

SMITHFIELD TOWNSHIP PLANNING COMMISSION
COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA
REGULAR MEETING OF JULY 9, 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. Three (3) other Commissioners-along with the Chair-were physically present at the Township Municipal Building; namely, David Strunk, Michael Albert and Douglas Schryver. Commissioner Robert Moses was present via ZOOM.

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 all physically present at the Township Municipal Building.

As stated above, this meeting was also conducted remotely via ZOOM with both a video and audio transmission; and, the attorney for Water Gap Capital Partners, LLC participated by ZOOM only i.e. F. Andrew Wolf, Esquire.

3. The Pledge of Allegiance to the Flag: was recited.

4. Minutes of May 28, 2020: Upon motion of D. Schryver and second by D. Strunk and on a unanimous vote of 5-0, the Meeting Minutes were approved.

5. Public Comments: None.

6. Plans to Act On:

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. The project was accepted for review at the May 20, 2020 Meeting.

Since that meeting, the Township Engineer prepared Plan Review No. 1 Correspondence (ten-10-pages) dated June 16, 2020; and, because of the Engineer's extensive review, the Applicant's Attorney requested that the matter be tabled to allow the Applicant to address the review comments.

Before tabling the matter, there was some discussion as Commissioner D. Strunk asked "why is this back" before the Commission? The Solicitor and Commissioner Chair S. Amori briefly discussed the procedural posture of the matter. In addition,

Commissioner D. Schryver also questioned if there was compliance with various provisions of the Township Airport Zoning Ordinance. While the Solicitor was uncertain if those items were earlier addressed, Township Engineer Tresslar stated that this covered in his Review Letter Zoning Comments Nos. 8 and 9.

On motion of Commissioner D. Strunk and second by Commissioner M. Albert (and on unanimous vote of 5-0), the Commission tabled the plan for review.

7. New Business:

1) Township Recycling Program

Supervisor Lovenheim explained that a year (or so) has been spent in researching a Township Recycling Program; and, in fact, a Booklet and 13 minute Video were prepared explaining the program. Commissioner Albert asked why this program is better than one by a local waste hauler? He was skeptical as to whether the program would be profitable but he did support the idea.

Supervisor Lovenheim explained program benefits such as plastic pellets, commodities pricing so forth. He also stated that the proposal was forwarded to the County Commissioners for their review but he has heard nothing. Supervisor Pride stated that there would be a Feasibility Study performed before the Township would consider moving forward in this matter.

There was some discussion that other municipalities in the area are doing this but are not making any money. It was suggested that perhaps the Township should inquire as to the East Stroudsburg Facility in Blakeslee and/or consider a Joint Pilot Project with Middle Smithfield Township.

No further discussion or action was taken on this topic.

2) Signage Revisions to Township Zoning Ordinance

Commissioner Chair S. Amori suggested that this matter be discussed in a joint session with the Township Supervisors. Commissioner D. Strunk stated that in the late 80s/90s, people would "put up signs anywhere". It was also stated that the plywood billboards along Route 209 were replaced with steel standards. Chair S. Amori stated that his concern was with "wildcat" signs, signs with waving flags, signs on immovable vehicles so forth. Commissioner M. Albert stated that if the Township adopts sign provisions that are "too simplistic", which will detract from nicer, better quality and/or hand-crafted signs. Supervisor Lovenheim asked how many signs may a business have?

It was decided that this matter be placed on a meeting for the end of August; and, at that point, no further discussion or action was taken.

3) Water Gap Capital Partners, LLC-Municipal Curative Amendment

At the request of the Commissioner Chair S. Amori, the Township Solicitor explained the background of the recent Monroe County Court decision by Judge Zulick and how that interfaces with the proposed curative amendment.

The Solicitor suggested that the adoption of the ED (Economic Development) Zoning Amendment-which specifically allows Drug and Alcohol Treatment Centers as a Principal Permitted Use-cures the alleged defect in the zoning ordinance.

While the Solicitor suggested that adoption of the ED Zoning District would prevent this use being placed in any other zoning district, this was immediately countered by the Commissioner Chair S. Amori (and others) that this would not necessarily be the case. For example, Water Gap could file a separate Petition for Zoning Amendment to allow the use in the R-1 (Low Density Residential) Zoning District.

Commissioner Albert asked if anyone knew where these centers are located in other municipalities. Water Gap's attorney was not able to answer that question; and, Township Engineer Tresslar stated it would be difficult to provide an answer to that question since every municipality's zoning ordinance is different so one would be unable to compare "apples to apples".

Attorney Wolf stated that this use is not inconsistent in a residential zoning district; and, in fact, is a residential use...and Supervisor Lovenheim stated that there is additional protection in the curative amendment since there is a 25 acre minimum tract size. While Supervisor Lovenheim stated that this amendment would involve only 3-4 tracts in the R-1 Zoning District, Supervisor Pride stated that he thought the Zoning Officer told him there were about 40 properties that would be affected even with a 25 acre minimum.

Finally, Commissioner Chair S. Amori asked Attorney Wolf if the Drug and Alcohol Treatment Center was in operation; and, Attorney Wolf said "No".

On motion made by Commissioner Chair S. Amori and seconded by Commissioner D. Schryver, the matter was tabled to the Planning Commission's Work Session of Thursday, July 30, 2020 which would be prior to the Supervisors' Public Hearing on the Curative Amendment scheduled for Tuesday, August 11, 2020.

8. Unfinished Business:

Commissioner Strunk asked about Marshall Falls Park. He had heard that there have been several use issues at the park i.e. trash, graffiti on the bridge so forth. Commissioner Pride stated that security has been hired for the park and PA State Police are also patrolling so as to prevent problems such as parking on the side of Creek Road.

Supervisor Pride stated that the Township has closed the park to prevent further damage; and, it will decide when to re-open it.

9. Public Comment:


A one Guy Miller (a 40 year Township resident) complained about the "horrible pool permit process" he just experienced with the Township. He wanted to know if other township permits are as expensive as the pool permit which cost him \$345.00.

He also wanted to register an official complaint against the Township Zoning Officer on how he was mis-treated by Mr. Wolfe; and, he was told by the Commission to place his complaint in writing and forward it to the Township Board of Supervisors.

10. Adjournment:

There being no other business coming before the Commission and on motion by Commissioner Chair S. Amori, seconded by Commissioner R. Moses and on a unanimous vote of 5-0, 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