

SMITHFIELD TOWNSHIP PLANNING COMMISSION
COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA
REGULAR MEETING OF AUGUST 12, 2021 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. Along with Commissioner Amori, Commissioners D. Schryver, D. Strunk, M. Bowyer, M. Albert and B. Sandy (newest Commissioner) were all physically present in the meeting room at the Township Municipal Building. Commissioner R. Moses was absent. The meeting was also live-streamed remotely.

In addition to the above Commissioners, the other Township officials who attended the meeting were Township Supervisor Chair Jacob Pride, Township Supervisor Lovenheim, Township Engineer Jon S. Tresslar, PE and PLS, Township Zoning Officer Ken Wolfe 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 July 8, 2021 were approved on motion of Commissioner Amori, seconded by Commissioner Strunk and vote of 5-1 (Commissioner M. Albert abstained).

5. Public Comments: None (as no one was present).

6. Plans to Act On: None

7. Unfinished Business:

a) Dangerous Structures Options

Commission Chair Amori reminded everyone that he had submitted for review a Dangerous Structures Ordinance from a neighboring municipality until the Commission was advised by the Township Zoning Officer K. Wolfe that the Township did have a similar ordinance i.e. Chapter 4 of the Township Code of Ordinances (Township Ordinance No. 166 of 07/06/1977).

The biggest issue revolved around enforcement. Mr. Wolfe was somewhat defensive; and, he said: "How do we enforce these ordinances?" Supervisor Chair Pride reminded everyone that there are limited funds available and that procurement is important. He also stated that more enforcement staff may be needed in the Township with an 8,000 to 12,000 population.

Commissioner Schryver stated that the Township is being degraded; and, that while the Supervisors have the power to enforce, there are only so many budget dollars to go around. The phrase of "broken window zoning" was used.

Commissioner Bowyer wants to know if the Township budget has a line item for "Enforcement". He wanted to know how many citations were issued in 2020; and, Zoning Officer Wolfe stated 12-13. He also stated that there are some citations that are still awaiting Magisterial District Judge hearings. However, Mr. Wolfe was quick to point out that the

Magisterial Judge fines are relatively minor so there is no deterrent in issuing a citation. Commissioner Albert asked if a regular Status Report on Citations could be prepared.

The Solicitor stated that commencing a county court action i.e. injunction to shut down a problem would be more effective but that requires a determination of the severity of the problem (i.e. is it a minor issue or a major one such as raw sewage from flowing on top of the ground?) and whether it is cost effective to proceed with costly and time-consuming county court proceedings to correct such a problem¹.

Commissioner Strunk stated that: "We go through all of this and they (the property owners) still do what they want." He also stated that he could secure a light meter and noise meter that could be used for enforcement purposes; however, he was told by a Supervisor "don't worry about it."

Commissioner Schryver stated that there is also PA Blight Law.

Supervisor Lovenheim stated that we can address this further when the proposed Amendments to the Signage Ordinance are discussed at a future meeting

8. New Business:

1) and 2) Review/Meeting re Proposed Amendments to the ED (Economic Development) Zone

There was only a brief discussion of this topic as there are several proposed amendments that the Commission needs to review; and, there will be a Joint Meeting of the Commission and the Supervisors to review these amendments on Tuesday, August 24, 2021 at 4:00 pm.

The Commissioners (Strunk, Schryver and Amori) collectively stated that there is some confusion as to what is the ED Zone, what is/is not allowed ED Zone and the definitions of "mixed use building" and "mixed use development".

3) 2021 Marshall Falls Phase 2-DCED LSA Grant Notification

This was an added item where Smithfield Township is applying to the Department of Community and Economic Development (DCED) for a Local Share Account (LSA) – Monroe County grant to develop Phase 2 of Marshalls Falls Park.

The Township completed a Master Site Plan in 2013, which defines a multi-phased improvement plan to provide ADA accessibility to this natural resource. The Township has secured funding for Phase 1 of this project through a DCED LSA grant (\$219,138 grant) and a DCNR C2P2 grant (\$180,000 grant). It must now turn its attention to Phase 2.

¹ Commissioner Bowyer stated that the Solicitor seemed to be saying that the Supervisors were unwilling to spend the money for enforcement. Both the Solicitor and the Commission Chair made clear that was not what the Solicitor was saying. The Solicitor simply stated that he must be authorized by the Supervisors to proceed with a court action and only after a determination by the Supervisors that it is cost-effective to do.

The full cost of the project is \$544,450, which includes a Township match of \$16,855. Phase 1 of the project includes a parking lot, ADA accessible trails to Marshalls Falls, and improvements to the overlook. Phase 2 adds an overflow parking lot and creates a trail for increased access to the eastern part of the property. Marshalls Falls is a valuable natural asset to the community, so it is important to continue developing this park so residents and visitors alike can safely enjoy this resource.

The Commission reviewed this matter to meet a requirement of DCED that the Township is to 1) notify the local planning agency of the grant application and 2) secure a response from the planning agency to such notification by a letter (from the planning agency) addressing that compliance with the agency's short and long-term recreation objectives and local ordinances would be a welcome addition to the Township's application.

The above being said, and on motion of Commissioner Strunk and second by Commissioner Amori and on vote of 6-0, the Planning Commission recommended full and complete support for the project and the grant application.

9. Public Comment: None

10. Adjournment:

There being no other business coming before the Commission and on motion by Commissioner Albert, seconded by Commissioner Schryver and on a unanimous vote of 6-0, the meeting was adjourned at 8:10 p.m.

Karasek Law Offices, LLC

By: 

Ronald J. Karasek, Esquire

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Solicitor to Smithfield Township