



MIDDLE SMITHFIELD TOWNSHIP  
PLANNING COMMISSION MINUTES  
December 17, 2020

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, December 17 at 5:30 pm via Zoom with Bob Early presiding.

The State and Township continue to operate under emergency procedures due to the COVID-19 pandemic. The Planning Commission is holding in person meetings as well as providing an opportunity for public participation through video and audio advanced communication technology ("ACT"), using the ZOOM internet application.

Planning Commission members participating via Zoom: Bob Early, Parin Shah, Mark Oney, Nick Theofilos and alternate member Carrie Wetherbee. Also, in attendance, via Zoom, Township Engineer Chris McDermott, P.E., Planning Commission Solicitor Deborah Huffman, Esq., Township Secretary Michele Clewell and Planning Commission Recording Secretary Patrice Dume.

Plan Presenters in Attendance via Zoom: Donald S. Pensyl II, P.L.S. on behalf of Bushkill Creek Village Minor Subdivision.

**Pledge of Allegiance**

**Approval of Minutes**

Carrie Wetherbee made a motion to approve the November 19, 2020 minutes. Nick Theofilos seconded the motion. Motion passed 5-0.

**Announcements**

None

**Plan Submittals**

None

**Plan Reviews and Unfinished Business**

Bushkill Creek Village Minor Subdivision: Bob Early stated that a 90 day extension letter was received from Donald S. Pensyl II, P.L.S. and granting a time waiver to render a decision on the subdivision plan until April 19, 2020. Nick Theofilos made a motion to accept letter granting the time extension waiver until April 19, 2020 for the Bushkill Creek Village Minor Subdivision Plan. Carrie Wetherbee seconded the motion. Motion passed 5-0.

Chris McDermott, P.E. stated that a revised plan was received and proceeded to review the plan on the Zoom screen. Mr. McDermott stated that the plan was submitted last month by Mr. Pensyl II and he has the updated plan which is dated December 10, 2020. Mr. McDermott also

stated that Mr. Pensyl provided him with a letter addressing his comments. Mr. McDermott reviewed the plan with the members and stated the following:

- The lots are in the area of the Winona Falls Sewage Treatment Plant.
- He mentioned that in the south west of the site what they are proposing to do involves three lots. Lot 54 has an existing home on it and an existing lot. Lot 56 and 55 are existing lots. Residence on Lot 54 extends over the property line and Encroaches on Lot 56.
- He mentioned that what the subdivision is proposing to do is to take a small area out of lot 56 and give it lot 54, and take a small area out of lot 55 and give it to lot 54 and then combine lots 56 and 55. Mr. McDermott then showed how lot 54 would look in the end and how there would be a combined lot 56 and 55.

Chris McDermott, P.E. stated that he has a letter from last month that is marked up based on what Donald S. Pensyl II, P.L.S submitted. Mr. McDermott went through his letter

- Mr. McDermott asked that the notes be clarified regarding the water and sewer.
- Mr. McDermott asked that the deed for lot 55 be provided.
- Mr. McDermott stated that the wetland buffer and there is a 50-foot 25-foot drainage easement has been adequately addressed.
- Mr. McDermott stated that there is a right of way that runs in between lot 59 and 58 and the subject property. He mentioned that it was identified as a 20-foot-wide right of way. Mr. McDermott asked if it was owned by Winona Falls association. Mr. Pensyl stated that it is owned by the association. Mr. McDermott stated that Mr. Pensyl mentioned that the association is responsible for taking care of the road and the road will provide access to the lots, which it did before. Mr. Pensyl confirmed that it will provide access to the subject lots, along with other lots north of site and the dead-end. Mr. McDermott mentioned that the a portion of the existing gravel road is not in the right of way, but its on lot 56. Mr. Pensyl stated that the corner was cut wide and the lower left corner intersection is backed, and the owners are working on negotiations with the association to rectify the situation.
- Mr. Dermott asked if there is a plan to move the road off the property. Mr. Pensyl stated that it is the intention of the owners to do so and put it in the Right-of-Way where it should be. Mr. Dermott stated that normally there is a cross access easement that would go there and that there has to be some resolution to the issue since its been in existence for a long time. Mr. McDermott asked Attorney Huffman for her thoughts on the matter. Attorney Huffman stated that there would be legal issues regarding the road and she does not want give legal advice to the applicant or association regarding

the road. Attorney Huffman stated that if its not within the easement, then its on someone else's lot, and it should be documented or resolved going into the future. Attorney Huffman mentioned that as far as possible solutions, the applicant should speak with their own legal counsel.

- Attorney Huffman stated that as long as there is a Right-of-Way that provides access for the property owners, the Township should not have an issue.
- Bob Early asked for clarification as to how lot 55 was accessed. Mr. Dermott mentioned that it would be on the unbuilt portion of the Mountain Pass Road. Mr. Pensyl, mentioned that the Right-of-Way is cut open and there appears to be a subbase with some drainage left and right and technically one could drive on the road and pull into the property.
- Mr. McDermott mentioned that the homeowner's association is responsible for maintenance.
- Mr. McDermott discussed the joining of the lots and that the plan must reflect the intent as well as mention the pin numbers.
- Mr. McDermott stated that new lot descriptions should be provided and there should be new deeds
- Mr. McDermott stated that he would recommend the Planning Commission move the plan onto the Board of Supervisors subject to Engineer and Solicitor review.

Carrier Wetherbee made a motion to recommend approval of the Bushkill Creek Village Minor Subdivision Plan on to the Board of Supervisors subject to the Townships Engineers comment letter and legal review.

Parin Shah questioned the gravel path with regard to the Right-of-Way and if it's the HOA's responsibility then there should not be any issue with it being on lot 56. Attorney Huffman confirmed that because there's a legal Right-of-Way that's provided for, there should be no issues. Mr. Shah seconded the motion. Motion passed 5-0.

Mr. Pensyl II thanked all those present in the meeting and stated that he will take care of the notations and will follow up with Mr. McDermott next week.

#### **Other Reviews and/or Recommendations**

Middle Smithfield Township Comprehensive Plan Update: Mark Oney stated that the first steering committee meeting went very well. Mr. Oney stated that they marked up a map to indicate places they loved and places they felt needed improvement. Mr. Oney stated that now the Steering Committee has to go over previous agenda items from the comprehensive plan to see what is pertinent or needs be eliminated. Mr. Oney asked Patrice Dume if the meetings

from the last Steering Committee were completed. Ms. Dume stated that she will have them sent out to the Planning Commission for review. Mr. Oney stated that he would like the last map exercise to be sent to the Planning Commission and township liaisons in order for their committees to review. Mr. Oney mentioned that the next Steering Committee meeting is not until February 4, 2021, so, there is enough time to send minutes and information to the commission. He also stated that each Township committee/commission/board had great representation.

Bob Early stated how it was great that the Board of Supervisors picked Tom Comitta again to work with the Township because he's familiar with our township and his assistants are efficient.

Mr. Oney mentioned that if anyone on the Planning Commission sees anything they do not agree with, or if something is absolutely wrong, to please be vocal. Mr. Oney stated that Mr. Comitta is very receptive, so it's best to work together to keep him in the loop.

Parin Shah asked how the notes are taken and how everyone is informed. Michele Clewell stated that the notes are taken and then the minutes get sent over to Tom Comitta to make corrections prior to going back to the Steering Committee, and other boards. Mr. Shah asked if the commission will have Mr. Comittas notes along with the minutes. Ms. Clewell mentioned that it would be beneficial to have Mr. Comittas notes and asked Mr. Oney his thoughts. Mr. Oney agreed with Ms. Clewell and stated that Patrice Dume will be the gatekeeper and person to send everything to the Planning Commission moving forward.

Bob Early mentioned that they are looking forward to the minutes.

#### **New Business**

None

#### **Discussion**

None

#### **Continuing Education**

Penn State Extension Land Use Webinar Series: Carrie Wetherbee updated everyone on the last webinar regarding new food sources due to the pandemic and not depending on Supermarkets. Ms. Wetherbee stated that she would like to sign up to the next classes that will take place in January 2021.

#### **Public Comment**

None

#### **Next Meeting**

January 28, 2021 at 5:30pm.

Attorney Huffman asked Michele Clewell and Patrice Dume if the meetings are advertised. Michele Clewell stated that she's doing the yearly notice and based on what the Board of Supervisors, is doing it's in person meetings with the option of Zoom. Ms. Clewell stated that PSATS sent an advisory and that she will send to her.

**Adjournment**

Bob Early made a motion to adjourn the meeting at 6:05pm. Parin Shah seconded the motion. Motion passed 5-0.

Respectfully submitted,

Patrice Dume  
Recording Secretary  
December 17, 2020