

SMITHFIELD TOWNSHIP PLANNING COMMISSION
COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA
REGULAR MEETING OF MAY 28, 2020 AT 7:00 P.M.
MEETING MINUTES

1./2. Call to Order and Members Present:

The meeting was called to order at 7:00 p.m. by Township Planning Commissioner Chair Attorney Scott Amori. Four (4) other Commissioners were present; namely, Robert Moses, David Strunk, Michael Albert and Douglas Schryver.

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.

This meeting was conducted remotely via ZOOM with both a video and audio transmission; and, some participated by audio only i.e. James DePetris and D. Marcozzi.

3. The Pledge of Allegiance to the Flag: was not recited.

4. Minutes of March 12, 2020: Upon motion of D. Schryver and second by R. Moses and on a unanimous vote of 5-0, the Meeting Minutes were approved.

5. Public Comments: None.

6. Plans to Act On: None.

7. New Business:

(A) Verizon Wireless-Magick Cauldron LD Plan-Cell Tower

This plan proposes a wireless communications cell tower on the western side of Airport Road approximately 450 Feet north of its intersection with Milford Road (Business Route 209). The property is located in the M-1 (Industrial) Zoning District.

This project had been earlier reviewed by the Planning Commission as a Conditional Use. While the Commission did recommend approval of the use (with certain conditions), the Board of Supervisors denied the application. Verizon then took an appeal to federal court and won its appeal so that the project must now proceed with land development.

The Township Engineer prepared Acceptance of Plan Review Correspondence dated May 21, 2020; and, on motion of M. Albert and second by R. Moses (and on unanimous vote of 5-0), the Commission formally accepted the plan for review. No other action was taken on the plan.

(B) Monroe County Planning Commission (MCPC) Review Correspondence

The MCPC had performed a review of the draft Economic Development Ordinance; and, comments were issued in the Fall of 2019 by both Stacy Yoder, MCPC Planner and Eric Koopman, MCPC Planner. Recently, another review was performed by Mr. Koopman the MCPC dated May 8, 2020. However, the Township Planning Commission had already reviewed the MCPC comments at a prior meeting so no additional action was taken by the Commission.

(C) Smithfield Gateway Project-Proposed Zoning Changes to Section 305-Mixed Use Development¹

Jim DePetris (and his Planning Professionals) had earlier appeared before the Planning Commission to discuss the "New" Smithfield Gateway Project. Since the project was initially proposed, the retail market became very volatile with various establishments (such as supermarkets and department stores) closing. Indeed, the proposed food market anchor for this project fell through². Accordingly, it was required to re-think the nature and scope of the project.

Accordingly, zoning amendments have been proposed by Smithfield Gateway to the Section 305-Mixed Use Ordinance that will accommodate those market and project changes. Appearing on behalf of the Applicant to discuss those amendments were the Applicant, James DePetris, his Planning Professional, Douglas Olmstead, PE, Architects Chris Bauer and Dave Marcozzi from CI Design of Baltimore, Maryland.

(Parenthetically, Planning Commission Chair, S. Amori, expressed his dismay in discussing important zoning amendments via ZOOM. He does not believe that a remote video meeting is a useful tool to permit public participation and allow public input in township matters such as these.)

The Township Engineer began to discuss and review portions of his Review Letter dated May 6, 2020 as follows:

¹ Just to be clear. These proposed amendments are not the Economic Development (ED) Zoning District and Incentivized Development Option (Section 306) zoning amendments that are also being proposed to replace-in their entirety-the C-1 (Commercial) Zoning District, B-1 (Planned Boulevard) Zoning District and the B-2 (Business and Professional Office) Zoning District. Those amendments are proposed to encourage redevelopment of under-utilized properties and allow for greater flexibility in development alternatives. These changes would also require a Zoning Map change.

² Mr. DePetris reminded everyone that there was already an approved Preliminary Plan for Phase 1A; however ordinance changes need to be made in order to proceed with Phase 1B as the large tenant - that had been interested in this project - decided to move to the Stroud Mall.

No. 1: Since preparation of the Review Letter, single or one family detached dwellings will no longer be allowed in the amendments as proposed. Incidentally, it was noted that the proposed amendments now allow for five hundred (500) residential units (only 236 were previously permitted) but a significant percentage of those new units will be age-restricted.

No. 3: The proposed amendments recite that land under common ownership (although separated by a public street) will be considered contiguous. There was concern as to whether or not there should be some restriction to confirm that these lots in common ownership cannot be sold off separately. Commission Chair Amori suggested either a deed restriction or a note be placed on the recorded plan that such lots cannot be further subdivided without further township approval.

No. 4: The construction of a new through road no longer needs to be constructed in the early phase of development. Major portions of the project will be able to move forward prior to constructing a connector road. Mr. DePetris stated that the present three (3) projects do not need the through road to be constructed; and, such road will be constructed at a later time. It is a choice between developing 50 acres now or all 90 acres at once.

Applicant's Engineer D. Olmstead states that the Applicant "definitely wants to construct the entire loop road" but needs funding to do so; and, Mr. DePetris confirmed that all of that funding was not in place. Also, Mr. Olmstead stated that each phase of the project needs to be able to stand on its own if the other phases are not developed so this would prevent a road being partially constructed "going to nowhere".

Mr. DePetris stated it was his intent to construct the connector road first; and, Township Engineer Tressler seemed to agree to the construction of the project roads in phases; however, all such roads must meet township standards.

Mr. DePetris stated that the first project is on 30 acres with the Connector Roads A and B in place which makes the first phase of this project very functional.

Supervisor Lovenheim stated that "we want to get things going...we need to get something done...the connector road will be eventually built". The problem here is that PennDOT recently pulled a substantial grant and the funding source for road construction has dried up.

The proposed changes in Nos. 5 and 6 were reviewed.

No. 7: It was noted that residential uses will now include condominiums. Commissioner Chair Amori was concerned with this addition since condominiums are deeded interest.

No. 8: Dealt with extension an unenclosed porch or deck; and, Commissioner Chair Amori stated that such separation should be allowed provided building code requirements are met.

No. 9: Stated that multi-use buildings (i.e. commercial and residential) are now permitted with (for example) commercial on the first floor and residential on the second floor. This is more in keeping with traditional mixed case development

No. 10: The proposed zoning amendment allows 20% of the required parking spaces to be permitted between a state road right-of-way and the nearest principal building (only 10% was previously permitted). The Applicant and D. Olmstead stated that this zoning amendment needs to be approved now in order to accommodate the concerns of a Phase 1A tenant³. In order to keep this zoning amendment moving, the Township Planning Commission did recommend approval

No. 11: The maximum building height for certain buildings has been increased from 45' to 60'. Architect Bauer was asked whether or not fire vehicles could access the upper floors; and, the response was that the buildings will comply with the building code and will be sprinkled. Architect Marcozzi confirmed this information and indicates that the Applicant will be speaking with the Fire Marshall in this regard.

No. 12: The maximum building height for residential buildings has been reduced from 45' to 40'

No. 13: Engineer Tressler acknowledged that there was a typographical error in this comment which stated that a community center would be permitted in each phase of residential development when, in fact, a community center is required.

No. 14: The number of bedrooms in each dwelling unit is limited to two (2) with a minimum of 50% of all dwelling units required to have only one (1) bedroom. Mr. DePetris stated this would limit the impact on the school district i.e. 600/700 residents versus 1000/1100 residents.

No. 15: Architect Bauer stated that vinyl siding is now permitted on portions of buildings not visible from the public street and other areas.

No. 16: The Planning Commission agrees that bike racks shall be provided

No. 17: Disturbance of moderately steep slopes is proposed to be increased to 80% for residential, office and industrial development. The previous permitted disturbance was 60%. There was a significant amount of discussion on this item.

³ The parking area set-back from Route 209 is 65 feet and the present front yard parking spaces are designed for 42 spaces and the tenant is asking for 49 spaces.

Mr. DePetris stated that if you are going to construct age-restricted housing, bedrooms must be on the first floor for ease of access. Having 10-12 steps to access the first floor is a design that is not marketable for age-restricted housing. Accordingly, the site on the hill will require slope disturbance so as to allow easy access and a low number of steps for the age-restricted residents. Of course, any slope disturbance will need to meet NPDES/Soil Erosion Requirements.

Commissioner Strunk was concerned that this language would create a quarry area with major clearing creating a "big scar" on the landscape. Commissioner Schryver stated the problem is with the land clearing that is customarily used as an excuse for this type of land development. Commissioner Chair Amori asked what if the area was limited to age-restricted development?

Township Engineer Tressler stated that a quarry is not permitted in a mixed-use development zone so the Commission should not be concerned that these amendments will permit a quarry; and, Mr. Tressler also suggested adding a "maximum cut" requirement to the zoning amendments so that a quarry could not be created. Further, Applicant Engineer D. Olmstead stated that any earth disturbance between 60-80% needs Board of Supervisors approval. Parenthetically Commissioner Schryver stated that there has been development in the Poconos in steep slope areas for years! Commissioner Strunk suggested that this No. 17 be carefully reviewed by the Township Board of Supervisors at the time the zoning amendment is presented to the Supervisors for official action.

Motion by Commissioner Chair S. Amori and seconded by Commissioner Schryver to recommend to the Township Board of Supervisors the zoning amendments as outlined in the Township Engineer Review Letter of May 6, 2020, Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16. This motion was unanimously approved on a 5-0 vote.

Motion by Commissioner Chair S. Amori and seconded by Commissioner Schryver that No. 3 of the Township Engineer Review Letter of May 6, 2020 (land under common ownership and separated by a public street shall be considered contiguous) was recommended on condition that a note be entered on the recorded plan that such merger must abide by the Mixed Use Ordinance. This motion was unanimously approved on a 5-0 vote.

Motion by Commissioner M. Albert and seconded by Commissioner R. Moses that, in order to address No. 17 of the Township Engineer Review Letter dated May 6, 2020, the Township Engineer and the Applicant's Engineer and/or Architects are to meet in order to arrive upon an acceptable amount of cut so quarrying would not occur. This motion was unanimously approved on a 5-0 vote.

8. Unfinished Business:

Commissioner Chair S. Amori stated that he would prefer that the next Planning Commission meeting proceed in-person at the Township Municipal Building although ZOOM can be part of the meeting for members of the public (and/or others) who would prefer to participate remotely.

9. Public Comment: None.

(10) Adjournment:

There being no other business coming before the Commission and on motion by Commissioner Chair S. Amori, seconded by Commissioner D. Schryver and on a unanimous vote of 5-0, the meeting was adjourned at 8:45 p.m.

Karasek Law Offices, LLC

By: _____


Ronald J. Karasek, Esquire

PA I.D. No. 23233

Solicitor to Smithfield Township