

SMITHFIELD TOWNSHIP PLANNING COMMISSION
COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA
REGULAR MEETING OF JANUARY 9, 2020 AT 7:00 P.M.
MEETING MINUTES

Call to Order and Members Present

The meeting was called to order at 7:00 p.m. by Township Planning Commissioner Chair Douglas Schryver. The five (5) other Commissioners were present; namely, David Strunk, Robert Moses, Attorney Scott Amori, Michael Albert and Edith Schramm.

In addition to the above Commissioners, Township Supervisors Robert Lovenheim and Jacob Pride, Township Engineer Jon S. Tresslar, PE and PLS and Township Solicitor, Ronold J. Karasek, Esquire, of the Karasek Law Offices, LLC were present.

The Pledge of Allegiance to the Flag: was recited.

Reorganization of the Commission.

On motion of M. Albert and second by R. Moses and on a unanimous vote of 6-0, Attorney Scott Amori was appointed the Commission Chairperson.

On motion of M. Albert and second by D. Schryver and on a unanimous vote of 6-0, Robert Moses was appointed the Commission Vice-Chair.

On motion of D. Strunk and second by R. Moses and on a unanimous vote of 6-0, Michael Albert was appointed the Commission Secretary.

On motion of M. Albert and second by S. Amori and on a unanimous vote of 6-0, Lois J. Turr was appointed the Commission Recording Secretary (although it was acknowledged that the Township Solicitor will continue to prepare the meeting minutes).

On motion of D. Strunk and second by E. Schramm and on a unanimous vote of 6-0, the regular monthly meetings of the Commission will be the second Thursday of each month at 7:00 pm at the Township Municipal Building.

On motion of D. Strunk and second by E. Schramm and on a unanimous vote of 6-0, the monthly work sessions (as needed) of the Commission will be the last Thursday of each month at 7:00 pm at the Township Municipal Building.

Minutes: Upon motion of M. Albert and second by D. Strunk and on a unanimous vote, the Meeting Minutes of the November 6, 2019 meeting were approved.¹

¹ The Township Secretary indicated that the Meeting Minutes of October 2 and October 30, 2019 had not yet been approved. The Commission asked the Solicitor to look into this. After checking both the November 6 and October 30 Meeting Minutes, it appears that the Meeting Minutes of September 4, October 2 and October 30 still need to be approved.

Plans to Act On:

A. Plan: Timwood, LLC

Location: So Side of River Road at Intersection w/ Shawnee Church Rd

Zoning District: R-1 (Low Density Residential)

Type: Minor Subdivision

The Applicant's Representative, Ray Rodgers of Frank J. Smith, Jr., PLS, was present to introduce the plan; and, he also discussed the Smith Written Response Letter to the Township Engineer Review Letter of December 17, 2019. The Township Engineer also discussed his Second Review Correspondence dated January 9, 2020.

The existing Timwood, LLC property has a gross lot area of 4.325 acres (4.164 net) and consists of two (2) single family dwellings with associated garage and driveway taking access from River Road. The property is serviced by private on-lot well and central sanitary sewer. The remainder of the property is lawn and woodlands.

The proposed subdivision proposes two (2) lots. Lot No. 1 will have a gross lot area of 2.099 acres (1.938 acres net) and will consist of the two (2) existing residential dwellings, associated garage and driveway. Lot No. 2 (gross lot area of 3.288 acres) will be consolidated with the existing Shawnee Holding property located on Minisink Avenue with an associated garage and driveway taking access from Minisink Avenue.

The Township Engineer Review Letter of January 9, 2020 was a Second Review; and, the letter indicates that most (if not all) Township Engineer review requirements (as per his First Review Letter dated December 17, 2019) have been met.

Accordingly and upon motion by D. Strunk and second by R. Moses and on vote of 6-0, conditional preliminary and final plan approval was recommended on condition of the Township Engineer's third review of the plan to confirm all aspects of his prior letters have been met by the Applicant.

B. Plan: Tara Vecchio-Freeman

Location: 207 Price Landing Road

Zoning District: Floodplain and Floodway-FEMA Zone AE

Type: Conditional Use Application

The Applicant is proposing a single family residential dwelling upon an existing 10,000 sq. ft. property. The construction will include a proposed driveway taking access from Price Landing Road and an on-lot sanitary sewage system. According to the FEMA Flood Insurance Rate Map, the property is located in the AE Zone of both the floodway and the 100-year floodplain of the Delaware River.

As per the Township Engineer Review Letter dated January 9, 2020, there is insufficient information to determine the distinction between the existing floodway (where no construction of any kind is permitted such as a single family residential

dwelling) and the floodplain (where development might be able to occur upon compliance with various requirements)

If the use is permitted in the flood plain, a variance would need to be secured before any conditional use would be considered; however, an on-lot sanitary sewage system cannot be located within a flood plain so it does not appear that the Applicant can proceed with her plans unless she can connect to central sewer. (Catch-22?)

Accordingly and upon motion by D. Strunk and second by S. Amori and on vote of 6-0, the Commission voted not to recommend conditional approval of the plan.

New Business:

1. Applicant: Ski Shawnee, Inc.
Type: Zoning Ordinance Amendment

The Applicant appeared through its President, Mr. Nicholas Fredericks along with its attorney, Charles J. Vogt. Attorney Vogt explained the proposed amendments to the Township Zoning Ordinance (ZO).

He was proposing that new definitions of "Dwelling" and "Lodging Accommodations" be added to the ZO (as there were no such definitions in the ZO). He was also requesting that the existing ZO definition of "Resort" be revised.

The petition recites that "...clarification related to permitted uses within the R-E (Resort) Zoning District is necessary to clarify the distinction between accommodations at resorts and dwellings in residential districts and to be consistent with uses historically permitted in Resorts within Smithfield Township and elsewhere".

The petition was spurred by a determination of the Township Zoning Officer that resort rooms with kitchen facilities are "dwellings" which would require conditional use approval under the ZO. This created an issue with the Ski Shawnee resort uses.

Attorney Vogt states that a "dwelling" is one where someone receives his/her mail. However, Commissioners Amori and Strunk expressed concerns with the definition of "dwelling". Attorney Vogt would agree to delete the request for the new "dwelling" definition provided the new definition of "lodging accommodations" would remain.

Accordingly and upon motion by D. Strunk and second by R. Moses and on vote of 6-0, the Commission voted to recommend that the new definition of "dwelling" be stricken from the proposal and that the Board of Supervisors consider only the new definition of "lodging accommodations" and the revised definition of "resort".

There was a second motion by D. Strunk and second by R. Moses and on vote of 6-0 where the Commission voted to recommend that the term "dwelling" be addressed as an overall zoning ordinance concern since that term is not defined in the ZO.

2. While not on the Agenda, there was a discussion concerning 2301 Milford Road (the old Forney Office Complex)

E-mails were sent to/from Commissioner D. Schryver, Commissioner Amori, Zoning Officer Wolfe and Supervisor R. Lovenheim regarding what appears to be development activity at this property (which is located in the B-1: Planned Boulevard Zoning District) has been abandoned for several years. Commissioner Schryver states that he believes (or was told) it is the intent of the owner to restore the prior motel use.

However, there was concern that this activity was occurring without any township (or other) permits in place and that what was occurring was "land development" (without a permit) as defined by the Township ordinances. However, there was also a discussion as to whether or not interior work only would be development that would require permits.

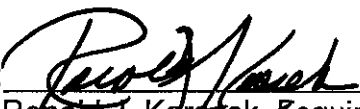
The Commission suggests that the Township Zoning Officer report the status of this matter to the Township Supervisors.

Unfinished Business: None

Public Comment: None

There being no other business coming before the Commission and on motion by Commissioner S. Amori and seconded by Commissioner R. Moses and on a unanimous vote of 6-0, the meeting was adjourned at 8:15 p.m.

Karasek Law Offices, LLC

By: 

Ronald J. Karasek, Esquire
PA I.D. No 23233
Solicitor to Smithfield Township