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October 10, 2023

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

**SUBJECT: HEALTHY MINDS TREATMENT CENTER
CONDITIONAL USE APPLICATION REVIEW NO. 2
SMITHFIELD TOWNSHIP, MONROE COUNTY, PENNSYLVANIA
PROJECT NO. 2332257A**

Dear Planning Commission Members:

Pursuant to the Township's request, we have completed our second review of the above-referenced project. The submitted information was prepared by Barry Isett & Associates, Inc. and consists of the following items:

- Letter of Transmittal dated October 2, 2023.
- Response letter dated September 26, 2023.
- Conditional Use Plans (6 sheets) dated August 22, 2023, revised September 26, 2023.

BACKGROUND INFORMATION

The Applicant is seeking a Conditional Use for a proposed residential drug, alcohol, and/or substance abuse treatment facility located on the western side of Totts Gap Road, approximately 100-feet south of its intersection with Cherry Valley Road (S.R. 2006).

The existing property (Tax ID No. 16.9.1.22) is located within the R-1, Low Density Residential Zoning District. The existing property is a portion of the Wolf Hollow Country Club, has a gross lot area of 31.70 acres, and consists of a portion of the golf course with woodlands, ponds, and wetlands. The FEMA 100-year floodplain associated with Cherry Creek traverses the northwestern corner of the existing property.

The proposed residential drug, alcohol, and/or substance abuse treatment facility will include 60 beds within a proposed 9,477 square foot, two-story building. A 60-space parking lot and driveway access from Totts Gap Road are also proposed. On-lot private well and sewage disposal system will serve the proposed use.

The Conditional Use Notes on Sheet CD-1 and the submitted Project Narrative notes the following:

1. The proposed residential drug, alcohol, and/or substance abuse treatment facility will be open 24 hours per day, 365 days per year.

2. The maximum number of clients will be 60.
3. The length of stay for each client is expected to range from 25 days to 40 days.
4. The proposed residential drug, alcohol, and/or substance abuse treatment facility must comply with the staffing requirements established by the Pennsylvania Department of Drug and Alcohol Programs and the Pennsylvania Department of Health Services for a licensed facility.
5. The proposed residential drug, alcohol, and/or substance abuse treatment facility will comply with all security regulations applicable to licensed facilities.
6. It is anticipated that the proposed residential drug, alcohol, and/or substance abuse treatment facility will have two or three box type 30-foot trucks making deliveries of food and other necessary supplies two to three times per week, typically between the hours of 9 am and 11 am.

Based on our review of the above information, we offer the following comments and/or recommendations for your consideration.

ZONING ORDINANCE COMMENTS

1. In accordance with Section 302.1 and the Schedule of District Regulations, a residential drug, alcohol, and/or substance abuse treatment facility is permitted within the R-1, Low Density Residential Zoning District by Conditional Use. ***(Previous Comment 1) No action required.***
2. In accordance with Section 302.1 and the Schedule of District Regulations, the maximum building coverage permitted is 20%. *The Zoning Data appears to utilize the gross floor area of the proposed two-story building to calculate the proposed building coverage. The Zoning Data should be revised to utilize the footprint area (9,477 square feet).* ***(Previous Comment 2) The Zoning Data has been revised; therefore, this comment is satisfied.***
3. In accordance with Section 401.1.C, the maximum permitted impervious coverage on a property with on-lot well and sewage disposal within the R-1, Low Density Residential Zoning District is 25%. *The maximum permitted impervious coverage shall be listed in the Zoning Data.* ***(Previous Comment 3) The maximum permitted impervious cover is now listed in the Zoning Data, therefore this comment is satisfied.***
4. In accordance with Section 404, Schedule II, a rehabilitation facility requires 1 parking space for every 325 square feet of gross floor area. The definition of Rehabilitation Facility in Section 1002 includes “drug and alcohol rehabilitation”. ***(Previous Comment 4) Fifty-nine (59) parking spaces are required, and 60 spaces are proposed.***
5. In accordance with Section 511-3.6, residential drug, alcohol and/or substance abuse treatment facility where permitted shall be subject to the following standards:

- A. The minimum lot area for the facility shall be 25 acres. *The existing property has an area of 33.74 acres. The Zoning Data listed on the plan shall provide both the net and gross lot areas in square feet and acres.*

The required minimum lot area of 25 acres shall be included with the Zoning Data listed on the plan. (Previous Comment 5.A) For clarity, both the gross and net lot areas shall be listed under “Existing” and “Proposed” in the Zoning Data.

- B. All drug, alcohol and/or substance abuse treatment and related activities shall be rendered on site and not off site. *This shall be confirmed by a note on the plan. (Previous Comment 5.B) Conditional Use Comment 3 has been revised; therefore, this comment is satisfied.*

- C. The overall maximum number of persons in treatment at any one time shall be no more than 60 persons. *(Previous Comment 5.C) Conditional Use Note 2 on Sheet CD-1 and the submitted Project Narrative indicate that the maximum number of clients will be 60.*

6. In accordance with Section 705.1.A, “The following information shall be included on any site plan connected with a conditional use application, provided that the Township Board of Supervisors may waive a particular requirement where the size or scope of a project would render the data inapplicable or unnecessary. The purpose of the site plan is to evaluate the ability of the project to meet the conditional use criteria contained herein and not necessarily to give final approval if further submissions under the Township’s Subdivision and Land Development Ordinance [Chapter 22] or other Township ordinances are required. The following information shall be included on the site plan:”

- (3) “The location, dimensions and arrangements of all open spaces and yards, landscaping, fences, and buffer yards, including methods and materials to be employed for screening. Landscaping information shall be sufficiently detailed and illustrative to determine compliance with §502(7) hereof and the buffering and screening requirements contained herein, although final landscaping plans can be deferred to the land development stage of approval. The Township Board of Supervisors may require the use of a registered landscape architect to prepare such plans for the conditional use and land development applications.” *(Previous Comment 6.(3)) A Landscape Plan has been prepared and submitted with this Conditional Use Application. It appears the proposed landscaping is in compliance with the Zoning Ordinance. Further review will be completed against both the Zoning and the Subdivision and Land Development Ordinances if the project proceeds to land development.*

- (4) “The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.” *(Previous Comment 6.(4)) A Lighting Plan has been prepared and submitted with this Conditional Use*

Application. It appears the proposed lighting is in compliance with the Zoning Ordinance. Further review will be completed against both the Zoning and the Subdivision and Land Development Ordinances if the project proceeds to land development.

- (5) “The types, dimensions, locations, landscaping, and methods of illumination for project signage and exterior lighting.” ***(Previous Comment 6.(5)) Refer to Comments (3) and (4) above.***

- (7) “Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage.” ***Storm drainage and stormwater management are shown on the Conditional Use Plan.***
 - a. Per Section 403.1 of Chapter 26, Water, “all persons holding legal title or an interest therein (the “owner”) to real property in the Township containing a building which abuts a main of the water system must make connections to such main, shall use exclusively water from such main as their water supply for human consumption, except as hereinafter provided, and shall be responsible to pay for all related connection costs”.

 - b. Per Section 103.1 of Chapter 18, Sewers and Sewage Disposal, “the owner of any improved property accessible to and whose principal building is within one hundred fifty (150) feet from the sewer system shall connect such improved property with and shall use such sewer system, in such manner as this Township may require, within sixty (60) days after notice to such owner from this Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time”.

The plan notes that private on-lot water and sewage disposal are proposed. The anticipated locations of the well with its 100-foot isolation distance and sewage disposal area shall be provided on the Conditional Use Plan.

In addition, the Applicant shall confirm whether public water and sanitary sewer services exist as described in items a and b above. Connection to the public water and sanitary sewer system may be required if conditions a and/or b above are met. (Previous Comment 6.(7)) The proposed well is now shown on the plan and the proposed sewage disposal area is located greater than 100-feet from the well.

The proposed well shall be removed from the Existing Features Plan (Sheet 2).

The response letter indicates the Applicant is unaware of existing public water and sewer services, however connection will be made if existing services are found.

- (9) “A description of any proposed use in sufficient detail with regard to traffic generation to permit the Commission to determine compliance with the performance and traffic impact requirements set forth in § 27-404. Traffic studies required hereunder and by the Pennsylvania Department of Transportation (PennDOT) shall also be submitted. All such studies, regardless of location on State or Township roads, shall meet PennDOT’s requirements as well as the Township’s, excepting that the requirements for projects accessing only Township roads may be modified by the Township Board of Supervisors on the recommendation of the Township Engineer. The Township may also require studies meeting the standards found in the Pennsylvania Municipalities Planning Code for purposes of establishing transportation impact fees applicable to the project.”

In accordance with Section 404.2.A.(1), “a traffic impact study shall be required for all subdivisions and land developments that, at build-out, are projected to generate 50 or more trip-ends per project peak hour or 500 trip-ends per day based on the latest edition of Trip Generation published by the Institute of Transportation Engineers. This shall include project additions, changes of use and replacement of nonconforming uses that increase the total traffic (existing plus new traffic) to more than 500 trip ends per day.” ***(Previous Comment 6.(9)) A Traffic Generation Assessment was submitted with the Conditional Use Application.***

The traffic counts were determined utilizing a nursing home land use per the Institute of Transportation Engineers (ITE) Trip Generation Manual. The Traffic Generation Assessment states:

“The operation of the proposed treatment facility will function similarly to the nursing home land use such as, the residents will be dropped off by family or friends and will not be driving to the facility on a daily basis. The traffic generated to the site will be from employees, visitors, and delivery vehicles. In addition, patrons of the proposed treatment facility will be treated by healthcare professionals over multiple days. Isett concluded that other land uses like clinics or hospitals would not function in the same way as the proposed treatment facility. Patrons of these land uses could drive themselves and stay on-site, typically a few hours, for the treatment of their condition and are then released to return to their [residence].”

The Assessment has determined that the proposed treatment facility will generate 264 vehicles per day, therefore a traffic impact study will not be required.

- (13) “Soils, slopes and floodplain delineations.” *The existing steep slopes shall be provided on the plan.*

In accordance with Section 401.3.D.(3), “limited disturbance of moderately steep slopes and very steep slopes shall be permitted under the conditions described below:

Steep Slope Category	Percent	Maximum Area of Disturbance
Moderately Steep Slope	15% to 25%	60%
Very Steep Slope	25% or greater	10%

Disturbance refers to any development activity, including regrading and stripping of vegetation. The use of regraded slopes shall be minimized and is generally discouraged. The use of retaining walls for grade changes is encouraged.” *Steep slopes exist on the project site. The steep slopes shall be delineated on the Conditional Use Plan, and any disturbance shall comply with this Section. (Previous Comment 6.(13)) The existing steep slopes are now shown on the plan with Property Slope Data and Disturbed Slope Data tables included. The disturbed slope areas are less than the maximum permitted. The Land Development Plan shall also list the percentage of disturbed area in the Disturbed Slope Data table.*

- (16) “Current zoning of the property proposed to be developed plus current zoning of all adjoining lands.” *The Conditional Use Plan shall include the current zoning districts of all adjoining lands. (Previous Comment 6.(16)) The zoning districts of adjacent properties are now shown in the Photogrammetric Zoning Map on Sheet 1; therefore, this comment is satisfied.*

CONDITIONAL USE REQUIREMENTS

7. In accordance with Zoning Ordinance Section 705.C, “the Board of Supervisors, in acting upon the site development plan and conditional use permit application, shall take into consideration not only the criteria contained above, but also the following.” The following items must be addressed in the statement of purpose required in Section 704.A.(3).
- (1) “Whether the proposed use will have a detrimental or positive impact on adjacent properties. A new use should not produce a significant negative impact on the property values of adjacent properties, nor should it create potential nuisance impacts related to noise, odors, vibrations, or glare.” ***(Previous Comment 7.(1)) The Project Narratives states:***

The proposed use will not have a detrimental impact on adjacent properties. The private facility is set back from the road in a secure setting governed by strict regulations and standards of care. The large golf course around it is being preserved and will still function as it presently does. The new use does not produce a significant negative impact on the property values of adjacent properties, nor does it create potential nuisance impacts related to noise, odors, vibrations, or glare. Residential treatment programs of this type are in great need as communities continue to cope with tragic losses that can be mitigated through these programs.

- (2) “If the proposed use is one judged to present detrimental impacts, whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.” ***(Previous Comment 7.(2)) The Project Narratives states:***

If the proposed use is one judged to present detrimental impacts through the upcoming Hearing process, it is agreed that an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.

- (3) “Whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability, open space preservation or any other factors which reasonably relate to the health, safety and general welfare of present or future residents of the Smithfield Township.” ***(Previous Comment 7.(3)) The Project Narratives states:***

The use will have a positive impact on the environment by expanding landscape use, retaining all trees in the project area, providing NPDES permitted Best Management Practices for stormwater control. It will also promote job creation with 70 new staff, improve economy during construction with taxable wages and after with an increased property tax base. Open space preservation is being maintained by the continuation of the golf course use over most of the property and numerous other factors being offered like desperately needed Treatment, Security, and community presence which all reasonably relate to the health, safety, and general welfare of present and/or future residents of Smithfield Township.

- (4) “Whether the granting of an approval will cause an economic burden on community facilities or services including, but not limited to, highways, sewage treatment facilities, water supplies and firefighting capabilities. The applicant shall be responsible for providing such improvement or additional services as may be required to adequately serve the proposed use and any approval shall be so conditioned. The Township shall be authorized, subject to the limitations of the Pennsylvania

Municipalities Code, to request fees in support of such services where they cannot be directly provided by the applicant.” *(Previous Comment 7.(4)) The Project Narratives states:*

The granting of an approval will not cause economic burden on community facilities or services include, but not limited to, highways (the traffic assessment confirms little trip generation and the access is close to Cherry Valley Road which is a Collector type road/legislative route and connects to highways in two directions (Rt 611 to the east and Route 191 to the west), sewage treatment facilities (an on-site community system will be provided at the cost of the project as well as the maintenance to be provided), water supplies (an on-site potable well/water system will be provided at the cost of the project as well as the maintenance to be provided), and firefighting capabilities (a fire sprinkler system is proposed). The applicant agrees to be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use and any approval shall be so conditioned. The Township is understood to be authorized, subject to the limitations of the Pennsylvania Municipalities Code, to request fees in support of such services where they cannot directly be provided by the applicant.

- (5) “Whether the site plan indicates the property will be developed and improved in a way which is consistent with that character this Chapter and the Township’s Comprehensive Plan are intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural features preservation.” *(Previous Comment 7.(5)) The Project Narratives states:*

The site plan indicates the property will be developed and improved in a way which is consistent with that character of Township Ordinances and the Township’s Comprehensive Plan, and is intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural feature preservation. Existing trees have been designed around and specifically targeted to remain while the site improvements are generously adorned with new and prolific landscaping.

The above comments represent a thorough and comprehensive review of the information submitted, with the intent of giving the Township the best direction possible. However, due to the nature of the comments in this review, the receipt of new information may generate new comments.

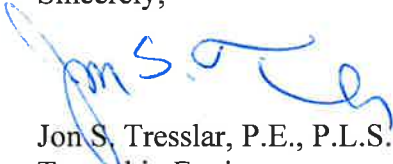
In order to facilitate an efficient re-review of revised plans a letter, addressing item by item action in response to each of our comments, must be provided.

Smithfield Township Planning Commission
Healthy Minds Treatment Center, Conditional Use Review No. 2
October 10, 2023
Page 9 of 9

We recommend the above comments be addressed to the satisfaction of Smithfield Township prior to the approval of the Conditional Use.

If you should have any questions regarding the above comments, please call me.

Sincerely,



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

JST/meh/tms

cc: Ronold J. Karasek, Esquire – Smithfield Township Solicitor
Ken Wolf, Zoning Officer – Smithfield Township
Daniel Harvey, CEO, Healthy Minds Partners, LLC – Applicant
Water Gap Acquisitions Partners, LLC – Property Owner
Amee S. Farrell, Esquire, Kaplin Stewart – Applicant's Attorney
Charles H. Niclaus, P.E., Barry Isett & Associates, Inc. – Applicant's Engineer
Melissa E. Hutchison, P.E. – LVL Engineering Group

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