

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, March 15, 2012 at 7:00 P.M. at the Schoonover Municipal Building with Mark Oney presiding.

Members present: Mark Oney, Bob Early, Parin Shah, Carrie Wetherbee, Wayne Bolt and Gary Summers. Also present: Attorney Todd Weitzmann, Township Engineer Fred Courtright, P.E., Township Secretary Michele Clewell, numerous residents and interested parties. (Member, Scott Schaller was absent.)

Approval of Minutes

Bob Early asked that a correction be made to the February 16, 2012 minutes regarding Pyramid Health. The minutes state that under Conditional Use Application; Hillside Resort Property Treatment Facility is a permitted use in the C-I zoning district, however, it is a conditional use. Attorney Weitzmann stated that the minutes should reflect that the “use” is a conditional use.

Wayne Bolt stated that he will abstain from voting on anything that comes before the Commission with regard to the Hillside Inn as he has a personal interest.

Bob Early made a motion to correct the minutes as stated. Carrie Wetherbee seconded the motion. Motion carried 5-0.

Plan Submissions

Marshalls Square Shopping Center Drive thru Revision – Dave Tetimer P.E. of Keystone Consulting Engineers presented a revised plan to accommodate a drive-thru-service at the southern portion of the existing “Sticks-n-Stone” restaurant for a prospective future pharmacy use.

Mr. Tetimer is also proposing a concrete patio pad (for tables and chairs) where the current Mexican restaurant is currently located.

Dave Tetimer stated that this will require the loss of (12) parking spaces, however there is still ample parking.

Mr. Tetimer stated that the required parking is based on the entire shopping center and the theater is suppose to convert back to shopping center space as the movie theater is not coming in.

Bob Early made a motion to accept the plan submittal for the Marshalls Square Shopping Center Drive thru Revision. Wayne Bolt seconded the motion. Public comment was received as to what type of comments are allowed at this time and that there is concern of the loss of parking. Motion carried 6-0.

Reviews and Recommendations

Conditional Use Application; Hillside Resort Property Treatment Facility – Presenting the Conditional Use Application for Pyramid Health Care was Robert Thatcher, Esq., Jason Hendricks V.P. of Operations and Christopher McDermott, P.E., of Reilly Associates.

The Board of Supervisors public hearing is advertised for Tuesday, March 27, 2012 at 7:00 P.M.

Mr. Hendricks stated that there are (5) similar programs within Pennsylvania and (20) other facilities throughout the state. This is a volunteer drug and alcohol program, not methamphetamine. Transportation to and from the facility for the patients to minimize traffic is provided. This is a highly structured program and is at all time supervised, even visitation is supervised.

Mr. Hendricks stated that the average length of stay is (30) days, although some clients stay up to (90) days. The clients are not permitted to come and go outside the buildings and are not allowed to leave the premise without an escort from the facility.

When asked about a lock down of the facility. Mr. Hendricks stated that only authorized people have key cards, the doors have alarms and there is an internal PA system, but it is not a lock-down facility.

When asked what is the patient to staff ratio. Mr. Hendricks replied (1) staff member for every (6) patients and at night there are (6) to (8) staff members on duty. By law they are required to do bed checks every (15) minutes. They do not hire outside security personnel, clients are there by choice and if they do get physically aggressive, they would call the police.

Signage was discussed.

Public comment was received regarding the following: employee shift hours (8 ½ hours), funding sources (clients, private insurance companies and county allocations of where the client resides), total client population (50-60 with a maximum of (98), pharmaceutical drugs would go back to pharmacy, other drugs would be disposed of as waste through the proper channels.

Mr. Hendricks stated that he would be willing to meet with the public for additional meetings prior to the conditional use hearing.

Mr. Hendricks stated that it is Pyramid Health Care's intent to use the existing tennis courts and buildings.

Christopher McDermott P.E. of Reilly Associates reviewed the Township Engineers review letter dated March 9, 2012.

Following lengthy discussion, Carrie Wetherbee made a motion to recommend approval of the Conditional Use Application for the Hillside Resort Property Treatment Facility with the following conditions and forward to the Board of Supervisors.

1. Landscaping Plan; install a system to clearly delineate the proposed use area for the treatment center,
2. Water and Sewer Meters; provide for the installation of both water and sewage meters that are monitored with an annual report being submitted to the Township, which includes and analysis of use verses capacity,

3. Disposal of drugs; provide a policy on the disposal of drugs,
4. Alternate Sewage disposal areas; provide testing to identify future alternate sewage disposal areas and
5. Interior Layout; provide the interior layout to demonstrate ability to service the number of residents proposed.

Bob Early seconded the motion. Wayne Bolt abstained from voting. Motion carried 5-0.

Conditional Use Application 209 Plaza Associates – Fred Courtright started by stating that no public hearing date has been scheduled by the Zoning Officer. Mr. Courtright provided a copy of his review letter dated March 13, 2012 to the applicant.

Fred Courtright stated that he would recommend accepting the submission as a Conditional Use with the attached plan to serve as a “site plan” for the Conditional Use, however, he does not feel it should be accepted as a land Development Plan Submission.

Scott Nathanson on behalf of 209 Associates stated that this would be an open air flea market located behind Dunkin Donuts.

There are 120-130 parking spaces on the property and have entered into an agreement with Bruce Brandli to use his property (formally the Big A Restaurant) for off street parking. He stated they would like to work with Penn as well.

Numerous concerns were raised regarding the parking area as it is already utilized by the existing businesses at Liberty Square Plaza.

Mr. Nathanson stated that the open air flea market would accommodate (80) vendors and the vendors would have to park in the PennDOT park in ride that is off site.

Bob Early and Parin Shah both stated that this is not a land development plan it is a conditional use application to hold a public hearing and once the public hearing process is complete then and only then you would come back with the Land Development Plan for approvals.

Bob Early made a motion to not accept this as a land Development as it is incomplete. Carrie Wetherbee seconded the motion. Motion carried.

Fred Courtright stated that they have filed an application for a public hearing and the Planning Commission can accept that and make recommendations to the Supervisors.

Bob Early stated that all the agreements Mr. Nathanson stated should be brought back to the next Planning Commission meeting for review.

Attorney Gaul (who was sitting in the audience) stated that the hearing will be scheduled after the Planning Commission April 19, 2012 meeting and the Supervisors could confirm the date.

Mr. Nathanson stated that he began this process (3) months ago and has been given the wrong information time and time again. Mark Oney stated that they just want it to go the right way.

Attorney Weitzmann prepared a written agreement for Mr. Nathanson to sign, which he did, that states "On behalf of 209 Plaza Associates, I, Scott Nathanson, waive any requirement for consideration of my conditional use application by the Planning Commission until the meeting April 19, 2012".

Proposed Ordinance No. 183 Amending Part II, General Legislation, Chapter 200 "Zoning", Attachment 3 "Township of Middle Smithfield Table of Use Regulations with Zoning District" - This proposed ordinance will prohibit F-1 Adult Use in the C-1 Zoning District.

Bob Early made a motion to recommend approval of proposed Ordinance No. 183. Carrie Wetherbee seconded the motion. Motion carried 6-0.

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... - This proposed ordinance will change a certain parcel to C-1 in order to be consistent with existing surrounding property.

Wayne Bolt made a motion to recommend approval of proposed Ordinance No. 184. Parin Shah seconded the motion. Motion carried 6-0.

Plan Reviews and Unfinished Business

Hott PA, Inc. Preliminary Land Development Plan – Joe Weismeth Esq. and Jodi Litus P.E. of Litus Engineering were present to discuss the preliminary land development plan.

Mr. Weismeth stated that he just received Mr. Courtright's Stormwater Review #2 letter dated March 15, 2012.

Mark Oney stated that there are pages and pages to review and as it is late asked for an extension. Mr. Litus stated they are not able to grant a time extension.

Mr. Litus stated that he does not believe there are any outstanding legal issues and proceeded to go through the stormwater review letter.

Following lengthy discussion regarding the stormwater issues, Mark Oney stated that as it was getting late another meeting should be scheduled as the final plan on the agenda has not even been addressed yet.

Attorney Gaul and Christopher McDermott both stated they are available for Thursday, March 22, 2012 at 7:00 P.M. if a special meeting is needed.

Fred Courtright stated that he stands by his review letter.

Mr. Litus stated that most of the issues have been addressed and have the revised plans here tonight. Mr. Litus stated that he would like to meet with the Supervisors and would like a preliminary final recommendation in order to move forward to the Supervisors.

Attorney Weismeth stated that they respectfully disagree with the letter and will not grant an extension of time for review.

The pole building was discussed as is was not suppose to be connected to the motel and now the motel does not meet the 200 foot setback. Attorney Weismeth stated that there is no reason to tear it down as it is income generated and that anything that would encroach it would be removed.

Attorney Weismeth stated that they are not ready to discuss the review letter dated March 15, 2012; Preliminary Land Development Plan for 5049 Milford Road Conditional Use Requirements.

Attorney Weismeth stated that he needs to talk to Attorney Gaul and the Supervisors and even if this is done it will not be construed to mean an agreement to those conditions as he is not waving his clients rights.

Parin Shah asked that the applicants Engineer work the comments into the plan, set up a meeting with the Supervisors and the Township Solicitor. Attorney Weismeth stated that his client does not want to grant an extension.

Attorney Todd Weitzmann stated the planning Commission has (3) options:

1. approval with no conditions
2. approval with conditions
3. reject it based on outstanding issued raised by Mr. Courtright's (3) review letters.

Bob Early made a motion to reject the Hott PA, Inc. Preliminary Land Development Plan based on outstanding issue raised by Fred Courtright P.E. (3) review letters. Carrie Wetherbee seconded the motion. Motion carried 6-0.

The next Supervisors meetings were given: special meeting March 27, 2012 at 7:00 P.M. and regular meeting April 3, 2012 at 7:00 P.M.

Carrie Wetherbee made a motion to adjourn the meeting at 11:05 P.M. Bob Early seconded the motion. Motion carried 6-0.

Respectfully submitted,

Michele L. Clewell
Recording Secretary