

SMITHFIELD TOWNSHIP PLANNING COMMISSION
COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA
REGULAR MEETING OF AUGUST 11, 2022 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 S. Amori. Also in attendance were Commissioners R. Moses, D. Schryver, C. Bower and M. Bowyer who were all physically present in the meeting room at the Township Municipal Building. Commissioner D. Strunk was absent. The meeting was also live-streamed remotely; and, Commissioner M. Albert participated in the meeting in this fashion.

In addition to the above Commissioners, the other Township officials who attended the meeting were Township Jon Tresslar, PE and Township Solicitor Ronold J. Karasek, Esquire both of whom were also physically present in the meeting room. Also, present was Lucas DeBartolo (Township Budget and Finance Manager) who was present and doubling as the IT person conducting the live-streaming; and, Supervisor R. Lovenheim also attended remotely.

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

4. Minutes: The Regular Meeting Minutes of the July 14, 2022 were approved on motion of Commissioner Moses, seconded by Commissioner Bowyer and on vote of 6-0.

5. Public Comments on the Agenda: None.

6. New Business and Plans to Act On:

a) Applicant:	John Herman
Project:	Petition to Amend ED (Economic Development) Zoning District to include Additional Tracts
Location:	Route 209 & Marshall Creek Road
District:	R-1 (Low Density Residential)

A Petition for Re-Zoning was filed to include seven (7) additional parcels of land into the ED (Economic Development) District i.e. Russell and Craig Scott, M. Manor Holding, LP and Orchard BJK Company, LLC properties.

Attorney Ralph Matergia appeared on behalf of the Applicant. Because of conflicting schedules, Attorney Matergia asked if the Commission could schedule a special meeting to accommodate his and the Planning Professional's calendar.

After various dates were suggested and on motion by S. Amori and seconded by D. Schryver, a Special Meeting was scheduled for Thursday, September 22, 2022 at

7:00 pm and in advance of the Board of Supervisors Meeting to take official action on the Petition (that meeting is scheduled for September 28, 2022).

b) Applicant: Moove In Self Storage
Project: Expansion of an Existing Building for Self-Storage Uses-Preliminary/Final Plan
Location: The project lies within both the Borough of Delaware Water Gap and Smithfield Township
Site: 17.93 acres and located in the R-1 (Low Density Residential) Zoning District of Smithfield Township and the VC-1 (Village Commercial) Zoning District of Delaware water Gap

The existing site comprises three (3) tax parcels and consists of seven (7) existing self-storage unit buildings, three (3) additional small buildings, three (3) parking areas, drive aisles around the buildings and a large, wooded area. Access is via two (2) driveways onto Foxtown Hill Road (SR 611). This use is a non-conforming use in Smithfield Township. While the majority of the existing site is in Delaware Water Gap, the proposed improvements will include inter alia a portion of buildings and a portion of self-storage units in Smithfield Township

Donald A. Haas, RLA and Applicant, Mr. Daniel Von Bussenius, appeared on behalf of the Applicant. The project was discussed; and, as per the Township Zoning Officer's determination, all zoning is to be in Delaware Water Gap. Commissioner Albert raised lighting issues.

SALDO Waivers were reviewed as per the Township Engineer Review Letter of July 25, 2022 No. 31-SALDO Section 603.D.12 (requested an aerial photo to show man-made features w/i 200 feet of the site with no objection by the Township Engineer), No. 44-SALDO Section 1008,3 (since the road is not to be widened, a waiver request is made that the road need not be improved to township standards), No. 52-SALDO Section 1301 (a deferral...not a waiver...is requested as to the rain garden discharge and no objection by the Township Engineer), No. 60-SALDO Section 1302.4.A (allow slopes steeper than 3:1 with no objection by the Township Engineer), No. 65-Stormwater Ordinance No. 326 (same as No. 52) and No. 66-Stormwater Ordinance Section 222.11(waiver to allow roof drains to discharge into proposed rain garden with no objection by the Township Engineer). On motion by S. Amori and seconded by D. Schryver and on vote of 6-0, all waivers/deferrals were recommended for approval.

A further motion was made by M. Albert and seconded by S. Amori (with a vote of 6-0) that all lighting on the current site and the proposed improvements must comply with all township requirements.

Thereupon and on motion of D. Schryver and seconded by S. Amori (and on vote of 6-0), the plan was recommended for conditional preliminary/final plan approval with

the following conditions: compliance with Township Engineer Review Letter of July 25, 2022, M. Albert's motion as to lighting, monuments/pins/markers to be set in the field and certified in writing by Applicant's Engineer, SALDO waivers to be granted and noted on the Plan, and the Plan to be signed and notarized. A written Agreement for Conditional plan Approval form was prepared by the Solicitor and signed by the Applicant's Representative.

c) Project: Franklin Hill Manor-Preliminary LD¹ Plan
Location: Eastern Side of Franklin Hill Road at inter.
w/Albert Lane
Site: Four (4) Lots on 6.1895 acres (wetlands and
woodlands)
District: R-1 (Low Density) Residential

The Plan is to subdivide and develop land on the eastern side of Franklin Hill Road at its intersection with Albert Lane (a private road). The property consists of 6.1895 acres and the plan is to subdivide into four (4) residential lots that will take access from an improved Albert Lane.

At the Applicant's request, the Plan was tabled to the September 8, 2022 Planning Commission Meeting; and, on motion of Commissioner Albert and seconded by Commissioner Amori and on vote of 6-0.

d) Project: Black Buffalo Preliminary/Final LD Plan
Location: Northern Side of Airstrip Road-480' west of
Airport Road
Subject: 131,250 sq. ft. Light Manufacturing Bldg et al.
District: M-1 (Industrial) Zoning District

The property is located on the northern side of Airstrip Road approximately 480' west of its intersection with Airport Road (the former Stbg-Pocono Airport including the airstrip and several supporting buildings and driveways).

The proposed development includes the construction of a light manufacturing facility 131,250 sq. ft. (permitted in the Zoning District) consisting of a factory, finished product warehouse, material warehouse, 3D printing space and a two-story office. Access will be a new terminus bulb of Airstrip Road and sixty three (63) off-street parking spaces are proposed along with landscaping, lighting and stormwater management.

Present on behalf of the Applicant were Applicant CEO, M. Woods and R. Williams, Esquire-Applicant's attorney. In addition, Mr. Chris Jensen, P.E., of TM Associates (the Applicant's Engineer) and a Mr. Todd Grimm, COO of Black Buffalo.

¹ While the reference on the Plan is "Land Development," it appears to be a subdivision plan.

Mr. Woods explained who is Black Buffalo and what the company does i.e. a 3D Construction Printing Company whose product is sustainable, stronger, faster and less costs in the home building field. For example, Black Buffalo builds 3D printers, robot arms, gantries where products are packaged and delivered to construction sites. Commissioners Amori and Moses asked about noise and pollution. In addition, Mr. Grimm discussed the mis-information that was being circulated throughout the Township and attempted to correct things.

Supervisor Lovenheim stated that an MCCD Review Letter was received; and, it is still under technical review. Also, the Review Letter noted that wetlands are present on the site. Commissioner Schryver asked whether or not a Monroe County Planning Commission Review Letter was received.

Five SALDO Waivers were discussed as per Township Engineer Review Letter (Second Review) of July 25, 2022 along with five SALDO Waivers i.e. No. 37-SALDO Section 1301.6.C.(5) (a waiver to permit the outlet structure of the Infiltration/Detention Basin 002 to have a top of grate elevation of 474' vs. the 100-year water elevation of 474.38'-no objection by the Township Engineer), No. 46-Stormwater Ordinance Section 221.11 (to permit roof drains to connect directly into the stormwater system with no objection by the Township Engineer), No. 47-Stormwater Ordinance Section 223.1.1(d)(1)(a)-the proposed retaining wall and grading are not located within the inner buffer), No. 48 Stormwater Ordinance Section 223.1.1(d)(2)(a) (Infiltration/Detention Basin 001 and 002 are proposed with the outer buffer as well as the retaining walls, driveway and building) and No. 49-Stormwater Ordinance Section 226.2 (the use of rainfall data from the NOAA with no objection by the Township Engineer).

It was also discussed that a zoning variance will be needed regarding the proposed height of the building (50'); and, off-street parking spaces (63 proposed while 133 parking spaces-one for each employee-are required. See Nos. 2 and 6 of the Township Engineer Review Letter.

In addition, a Conditional Use Application must be filed inasmuch as the proposed stormwater discharge pipe is within the 100 year floodplain. See Nos. 4 and 77 of the Township Engineer Review Letter. See Township Floodplain Ordinance Section 103.2.A and Section 104.2.

Several individuals were present and provided public comments during this presentation. Many individuals were talking over one another and did not provide their names and/or addresses. This writer was able to note the following: Linda Hallmark as to the building and issues involving wetlands and the blue herons; Vicky Osgun inquired about the agency rejection letter (agency unknown) and the need for variances.

Because of the need to secure zoning variances and a conditional use permit, the Applicant entered into a written Extension of Time for official action to November 10, 2022. In addition and on motion of Commissioner Albert and seconded by Commissioner Amori and on vote of 6-0 the matter was tabled pending receipt of the MCCD and MCPC Review Letters.

e) Project: Shawnee Valley PRD
Location: Shawnee Valley Road and points North and South
Subject: Stage 1b, Final Plan Approval of 2005 Tentative Plan

A Land Development Plan has been submitted for Stage 1b-Final Plan for the Shawnee Planned Residential Development 2005 Tentative Plan. The project is for 294 residential units i.e. 190 townhouses and 104 single family and cottage lots. There is central water and central sanitary sewer.

On December 14, 2005 the Township Board of Supervisors gave final approval to this stage with conditions; namely (1) that all outside agency approvals be received (2) compliance with the Township Engineer Review Letter (3) performance security be provided for the required improvements (4) discussions with the Fire Chief and Township Engineer to determine if emergency vehicles can safely negotiate two (2) curves; and, if not, the curve radii of the roads would need to be increased and (5) split rail fencing be provided around the detention basins.

A letter was received from the Applicant (T. Hunter) dated August 8, 2022 in which he took the position that the earlier conditional final approval of the 2005 PRD Plan remains in effect and no further action is needed by the Township to approve the 2005 Plan. This was confirmed by the Township Solicitor e-mail of August 9, 2022 which e-mail Commissioner Chair Amori requested be made part of the record; and, a copy of that e-mail is attached hereto and marked Exhibit "A" and is hereby made a part hereof.²

Based upon the Solicitor's e-mail of August 9, 2022, no further action was taken in this matter and on motion of Commissioner Chair Amori and seconded by Commissioner D. Schryver and on vote of 6-0, the matter was tabled onto the September 8, 2022 Planning Commission Meeting.

f) Subject: Updated Township Fence Ordinance

With the present time constraints and the need to review the revised ordinance provisions, the matter was tabled (on motion of Commissioner Chair Amori and

² However and based upon subsequent correspondence from the attorney for the Shawnee Preservation Society (SPS), it is the Township Solicitor's most current recommendation that an action be filed in Monroe County Court pursuant to the Dispute Resolution provision of the 2009 Settlement Agreement between SPS, SD, Inc., the Township (and others).

seconded by Commissioner D. Schryer and on vote of 6-0) to the September 8, 2022 Planning Commission Meeting.

- g) Project: Shawnee Holdings, Inc.**
Location: Shawnee Inn: Shawnee-on-the-Delaware Road
Subject: Conditional Use for Island Bridge
Reason: Change form Wood to Metal, Size and Weight Limit

The project is a follow-up to a 2008 Conditional Use Approval in which the existing bridge to Shawnee Island was to be replaced. However, no action was never taken to do this.

The project was to consist of constructing a new truss-type bridge to replace the existing wooden bridge to Shawnee Island which bridge serves the Shawnee Golf Course where most of the Golf Course is on the western bank of the Delaware River (the mainland side) and a portion of which is on Shawnee Island with Tax Parcel ID # 16.2.1.1-3. The project is located in the in the R-1 (Low Density Residential) Zoning District and is also located in an AE Flood Plain Zone so Conditional Use was (and is) required.

Since that time, changes are being proposed to the use as follows: bridge materials are to be changed from wood to steel, the total length of the bridge is to be changed from two hundred and fifty (250) feet to three hundred and twenty feet (320) feet and the maximum bearing capacity will be fifteen (15) tons but with a Township Engineer recommendation that the weight limit be ten (10) tons as per the 2008 Decision. The changes are being requested due to constructability and availability of materials.

Present on behalf of the Applicant was Christopher McDermott, P.E. and a one S. Taggart.

Mr. McDermott reviewed the 2008 Conditional Use Decision and stated that outside agency approvals have been received. In addition, he reviewed the Township Engineer Review Letter of July 7, 2022. Mr. McDermott emphasized that the width and height of the bridge (which is above the floodplain level) did not change from the 2008 application.

Based upon the fact that this matter had been reviewed in 2008 and the changes are not that significant, on motion of Commissioner Moses and seconded by C. Bowyer and on vote of 6-0, the Planning Commission recommended that the revised/amended Conditional Use Approval be granted.

7. Old and Unfinished Business:

- a) **Development, recommendation and approval of a boarding plan for new Commissioners**
- b) **A Report on the Zoning Officer's activities and citations issued and violations found**
- (c) **Action of prior recommendations**

No action taken. Simply carry-overs from prior meetings.

8. Public Comment:

At the beginning of the meeting, a one Linda Balmoss (sic) of 780 Hollow Road commented regarding traffic studies and floodplain control on the Black Buffalo Plan. Resident (and Township Auditor), Vicki Ozgun, commented that the Township webpage should have more information regarding the Township PRD matter

9. Adjournment:

There being no other business coming before the Commission and on motion by Commissioner Schryver, seconded by Commissioner Albert and on a unanimous vote of 6-0, the meeting was adjourned at 8:38 p.m.

Karasek Law Offices, LLC

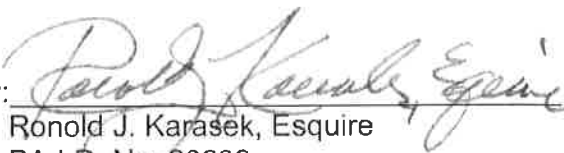
By: 
Ronold J. Karasek, Esquire
PA I.D. No. 23233
Solicitor to Smithfield Township

EXHIBIT “A”

Ronold Karasek

From: Ronold Karasek
Sent: Tuesday, August 9, 2022 12:26 PM
To: Jacob Pride; ROBERT LOVENHEIM
Cc: smamori@gmail.com; Ted Hunter; leodevito@broughal-devito.com; Julia Heilakka; Jon Tresslar (jtresslar@lvlengineers.com)
Subject: Shawnee Valley-2005 PRD Final, Stage 1B
Attachments: Hunter Correspondence 08-08-2022.pdf

Dear Supervisors:

As to Shawnee Valley 2005 PRD-Final Plan, Stage 1B, attached please find self-explanatory correspondence that I received today from Mr. Hunter.

In reviewing that letter, it appears that the 2005 Plan does not require any additional reviews or "re-approval".

According to the Township Board of Supervisors Meeting Minutes of December 15, 2005, a motion was made (seconded and carried) that the Shawnee Valley Stage 1B was approved as a Final Land Development Plan with five (5) conditions. Further, the Settlement Agreement dated December 8, 2009 contains a Reservation of Rights clause that states that Shawnee has a "...final, unchallenged right to proceed with the 2005 Amended Tentative Plan". (See page 5 of the Settlement Agreement.)

This being said, the 2005 Plan does not need or require any additional reviews.

As far as I am concerned, the Applicant only needs to meet the five conditions as outlined in the December 2005 approval; and, thereupon, the matter will then proceed as any other development i.e. a Development Agreement will need to be prepared with performance security posted based upon a Quantity and Cost Estimate prepared by the Applicant and approved by Mr. Tresslar and/or LVL Engineers.

Finally and if the Objectors disagree with this position, then I reiterate that their attorneys supply the Township with statutory law or case law supporting their objections that the 2005 PRD Plan, Final Plan-Stage 1B, should not be recognized.

Thank you.

Ronold J. Karasek, Esquire
Solicitor to Smithfield Township

From:

Ronold J. Karasek, Esquire

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PLEASE NOTE: My prior email address of stacey@themklawoffice.com has been changed to ron@karaseklawoffices.com. Kindly note this change in your address book for future use. Thank You.