



MIDDLE SMITHFIELD TOWNSHIP
PLANNING COMMISSION MINUTES
May 27, 2021

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, May 27, at 5:30 pm at Middle Smithfield Township Municipal Building, with Bob Early presiding.

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

Absent: Parin Shah

Plan Presenters in Attendance: Don Pensyl, PLS on behalf of Lands of Jeff and Garyl Strunk, Alan Chyko, PLS on behalf of Scotty's Gas Station.

Pledge of Allegiance

Approval of Minutes

Wayne Bolt made a motion to approve the April 22, 2021 minutes. Nick Theofilos seconded the motion. Motion passed 5-0.

Announcements

None

Plan Submittals

Minor Subdivision of Lands of Jeff and Garyl Strunk: Don Pensyl, PLS introduced himself and explained the nature of the project. Bob Early asked Chris McDermott, P.E. if he was able to review the plans. Mr. McDermott stated that he did review the submission packet for completeness and it is complete. Mr. McDermott recommended that the plan be accepted for review. Wayne Bolt made a motion to accept the plans for review, Carrie Wetherbee seconded the motion. Passed 5-0

Plan Reviews and Unfinished Business

Lands of Patricia Griffin Final Minor Subdivision: Chris McDermott stated that he did a review for the plans, and that they are proposing a subdivision for an existing 44.47-acre parcel that is located along Turkey Ridge Road. Mr. McDermott continued to state that there is a nonconforming lot formulated by a natural subdivision and he will leave it at the determination of the Township Zoning officer to decide whether it is an adequate basis for the creation of an undersized lot at this time. Bob Early asked if the lot was two acres. Mr. McDermott responded that it is 1.8 acres when the right-of-way is taken out. There was general discussion about the

land. Bob Early made a motion to table the plan. Wayne Bolt seconded the motion. Motion passed 5-0

Minor Subdivision Lot Consolidation – 5130 Milford Road Scotty’s Gas Station: Township Solicitor Michael Gaul stated that he retrieved more information concerning the Scotty’s Gas Station High Occupancy Permit issue. Mr. Gaul stated that the Township had previously brought a successful legal action against Scotty’s because Scotty’s had opened for business without first obtaining an occupancy permit from the Township. Scotty’s zoning permit had a condition that no occupancy permit would be issued until Scotty’s completed the improvements required by the PennDOT HOP, which Scotty’s had not completed. A later Board of Township Supervisors, however, decided that the Township would not enforce the condition in the Zoning Permit and that an occupancy permit could be issued, which then occurred. That later Board of Supervisors believed that the Township should not be enforcing PennDOT’s requirements.

Township Solicitor Gaul stated that, because the Township issued Scotty’s a certificate of occupancy, there no longer appeared to be any dispute between the Township and Scotty’s over Township matters. If there was any remaining dispute over the HOP, the dispute would be between PennDOT and Scotty’s.

Solicitor Gaul also stated that the SALDO’s access requirements did not appear to apply to a lot consolidation plan. As a result, PennDOT approval was not necessary prior to approving the plan. The MPC, however, did require that a notice be placed on the plan that access to a state road may require PennDOT approval. Mr. McDermott confirmed that the require note was already on the proposed plan.

Bob Early stated that it is just an incomplete project and a precedent should not be set where a plan is approved and you have to do something, and then its not completed. Mr. Early continued to state that what the plan is requesting is reasonable. There was general discussion about the Scotty Gas Station past issues and obtaining a Highway Occupancy Permit.

Alan Chyko requested that the plans be approved subject to making the proper changes requested in the Township Engineer Review letter dated April 19, 2021. Chris McDermott briefly went over some points from the review letter with Alan Chyko. Wayne Bolt made a motion to recommend approval subject to satisfactory of complying to the engineer letter dated April 19,2021. Carrie Wetherbee seconded the motion. Motion passed 5-0.

Other Reviews and/or Recommendations

Middle Smithfield Township Comprehensive Plan: Mark Oney stated that there will be a joint meeting for both the Planning Commission and Township Supervisors on June 24th at 6pm to review a prestation by Thomas Comitta Associates regarding the Comprehensive Plan Update of the first draft 2021.

New Business

None

Discussion

Continuing Education

Penn State Extension Land Use Webinar Series: Carrie Wetherbee stated that she emailed the recordings and slides to everyone. Ms. Wetherbee stated that it is about developing communities and different programs under AmeriCorps.

Public Comment

None

Next Meeting

May 27, at 5:30pm.

Adjournment

Wayne Bolt made a motion to adjourn the meeting at 6:30pm. Nick Theofilos seconded the motion. Motion passed 5-0.

Respectfully submitted,

Patrice Dume
Recording Secretary
May 27, 2021