

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, June 20, 2013 at 7:00 p.m. at the Schoonover Municipal Building with Mark Oney presiding.

Members present: Mark Oney, Bob Early, Carrie Wetherbee, Wayne Bolt and Gary Summers. Also in attendance: Planning Commission Solicitor Todd Weitzmann, Esq., Township Engineer Fred Courtright and Township Secretary Michele L. Clewell. (Parin Shah was absent)

Christine Himler, RLA of Reilly Associates was also in attendance to present the Fairway Villas Park Lot Land Development Plan.

Approval of Minutes

Carrie Wetherbee made a motion to approve the May 16, 2013 minutes. Wayne Bolt seconded the motion. Motion passed 5-0.

Plan Submittals

None

Plan Reviews and Unfinished Business

Monroe Pike Land LLC CCP Phase 3 Section 5 PRD Plan – Mark Oney stated that an e-mail was received June 20, 2013 from Charlie Vogt, Esq. on behalf of his client, Bob Brown, requesting action be tabled.

Gary Summers stated that he is speaking only on behalf of the North Association and they are making progress and hope to be able to sign an agreement soon.

Bob Early made a motion to accept and grant the request that action be tabled on the CCP Phase 3 Section 5 PRD Plan. Wayne Bolt seconded the motion. Motion passed with 4 in favor and Gary Summers abstaining.

Parking Lot Project for Fairway Villas – Christine Himler, RLA of Reilly Associates stated that she has responded the Fred Courtright's comment letter and did receive another review letter.

Fred Courtright reported that he sent an email with regard to the handicapped parking and has concerns that on the Fairway Villas Land Development plan they are proposing to indicate 4 handicapped parking spaces on an existing lot next to the existing building. However, Section 050-040.F.2 of the Zoning ordinance requires handicapped parking on "any lot " that includes four or more off-street parking spaces.

Fred Courtright stated that this is a legal question, not engineering.

Christine Himler stated that the proposed parking lot is an expansion of the adjacent existing parking lot.

Attorney Weitzmann stated that that planning commission does not have jurisdiction with regard to the interpretation of the zoning ordinance; the zoning officer and the zoning hearing board have exclusive jurisdiction in those matters.

Nevertheless, Attorney Weitzmann explained a possible interpretation of the zoning ordinance as it relates to handicapped parking in the application. The zoning ordinance defines "lot" as "**a designated parcel, tract or area of land established by a plat** or otherwise as permitted by law and **to be used, developed or built upon as a unit.**" (emphasis added). Under this definition, if an area is developed as a unit, like the parking areas in the Fairways Grill application, it is a "lot" under the zoning ordinance. Therefore, there is only one "lot" for purposes of the handicapped parking requirements.

Christine Himler stated that they could strip the parking areas but from a grading perspective, meeting the ADA accessibility route could be a challenge.

Bob Early asked if a note could be placed on the plan, that if the existing parking lot were ever to serve another building in the future, then ADA requirements must be met.

Carrie Wetherbee made a motion recommending that a note be added to the plan that in the event new parking area would serve a different building than what is depicted on said plan, it must meet ADA requirements. Wayne Bolt seconded the motion. Motion passed 5-0.

Bob Early stated that the new Wawa signs look good.

Mark Oney stated that he was surprised by how much site and road work is still required to be completed even though the Price Chopper has opened.

Wayne Bolt made a motion to adjourn the meeting at 7:20 p.m. Mark Oney seconded the motion. Motion passed 5-0.

Respectfully submitted,

Michele L. Clewell
Recording Secretary

