

The rescheduled meeting of the Middle Smithfield Township Planning Commission was held on Thursday, December 13, 2012 at 7:00 p.m. with Mark Oney presiding.

Members present: Mark Oney, Robert Early, Parin Shah, Carrie Wetherbee, Wayne Bolt and Gary Summers. Also in attendance, Planning Commission Solicitor Todd Weitzmann, Esq., Township Engineer Fred Courtright, P.E., Township Secretary Michele Clewell, and several interested parties.

Approval of Minutes

Wayne Bolt made a motion to approve the November 15, 2012 minutes. Gary Summers seconded the motion. Motion passed 6-0.

Plan Submissions

Minor Subdivision of Eric and Melissa Tesche – Ray Rogers of Frank J. Smith Surveyors, Inc. stated that this is a lot line adjustment as it is combining one lot with what Mr. Tesche has and will cut off 20 acres where the house is. Fred Courtright recommended acceptance of the plan submittal. Mark Oney made a motion to accept the submittal. Carrie Wetherbee seconded the motion. Motion passed 6-0.

Minor Subdivision of Lands of the Estate of Earl A. Weiss – Ray Rogers of Frank J. Smith, Jr. Surveyors, Inc. stated that this is a 95 acre parcel and the plan is to make one lot the building lot and the other lot the house lot. There will be a new line in the middle. Currently lot #2 is a wooded lot. Attorney Weitzmann asked about ownership of the land. Mr. Rogers stated that there is a Last Will and Testament. Fred Courtright recommended acceptance of the plan. Mark Oney made a motion to accept the plan. Parin Shah seconded the motion. Motion carried 6-0.

Sewage Planning Module for Lands of the Estate of Earl A. Weiss – Parin Shah made a motion to accept the sewage planning module. Wayne Bolt seconded the motion. Motion passed 6-0.

Plan Reviews and Unfinished Business

Monroe Pike Land LLC CCP Phase 3 Section 5 PRD Plan – An email was received from Attorney Vogt requesting action be tabled until the January 2013 meeting. Carrie Wetherbee made a motion to table action on the plan. Wayne Bolt seconded the motion. Motion passed 6-0.

White Heron Lake Minor Subdivision Plan – Fred Courtright stated that his review letter dated November 21, 2012 was sent to Ray Rogers of Frank J. Smith, Jr., Surveyors, Inc. and on November 28, 2012 he received a response letter with a set of revised plans. The comments were addressed and two modifications were requested.

Modification Requests presented:

1. Ordinance requires the grid location numbers and letters be shown – Applicant contends that grid location numbers are no longer used by Monroe County Emergency Services,
2. Ordinance requires right of ways and easements to be described – Applicant contends that White Heron Lake was established in 1943. The roads were built at that time, with no right of way width established. Width of pave has been notated on the plan.

Mr. Courtright stated that his letter dated December 13, 2012 recommends the Planning Commission pass a motion recommending to the Board of Supervisors approval of the Plan and Requests for Modifications.

Bob Early made a motion to forward the plan to the Board of Supervisors. Carrie Wetherbee seconded the motion.

Parin Shah asked about the common area. Ray Rogers stated that most of the roads used for access are vague, roughly 16 to 17 feet wide, they are on common land and everyone in White Heron Lake owns the roads.

Motion passed 6-0.

Parin Shah made a motion to approve and forward the right of way modification request to the Board of Supervisors. Wayne Bolt seconded the motion. Motion passed 6-0.

Bob Early made a motion to approve and forward the grid number modification request to the Board of Supervisors. Carrie Wetherbee seconded the motion. Motion passed 6-0.

Reviews and Recommendations

Adams Outdoor Advertising Conditional use Public Hearing Application – Attorney Victor Cavacini, Esq. of Gross McGinley, LLP and Lois Arciszewski of Adams Outdoor Advertising representing property owner Edward Regina submitted an Application for a Public Hearing for a Conditional Use and Variance of Regulations seeking to replace existing wooden structure single face sign with steel structure double face sign with both sides consisting of a digital sign. The applicant contends that a billboard is permitted under Section 090-090 as a conditional use. To erect a sign structure with back to back faces.

Adams Outdoor Advertising Zoning Hearing Board Public Hearing Application - Lois Arciszewski of Adams Outdoor Advertising representing property owner Edward Regina submitted an Amended Application for a Public Hearing to go before the Zoning Hearing Board for a Variance of Regulations, Interpretation of Regulations, Challenge of Regulations and Appeal of Decision seeking to replace existing wooden structure single face sign with steel structure double face sign with both sides consisting of a digital sign. The applicant contends that a billboard is

permitted under Section 090-090 as a conditional use. To erect a sign structure with back to back faces.

Ms. Arciszewski stated that the application that will go to the Zoning Hearing Board will be under a section of the ordinance regarding non-conforming signs.

(Both agenda items were discussed simultaneously)

Ms. Arciszewski stated that the proposed site is 2.032 of undeveloped land with a current billboard and under the current zoning district C-1 billboards are allowed with a conditional use hearing. A picture of the existing billboard was shown.

Adams Outdoor Advertising proposes to remove the current billboard and construct a uni-pole double faced digital sign.

Ms. Arciszewski stated that they expect to meet all of the requirements of Section 090-090 of the Zoning Ordinance except for setback between billboards (required – 2,000 feet; proposed 360 feet, same side of roadway, and 23.13 feet, opposite side of roadway), and setback to existing residential dwelling/residential zoning district (required – 1,000 feet; proposed 265 feet).

Questions were asked if there are any approved lots within the 900 feet. Mr. Arciszewski stated that she did not know.

Timing of the digital sign was discussed.

Ms. Arciszewski stated that it is the policy to provide advertising to the host municipality on a space available basis. Emergency message from Federal, State and Municipal governments would be priority.

Gary Summers asked if the top of the digital sign is 35 feet as that would stick up twice as high as the current sign. Ms. Arciszewski answered yes.

Parin Shah stated that the current height of the sign could be maintained by removing trees. The applicant's attorney stated that a provision in the ordinance allows a non conforming sign.

Parin Shah asked if they would prefer the height or would they rather move the sign and be lower.

Gary Summers asked why the new digital sign cannot be on the same footprint. Mrs. Arciszewski stated that after the original sign was built electric lines were put in and it does not make sense to build right under the lines as there are safety issues.

Parin Shah asked if they could move the power lines.

Bob Early asked about the wetland delineations, Edward Regina stated that it was done a while ago. When asked if wetlands would be disturbed, Mr. Regina replied, no, its close but not in the wetlands.

Ms. Arciszewski stated that they are moving the sign 6 feet and currently the zoning ordinance says off premise signs say 300 sq. ft and they have 288 sq. ft.

Mark Oney asked if they could build on the existing billboard. Ms. Arciszewski stated that the structure integrity of the wooden billboard is not good. If the structure was good, they could.

Gary Summers asked the applicant to look into the building lots near the proposed location of the digital sign as the owners of those lots will be surprised to see a digital billboard in such close proximity to their properties. Ms. Arciszewski stated that she will pull the property deeds and review the subdivision lines.

Carrie Wetherbee asked about the site distance from the elementary school to the sign.

Carrie Wetherbee made a motion (1) to recommend approval to the Board of Supervisors regarding the Conditional Use Application subject to the property behind the proposed digital sign meeting the residential distance required if they are buildable lots and (2) a motion recommending the Zoning Hearing Board grant the variances sought regarding the distance. Wayne Bolt seconded the motion. Motion passed 4-2.

It was stated that the Zoning Hearing Board is scheduled to meet on January 8, 2013 and the Board of Supervisors January 24, 2013.

New Business

2012 Year End Report – A revised year-end report was provided to each member. Supervisor Annette Atkinson stated that she has samples of other municipalities and county year-end reports for the members to review outside of the meeting and stated that a comprehensive report could be given in 2013.

Mark Oney stated that he would attend the Board of Supervisors meeting, December 27, 2012 to give the year-end report on behalf of the Planning Commission.

Sign Ordinance Committee Report

Carrie Wetherbee stated that they continue to work through the ordinance and have a list of recommendations that will require the attorney to review. The next meeting will be January 5, 2013.

Carrie Wetherbee made a motion to adjourn the meeting at 8:40 p.m. Parin Shah seconded the motion. Motion carried 6-0.

Respectfully submitted,

Michele L. Clewell
Recording Secretary