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January 10, 2022

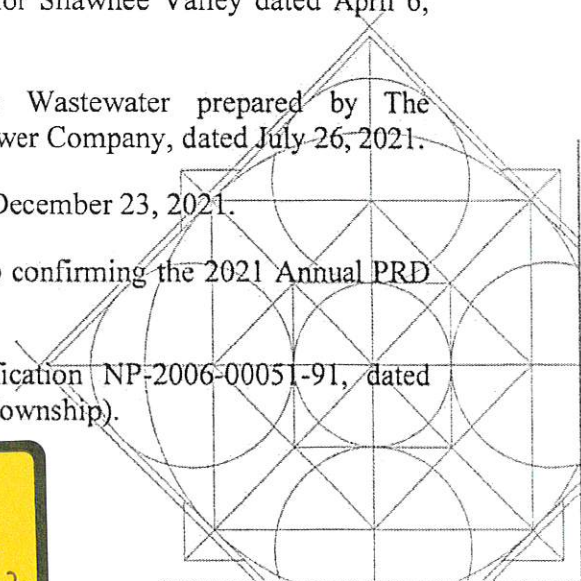
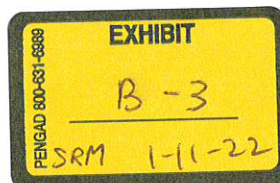
Smithfield Township Planning Commission  
1155 Red Fox Road  
East Stroudsburg, PA 18301

**SUBJECT: SHAWNEE VALLEY PLANNED RESIDENTIAL DEVELOPMENT  
2021 AMENDED TENTATIVE PLAN CONDITIONAL USE REVIEW NO. 2  
SMITHFIELD TOWNSHIP, MONROE COUNTY, PENNSYLVANIA  
PROJECT NO. 2132236R**

Dear Planning Commission Members:

Pursuant to the Township's request, we have completed our second review of the 2021 Tentative Amended Land Use Plan for the Shawnee Valley Planned Residential Development. The submission consists of the following items.

1. Response letter prepared by Shawnee Stage 1, LLC, dated January 5, 2022, with the following attachments.
  - a. Attachment A – Boucher & James, Inc. Conditional Use Review No. 1 dated November 17, 2021.
  - b. Attachment B – Letter addressed to Ronald J. Karasek, Esquire prepared by Shawnee Stage 1, LLC, dated November 29, 2021.
  - c. Attachment C – Traffic Planning & Design, Inc. Lake View Road Access Location letter, dated December 28, 2021.
  - d. Attachment D – 2021 Amended Tentative Plan for Shawnee Valley dated April 6, 1988, revised January 5, 2022.
  - e. Attachment E – Capacity Request-Water & Wastewater prepared by The Manwalamink Water Company, Manwalamink Sewer Company, dated July 26, 2021.
  - f. Attachment F – 2021 Annual PRD Update, dated December 23, 2021.
  - g. Attachment G – Email from Smithfield Township confirming the 2021 Annual PRD Update.
2. U.S. Army Corps of Engineers PASPGP-6 Verification NP-2006-00051-91, dated January 5, 2022 (distributed via email by Smithfield Township).



**BACKGROUND INFORMATION**

The submitted plan is a proposed amendment to the Land Use Plan for the Shawnee Valley Planned Residential Development (PRD). The original PRD was approved in 1988 and two amendments have since been reviewed and approved, in 2005 and 2007. The following chart was taken from the submitted plan and documents the changes from 1988 to 2005 and to 2007.

	<u>1988</u>	<u>2005</u>	<u>2007</u>
Total Acreage	1006	1006	1025
Total Units	1602	1602	1245
Residential Units	1602	1045	745
Timeshare Units	0	557	500
Developed Acres (total)	378	323	310
Development Acres (Non-Residential)	50.3	50.3	50.3
Road Acres	108	97	58
Road Miles	22.0	19.8	11.7
Open Space Acres	521	586	655
Open Space Percentage	52%	58%	23%

The submitted Amended Tentative Land Use Plan for the Shawnee Valley PRD proposes to reduce the number of residential units, total developed acreage, and road acres and miles, and proposes to increase the area of open space. The chart below demonstrates the proposed changes compared to the 2007 Amended Plan.

	<u>2007</u>	<u>2021</u>
Total Acreage	1025	1025
Total Units	1245	962
Residential Units	745	462
Timeshare Units	500	500
Developed Acres (total)	310	153

Development Acres (Non-Residential)	50.3	50.3
Road Acres	58	44
Road Miles	11.7	8.9
Open Space Acres	655	828
Open Space Percentage	23%	80%

Five (5) stages are shown on the submitted Amended Tentative Land Use Plan.

- a. Stage 1a is noted as being developed and is located along Shawnee Valley Road and points north.
- b. Stage 1b is located between Shawnee Valley Road and Hollow Road (S.R. 2023). Stage 1b includes single family residential dwellings, multifamily dwellings, common open space, and a recreation area.
- c. Stages II and III are located along Hollow Road (S.R. 2023) and points north toward and across Mosiers Knob Road. Stages II and III are designated as open space.
- d. Stage IV is located on the northern side of Mosiers Knob Road and adjacent to the Shawnee Mountain Ski Area. Stage IV includes multifamily attached timeshare or lodging units, single family detached timeshare or lodging units, open space, and a recreation area.

The following are descriptions of the proposed revisions as shown on the Tentative Amended Land Use Plan and discussed in the draft Findings of Fact.

- a. Revise Stages II and III from single family and multifamily residential uses to open space. An area of 550 acres of open space was purchased by and conveyed to the National Park Service. This is consistent with the Settlement Agreement with the Shawnee Preservation Society.
- b. As a result of the addition of open space area as discussed above, the amended plan removes 136 townhouse units and 114 single family home lots from Stages II and III. This is consistent with the Settlement Agreement with the Shawnee Preservation Society and is also conditioned in the Settlement Agreement on the unconditional right to reinstate up to 283 residential uses elsewhere within the PRD through the submission of a subsequent amended plan.
- c. The amended plan proposes to remove 32 lots between Sun Mountain Recreation Area and Knob Lane. This is consistent with Condition 1.c of the U.S. Fish and Wildlife letter dated March 16, 2020. This is also conditioned in the Settlement Agreement on the

unconditional right to reinstate up to 283 residential uses elsewhere within the PRD through the submission of a subsequent amended plan.

- d. Conservation buffers and building setbacks will be provided. This does not include areas along the proposed roadway across Sun Mountain dam or at the intersection of the proposed roadway and Hollow Road (S.R. 2023) as provided in the Settlement Agreement with the Shawnee Preservation Society. The draft Findings of Fact indicates the Pennsylvania Department of Transportation will not permit the removal of the proposed roadway or intersection which results in not being able to provide the buffers.
- e. The number of Joint 105 permits will be reduced from 28 impact areas to thirteen impact areas, of which seven have already been completed. The remaining six (6) impact areas received approval from the U.S. Army Corps of Engineers under cover letter dated January 5, 2022.

Based upon our review of the Tentative Amended Land Use Plan for the Shawnee Valley PRD, we offer the following comments and/or recommendations for your consideration.

#### **ZONING ORDINANCE COMMENTS**

1. In accordance with Section 505.22.B.(2), the Amended Tentative Land Use Plan shall include, "the proposed use areas, the average gross residential density and the density of each proposed type of residential use area." *Item 4.a, beginning on Page 15, indicates a residential density of 0.94 units per acre is now proposed. The overall density and the density for each type of residential area shall be provided in the 2021 Land Use Comparison Chart provided on the plan. In addition, the 2021 Land Use Comparison Chart includes 50.3 acres of non-residential development. The area(s) of non-residential development shall be shown on the plan. (Previous Comment 1) The plan has been revised to indicate the total units for each dwelling type. The overall density remains the same.*

***In addition, the response letter indicates that the non-residential areas "will be sized, determined, and located in subsequent amendments to the PRD." This language shall be included in Note 2 of the 2021 Amended Plan.***

2. In accordance with Section 505.22.B.(3), the Amended Tentative Land Use Plan shall include, "the location, function, size, ownership, and manner of maintenance and the common open space." *Section R on Page 7 of the draft Findings of Fact indicates land was transferred to the National Park Service and that it is still shown on this Amended Tentative Land Use Plan. The Plan shall be revised to show areas of open space conveyed to the National Park Service and areas of open space remaining with Shawnee LLCs. The operation and maintenance of these areas, including the responsible party, shall also be addressed on the plan and/or within the Findings of Fact. (Previous Comment 2) The plan has been revised to delineate the area of open space conveyed to the National Park Service and the area of open space remaining with Shawnee Stage 1,*

***LLC. The response letter indicates a Homeowners Association will maintain common properties and conservation easements as required under environmental permits.***

3. In accordance with Sections 505.22.B.(5) and 505.22.B.(6), the Amended Tentative Land Use Plan shall include “information showing the feasibility of proposals for water, sanitary sewage and stormwater disposition” and “utility systems.” *The plan and/or Findings of Fact shall address proposed water service, sanitary sewage service, stormwater management, and other utility systems. We believe the requirement of future land development plan submissions and approvals should be provided within the Findings of Fact. (Previous Comment 3) Items 9 and 10 of the 1988 Findings of Fact address water and sewer services, and stormwater management. In addition, a Capacity Request for water and wastewater in Stages 1b and 4 was received by The Manwalamink Water Company and Manwalamink Sewer Company. The letter references 157 single family units, 160 multifamily units, and 500 timeshare units.*
4. In accordance with Sections 505.22.B.(9) and 505.22.C.(5), “in the case of plans which call for development in stages, a schedule showing the time within which the applications for final approval of all parts of the planned residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final approval”. In addition, a “site plan illustrating phasing, including a time schedule for all on-site and off-site improvements to be dedicated for public use” shall be provided. *The draft Findings of Fact indicate annual updates of the PRD were provided to the Township. A timeline shall also be included with this submission for review by and discussion with the Township. (Previous Comment 4) An update was provided to and approved by the Board of Supervisors at its meeting held on December 28, 2021.*
5. In accordance with Section 505.22.C.(1), the submission shall include “plans at a scale of one (1) inch equals two hundred (200) feet of existing natural features of the land including topography, vegetation, drainage and soil.” *(Previous Comment 5) The cover letter dated October 1, 2021, requests a waiver of this Section to provide a plan scale of 1”=400’ and indicates that final plan submissions will be at a scale of 1”=50’. This is a Zoning Ordinance requirement, and a variance would be required. However, we believe the plan scale shows sufficient information for the proposed changes to the Tentative Amended Land Use Plan.*

#### **MISCELLANEOUS COMMENTS**

6. Item N.2 on Page 5 of the draft Findings of Fact indicates that the terms of the Settlement Agreement with the Shawnee Preservation Society include a provision that would eliminate the road access across Sun Mountain Lake dam and for the elimination of any new roadway connections to Hollow Road at Sun Mountain. The draft Findings of Fact further states under Item T beginning on Page 7 that the Pennsylvania Department of Transportation (PennDOT) will not permit the elimination of the road across the Sun Mountain Lake dam or the elimination of the previously planned intersection with Hollow Road. Hollow Road (S.R. 2023) is a PennDOT roadway, and we acknowledge

the need for this intersection per PennDOT's request. We do, however, question how PennDOT has jurisdiction for the road crossing the Sun Mountain Lake dam. We believe correspondence from PennDOT showing the requirement for the intersection at Hollow Road (S.R. 2023) and the crossing of Sun Mountain Lake dam shall be provided. *(Previous Comment 6) The following is language from the Settlement Agreement:*

*Per Item II, Terms of Agreement, Section B.2:*

- "b. The access road proposed to connect with Hollow Road at Sun Mountain shall be eliminated."*
- c. No road access shall be provided across Sun Mountain Lake Dam."*

*Also, Item II, Terms of Agreement, Section A.1, "Following the issuance of all permits and approvals required for the development of Stage 1b, and provided that all approvals are given for the elimination of the road access across the Sun Mountain Lake dam and for the elimination of any new roadway connections to Hollow Road at Sun Mountain, SDI will:*

- i. Eliminate the 32 units that lie between Hollow Road and Shawnee Lake from the design for Stage 1b; and*
- ii. Eliminate up to 18 units that lie on the west side of Shawnee Lake from the design of Stage 1b."*

*Based upon a letter received from Traffic Planning and Design, Inc., and dated December 28, 2021, two intersections along Hollow Road were analyzed for sight distance; opposite the Shawnee Fire Company driveway and near the Camp Sun Mountain driveway (as proposed). It was determined the access opposite the Shawnee Fire Company driveway did not meet or exceed sight distance requirements of the Pennsylvania Department of Transportation (PennDOT), therefore the access at Hollow Road is as proposed at Sun Mountain.*

*We understand that a scoping meeting with PennDOT has been conducted, and design plans have been completed and submitted for review.*

*In addition, and based upon the Draft Findings of Fact, the Applicant is proposing to remove the 32 units as a "compromise solution" to constructing the roadway across the Sun Mountain Dam. Refer to Comment 11.*

7. Item 64.A on Page 11 of the draft Findings of Fact indicates the boundary of Stages II and III will be revised to subdivide 13 acres of open space area. The area of subdivision should be identified on the Tentative Amended Land Use Plan. *(Previous Comment 7) This has been addressed. Refer to Comment 2.*
8. While the Tentative Amended Land Use Plan reduces the number of residential uses by

283 units (1245-962), Item 64.B on Page 12 of the draft Findings of Fact indicates that those 283 residential uses will be placed elsewhere within the planned residential development and that those locations will be shown on a future amended plan. ***(Previous Comment 8) No response has been received by the Applicant.***

***In addition, further clarification shall be provided. References are made to 32 and 33 units being removed between Sun Mountain Lake Dam and Knob Road. Thirty-two (32) lots were shown on the 2007 Amended Tentative Plan. The Applicant shall clarify the correct number of units to be removed.***

9. Item 64.C on Page 11 of the draft Findings of Fact indicate three homes will be constructed on three subdivided lots on Knob Lane. It shall be clarified whether the three homes are included in the total residential units provided in the 2021 Land Use Comparison Chart. ***(Previous Comment 9) It has been confirmed that three (3) lots along Knob Lane are included in the 2021 Land Use Comparison Chart. However, these lots are shown within the "Settlement Agreement Buffer" area and are not permitted per the Settlement Agreement.***

***In addition, and based upon the Draft Findings of Fact, the Applicant is proposing to remove the 32 units as a "compromise solution" to constructing the three (3) additional units. Refer to Comment 11.***

10. A fourth lot is shown on the eastern side of Knob Lane. Per the Monroe County GIS this lot is part of Tax Parcel No. 16/3/1/10 which is also located on the western side of Knob Lane and part of the three (3) proposed units. ***(New Comment) The intent of this lot shall be addressed (i.e., will both sides of Knob Lane be constructed?).***

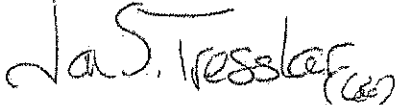
11. The Draft Findings of Fact proposes a compromise solution "to still eliminate the 33 lots associated with that roadway to increase the buffers on Shawnee Lake in exchange for the Board approving the SPS agreeing for the Development 1) to construct the roadway across the Sun Mountain Dam, 2) to construct the corresponding intersection with Hollow Road and 3) to construct single family homes of three previously existing subdivided lots (Tax Parcels 16/3/1/10, 16/3/1/11, 16/3/1/12, and 16/3/1/13) located on Knob Lane." ***(New Comment) We offer the following comments.***

- a. ***Four tax parcel numbers are listed while only three (3) lots are noted to be constructed. The Applicant shall provide clarification.***
- b. ***Removing the thirty-two (32) lots between the Sun Mountain Lake Dam and Knob Road is also a condition of the U.S. Fish and Wildlife Service under PNDI No. 694570. The Applicant has received approval from the United States Army Corps of Engineers for several wetland crossings with this condition.***

Smithfield Township Planning Commission  
Shawnee Valley Planned Residential Development 2021 Amended Tentative Plan Review No. 2  
January 10, 2022  
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If you should have any questions regarding the above comments, please contact me.

Sincerely,



Jon S. Tresslar, P.E., P.L.S.  
Township Engineer

JST/mep/cg

cc: Ronald J. Karasek, Esquire, Smithfield Township Solicitor  
Ken Wolf, Smithfield Township Zoning Officer  
Frank J. Smith, Jr., P.L.S., Frank J. Smith, Jr., Inc.  
Urban Research & Development Corporation  
Ted Hunter, Shawnee Stage 1, LLC – Applicant  
Tom Anderson., Shawnee Stage 1, LLC – Applicant  
Leo DeVito, Esquire, Shawnee Preservation Society  
Melissa E. Prugar, P.E. – Boucher & James, Inc.