

Shawnee Stage 1, LLC  
P. O. Box 261  
Shawnee on Delaware, PA 18356

November 29, 2021

Ronald J. Karasek, Esquire  
Smithfield Township Solicitor  
The Karasek Law Offices, LLC  
641 Bangor, PA 18013

Via: Email

RE: 2021 AMENDMENT - SHAWNEE VALLEY PRD

Dear Mr. Karasek,

Stage 1b is a stage within the Shawnee Valley PRD (SVPRD) land use plan that proposes 72 single family home lots and 192 townhomes. The property is owned by Shawnee Stage 1, LLC and related entities (Stage 1). Stage 1b was granted conditional Final Approval for Construction by Smithfield Township on December 8, 2005, but construction did not commence. The most recent approved SVPRD plan, when the property was owned by Shawnee Development, Inc. (SDI), is the 2007 Amended Tentative Plan. This plan was approved by Smithfield Township at public hearing on December 28, 2007 and issued by Smithfield Township as amended Findings of Fact on January 3, 2008.

On January 28, 2008, Shawnee Preservation Society along with certain individuals who reside close to the PRD parcels, filed a land use appeal in the Monroe County Court of Appeals (MCCA) against Smithfield Township and SDI. On March 24, 2008, Shawnee Development, Inc. filed a Petition to Post Bond in the amount of \$11,478,000, based on the assertion by SDI that the Appellants appeal was frivolous. On June 26, 2009, after hearing, the MCCA granted the Petition to Post Bond within 45 days, in favor of SDI (copy attached). This delayed activity on the SVPRD by over 1.5 years.

To avoid further delays caused by SPS, SDI approached SPS and the individual appellants for good faith discussions to try to resolve ongoing concerns. SDI, Smithfield Township and SPS concluded these discussions by executing a Settlement Agreement, which was approved by the MCCA on December 8, 2009. The major elements of the SPS Settlement Agreement included (1) holding 500 acres of Stage 2 and 3 land for possible purchase by a land conservation, (2) adjustments to the timeshare land plan in Stage 4, (3) conditional adjustments to Stage 1b, and (4) certain conditions and restrictions on further interactions by SPS.

Stage 1b must comply with multitudes of regulations. The number of units require that there must be two separated vehicular entrances to accommodate traffic and emergency vehicle

access. The approved 2007 SVPRD plan, along with the 2005 approved Final Plans for Stage 1b, includes a proposed road to provide two entrances tentatively called Lakeside Drive. It is engineered to intersect with Shawnee Valley Drive, extend through Stage 1b and across the Sun Mountain Dam and intersect with Hollow Road near the current Sun Mountain Recreation entrance, as agreed by PADOT. This road crossing Sun Mountain Dam complies with all environmental regulations imposed by Monroe County Conservation District, Pennsylvania Department of Environmental Protection and the US Army Corps of Engineers, all permits which we have obtained. The Sun Mountain dam structure is engineered for the crossing.

A resident living on Knob Lane (a gravel road that intersects with Hollow Road and is entirely surrounded by the SVPRD) preferred to not see any new homes built to be visible to their residence. To accomplish this, they wanted to remove Lakeside Drive from Sun Mountain dam, delete 32 approved zero lot line homes connected to it, setback homes along Shawnee Lake further than already approved PADEP regulations mandate (item (3) in paragraph three above), all to maintain trees and views near their home.

Two roadway connections from the Stage 1b are REQUIRED for emergency access. The only other option to cross over the Shawnee Creek waters and wetlands would be over the Shawnee Lake Dam, located further downstream. It was not known if the Pennsylvania Department of Transportation would approve moving the intersection of Lakeside Drive with Hollow Road. Therefore, the Settlement Agreement provision to eliminate the 32 units and to shift units back from Shawnee Lake was ENTIRELY CONDITIONED on being able to secure regulatory approval to move the intersection of Lakeside Drive with Hollow Road to the Shawnee Lake Dam. The exact text is included herein.

## II. TERMS OF AGREEMENT

### A. PRD Design

#### 1. Stage 1b.

- a. 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 of the west side of Shawnee Lake from the design of Stage 1b.

Subsequently, the SVPRD traffic consultant engaged through PADOT processes to determine where the new intersection would be approved by regulators. Based on PADOT criteria for

intersections, which can include safety, speed, sightlines, curvature, elevations and other concerns, PADOT concluded that the Sun Mountain intersection point will be permitted and other intersection locations (e.g., Shawnee Lake Dam) are NOT APPROVED. Our consultant will summarize this in a letter which Stage 1 will provide prior to the PRD hearing with the Smithfield Township Board of Supervisors.

*In conclusion, Stage 1 is NOT obligated under the conditions of the SPS Settlement Agreement to eliminate the 32 units, setback the 18 units, or move Lakeside Drive from the agreed Sun Mountain Dam intersection to the Shawnee Lake Dam, based on the above cited inability to obtain regulatory approval to move the intersection to Shawnee Lake Dam, which does not meet the condition of the Settlement Agreement paragraph II.A.1.a.,* Stage 1 can proceed with Stage 1b construction with the Sun Mountain Dam road crossing and intersection, along with the above units, without violating the conditions of the SPS Settlement Agreement. We may need to revise the 2021 SVPRD drawing to illustrate retaining those units as they were previously shown and approved in the 2005 Final Approval and as shown and approved in the 2007 SVPRD plan.

Please let me know if Smithfield Township has any further information needs or questions.

Sincerely,



Ted Hunter, Manager  
Shawnee Stage 1, LLC  
Ted.hunter.dev@gmail.com

Enclosures

CC: Scott Amori, Chairman, Smithfield Township Planning Commission (email)  
Robert Lovenheim, Supervisor Liaison, Smithfield Township Board of Supervisors (email)  
Ken Wolfe, Zoning Officer, Smithfield Township (email)  
Julia Hailaka, Office Manager, Smithfield Township (email)  
Tom Anderson, Shawnee Stage 1, LLC  
Ellen Anderson, Anderson Real Estate