

SMITHFIELD TOWNSHIP PLANNING COMMISSION
 COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA
 REGULAR MEETING OF DECEMBER 9, 2021 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 Scott Amori. Along with Commissioner Amori, Commissioners D. Schryver, D. Strunk, M. Bowyer, M. Albert, R. Moses and B. Sandy were all physically present in the meeting room at the Township Municipal Building. The meeting was also live-streamed remotely.

In addition to the above Commissioners, the other Township officials who attended the meeting were Township Supervisor Chair Jacob Pride (who arranged the live stream), Township Engineer Jon A. Tresslar, PE and Township Solicitor Ronold J. Karasek, Esquire all of whom were also physically present in the meeting room.

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

4. Minutes: The Minutes of the November 18, 2021 Regular Meeting were approved on motion of Commissioner Strunk, seconded by Commissioner Schryver and vote of 7-0.

5. Public Comments on the Agenda: None

6. Plans to Act On:

1) Project: Eagle Valley Self-Storage Units-Preliminary/Final Plan
Location: terminus of Skyline Drive approximately five hundred (500) feet east of its intersection with SR 447. The project lies within both Stroud and Smithfield Townships with the earthmoving in Smithfield

The project is in the R-2 (Moderate Density Residential) Zoning District having a total of 16.75 acres. The proposed development includes the construction of four (4) storage units (having a total area of 44,400 sq. ft.) with a 24-foot wide access drive from Skyline Drive. Present on behalf of the Applicant were Vincent J. Trapasso (one of the Owners/Developers) and the Planning Professional, Nathan S. Oiler, PE.

The presentation of the Plan combined mostly SALDO Waiver Request with some overall project status/concerns. The Township Engineer-J. Tresslar prepared a twenty three (23) page Review Letter with Ninety Five (95) Comments on this project!.

Initially, Mr. Oiler inquired as to whom in the Township contacts the Fire Chief? He was directed by the Township Solicitor to speak with Ms. Heilakka, the Office Manager.

There was brief discussion by Mr. Oiler as to landscaping and buffers as a residential area adjoined the project site. A four (4' foot) vegetative strip i.e. a meadow grass mix with graded side slopes is being proposed next to the VFW as that would be sufficient for a non-residential buffer.

As to residential buffers, Commissioner Sandy stated that water, sanitary sewer and gas lines and a fire hydrant cross the property; and, how is that being addressed? He also stated that the residential neighbors were not notified of this project and/or the proposed lighting. He was told by Mr. Oiler that a Lighting Plan will be filed for review by the Township. Mr. Trapasso

suggested that additional trees or other landscaping be allowed to address the residents' concerns.

Mr. Oiler also stated that landscaping around storm water detention basins will prevent access to the basin or placing snow in it so that the basin should not need to be screened.

At this point, Mr. Oiler began to review his SALDO Waiver Request Letter of November 8, 2021 which corresponded to the Numbers of Mr. Tresslar's Review Letter.

Number 11: SALDO Section 603.C.2.(j) requires the names of all property owners and subdivisions within one thousand (1,000) feet of the site. The Applicant suggests that there are numerous owners within that radius which would make the Plan difficult to read.

Number 16¹: SALDO Section 603.D.13.(h) requires that wetlands be defined by metes and bounds. The Applicant wishes the Township to waive this requirement by the alternative of placing coordinates on the plan to identify the locations of the wetlands. There was some discussion on this proposal as Commissioner Chair Amori may very clear that he wants to see metes and bounds. In order to address that concern, Mr. Tresslar stated that the plan will define the easement in metes and bounds while the wetlands within the easement area will be defined by coordinates.

Number 54: SALDO Section 1302.4.D requires that the outermost limits/edges of all excavations, cuts and fills be a minimum of the (10) feet from adjacent property lines. Township Engineer Tresslar has no difficulty in approving grading up to the adjacent property line as long as water will not be running onto the adjacent properties.

Number 61: Storm Water Management Ordinance (SWMO) Section 223.A requires that the Applicant design a water quality BMP. The Applicant requests a waiver as a majority of the proposed improvements are being directed to on-site storm water management facilities. Only a small portion of the driveway is not being managed due to existing constraints and the property boundary. Again, Township Engineer Tresslar has no difficulty in approving this request as long as water will not be running onto the adjacent properties.

Number 62: SWMO Section 223.I.1.(d)(1)(a) recites the permitted activities within the Inner Wetland Buffer i.e. buffer maintenance/restoration, remediate hazardous conditions, stream crossings as permitted by PA DEP and passive, unpaved stable trails and no other earth disturbance. The Applicant states that the only access to the developable portion of the site is through the fifty (50') foot inner wetland buffer.

Number 63: SWMO Section 223.I.1.(d)(2)(a) recites the permitted activities within the Outer Wetland Buffer i.e. buffer maintenance/restoration, remediate hazardous conditions, stream crossings as permitted by PA DEP, roads constructed to existing grade, unpaved trails and limited forestry activities and no other earth disturbance. The Applicant states that the only access to the developable portion of the site is through the one hundred and fifty (150') foot outer wetland buffer.

¹ This was not part of Mr. Oiler's Letter of November 8, 2021.

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Number 64: SWMO Section 223.I.3.(a)(2)(a) recites the permitted activities within the Outer Stream Buffer i.e. buffer maintenance/restoration, remediate hazardous conditions, agricultural activities, plant nurseries, parking lots to existing grade, temporary fairs and carnivals, accessory uses for residential purposes, private sportsmen's club activities, athletic facilities, orchards, wildlife sanctuaries, boat launches, roads constructed to grade and limited forestry activities. The Applicant states that the only access to the developable portion of the site is through the one hundred and fifty (150') foot outer stream buffer and that development will only impact .02 acres of the buffer area and the undeveloped portions of the property.

Number 71: SWMO Section 227.4 requires that the height of an emergency spillway embankment have a minimum of one (1) foot of freeboard. As the site is inundated in the 100-year storm from Sambo Creek, providing this freeboard is not practical.

Mr. Oiler then discussed two (2) other SALDO Waivers that were not part of his November 8, 2021 Correspondence as follows:

Number 50: SALDO Section 1302.3.D requires that the edges of all slopes be five (5') feet from the property lines or ROW lines. As with the Numbers 11 and 54 waivers, Mr. Tresslar no difficulty in approving slope edges up to the property lines and/or ROWs as long as water will not be running onto the adjacent properties.

Number 52: SALDO Section 1302.4.A requires that no excavation or fill be made with a slope steeper than 3-horizontal to 1-vertical. In basins where there is meadow grass, the steepness of the slope is not critical as there will be no grass mowing or extensive maintenance. Again, Mr. Tresslar stresses that the grading must have the water going into the basins and not on adjoining properties.

In closing discussion, the Commission asked that the Applicant place all of the SALDO waivers on one (1) document for ease of reference and review. Mr. Oiler also stated that a detailed Lighting Plan will be filed. He also stated that the lights will not be very high (such as in a car lot which has high light coverage and spillage) as the storage buildings are only one story with lighting at approximately ten (10) feet high.

On motion by Commissioner Chair Amori and seconded by Commissioner D. Schryver, the Plan was tabled to the January 13, 2022 meeting

2) Project: Franklin Hill Manor-Preliminary Plan-Land Development
Location: Eastern side of Franklin Hill R at its intersection with Albert Lane (a private road)

The project proposes four (4) residential dwelling lots with access off of Albert Lane which will be improved to a twenty two (22') foot wide cartway, a fifty (50') foot right-of-way and four (4') foot shoulders. The site lies within the R-1 (Low Density Residential) Zoning District and consists of 6.1895 acres with wetlands and woodlands.

A one Ty Mackes (sic) appeared obo the Applicant as its Planning Professional. He stated that an earlier application was denied in April 2021. It is now being re-submitted and the fees were paid on December 2, 2021.

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A motion as made by Commissioner Chair Amori with a second by Commissioner Strunk, the Commission voted to make this request upon the Supervisors for such monthly/quarterly reports. Motion passed on a vote of 7-0.

9. Public Comment:

Martha Carbone was present and took issue with the Planning Commission Meeting Minutes (of the November 18, 2021 Meeting) as to the Shawnee Village PRD-20201 Amendments.

Ms. Carbone a) objected to the characterization of her comments she made in response to the Township Engineer Review Letter of November 17, 2021 and b) that the Commission made a Motion to Recommend the Adoption of the 2021 Amendment was made and (in fact) passed provided that the 2021 Amendment did not violate the existing Settlement Agreement with the Shawnee Preservation Society.

This writer has re-examined his hand-written notes of the November 18, 2021 meeting; and, he stands by the approved November 18, 2021 Meeting Minutes as to both Ms. Carbone's characterization of Mr. Tresslar's Letter and that a motion was made (and seconded) but *not* passed as suggested. However and if the streamed meeting...which incidentally is not the official record as the approved written notes are³...reflects something different, then I will stand corrected.

While not true public comment, Commissioner Albert asked whether it was necessary for the paper copies of plans to be distributed to each Commissioner⁴. For example and in the Franklin Hill Manor Plan, a large Storm Water Report (98 pages) was copied and distributed for each Commissioner; and, as per Commissioner M. Albert, he believes such reports are seldom read (although Commissioner Strunk states that he does read them). Commissioner Albert is suggesting that only necessary plan documents be provided and those documents should be reduced in size i.e. 11" x 17" (as per the Township Engineer's suggestions). Thereupon and on motion by Commissioner M. Albert and seconded by Commission Chair Amori, the Commission recommended to the Supervisors that-at the Acceptance Review stage-only necessary and reduced size plans be provided to the Commissioners with a the customary large size prints for the Township, the Township Engineer and the Township Solicitor along with one extra large size print be available for reference by the Commission if necessary. Motion passed on 7-0 vote.

10. Adjournment:

There being no other business coming before the Commission and on motion by Commissioner Amori, seconded by Commissioner Schryver and on a unanimous vote of 7-0, the meeting was adjourned at 8:45 p.m.

³ See the PA Open Meeting ("Sunshine") Law, 65 Pa C.S. Section 706.

⁴ Under the SALDO, eleven (11) copies of Plans (and supporting documents) are to be filed i.e. the Supervisors-one copy, the Planning Commission-five copies, the Environmental Advisory Board-one copy, the Township file-two copies where one is for the file and one is for public review, the Township Engineer-one copy and the Township Solicitor-one copy. Other copies may be required by the Fire Company, the Water/Sewer Authorities so on.

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The Township Engineer prepared an Acceptance for Review Letter dated November 3, 2021; and, on motion by Commissioner Albert and second by Commissioner Moses, the plan was accepted for review on a vote of 7-0. The time for official action on the plan will expire on March 9, 2022.

7. Unfinished Business: None

8. New Business:

a) There was a re-discussion of the comments made by Commissioner Bowyer at the November Meeting i.e. that there should be an orientation before a person becomes a Planning Commissioner along with being provided with a List of Duties and a requirement to attend seminars and the like. Mr. Bowyer believes that the Commissioners should "read and learn" outside of the meeting setting. Commissioner Strunk suggests that Office Manager Heilakka check into what other municipalities do in this regard.

A motion as made by Commissioner Albert with a second by Commissioner Chair Amori that the Township Supervisors develop, recommend and then implement a specific training/on-board program for new Planning Commissioners. Motion passed on a vote of 7-0.

A motion was also made by Commissioner Strunk and second by Commissioner Albert to keep Old Business on Planning Commission Agenda so that the Planning Commission can keep track of action taken i.e. this seminar and training issue will now be Old Business unless acted upon. Motion passed on a 7-0 vote.

b) Commissioner Bowyer suggested that the Commission ask the Township Supervisors to update the Township Comprehensive Plan which is twenty (20) years old i.e. 2001. Commissioner Albert felt that money should not be spent for a plan "that has no teeth and simply sits on a shelf." Commissioner Schryver agrees and suggests that Township planning has been done "from the inside out" as per zoning and other ordinance changes i.e. the ED Zoning District so that the Comprehensive Plan is obsolete. Commissioner Stunk stated he would like to review the 2001 Plan before he comments.

No action was taken on this item.


c) The Commission discussed receiving written reports (monthly, quarterly etc.) from both the Zoning Officer and the Building Code Official as to zoning and building permits and zoning and building violations. The individuals need not be named. The Commission would like to see what is happening by way of permits and enforcement of violations. The Township Solicitor stated that in some of the other municipalities he represents such reports are provided to the governing bodies i.e. Supervisors and Borough Council but not the Planning Commissions.

The Township Solicitor stated that the PA Right-to-Know Law does not allow disclosure of investigations (criminal or non-criminal) except for the imposition of a fine or civil penalty; the suspension, modification or revocation of a license, permit...²

² See Pa Open Records (Right-to-Know) Law, 65 P.S. Section 67.708(b)(16) and (17).

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