



## Middle Smithfield Township Board of Supervisors Special Meeting Minutes January 20, 2018

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A special meeting of the Middle Smithfield Township Board of Supervisors was held on Saturday, January 20, 2018 at 9am at the Whispering Pines Banquet Hall, East Stroudsburg, PA (1445 Big Ridge Drive) with Annette Atkinson presiding.

Board members present: Annette Atkinson, Mike Dwyer and Mark Oney. Also present: Township Solicitor Michael Gaul, Esq., Township Secretary Michele Clewell, Banquet Hall Manager Christopher Rain, Pro Shop Manager Kevin Dixon, Projects Coordinator Assistant Leah Walsh, Randy Ransel and numerous interested residents.

Annette Atkinson welcomed everyone to the meeting and stated that the Township will conduct additional information sessions on the proposed zoning of the Township's property within the tentatively approved PRD plan for Country Club of the Poconos/Big Ridge prior to the formal February 8<sup>th</sup> public hearing on the matter.

Ms. Atkinson stated that people's homes are an emotional subject; it is also one of the biggest investments someone makes in their lifetime. The fear of the unknown sometimes blocks logic. This is why the Board of Supervisors desired to have an informational meeting on the proposed re-zoning. .

Ms. Atkinson stated that additional information sessions will be held on January 24<sup>th</sup> at the CCP North Association board meeting, January 25<sup>th</sup> at the Township Supervisors regular meeting, January 27<sup>th</sup> at the CCP South Association board meeting and then the public hearing before the Township Supervisors on February 8<sup>th</sup> at 7pm.

The Supervisors gave a presentation concerning the history of the CCP PRD, the Township acquisition of its property, operation of the Township's golf course, the proposed zoning of the Township property, and potential development of the Township property.

### **Public Comment**

The following individuals provided comments:

1. John Maher; CCP North. Sounds good but concerned if the development were to happen. Asked how would the construction crews get to the site?
2. John Chun; CCP South. He likes the golf course. Who is to say that someone buys it and doesn't want the course and tears it up.

3. Bob Pohlman; CCP North -Asked about the studies that were mentioned in the Pocono Record and what were the recommendations of the Middle Smithfield Township Planning Commission and the Monroe County Planning Commission.

Mark Oney stated that the MST PC voted to recommend that the Board of Supervisors approve the proposed resolution and proposed ordinance.

Mr. Pohlman asked if the township considers the PRD one development. Attorney Michael Gaul stated that is a legal question. The PRD is a 2 step process in Pennsylvania. He stated that when this concept was created in 1988, there was a tentative approval for all the development approvals; however it was going to be developed in phases. Tentative plan approval in Pennsylvania is skeletal approval. The final public hearing decision was about 12 pages long. They were going to get final approval in sections. They only got through so many sections and the project ended.

Attorney Gaul stated that there are two issues; legally what should be done when a developer abandons a PRD project and the land thereafter. He stated that the Municipal Planning Code "(MPC)" is clear, the land is supposed to be rezoned. That is where we are. When the project ended, the PRD tentative approval for the 320 acres expired.

Mr. Pohlman asked what is the difference between the lands from Toll Brothers open space compared to what Annette stated in Pocono Record. If all zoned C-2, can it still be opened space?

Attorney Gaul stated if you had residential homes in the C-2 they would still be residential uses. Bob Pohlman stated that if you have a PRD with 25% open space how can it still be open space with C-2. Attorney Gaul stated that is just a zone doesn't affect the underlying property. Ms. Atkinson stated that the Resica School and park sit in a C-2 zone along Route 402. We have parks in a commercial zone on Route 209 and they are parks. Attorney Gaul stated that if there is dedicated open space a rezoning does not change the open space. Mike Dwyer also stated that there is open space in the PRD and open space in the C-2.

Bob Pohlman stated that a letter from the township on township letterhead states suggests to the township doing an assessment of \$23 a month be charged to the North and South POA.

Ms. Atkinson stated that the options in the slides were sell, do nothing or get reimbursed. She stated the township in theory could continue and the HOA could reimburse the taxpayers for their open space. We went with the option of selling to a qualified buyer.

4. Gary Summers; CCP North - Stated that if it appears if one of the primary motivations to entice them to look at it, and have a public auction of all 320 acres when only 29 are good. Trying to understand what might happen, concerned that the entire 320 would be C-2. He said when there is 320 acres for sell it will bring out developers. Please try to find a qualified buyer and create a parcel of what only this person needs and leave it in a residential zone. Asked if anyone approached the Supervisors showing an interest in the land.
5. Judy Summers; CCP North - Thanked the Supervisors for your hard work. She stated that she is concerned about the open space. Asked if the Township had spoken with Charlie Kirkwood. She also stated that the township should give it away. Ms. Summers stated she is trying to save the course. She stated who ever builds is a plus to have amenities even though she wouldn't want to see a water park.
6. Miles Price; CCP South - Stated that the Township planned course of action sounded good, and wanted to know whether it would result in a HOA fee reduction or lower taxes if this happens.
7. David Mills; Deerfield Road - Mr. Mills stated that LERTA approved property doesn't impact the tax base.
8. Bob Petriski - Mr. Petriski stated that when the township got the golf course, the Township needed sewer capacity. He stated that the supervisors are throwing the CCP residents down the drain. He said the playing fees for the golf course were too low, and suggested that a \$10 cart fee be added for non-members.
9. Diane Smith - Ms. Smith asked why the Township had inquired to the CCP HOAs whether they would be willing to assess their members a fee of \$23 a month to subsidize the costs of the golf course, and why only CCP residents would be charged the fee? She asked about the cutting out the good land and re-zones that land and not affect the other lands.

Ms. Smith asked, how is the new owner going to access the land. She asked how would that affect them as a POA.

Ms. Smith asked if the township will sell those easements with the land.

Ms. Smith asked if a referendum can be done and more time given to think about it.

Ms. Smith also asked what happens if no one buys this?

Diane Smith asked why the Supervisors don't try to work with us on this.  
Ms. Smith stated that if the supervisors asked the taxpayers, at least it would be what the people want.

10. Roy Goodnick; CCP North - Commented that the golf course is in both the South and North Sections of CCP, and that decisions of the new property owner who is only interested in development of the Township property in the North section could negatively impact the use of the golf holes in the South Section, such as a lack of maintenance in the South Section.
11. Karen Davis; CCP South - Asked why the Township can't you rezone only the 29 acres, instead of the whole thing? And whether a future property owner would use Big Ridge Drive.

Ms. Davis asked if there is a proposed buyer and if it can be rezoned again.

12. Peter Wallace; CCP North - He stated that the north association owns the road up there and the township has the easement. He acknowledged that plans sometimes change. He asked if the township would be interested in relinquishing the easement to the North. Mr. Wallace stated that the north POA pays for their own bridges and roads.
13. Alan Key; CCP South - Mr. Key stated that he has live in CCP since 2003. Member of Shawnee Country Club for the last 10 years. He previously spent a lot of time in township meetings prior to 2012. Remembers past supervisors. He just wanted to thank the Board of Supervisors and doesn't see the golf course surviving unless something happens. Thank you for exploring the options.
14. Menachem Lipkind, Sellersville Drive - Mr. Lipkind said that if the property is sold to a developer, then their interest is money. If they buy the parcel and are not concerned with the golf course, they may not want the course if it doesn't make money. The township should be looking at a buyer who wants to preserve the golf course. He thinks that would be the HOA's. Mr. Lipkind said the Township should sell the property. You have to look at it from the perspective of the people that live here. The HOA should have first option to buy as a developer may not maintain the golf course. He said cut your losses. By not selling it you are repeating the same the problem in acquiring the property.
15. Bob Firecamp; Castle Rock Acres - Mr. Firecamp stated that if the property is not currently zoned, why not just leave it that way.
16. Carole Demerest – Ms. Demerest asked what is the exact wording for the golf course in the deed?

17. Diane Smith - Ms. Smith said if there are changes and zoning is one of them and we live in a PRD, each homeowner would have to sign off on a plan, as it would change the deed restrictions. Ms. Smith asked if the golf course is going to change with regard to the golf and deed restrictions. Ms. Smith asked is this anyway going to affect title of homeowner property?
18. Bob Pohlman; CCP North - Mr. Pohlman recommended that (1) separate golf holes given metes and bounds, (2) finish off Toll Brothers sections with residential dwellings, and (3) the Township property be given to the nature conservancy to preserve the land.
19. Patrica A. Griffin; Upper Lakeview - Ms. Griffin stated that she feels that mistakes have been made in the past, Open space is what is needed.
20. Jill Sweeney; CCP South - Asked who will insure that no ATV's are going to be running on this open space? She stated that there is no control of this now and we have the underground gas lines. We would be misled to think that open space in an ideal way. 2. She said for everyone to consider that the Township was like the last man standing as owners of golf course. Correlation of golf course and township parks. What is an acceptable amount of money in the township budget for the golf course to remain as a park? The golf course has made plaques. There are a lot of people in New Jersey who have to travel distances to travel. This course is making strides. Discuss at a later date, to make it a park, allocate monies for the park.

One or more of the Supervisors or the Township Solicitor responded to a speaker's questions.

The Supervisors did not take official action, or deliberate, on any Township business.

### **Adjournment**

Mike Dwyer stated that additional meeting are scheduled.

Mike Dwyer made a motion to adjourn the meeting at 11:11am. Mark Oney seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell  
Township Secretary  
January 20, 2018

