

701 Main Street, Suite 405
Stroudsburg, PA 18360



Phone: 570-517-3100
Fax: 570-517-3858
mcpc@monroecountypa.gov
www.monroecountypa.gov

MONROE COUNTY PLANNING COMMISSION

June 12, 2024

Jacob Pride, Chairman
Smithfield Township Board of Supervisors
1155 Red Fox Road
East Stroudsburg, PA 18301

Re: Wetlands & Zoning Hearing Board Jurisdiction
Zoning Amendments
Smithfield Township
MCPC Review #82-24

Dear Mr. Pride:

The above cited amendments were reviewed by Eric Koopman, Lead Senior Planner, on behalf of the Monroe County Planning Commission. You will find the comments enclosed.

All comments are preliminary and will be acted upon by the Planning Commission at its regular meeting on July 9, 2024 at 5:00 p.m. at the Monroe County Planning Commission office. This action is in keeping with the Planning Commission's review policy and allows the municipalities and other interested parties to respond to the review comments before the Planning Commission's public meeting.

If these comments are not amended and are found to be acceptable by the Board at the next meeting, they should be considered to be approved as enclosed.

If you have any questions, or if we can be of further service to you, please feel free to contact me.

Sincerely yours,

A handwritten signature in blue ink that reads "Christine Meinhart-Fritz".

Christine Meinhart-Fritz
Director

CMF/ek
Cc: Julia Heilakka, Township Manager


701 Main Street, Suite 405
Stroudsburg, PA 18360



Phone: 570-517-3100
Fax: 570-517-3858
mcp@monroecountypa.gov
www.monroecountypa.gov

MONROE COUNTY PLANNING COMMISSION

TO: Christine Meinhart-Fritz, Director

FROM: Eric Koopman, Lead Senior Planner 

DATE: June 12, 2024

SUBJECT: Wetlands & Zoning Hearing Board Jurisdiction
Zoning Amendments
Smithfield Township
MCPC Review #82-24

The Township of Smithfield is proposing amendments to its zoning ordinance concerning wetlands and the Zoning Hearing Board (ZHB). Specifically, the amendments propose to revise standards for wetland delineation and what activities are permitted in such areas. The amendments also propose removing the ZHB's jurisdiction to rule on challenges on the validity of ordinance adoption raised by appeal.

The above mentioned amendments have been reviewed on the basis of generally accepted planning principles and the provisions set forth by the Pennsylvania Municipalities Planning Code (PMPC), as amended. The following comments are offered:

1. The proposed curative amendments are generally consistent with the PMPC, Act 247 of 1968, as amended, in terms of following required procedures.
2. The proposed wetland related amendments would strengthen and clarify protective standards for environmentally sensitive areas. This is to be encouraged and is consistent with the goals of the Monroe 2030 Comprehensive Plan.
3. The amendments also propose removing the ZHB's jurisdiction to rule on challenges on the validity of ordinance adoption raised by appeal. It is our understanding that this matter will revert to the Court of Common Pleas, which is consistent with the PMPC.
4. If any revisions are made to the proposed zoning ordinance amendments, they must be resubmitted to the MCPC for review prior to adoption. This requirement was recently affirmed by the Pennsylvania Commonwealth Court in *Hanover Healthcare Plus, Inc. v. Zoning Hearing Board of Penn Township* 875 A.2d 1255 (Pa. Cmwlth 2005). It is recommended that the Township discuss this with their solicitor.
5. The Staff has reviewed the proposed amendments and recommends that adoption be subject to the above noted comments being satisfactorily addressed.

Page Two
Wetlands & Zoning Hearing Board Jurisdiction
Zoning Amendments
Smithfield Township
MCPC Review #82-24

In an attempt to maintain a library of municipal ordinances, we request that any adopted ordinance amendments (Zoning, Zoning Map and SALDO) be sent to the MCPC within 30 days of enactment as specified in the PMPC.

This review is subject to the approval of the Monroe County Planning Commission at its next regularly scheduled meeting.