

**Smithfield Township Planning Commission  
County of Monroe, Commonwealth of Pennsylvania  
Regular Meeting on October 12, 2023, at 7pm.  
Meeting Minutes**

**1. Call to Order:**

A Regular Business Meeting of the Smithfield Township Planning Commission was held on October 12, 2023, at the Smithfield Township Municipal Center at 1155 Red Fox Road, East Stroudsburg, PA 18301, and via Zoom. The meeting was called to order by Planning Commission Vice Chair Robert Moses at 7:00PM.

**2. Members Present:**

A quorum was present. Planning Commission members present include Vice Chair Commissioner Robert Moses, and Commissioners David Strunk, and Chris Bowers. Commissioners Michael Albert and Douglas Schryver were present via Zoom. Chair Commissioner Scott Amori and Commissioner Mitch Bowyer were absent.

In addition to the above Commissioners, also in attendance were Township Engineer Jon Tresslar, PE, Township Supervisor Robert Lovenheim, and Township Budget & Finance Manager Lucas DeBartolo.

Also present from the public included the following individuals who shared their names: Tammy Booth, Bob Markey, Debra Markey, Christine Carol, Joann Norris, Lynn Schores, Mark Savannah, Denny Gas, Mark Uppey, Darryl Brady, Charlie Coham, Liam Myester, Paige Macrovitich, Kim McKenna, Janice Huppe, and Andrew Phillips.

**3. Pledge of Allegiance** was recited.

**4. Minutes for Review:**

- August 10, 2023 - Regular Meeting

Commissioner D. Strunk reviews amendment to the minutes, regarding Norm Fish project. Change of language regarding separate power feeds and not separate well pumps. Motion by D. Strunk to accept the minutes as amended, seconded by Commissioner C. Bowers. Motion passes (4-0), minutes accepted. Commissioner M. Albert abstained, having not attended that meeting. No public comments.

**5. Public Comments on the Agenda: None.**

**6. New Business and Plans to Act On:**

- a) **Land Development Plan - Franklin Hill Manor – Tabled**

Project continues to be tabled through December.

**b) Healthy Minds Treatment Center Conditional Use Application: aka "Healthy Minds Partners, LLC"**

Attorney Amee S. Farrell representing the applicant Healthy Minds Partners LLC discusses the project. Dan Harvey, Owner and CEO of Healthy Minds Partners LLC, Chuck Niclaus, Civil Engineer at Barry Isett & Associates, Charlie Schnell, Senior Planner of Urban Research & Development Corporation are also present. The project involved a sixty bed fully inpatient residential drug treatment center, as allowed as a use in this R1-zoned residential district. She notes that with respect to a conditional use certain criteria and conditions can be imposed by the township to ensure compliance with the ordinance, and that this proposal meets the ordinance.

The PA Dept of Drug & Alcohol Programs would license the facility. It is only for individuals who are over 18 years old and voluntarily decide to attend the facility. Up to 5% of the beds at the facility will be for Veteran's, regardless of ability to pay. They will initiate pre-screening for all clients, including health and background checks.

Individuals who are court-ordered to attend a rehab facility or anyone with felony charges will be screened out. The individuals will be assigned a treatment team at the facility. The facility is designed to be two-stories, built from scratch to meet all functional needs. Building will appear residential and preserve existing trees and wooded areas as much as possible.

Staff will include seventy employees, operating over three shifts. On-site security will be present at all times, both in-person and via camera. They will set certain rules to further ensure safety, including clients not being able to bring their own vehicles. Clients must be picked up upon discharge, with access from Totts Gap Road, and no one will be let out to wander from the gated area. Visitors are only allowed on site on Sunday afternoons. There will be food, supplies, and equipment deliveries, otherwise only staff arriving and leaving each day. Maximum of sixty individuals receiving treatment at any one time.

She discusses that less than One-percent building coverage is being proposed, and 5.1% impervious coverage. Up to Twenty-percent building coverage would be permitted. They plan to exceed ordinance requirements for parking. Attorney Farrell further discusses the Township Engineer's letter issued on Oct. 10<sup>th</sup> stating that the landscape plan meets all ordinances including sewage, plants, steep slope disturbances, and other zoning ordinances.

Engineer Chuck Niclaus discusses the project for the applicant. The site is located on Totts Gap Road with most frontage there. It ends at Cherry Valley Road. Delaware Water Gap golf course – Wolf Hollow – is currently located at this site. The golf course will remain in existence with this project. He further discusses the location and areas of flood plains, wetlands, and the right of way for Cherry Creek.

Commission D. Schryver asks where this facility would be located compared to the existing golf course and building which may be developed into another drug rehab center. Attorney Farrell comments that is half of a mile away from the other facility, and there is no relationship between these two facilities. They are not related entities.

Engineer Tresslar stated that Attorney Farrell characterized the plan well in her summary, and in reviewing the conditional use application the plan satisfies all necessary requirements for stormwater, water, sewer, and lighting. He states everything will be reviewed more thoroughly when reviewing the Land Development Plan, but for Conditional Use needs – from an Engineering standpoint the proposal appears adequate.

Commissioner M. Albert asks about access to the facility. The applicant shares this facility is not located at the DWG Country Club, and this facility will not be accessible via Mountain Road. The property will be leased from the Golf Course.

Commissioner D. Strunk confirms all that the Planning Commission is being asked to approve tonight is the Zoning component of the project before it all goes to the Board of Supervisors. Residents and the Planning Commission can propose conditions to the Supervisors to put in place should the Conditional Use Application move forward.

Public Comment: Bob Markey asks why the applicant is looking to put this facility within an R1 Zone rather than elsewhere such as the Economic Development Zone. Bob Markey asks if anyone can leave the premises or if people can check themselves out. He asks if Dan Harvey is related to the previous Water Gap Wellness plan.

Attorney Farrell comments that this use is permitted in R1 Zones. She also states that there is a procedure in place that the emergency contacts of a patient will be required to pick up the patient if they elect to leave on their own, and the patient is retained on site until they can be picked up or vehicle services called.

Dan Harvey of Healthy Minds Partners LLC states that he has never been involved in the other Delaware Water Gap facility or made any money from that. He discusses mental health facilities and the differences that this facility has as a drug rehab facility.

Public Comment: Christine Carol discusses her concerns for the aquifer. Where will the water come from and where will the sewage go.

Engineer Chuck Niclaus and Attorney Farrell discuss the full vetting of the water and sewer needs during the land development process that would occur with the Township Engineer. The flattest area was evaluated to see where a sewage system could be installed. PA DEP would also ensure proper water sourcing needed related to the water aquifer.

Public Comment: Debra Markey questions if dual-diagnosis clients will be present at this proposed facility.

Dan Harvey of Healthy Minds Partners LLC discusses 100,000 Americans dying of overdoses each year. He discusses treating 5,500 addicts at his facilities and never losing one. He states they deserve to heal in nature and peace and their company is there to help people that are suffering.

Public Comment: Janice Huppe states she does not feel this is an appropriate use across from her house.

Public Comment: Charlie Coham discusses his awareness of the drug and alcohol problem, and how 58% of patients will fail out of treatment programs. He has concerns about these 58% of patients seeking drugs and alcohol in the area upon leaving the facility.

Dan Harvey discusses the failure rate of the AA program being 90% - and Healthy Mind's treatment program being different.

Public Comment: Darryl Brady discusses his concerns of people learning about the quiet area where he raises his family, turnover rates and new patients constantly arriving or leaving, and how patients might decide to come back to the area after staying at the facility.

Dan Harvey discusses a one hundred bed-facility in Georgia that has not had problems with the police, in a more rural town. Attorney Farrell discusses how these are emotional and highly charged applications – but that we are discussing human beings. Stating they will taint the neighborhood elicits a strong reaction from Dan Harvey. As this is an allowed conditional use, we need to be discussing specific concerns related to traffic, safety and other conditions that the board would like to develop.

Public Comment: Mark Uppey states concerns of patients wandering onto his property and driveway.

Public Comment: Denny Gas discusses his longtime residence in the area, conditional zoning, and moving to an expected residential area. He discusses the historical nature of the golf course, and that there are places to build these types of facilities in the township but not where there are children.

Public Comment: Debra Markey discusses the people that will be playing golf at the facility.

Public Comment: Andrew Phillips discusses his family living in the region for many years, and his concerns for the planned septic area that has historically flooded. He also discusses the historical golf course.

Engineer Chuck Niclaus for the applicant discusses the septic systems placement further.

Public Comment: Kim McKenna asks about the average projected revenue for this facility. The applicant discusses the facility being staffed with 60-70 full-time employees year-round, with benefits and a median wage of \$59,000.

Commissioner D. Strunk and Dan Harvey discuss background check standards and procedures. Commissioner D. Strunk discusses implementing additional conditions on top of their self-imposed procedures.

Commissioner R. Moses asks if clients are wealthy with good insurance besides the Veteran population. Dan Harvey states this will not necessarily be the case, as many patients may be on their parents' insurance.

Commissioners and Applicant discuss security at the facility. There is 24-hour security every day of the week, and only family members can visit on Sundays. Commissioner D. Strunk asks about the possibility of alarms on each door. Attorney Farrell states alarms can be investigated, a balance of security and not disturbing all residents is needed.

Commissioner M. Albert discusses concerns about patients leaving the facility, and discusses fencing, gates, or other options to reduce this concern. Attorney Farrell discusses plans for a gate.

Attorney Karasek states that the Planning Commission can impose whatever conditions they believe would make sense to protect health, safety, and welfare related to this project.

Public Comment: Paige Macrovitich discusses her concerns regarding the facility being placed in its planned location, amongst open space other needs.

Commissioner D. Schryver discusses other locations this facility could be located, and Vice Chair R. Moses states that is not what they have proposed. Attorney Karasek reiterates that the Supervisors previously had the rule that this kind of facility was allowable as conditional use in R1.

Public Comment: Liam Myester states concerns about kids getting off the bus such as himself and what to do if the facility is close to bus stops.

Attorney Karasek discusses the opportunities for additional comments to be made at the Public Hearing.

Commissioner M. Albert discusses that it is the Smithfield Board of Supervisors who will impose the conditions and encourages the audience to develop any additional conditions to bring to the Board of Supervisors. He also discusses adding a gate with pin code and fence as a condition. Discussion does not lead to inclusion in any motion. No motions made regarding fencing.

Commissioner D. Strunk comments that the Planning Commission cannot state they do not recommend the project as it meets all applicable zoning requirements but that they can add conditions. He recommends approval with two conditions. Condition 1: Criminal and sexual abuse background checks are implemented for patients at the facility, with a mechanism that allows the township to monitor or inspect reports to ensure condition is met without revealing names or personal information. Condition 2: After a designated curfew, all doors will need a monitor or alarm that can notify a main monitored location that a door has been breached.

Commissioner C. Bowers seconds the motion. No additional comments. Commissioners D. Strunk, C. Bowers, and R. Moses in favor, Commissioners M. Albert and D. Schryver opposed. Motion passes (3-2).

Supervisor R. Lovenheim shares that the Supervisors do have a well-developed list of items to look at and discuss during the Public Hearing.

### **c) Informal Sketch Plan Review – Shukaitis Estate – Franklin Hill Road.**

Nate Oiler from RKR Hess is joined by Alice, Executor to Nancy Shukaitis estate and applicant for this plan. This is a planned Conservation subdivision including 17.5 acres on Franklin Hill Road. There are two homes on the parcel, one with access from Hidden Valley Drive, and one with access via the rear of the property. Wetlands exist on the

property, and there is an existing barn they would like to preserve. Property subdivision to include two lots for the two houses already on property (nonconforming use currently), three additional lots for development, and ten acres of open space. They would like to keep the country feel of the property and not make the road very robust, but large enough for a single unit truck to turn around – and incorporated into their driveway plan for turnarounds.

Attorney Karasek discusses the possibility of needing a second access route to the properties for emergency use. Nate Oiler states the ordinance requires second access for twenty-five lots or more. Vice Chair Commissioner R. Moses and Nate Oiler discuss how wide the driveway would be to include room for turnaround. Commissioner C. Bowers asked about length of road – Nate Oiler states six hundred feet overall.

Commissioner D. Strunk asks if a utility and road sharing agreement would be put in place. Nate Oiler discusses HOA that would be created to maintain open space, road, and other needs.

Commissioner D. Schryver asks if there is a builder – none addressed at this time.

Engineer Tresslar states the concept does conform with township needs. With a dirt road, previously the Planning Commission did require road improvement in the frontage to a paved right of way.

Commissioner D. Strunk discusses swamps and wetlands. Nate Oiler comments on the map showing the dark green area with the wetland buffer, with no impacts proposed to that area and no endangered species found now at that location as well.

Nate Oiler discusses they will follow up on these needs and comments before another Planning Commission meeting, as they submit an official draft plan.

#### **d) Discuss: Noise/Nuisance Ordinance.**

Attorney Karasek discusses the township's need for a noise/nuisance ordinance, and what research was put into this by Township Manager Julia Heilakka, Supervisor Robert Lovenheim, and himself. The PA Association of Township Supervisors provided a sample two-tier ordinance, one with a section for sounds being plainly audible, and another based on decibel levels. He discusses that though the plainly audible ordinance would be easier to utilize, it may not hold up as compared to a specific sound measured by someone from the township with a decibel reader.

Attorney Karasek discusses decibel readers and reasonable sound exemptions to ordinance. Supervisor R. Lovenheim reviews and discusses ordinance.

Commissioner M Albert states the ordinance needs to have the decibel level included otherwise it will not have teeth. Commissioner D. Strunk reiterates this and concurs.

Commissioners D. Schryver and M. Albert discuss noise considered intrusive to society – standards may be at 65 decibels. The Liquor Control Board utilizes 75-decibels.

Commissioners and Supervisor R. Lovenheim discuss meter reading at the location of where the complaint originates versus property of where the sound is coming from.

Commissioners and Supervisor R. Lovenheim discuss meter costs at \$400 with certified operator, either the Zoning Officer or someone designated in the township who is trained to use this. NJ state recommendation for this. Sampling for 2 minutes each, ten overall minutes of samples, on site at least 30 minutes. NJ law says 65-decibels.

Commissioners and Supervisor R. Lovenheim discuss placing the ordinance outside of the Zoning Code – to allow easier enforcement by the Zoning Officer to cite immediately, daily, and immediately go to court as needed instead of via the Zoning Hearing Board process.

Commissioners discuss outdoor event permits, residential zones, and prohibited time periods. For example – a 75-decibel limit during the day with a 55-decibel limit at night. Supervisor R. Lovenheim discusses sounds at bars.

Commissioner D. Strunk states the sound is higher at the property line, and if the sound is measurable from anywhere on the property line of the violator that is preferred to measurement on the property of the individual who files the complaint. Supervisor R. Lovenheim prefers measurement from the complaint property not the violator property.

Commissioner D. Strunk comments that a 65-decibel limit is another industry standard when measuring at the property line. Commissioner M. Albert discusses Liquor License Control Board utilizing measurement at the violator's property line at a 75-decibel limit.

Commissioners and Supervisor R. Lovenheim discuss differences in Zoning – with residential areas versus Economic Development zones.

Public Comment: Joann Norris comments regarding racetrack at Mountain Manor – asking if the Township has other complaints besides the racetrack.

Commissioners state yes, there are other complaints related to additional facilities or short-term rentals.



Public Comment: Tammy Booth comments on the video she took of the sound from her property that backs up to the racetrack. She recommends the ordinance start at the violator's property line – as this may help others who are hearing the sound as well.

Public Comment: Mark Savannah states his agreement that the ordinance should start at a property line, and not be measured from within a house.

Commissioner D. Strunk discusses the very definitive and highly measurable aspect possible in the ordinance related to measuring from violator's property lines, commercial properties needing to be further included, and utilization of ISO 12001 in the ordinance (noise standards document). Discussion regarding striking number 9 in the draft ordinance regarding air conditioners.

Commissioner D. Schryver discusses enforcement issues with a noise ordinance, and overall township enforcement issues. Supervisor R. Lovenheim discusses enforcement based on a complaint-model.

Public Comment: Bob Markey discusses his construction business and sounds in his home such as hammering or otherwise that could be over the stated decibel levels. This would be a problem for his business if the construction category is not given exclusions.

Commissioner M. Albert discusses the idea that any approved commercial use for lawfully existing buildings could be exempt.

Public Comment: Tammy Booth asks about athletic outdoor activities and other events being allowed.

Public Comment: Lynn Schores comments regarding the need to measure at the property line of the violator as when the sound travels, it will lessen too much.

Public Comment: Bob Markey discusses the need for this noise ordinance to include different set levels for daytime and other operations, developing something that will work for businesses and residences alike.

Supervisor R. Lovenheim discusses another potential work session with the Planning Commission.

Commissioners discuss list of exemptions, hours, and residential and commercial differences. They also discuss property line of complainer versus of violator differences.

Supervisor R. Lovenheim discusses the need for something that can be passed quickly and is simply to enforce. Commissioner M. Albert discusses needs to get this ordinance correct and the possible need to address day, evening, and night hours separately.

**7. Old and Unfinished Business:**

- a. Discuss & Consider: That the Planning Commission ask the Supervisors to request the Planning Commission to develop, recommend for approval and then implement a specific onboarding plan for new Planning Commission Volunteers.
- b. Discuss & Consider: A motion of the Planning Commission for a periodic report of activities of the Zoning Officer and Building Inspector or permits applied for, granted (or refused), Zoning Violations Cited and any Legal status of those Zoning Violations.
- c. Review of Action on the following prior recommendations.

No action taken on any old or unfinished business. Carried over from prior meetings.

**8. General Public Comments:** No additional public comments not listed above.

**9. Adjournment:**

There being no other business before the Commission D Strunk motions to adjourn. Seconded by Commissioner C. Bowers. All in favor (5-0), meeting adjourned at 9:30pm.

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Minutes recorded by Lucas DeBartolo.

Respectfully submitted,



Lucas DeBartolo  
Recording Secretary  
Smithfield Township Planning Commission