

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

Members present: Mark Oney, Robert (Bob) Early, Parin Shah, Scott Schaller, Carrie Wetherbee, Wayne Bolt and Gary Summers. Also in attendance: Planning Commission Solicitor Todd Weitzmann, Township Engineer Fred Courtright, Township Secretary Michele Clewell, Township Zoning Officer Wayne Rohner and several interested members of the public.

Submittal Representation: Scott Natheson, Manager - Route 209 Plaza and R. Douglas Olmstead, Jr. P.E. of Olmstead & Ruz-Smith, LLC - Pocono Square Mall.

Approval of Minutes

March 15, 2012 - Carrie Wetherbee made a motion to approve the March 15, 2012 minutes. Wayne Bolt seconded the motion. Motion carried 7-0.

March 22, 2012 – Parin Shah recommended that the following corrections be made to the March 22, 2012 minutes:

- ✦ First modification request – Instead of reading “Parin Shah questioned the length of the roads”, it should read “Parin Shah questioned whether the length of the cul-de-sac or number of units needed modification”,
- ✦ Second modification request – Instead of reading “caraways”, it should read “cart ways”,
- ✦ Corrections to commission members last names,
- ✦ Fourth modification request – Instead of reading “...Parin Shah asked if the disturbance of slopes was questioned”, it should read “Parin Shah asked if previous plans were consulted for slope disturbance”,
- ✦ Fourth modification request – Instead of reading “Number One – Find calculations of entire site, it should read “Number One – Find calculation of entire site from previous plans”,
- ✦ Fourth modification request – Instead of reading “ Number Two – Provisions were not applicable”, it should read “Find slope(s) provisions were not required on previous plans”,
- ✦ Fifth modification request – After “approval of structure of the road will depend on developer”, strikeout “looking into”. After “...plans for the construction of the roads” add “and soil suitability tests.” After “Recommendation was to allow” insert “modification”.

Parin Shah made a motion to accept the March 22, 2012 minutes as corrected. Carrie Wetherbee seconded the motion. Motion carried 7-0.

Plan Submission

None

Plan Reviews and Unfinished Business

Marshall's Square Shopping Center, Drive Thru Revision – Tim Angle, General Manager for Tarisa Realty presented the drive thru revision plan. Mr. Angle stated that he is currently working with Keystone Consulting Engineers in order to address the township engineers comments based on the April 12, 2012 review letter.

The Well Agreement for the conditionally approved Phase 4 Land Development Plan was discussed at length. Following lengthy discussion, the Planning Commission members stated that they want the Well Agreement to go before the Board of Supervisors for approval and then brought back to the next regular Planning Commission meeting in May as it is listed in Mr. Courtright's April 12, 2012 letter as an outstanding issue.

Wayne Rohner questioned the number of EDU's (Equivalent Dwelling Units) for the old bi-level home shown on the plan and stated that it is vague to say it is commercial/residential.

When questioned about fencing around the garbage compactor, Mr. Angle stated that there is a partial fence but will look into it further. Mr. Angle stated that he has met with Joyce Fenical regarding the landscaping and other issues and hope to work everything out.

Mr. Rohner spoke briefly about the township's Recycling and Solid Waste Ordinance.

Mr. Angle stated that the used car sales lot will be re-stripped tomorrow. Mr. Rohner stated for clarification purposes that the used car sales lot is only permitted to have (14) cars.

Wayne Rohner reported that he received the light meter reading report and provided copies to the members.

Bob Early made a motion to table action on the drive thru plan and for Fred Courtright, applicant and Michele Clewell to work on the Well Agreement in order to present to the Board of Supervisors for approval in order to present an approved agreement for the next Planning Commission meeting. Carrie Wetherbee seconded the motion. Motion carried 7-0.

Monroe Pike Land LLC, CCP Phase 3 Section 5 PRD Plan – Fred Courtright reported that an email was received from the applicant's attorney, Charlie Vogt, Esq., requesting that action be tabled on the plan. Parin Shah made a motion to table action on the plan. Carrie Wetherbee seconded the motion. Motion carried 7-0.

Reviews and Recommendations

Conditional Use Hearing Application; 209 Plaza Associates – Scott Nathanson on behalf of 209 Associates stated that the prior plan showed (80) vendors, however a revised plan shows (25) vendors.

Fred Courtright stated that his review letter dated April 16, 2012 explains that the revised plan showing (25) vendor spaces was dropped off at the Township on April 10, 2012 and that no other

information noted in his March 13, 2012 review letter or information requested at the March Planning Commission meeting have been provided.

Wayne Rohner stated that he received a telephone call from Mike Rebert of PennDOT, explaining that 209 Plaza Associates and PennDOT have an agreement for the use of the park-in-ride and an email will be sent to Mr. Rohner to that effect. Fred Courtright explained that this is to allow customers to park at the PennDOT owned park-in-ride.

Mr. Nathanson stated that PennDOT has agreed, for beautification purposes, to allow 209 Plaza Associates to install a gate through the fence for access to and from the flea market and park-in-ride. Mr. Nathanson stated he was told it would take approximately (6) months for the installation.

When questioned about the parking, Mr. Nathanson stated that there is no specific number of spots. Mr. Courtright stated that PennDOT is thinking this is a minimal use and will not tow vehicles, however if the driveway classification changes, PennDOT could change their position.

Gary Summers questioned the Route 209/Liberty Square traffic flow. Mr. Nathanson stated that they will retain, from opening to closing, (2) PA State Constables to direct traffic in and out of Liberty Square Plaza.

Mr. Nathanson stated that if customer park in the park-in-ride (and the gate is not installed) there is a 20-25 foot grassy knoll for people to walk on off of Route 209. He stated that there are (108) parking spaces currently at Liberty Square Plaza.

Mr. Nathanson stated that alternate and temporary signage can be placed in order to direct vehicles to park in the park-in-ride instead of the plaza parking lot.

Mr. Nathanson stated that he does not have an agreement with Bruce Brandli to utilize his parking area; he does not believe it necessary now.

Mr. Nathanson stated that it is not feasible to do the parking generation and traffic study.

Carrie Wetherbee stated that she likes the idea of using the park-in-ride and fewer vendors.

Frank Ciani stated that he has had numerous conversations with the Supervisors and Wayne Rohner about the application and its process.

Gary Summers stated that any additional parking at the Brandi's lot would create even more confusion to drivers.

Mr. Nathanson stated that not only customers but vendors would park at the park-in-ride.

Camera is to be installed for parking, however, overnight parking in at your own risk.

Following lengthy discussion regarding the fence and gate, Carrie Wetherbee stated that she wants something in writing from PennDOT. Mr. Nathanson stated that PennDOT will not put anything in

writing.

Scott Schaller suggested that however many parking spaces there are that is all the number of vendors allowed. Scott Schaller asked if there are enough parking spaces. Fred Courtright stated it is the responsibility of the applicant to provide that information and they were asked to do the parking and traffic study at the last meeting and they have not provided either one.

Bob Early stated that he has concerns regarding the traffic flow and needing a parking and traffic study. Mr. Early also stated that the intent is to have (2) acres for the flea market and thinks a variance would be required and without adequate studies he cannot recommend approval of the conditional use application.

Fred Courtright stated that outstanding issues that need to be addressed are: traffic impact, parking analysis, narrative to be served by ADA toilets and where they will be placed. There is a time frame and the Planning Commission must make a recommendation as the conditional use hearing is scheduled to go before the Supervisors on April 25, 2012.

The following recommendations were given and required prior to opening:

1. Traffic analysis be provided,
2. Adequate parking shown with safe access way through the fences of the park-in-ride to the vendor area,
3. Adequate parking for handicap accessibility to be shown,
4. Show where sanitary facilities will be located,
5. Flea market to be open only on weekends and holidays,
6. Provide proof of security for directing traffic
7. Provide proof of traffic control as dictated by an engineer's report and
8. The marquee sign should indicate where the parking is for the flea market.

Bob Early made a motion to recommend rejection based on what the applicant has provided and what the Planning Commission has received. Carrie Wetherbee seconded the motion.

Scott Nathanson asked if he could get a refund of his money since the Planning Commission recommended to reject. Attorney Weitzmann stated that there are (3) options, grant, grant with conditions or reject. No matter what the Planning Commission recommends, the Board of Supervisors has scheduled a public hearing and that will go forth.

Questions were received regarding safety of pedestrian walking along Route 209.

Scott Schaller asked what are the requirements for submission of a conditional use application. Wayne Rohner read section 084 of the MST Zoning Ordinance.

Roll Call of the Vote – 6 to recommend rejection, 1 to pass on to the Supervisors with the conditions stated.

Conditional Use Application, Pocono Square Mall – R. Douglas Olmstead, Jr., P.E. of Olmstead & Ruz-

Smith, LLC representing the owner Dr. Rayasam and applicant Michael Berardi for the Pocono Square Mall. Mr. Olmstead introduced Mr. Berardi to the Planning Commission members.

Mr. Olmstead stated that the location was formally known as the Foxmoor Village now known as Pocono Square Mall and they are requesting review of the existing land development for an open air market.

A review letter from the Township Engineer dated April 17, 2012 has been addressed with the exception of (1) item explaining the purpose, intent and extent of the conditional use. Mr. Olmstead stated that a copy of this has been forwarded to the Planning Commission, Board of Supervisors and Township Secretary.

Mr. Olmstead stated that no new construction is proposed.

The grassy area in and around the building would be used, including sidewalk areas but not on the sidewalks.

A parking and traffic analysis was provided with the submittal.

Mr. Olmstead stated that once leases are up for existing stores there will be a change, with the exception of the bank, movie theater and restaurant next to the movie theater.

Mr. Olmstead stated that square footage not the number of vendors is used to calculate the number of parking spaces required.

Mr. Olmstead stated that there are (46) EDU's assigned to this complex and there are adequate bathroom facilities.

Mr. Olmstead stated that the applicant understands that if this outdoor market becomes popular and conditions change, they will be required to come back to the Planning Commission and Supervisors. It was agreed that if they have 200 vendors outside they will come back to the Planning Commission and Supervisors.

Wayne Rohner stated that he will work the applicant on the township's solid waste ordinance.

Scott Schaller made a motion to recommend approval of the Pocono Square Mall conditional use application with the following conditions:

1. Fix the pot holes at the entrance of Municipal Drive and throughout the parking area,
2. Fix all the sidewalks,
3. Paint traffic arrows,
4. Maintain beautification of the area,
5. Hours of operation for vendors: indoor vendors (7) days a week and holidays, outdoor vendors, weekends and holidays only,
6. Retail sales only allowed in the shaded area, as shown on the plan,
7. Vendors to be required to park in the back of the complex if they have a truck or vehicle with

- signs on it (north side of the property)
8. Vendor cannot sell out of their vehicles,
 9. Garbage pickup: every Monday morning otherwise a clean sweep everyday (applicant stated that they have a garbage picker that walks around during the hours of operation),
 10. Non retail leases will not be renewed except otherwise stated.

Gary Summers seconded the motion. Motion carried 6-1.

Parin Shah made a motion to adjourn the meeting at 9:00 a.m. Wayne Bolt seconded the motion. Motion carried 7-0.

Respectfully submitted,

Michele L. Clewell,
Recording Secretary
April 19, 2012