

SMITHFIELD TOWNSHIP PLANNING COMMISSION
COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA
REGULAR MEETING OF OCTOBER 8, 2020 AT 7:00 P.M.
MEETING MINUTES

1./2. Call to Order and Members Present:

The meeting was called to order at 7:10 p.m. by Township Planning Commissioner Chair Attorney Scott Amori. Along with Commissioner Amori, Commissioners D. Schryver, R. Moses and K. Wichman (a newly appointed Commissioner) were physically present in the meeting room at the Township Municipal Building. Commissioners Michael Albert and David Strunk were absent. While the meeting was also to be conducted remotely via ZOOM (with both a video and an audio transmission) some difficulties were encountered in establishing this internet connection.

In addition to the above Commissioners, the other Township officials who attended the meeting were Township Supervisor Robert Lovenheim, Township Engineer Jon S. Tresslar, PE and PLS and Township Solicitor, Ronold J. Karasek, Esquire, of the Karasek Law Offices, LLC, all of whom were all physically present in the meeting room.

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

4. Minutes of Regular Meeting of September 10, 2020: Upon motion of Commissioner R. Moses and seconded by Commissioner D. Schryver and on a unanimous vote of 4-0, the Regular Meeting Minutes were approved.

Minutes of Joint Work Session of September 16, 2020: Upon motion of Commissioner S. Amori and seconded by Commissioner D. Schryver and on a unanimous vote of 4-0, the Joint Meeting Minutes were approved. Approval is still needed by the Board of Supervisors.

5. Public Comments: None.

6. Plans to Act On:

a) Manovski Preliminary/Final Minor Subdivision Plan

The property is located on the southern side of Davis Court and approximately 250 feet southwest of the intersection with Davis Court and Cherry Valley Road and is situate in the R-1 (Low Density Residential) Zoning District. The plan proposes a residential subdivision of two (2) lots with Lot No. 1 consisting of 1.72 net acres and Lot No. 2 consisting of 1.34 net acres with an existing dwelling. Water and sanitary sewer will be on-lot.

The Township Engineer prepared both an Acceptance for Review and First Review Letter dated September 10, 2020. However, no one was present on behalf of the Applicant. Accordingly, the matter was tabled on motion by Commissioner Amori and seconded by D. Schryver and on unanimous vote of 4-0.

b) SR Squared, LLC Preliminary/Final Minor Subdivision and Lot Consolidation Plan

The property is located on the northern side of Milford Road situate within the existing ED (Economic Development) Zoning Development with an area of 22.441 acres and consists of five (5) existing buildings. It is situate on the northern side of Milford Road.

The plan proposes to subdivide existing Lot No. 2 into two (2) lots. Lot No. 1 will have an area of 5.001 acres with the five (5) buildings located thereon and will be serviced by on-lot water and public sanitary sewage and Lot No. 2 will have an area of 17.440 acres of woodlands.

The Applicant's Planning Professional was present i.e. Frank J. Smith, Jr., PLS who briefly described the plan. The Township Engineer prepared an Acceptance for Review Letter dated October 6, 2020. Based upon this letter and on motion of Commissioner Amori and seconded by Commissioner Wichman and on a unanimous vote of 4-0 the plan was accepted for review.

There being no other business concerning the plan and on motion of Commissioner Amori and seconded by Commissioner Schryver and on a unanimous vote of 4-0 official action on the plan was tabled.

7. Unfinished Business:

a) Verizon Wireless Conditional Use Application

The application was filed to allow construction activities on steep/very steep slopes i.e. a monopole wireless tower with driveway access from an existing driveway off of Airport Road. Under the Township Zoning Ordinance, a conditional use is required as the project will disturb very steep slopes (25% or greater).

No one was present on behalf of the Applicant. However, the Solicitor briefed the Commission on the background of this matter where i.e. a conditional use approval is required to allow construction in a steep slope area; and, the Commission earlier recommended approval (at its meeting of August 13, 2020) provided that the area of very steep slope disturbance does not exceed five (5%) percent and additional supporting documentation is provided by the Applicant.

Such additional documentation was subsequently provided by the Applicant's Attorney, R. Williams, by correspondence dated September 14, 2020¹ and with clarification of the amount of very steep slope being disturbed i.e. 3.39 %.

¹ By that letter, the Applicant's Attorney also granted the Township Board of Supervisors until November 10, 2020 to conduct the public hearing on the conditional use application.

With that supplemental information, the Commission re-recommended approval of the conditional use application upon motion of Commissioner Amori and seconded by Commissioner Schryver and on vote of 3-1 (Schryver-nay).

b) Young Conditional Use Application

The Youngs wish to construct a single family residential dwelling at 223 Prices Landing Road. This property is located in a flood plain; and, the Township Floodplain Ordinance requires that any construction within the floodplain requires conditional use approval.

The Township Engineer prepared a Review Letter dated September 30, 2020 to which neither the Applicants nor their representatives responded. In the meantime, the application is scheduled for a public hearing before the Township Supervisors on Wednesday, October 14, 2020 at 4:00 p.m.

While the Township did request an extension of time from the Youngs beyond the hearing deadline of October 20, 2020 (inasmuch as there was no response to the Township Engineer review), the Youngs were unwilling to do so as said extension would prevent them from laying the foundation for the home before winter would set in.

In order to accommodate the Youngs and provided their professionals can adequately respond to the Township Engineer's review, the Commission agreed to hold a special meeting (prior to the Supervisors' public hearing) to review the application and make a recommendation to the Supervisors.

On motion by Commissioner Amori and seconded by Commissioner Moses and on a unanimous vote of 4-0 the matter was tabled to a Special Meeting to be held on Wednesday, October 14, 2020 shortly prior to the Work Session meeting of the Township Board of Supervisors.

c) Trapasso (Self-Storage Units) Conditional Use Application

This is an application for the construction of self-storage units in a flood plain. Present at the meeting were the Applicants, their Planning Professional, Nathan Oiler, P.E. and their Contractor, Brian Winett (sic) of NE Construction. If the conditional use is approved by the Supervisors, a land development plan will then be required to be filed after that conditional use approval.

Mr. Oiler explains the Site Plan. Also, the Township Engineer did prepare a Second Review Letter (dated October 6, 2020); and, Mr. Oiler states that there are

three (3) areas of the Township Engineer Review Letter to discuss i.e. the flood plain, zoning and stormwater waivers.

As to the floodplain, Numbers 4 (construction will withstand the forces of a flood) and 6 (submission to the Monroe County Conservation District-MCCD) of the Township Review Letter (TERL) were discussed. Since the construction will be outside of the flood plain, the Township Engineer will be satisfied with a certified statement that all construction will be elevated above the flood plain. Also, submission to the MCCD and application for an NPDES permit will be done at the land development stage of the project.

As to zoning, TERL Numbers 8 (the amount of landscaping and deciduous trees), 10 (signage) and 11 (a second stormwater basin to reduce the rate and volume water and to increase water quality) of the Township Review Letter were discussed.

As to the waivers, TERL Number 18 (wetland buffers) of the Township Review Letter was discussed; and, again, these will also be addressed at the time of land development.

Commissioner Amori discussed lighting design to comply with lighting to “shine down”; and, he also commented that while he was not pleased with this project (as it is in a R-2 [Residential] Zone), it is surrounded by commercial zones and/or properties. Commissioner Schryver also asked why this is a conditional use; and, he was advised that the Township Flood Plain Ordinance requires that all construction in the flood plain receive conditional use approval.

On motion by Commissioner Amori and seconded by Commissioner Schryver and on a unanimous vote of 4-0, the Commission recommended approval of the conditional use on the following conditions i.e. 1) that there be a certified statement that all construction shall be elevated above the flood plain 2) that the plan be submitted to the MCCD and a NPDES application be filed at the land development stage 3) that deciduous tree will be included in the land development stage and 4) all necessary SALDO waivers will be secured at the land development stage.

8. New Business:

The proposed Township Ordinance No. 238 was on the agenda for review. This ordinance was a revision (suggested by Township Supervisor Lovenheim) of the Water Gap Capital Partners, LLC-Landowner Curative Zoning Amendment re Substance Abuse Treatment Center.

The first revision was that all drug, alcohol and/or substance abuse treatment and related activities shall be rendered on site. There was a discussion as to whether or not this language should be revised to state related “rehabilitative” activities or related

"therapeutic" activities. As to the second revision i.e. the term "patient" to "person", there was really no discussion.

Commissioner Amori stated that this may be "the best we can do" until the ordinance is overturned. Commissioner Schryver asked: "Why we should do this?". The Solicitor explained the reasons for this review (as required by the case of Hanover Healthcare Plus, Inc. vs. ZHB of Penn Township, 875 A.2d 1255-Pa. Cmwlth. 2005). Also, Commissioner Schryver was concerned that the use would now be throughout the R-1 Zoning District. However and since there is now an ED (Economic Development) Zoning District that specifically allows drugs/substance abuse treatment centers as a permitted use, this ordinance will be site specific to the Water Gap Property and not throughout the entire R-1 (Low Density Residential) Zoning District.

9. Public Comment: None.

10. Adjournment:

There being no other business coming before the Commission and on motion by Commissioner Chair S. Amori, seconded by D. Schryver and on a unanimous vote of 4-0, the meeting was adjourned at 8:15 p.m.

Karasek Law Offices, LLC

By: 

Ronald J. Karasek, Esquire

PA I.D. No. 23233

Solicitor to Smithfield Township