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September 2, 2022

Board of Supervisors
Smithfield Township
1155 Red Fox Rd
East Stroudsburg, PA 18301

RE: Rezoning Request to Economic Development Zone – BJK Company
Parcels: 16.6.1.42, 16.6.1.28, 16.6.2.28-1, and 16.6.1.28-2

Board of Supervisors,

I have reviewed the Petition for Rezoning by BJK Company, considered complete on July 22, 2022. Smithfield Township is in receipt of the following documents:

- Application cover letter, dated June 28, 2022
- Public Hearing Application, dated July 22, 2022
- Check #2329 for \$1,500.00
- Petition to extend the ED Zone to certain properties, including:
 - Exhibit A – Subject Property List
 - Exhibit B – Map Amendment and Proposed Amendment to the Smithfield Township Zoning Ordinance (blank sheet)
 - Exhibit A-1 – Zoning Map Annotated for Petition for Rezoning, dated 2022-04-11
 - Exhibit A-2 – Subject Lands for Petition for Rezoning, dated June 27, 2022

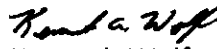
I have reviewed the zoning change request and offer the following comments:

1. Exhibit A – Subject Property List is incomplete. Three parcels on the exhibit are missing tax map numbers.

2. The applicant's petition, Subject Property List (Exhibit A), Annotated Zoning Map (Exhibit A-1) and Subject Lands map (Exhibit A-2) do not match. Parcel 16.6.1.46-2 is mislabeled as Parcel 16.7.1.80-1 and is included in the map but not the petition. Parcel 16.6.1.32 is included in the map, but not in the petition. The eastern portion of Parcel 16.6.1.42, as well as Parcels 16.6.1.28, 16.6.2.28-1, and 16.6.1.28-2 are not demonstrated on Exhibit A-2. Parcel 16.6.1.30 seems to be included in the designated boundary but is not mentioned or labeled in Exhibit A-2 or the petition. Inconsistencies regarding parcels to be rezoned require an updated map be submitted to the township. See current zoning map, Exhibit Z-1, and my interpretation of the proposed changes as written in the applicant's petition including a partial rezone of Parcel 16.6.1.32, Exhibit Z-2.
3. The current ED district is contiguous with the proposed parcels on the southernmost edge, and rezoning 16.6.1.42 creates a contiguous ED zone for parcels 16.6.1.28, 16.6.2.28-1, and 16.6.1.28-2. However, the proposed rezoning possesses characteristics of spot zoning because it benefits one property owner and places at least four R-1 properties within the ED zone. The following spot zoning concerns are outstanding:
 - a. Parcel 16.6.1.46-2 (111 Sunshine Ln) - Rezoning Parcel 16.6.1.42 would create spot zoning at Parcel 16.6.1.46-2. The applicants do not own this property, nor has the township received any information from the owner that they would like to be rezoned. For a map, see Exhibit Z-3.
 - b. Parcels 16.5.1.6-5-1, 16.6.1.42-1 (126 Marshalls Creek Rd), and 16.6.1.30 – Rezoning Parcels 16.6.1.42, 16.6.1.28, 16.6.2.28-1, and 16.6.1.28-2 cuts off the aforementioned parcels from additional R-1 areas, and places the parcels wholly within the ED zone. As mentioned in Item 2, further clarification is required regarding Parcel 16.6.1.30. The applicants do not own this property, nor has the township received any information from the owners that they would like to be rezoned. For a map, see Exhibit Z-4.
 - c. Parcel 16.6.1.31 – Rezoning a portion of parcel 16.6.1.32 and 16.6.1.42 create spot zoning at the aforementioned parcel, see Exhibit Z-5.
4. The proposed rezoning of Parcel 16.6.1.32 creates a nonconforming use within the parcel. The parcel is currently residential and would make all residences (approximately 23, not including unbuilt but addressed areas) on Pond Lane, Fairview Court, and Lakeside Drive nonconforming uses.
5. Expanding the ED zone would allow for additional commercial uses, but the Board must consider the impact to the surrounding community and whether commercial expansion should move north on Marshalls Creek Rd. This expansion would permit commercial uses adjacent to the site of Marshalls Falls Park and other residential parcels.

For the reasons listed above, it is my recommendation as Zoning Officer of Smithfield Township that the Board deny the petition for rezoning. If you have any additional questions, please don't hesitate to contact me.

Sincerely,


Kenneth Wolfe
Zoning Officer
Smithfield Township

Exhibits included:

- Z-1 – Current Zoning Map
- Z-2 – Proposed Zoning Map
- Z-3 – Zoom of Parcel 16.6.1.46-2
- Z-4 – Zoom of Parcels 16.6.1.30, 16.6.1.42-1, and 16.5.1.6-5-1
- Z-5 – Zoom of Parcel 16.6.1.31