencies will be set as there is no hardship. Ray Rogers stated there is a hardship as you cannot get another access on this terrain. PennDOT allows (3) homes to utilize a single driveway before an upgrade to the driveway is required but the Township only allow (2).

Ray stated there may only be (50') of site distance.

Fred Courtright stated that Planning Commission needs to decide if they want to grant the modification(s).

Mr. Rogers stated that the road is set up to be maintained by the (3) parties. The current owner owns the road and will draw up a document that allows the other (2) parties to access the driveway.

Attorney Weitzmann stated that if granted, this will not set presidencies, as each submittal will be looked at one by one when they come in.

There was discussion to move forward with the 50 foot right of way and put 25 feet with the new lot and take the other 25 feet and put with the existing home and other lot. With (2) driveways they won't need the modification.

Bob Early, Parin Shah and Carrie Wetherbee all agreed that they don't agree with recommending the driveway modification.

Ray Rogers stated that a 50' right of way and split 25' and 25' will create an issue as PennDOT will not allow it.

There was a suggestion to put a note on the plan that they cannot develop the property further unless they upgrade the driveway to a private road.

Attorney Weitzmann stated that THE PLANNING COMMISSION SHOULD CONSIDER RECOMMENDING THAT the Board of Supervisors change SALDO to allow (3) driveways on a private road.

Carrie Wetherbee made a motion that the decision is based on 170-075 (e) of the SALDO and it stands as it is written and is not recommending (3) lots be permitted. Bob Early seconded the motion. Motion carried 5-2.

Carrie Wetherbee made a motion to include the language for the easements in the covenants, not on the plan. Motion carried 7-0.

Carrie Wetherbee made a motion to grant the modification so the grid numbers do not have to be shown on the plan. Bob Early seconded the motion. Motion carried 7-0.

Scott Schaller made a motion to move the plan forward to the Board of Supervisors with the conditions stated and label the lots. Carrie Wetherbee seconded the motion. Motion carried 7-0.

Monroe Pike Land LLC CCP Phase 3 Section 5 PRD Plan – Alternate Solicitor Michael Gaul and Alternate Engineer Chris McDermott P.E., took their seat.

Attorney Charlie Vogt presented the plan on behalf of Monroe Pike Land LLC.

Chris McDermott stated there are some outstanding issues and modification requests that need to be discussed. Mr. McDermott provided another letter dated February 14, 2012.

Attorney Vogt stated that they have a proposal how the Developers Agreement would be set up and the bonding would be done and will speak with Attorney Gaul of his proposal and have the information for the next meeting.

Attorney Gaul stated he is not opposed to the phasing plan but does not dispute it.

Attorney Vogt stated that (4) modifications requests are also being requested. He stated that this will be discussed at the next meeting as he understands this plan will not be moving forward tonight.

Attorney Gaul stated that it would be nice to see the build out of what is done when someone comes in with a plan.

Open space was discussed. Chris McDermott stated that this plan offers more open space than the current approved plan.

Attorney Gaul asked if the Toll Declaration allows for the phasing. Attorney Vogt stated that he will look into it.

The following comments were reviewed with the Planning Commission members based on Mr. McDermott's review letter:

Comment No.13: Attorney Vogt stated that the detention basin has been moved.

Comment No. 20 – Modification request for Section 170-41C to allow disturbance of these slopes beyond what is required. Chris McDermott stated that he would recommend approval of this modification request.

Comment 23 – SALDO states that that cul-de-sac street may not serve more than 25 residential lots/dwelling units. The plan proposes (38) residential units along Riviera Court and (32) along the end of Pinehurst Way.

Carrie Wetherbee and Mark Oney very adamant about the number of homes on a cul-de-sac because if something happens in the middle of the road, the people in the back have no way out. Emergency vehicles can't access it. The alternative is less units on the cul-de-sac.

Brick Linder, P.E. of Linder Engineering, stated they are under the maximum length for a cul-de-sac. Charlie stated that it's just the number of units that they are asking for the modification for not the length of cul-de-sac.

Gary Summers asked if its 25 structures or 25 dwelling units. (No answer was given).

Attorney Vogt stated that they look at "stubs" at the end of each cul-de-sac for emergency access or future building.

Attorney Vogt requested that these issues be further discussed at the next meeting in order for them to be addressed.

Comment No. 33 – The applicant proposes to use a different road specification than required by the ordinance. Chris McDermott stated that he can support this but asked Brick Linder, P.E. to provide support documentation as they are proposing 8 inches.

Attorney Gaul asked Attorney Vogt Charlie if he has to get the POA approvals first regarding the modification request to the roads as it would be the POA who takes over the roads when the developer completes the building. Attorney Vogt stated that he will discuss it with the POA.

Comment No. 32: Monuments on the exterior corners. Attorney Vogt asked for clarification. Chris McDermott stated that they should check with the surveyor regarding this comment.

Comment 37 – Planting of trees. Chris McDermott stated that the landscaping issue is something the Planning Commission may want to review further.

Mark Oney made a motion to table the Monroe Pike Land LLC CCP Phase 3 Section 5 PRD Plan. Carrie Wetherbee seconded the motion. Motion carried 7-0.

Hott PA Inc. - Preliminary Land Development Plan - Fred Courtright stated there are numerous pages of comments. Mr. Courtright stated that he spoke to the applicants Engineer, Jodi Litus and Mr. Litus would like to discuss (3) or (4) items specifically with regard to the review letter and has agreed to comply with Mr. Courtright's review letter.

Comment No. 2 – Mr. Litus stated that he will provide the required parking calculations, including a copy of the ITE recommendations.

Traffic impact study will be given to the twp. engineer.

Comment No.13 - A waiver request will be submitted to not show the grid numbers.

Mr. Litus stated that they will return next month with the revisions completed in order to discuss moving the plan forward to the Board of Supervisors.

Bob Early made a motion to table action on the Hott PA Inc., Preliminary land Development Plan. Carrie Wetherbee seconded the motion. Motion carried 7-0.

Scott Schaller left the meeting.

Reviews and Recommendations

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"... - Public hearing is scheduled to go before the Board of Supervisors on Monday, March 27, 2012 at 7:00 p.m.

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... - Public hearing is scheduled to go before the Board of Supervisors on Monday, March 27, 2012 at 7:00 p.m.

Conditional Use Application; Hillside Resort Property Treatment Facility – Wayne Bolt announced that they will abstain from voting on the conditional use application.

Christopher McDermott P.E. of Reilly Associates presented the Hillside Resort Property Treatment Facility Conditional Use Application on behalf of JL an Associates Stroudsburg LP (Pyramid Healthcare, Inc.)

Mr. McDermott stated that the conditional use hearing is scheduled for Monday, March 27, 2012 at 7:00 p.m.

Mr. McDermott stated the Pyramid Health Care is to purchase the Hillside Inn, a (16) acre tract of land. The center will be a drug and alcohol treatment center.

Currently the property is services by on lot well and septic and will continue to be utilized

Initially, there will be (60) beds and is expected to expand to (130).

This is a permitted use under the C-1 zone.

Mr. McDermott stated that he is requesting the Planning Commission to review the application and come back next month for discussions as representative from Pyramid will be here to answer questions.

Public comment was received regarding security at the facility, signage, type of exterior protections will be provided, property values, will there be tax forgiveness for this business and the number of beds allowed.

Carrie Wetherbee made a motion to table action in order to review the application. Parin Shah seconded the motion. Wayne Bolt abstained from the vote. Motion carried 5-0 (Scott Schaller was not present and Wayne Bolt abstained).

Carrie Wetherbee made a motion to adjourn the meeting at 9:45 p.m. Bob Early seconded the motion. Motion carried 6-0.

Respectfully submitted,
Michele L. Clewell, Recording Secretary

February 16, 2012