

SMITHFIELD TOWNSHIP PLANNING COMMISSION
COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA
REGULAR MEETING OF MARCH 11, 2021 AT 7:00 P.M.
MEETING MINUTES

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

The meeting was called to order at 7:02 p.m. by Township Planning Commissioner Chair Attorney Scott Amori. Along with Commissioner Amori, Commissioners D. Schryver, D. Strunk, and K. Wichman were all physically present in the meeting room at the Township Municipal Building. Commissioner R. Moses attended remotely. Commissioner M. Albert was absent. The meeting was also streamed remotely via ZOOM.

In addition to the above Commissioners, the other Township officials who attended the meeting were Township Supervisors Jacob Pride and Robert Lovenheim, Township Engineer Jon S. Tresslar, PE and PLS and Township Solicitor, Ronold J. Karasek, Esquire, of the Karasek Law Offices, LLC, all of whom were all physically present in the meeting room.

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

4. Minutes: The Minutes of February 11, 2021 were approved on motion of D. Strunk, seconded by D. Schryver and unanimous vote of 5-0.

5. Public Comments: None.

6. Plans to Act On:

a) Jones and Zaplishny Minor Subdivision Plan-Lot Line Adjustment

The plan proposes a lot line adjustment on properties located on the northern side of Franklin Hill Road approximately 260 feet east of the intersection of Franklin Hill Road and Music Center Drive. The property is situated in the R-1 (Low Density Residential) Zoning District. It is intended that land will be taken from the existing Zaplishny lot and added to the existing Jones lot. The existing Jones lot will increase from 1.03 acres to 2.57 acres and the Zaplishny lot will decrease from 6.11 acres to 4.57 acres.

The Applicant's Planning Professional G. Fetch, Jr., PLS, was present to discuss the Plan and the overall project. He stated that he had recently revised the Plan; however, Township Engineer Tresslar was not yet able to review the revisions as he had just received the revised Plan in the mail. Nevertheless and as stated above, the Plan is simply to move back a lot line.

Since the plan was relatively minor in scope, Commissioner Strunk made a motion (and seconded by Commissioner Schryver) to recommend Conditional Preliminary/Final Plan approval based upon the Township Engineer Review Letter of January 8, 2021 and Mr. Tresslar's review of the revised Plan. Motion passed with a unanimous 5-0 vote.

b) Combination of Smithfield Gateway- Major Subdivision Plan-Phase 1-1A and Final Land Development Plan-Phase 1-1A

This Subdivision Plan was previously approved in 2017 as a five (5) lot subdivision on 91.96 acres within the ED (Economic Development) Zone located on the western side of Seven Bridges Road (SR 209) approximately 1,000 feet north of the intersection with Independence

Road (SR 447). A revised Major Subdivision Plan has been filed to conform to the proposed Phase 1A-1 Land Development Plan. There are only slight revisions; the overall plan remains the same.

The Land Development Plan is Final Phase 1A-1. The 6.01 acre lot will be developed and include a 2-story 21,459 sq. ft. medical office building and a 9,000 sq.ft. retail building with drive through service and associated parking with access from proposed Roads A and B. The partial construction of Roads A and B and the construction of Road C in its entirety are proposed. Associated utilities, storm sewer, storm water, landscaping and lighting will also be constructed.

The Applicant J. DePetris, Smithfield Gateway's in-house Engineer D. Olmstead and J. Cote, PE of Langan Associates were present in the meeting room. The Applicant's attorney, M. Wolf, Esquire, attended via ZOOM.

Mr. DePetris led the presentation stating that the most challenging aspect of the project (to date) is the road construction. Fortunately, the Applicant has been able to secure various grants, TIF financing and PENNDOT has been cooperative in allowing the project to be completed in phases. However, no other phases can be constructed until the SR 209 improvements are completed and Road B is constructed. Further and while he stated that he was excited with Phase 1A-1, he is more excited with Phase 1B which is the 236 apartments with retail. He believes that is 8-10 months away. Finally he stated that the anchor tenant for the 40,000 sq. ft. building will soon be announced.

The presentation was then turned over to Mr. Cote who reviewed the pertinent aspects of the Land Development Master Plan including the 40,000 sq. ft. medical office building (with 200 off-street parking spaces), the 9,000 sq. ft. retail drive through (with 52 off-street parking spaces), the Road A construction to the intersection with Road B (and stopping at that point but with an access internal drive so a cul-de-sac is not needed) and Road C constructed to Music Center Drive. As to the land development project, the Township Engineer prepared Review Letter No. 1 dated February 11, 2021 and a Technical Review Letter No. 1 dated February 23, 2021.

As to the Major Subdivision, Mr. Cote stated that the revised plan was tweaked to "marry up" with the proposed changes on SR 209. As to the subdivision, the Township Engineer prepared Review Letter No. 1 dated February 11, 2021.

In addition, Mr. Cote submitted a Letter dated March 9, 2021 requesting twenty (20) SALDO waivers for the Land Development Plan and twenty seven (27) SALDO waivers for the Subdivision Plan. These waivers combined together past waivers granted, requested revised waivers and requested new waivers¹; and, there was discussion that some waivers may no longer be needed. This combination of waivers in the one letter was confusing to both the Commissioners and to the Solicitor. The request was made for Mr. Cote to re-file the SALDO waiver requests with more clarity as to what is old, revised and new.

¹ For example, Mr. Cote stated that the "new" waivers for the Land Development Plan were waivers from the sidewalks/walkways setbacks requirements, waiver for a cul-de-sac as Road A is being cut-off at its intersection with Road B and a waiver allowing for a partial street. See Nos. 5,19 and 20 of the Cote Letter Request.

At this point, Mr. DePetris stated that he would request conditional approval for both plans. He is under a deadline to close the 40,000 sq. ft. project by the end of April 2021. He suggested that the remaining items were technicalities and the SALDO waivers are not objectionable. Engineer Olmstead also suggested that any approvals be conditioned upon the following approvals i.e. by Engineer Tresslar, by Solicitor Karasek and any Outside Agency approvals. This would provide the Township with additional protection and assurances that the project is acceptable to the Township professionals. For whatever reason this suggestion was not considered in the motions noted below.

Because there were many items outstanding, Commissioner D. Schryver asked whether the Commission can simply remain silent and not provide any recommendation. The Chair did not like this suggestion. In response, Engineer Olmstead stated that the plan changes are to building footprints only, the stormwater pipe through the site and the off-street parking. The major infrastructure has not changed comprehensive Tresslar Review Letters are to require consistency between the land development and subdivision plans.

On motion by Commissioner Strunk, seconded by Commissioner Schryver and on a split vote of 3-2 (nays-Amori and Wichman), the Major Subdivision Plan was recommended for conditional plan approval based upon Mr. Tresslar's Review Letter of February 11, 2021.

On motion by Commissioner Strunk, seconded by Commissioner Schryver and on a split vote of 3-2 (nays-Amori and Wichman), the Land development Plan for Phase 1A-1 was recommended for conditional plan approval based upon Mr. Tresslar's Review Letters of February 11 and 23, 2021.

On motion by Commissioner Strunk, seconded by Commissioner Schryver and on a unanimous vote of 5-0 the SALDO waivers as per Engineer's Cote's Letter of March 9, 2021 were recommended for approval on condition that a revised SALDO Waiver List will be prepared outlining the previously approved waivers and the newly requested waivers.

c) Franklin Hill Manor Preliminary Subdivision

The Applicant is proposing a minor subdivision on the eastern side of Franklin Hill Road at its intersection with Albert Lane (a private road). The property is located in the R-1 (Low Density Residential) Zoning District and is an existing area of 6.1895 acres of woodlands. The proposed subdivision includes four (4) residential lots of 1.5334 gross acres (Lot No. 1), 1.535 gross acres (Lot No. 2), 1.2463 gross acres (Lot No. 3) and 1.8745 gross acres (Lot No. 4). Access to said lots will take place from Albert Lane.

The Township Engineer completed an Acceptance Review Letter dated March 4, 2021 where he recommended that the Plan be rejected as it is clearly to develop four (4) residential properties; and, accordingly, a land development submission is required which would address stormwater issues, grading, erosion and sedimentation and the like.

After further discussion and on motion by Commissioner D. Strunk, seconded by Commissioner R. Moses and on a unanimous vote of 5-0, the Planning Commission recommended that the Plan be rejected.

7. Unfinished Business:

1) Draft Ordinance No.229- Permit Denial Ordinance

The Solicitor explained that the Commission had reviewed an earlier draft of this ordinance (which was prepared and advertised for adoption at a public hearing before the Township Supervisors scheduled for April 10, 2018). However and at that time and when the Commission reviewed the ordinance, the Commission was concerned that a Township permit could be denied to anyone who was delinquent in municipal charges anywhere...not just in Smithfield Township...and the ordinance also covered delinquent garbage and water bills. Accordingly, the matter was tabled so that a joint session of the Commission, the Sewer Authority and the Supervisors could meet to further discuss the ordinance provision (which meeting did not occur).

The Supervisors have now asked that the ordinance be reconsidered and revised (to include just Smithfield delinquencies and for real estate taxes and sewer charges only); and, the ordinance has been so changed. Also, the ordinance continues to address blight [see Section 2(a)(ii)]. It is advertised for adoption before the Township Board of Supervisors on March 23, 2021. Finally and at the request of Commissioner D. Schryver, the Solicitor explained the Municipality (Exculpatory) Liability Clause (section 6) of the Ordinance.

On motion by Commissioner Chair S. Amori, seconded by Commissioner D. Strunk and on a unanimous vote of 5-0, the Planning Commission recommended that the Ordinance be approved.

8. New Business: None

9. Public Comment: See above.

10. Adjournment:

There being no other business coming before the Commission and on motion by Commissioner Chair S. Amori, seconded by R. Moses and on a unanimous vote of 5-0, the meeting was adjourned at 8:30 p.m.

Karasek Law Offices, LLC

By: 

Ronald J. Karasek, Esquire

PA I.D. No. 28233

Solicitor to Smithfield Township