



YOUR GOALS. OUR MISSION.

October 9, 2024

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

**SUBJECT: JPSPA REALTY, LLC  
S.R. 0209 AND S.R. 0447 LAND DEVELOPMENT SKETCH PLAN REVIEW NO. 2  
SMITHFIELD TOWNSHIP, MONROE COUNTY, PENNSYLVANIA  
PROJECT NO. SMTW-R0018**

Dear Planning Commission Members:

Pursuant to the Township's request, we have completed a second sketch plan review for the above referenced project. The submitted information consists of the following items:

- Smithfield Township Application for Review of a Subdivision or Land Development with Escrow and Professional Services Agreement.
- Purchase and Sale Agreement under cover letter prepared by Marc R. Wolfe, Esquire, dated April 19, 2021 with First Addendum to Agreements for the Sale of Commercial Property dated March 2, 2023.
- Transportation Impact Study prepared by Traffic Planning and Design, Inc., dated August 30, 2024.
- Sketch Plan (3 sheets) prepared by Bohler, dated August 30, 2024.

### **BACKGROUND INFORMATION**

The Applicant has submitted a sketch plan in support of a proposed land development on lands located on the northeastern corner of the intersection of S.R. 0209 and S.R. 0447. The project site is located on two (2) parcels having a total area of 5.75 acres and within the ED, Economic Development Zoning District. The existing parcels consist of a Days Inn hotel with a restaurant and associated parking and a Gulf convenience store and gas station with associated parking. The existing parcels are accessed from S.R. 0209. The Days Inn hotel and restaurant have been demolished and the Gulf station remains.

The proposed land development plan consists of the construction of a 6,139 square foot convenience store with gasoline service and drive-thru, a 2,279 square foot café with drive-thru, and a 3,696 square foot, 35 seat restaurant with drive-thru; all with associated parking. The Traffic Impact Study suggests the development will be completed in two (2) phases; Phase 1 will include the convenience store with gasoline service and the restaurant with drive-thru, and Phase 2 will include the café.

Access to the project site from S.R. 0209 and S.R. 0447 will be by the following:

- A right-in, right-out, left-in driveway along S.R. 0209 at the existing driveway for the Gulf gas station.



- A full movement driveway along S.R. 0447 at the existing Staybridge Suites driveway.
- A designated right turn lane along S.R. 0447 and into the project site.

Public water and sewer will serve the proposed development and stormwater management is proposed.

In accordance with Section 309, Schedule of District Regulations, convenience stores with fuel pumps, and restaurants are permitted within the ED, Economic Development Zoning District. In addition, Part 10, Definitions, defines Café as “a small facility; not exceeding 500 SF in size, where drinks and snacks are sold”. Therefore, the café will be reviewed as a restaurant use.

Based upon our review of the Sketch Plan and a previous comment letter prepared by LVL Engineering Group, dated June 6, 2023, we offer the following comments and/or recommendations for your consideration.

**ZONING ORDINANCE COMMENTS**

1. Comment 1 from Review No. 1 satisfied.
2. In accordance with Section 309, Schedule of District Regulations, the required rear yard depth is 30-feet. In addition, and in accordance with Section 502.1.B, “on a corner lot, front yards are required on both road frontages, and one (1) yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards”. *(From Previous Comment 2 from Review No. 1) The northern and western property lines are both presented as side yards. One yard shall be a rear yard having a depth of 30-feet. The Zoning Requirements chart shall also be revised to include the required and proposed rear yard depth.*
3. Comment 3 from Review No. 1 satisfied.
4. In accordance with Section 401.1.E.(1), “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. *(New Comment) Steep slopes are now shown on the submitted Existing Resources/Site Analysis Plan. The plan indicates that the proposed disturbance of each steep slope category exceeds the maximum permitted in the chart above. A variance will be required.*

5. In accordance with Section 402.7, “accessible parking spaces for disabled persons shall be provided in accordance with the Federal requirements as set forth in the Americans with



Disabilities Act”. *(From Previous Comment 4 from Review No. 1) Two (2) handicap parking spaces are required for the 23 proposed parking spaces at the café. The plan shall be revised.*

6. Previous Comment 5 from Review No. 1 satisfied.
7. In accordance with Sections 403.B.2 and 403.B.4, “all areas for the loading and unloading of delivery trucks and other vehicles and for servicing of establishments and/or shops by refuse collection, fuel or other service vehicles shall have adequate and unobstructed access from a street, service driveway or alley and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities or pedestrian ways or backing out onto a street”. “All loading berths shall be located at the side or rear of the property and shall be screened from view by fencing or landscaped buffers.” Per Section 403.B.7, “the minimum size loading space shall be thirty (30) feet in depth and ten (10) feet in width, with an overhead clearance of fourteen (14) feet”. *(From Previous Comment 6 from Review No. 1) The required loading spaces shall be shown on the plan.*
8. In accordance with Sections 403.G and 502.7, landscaping shall be provided as required by these Sections. *(From Previous Comment 7 from Review No. 1) A landscape plan shall be provided with the land development plan submission.*
9. Previous Comment 9 from Review No. 1 satisfied.
10. In accordance with Sections 403.O and 502.6, lighting shall be provided as required by these Sections. *(Previous Comment 9 from Review No. 1) A lighting plan shall be provided with the land development plan submission.*
11. In accordance with Sections 404.2.A.(1) and 511.20.B (ED District Uses), a traffic impact study shall be required for all subdivisions and land developments that, at build-out, are projected to generate fifty (50) or more trip-ends per project peak hour or five hundred (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 five hundred (500) trip ends per day. *The number of trip-ends shall be addressed and a traffic impact study shall be submitted as required. (Previous Comment 10 from Review No. 1)*

***The Transportation Impact Study (TIS) indicates the following:***

- *At build-out of Phase 1 the project will generate 173 new trips during the weekday AM peak hour, 139 new trips during the weekday PM peak hour, and 250 new trips during the Saturday midday peak hour.*
- *At full build-out of Phases 1 and 2 the project will generate 269 new trips during the weekday AM peak hour, 179 new trips during the weekday PM peak hour, and 359 new trips during the Saturday midday peak hour.*

***The following improvements are proposed along S.R. 0209 and S.R. 0447:***

- *Phase 1 – Optimize signal timing at the intersection of S.R. 0209 and S.R. 0447.*



- **Phase 1 – Construct westbound right-turn lanes along S.R. 0447 for access into the project site via a designated right turn and the shared Staybridge Suites driveway.**
- **Phase 1 – Provide stop signs to control exiting traffic from the project site. Construct a northbound left-turn lane and a southbound right-turn lane along S.R. 0209.**
- **Phase 2 – Optimize signal timings at S.R. 0209 and S.R. 0447.**
- **Phase 2 – Install a traffic signal at the intersection of S.R. 0447 and the shared driveway with Staybridge Suites.**

**Weekday AM Peak Hour Overall Level of Service Summary**

Intersection	Existing	Phase 1 – 2025		Phase 2 Opening Year – 2027			Phase 2 Design Year – 2032		
		Base	Projected <sup>1</sup>	Base	Projected	Projected <sup>1</sup>	Base	Projected	Projected <sup>1</sup>
S.R. 209 & S.R. 0447	B (18.5)	B (18.8)	C (21.7)	C (24.7)	C (32.3)		C (26.1)	D (35.2)	
S.R. 0447 & Brown St/Site Dwy	A (4.5)	A (4.7)	A (5.8)	A (8.3)	C (18.5)		B (10.1)	C (24.1)	
S.R. 0447 & Staybridge Hotel/Site Dwy	A (0.3)	A (0.3)	A (9.0)	A (0.3)	D (31.5)	B (14.9)	A (0.3)	E (37.1)	B (14.9)
S.R. 0209 & Site Dwy	A (0.3)	A (0.3)	A (1.5)	A (0.2)	A (1.2)		A (0.2)	A (1.2)	

<sup>1</sup> Projected conditions with implementation of recommended improvements.

**Weekday PM Peak Hour Overall Level of Service Summary**

Intersection	Existing	Phase 1 – 2025		Phase 2 Opening Year – 2027			Phase 2 Design Year – 2032		
		Base	Projected <sup>1</sup>	Base	Projected	Projected <sup>1</sup>	Base	Projected	Projected <sup>1</sup>
S.R. 209 & S.R. 0447	B (16.4)	B (16.5)	B (18.1)	B (19.9)	C (22.2)		C (20.7)	C (23.2)	
S.R. 0447 & Brown St/Site Dwy	A (4.2)	A (4.3)	A (4.5)	A (5.2)	A (6.0)		A (5.5)	A (6.6)	
S.R. 0447 & Staybridge Hotel/Site Dwy	A (0.5)	A (0.5)	A (7.2)	A (0.5)	B (14.6)	B (12.6)	A (0.5)	C (16.9)	B (12.6)
S.R. 0209 & Site Dwy	A (0.1)	A (0.1)	A (0.9)	A (0.0)	A (0.7)		A (0.0)	A (0.7)	

<sup>1</sup> Projected conditions with implementation of recommended improvements.



Saturday Midday Peak Hour Overall Level of Service Summary

Intersection	Existing	Phase 1 – 2025		Phase 2 Opening Year – 2027			Phase 2 Design Year – 2032		
		Base	Projected <sup>1</sup>	Base	Projected	Projected <sup>1</sup>	Base	Projected	Projected <sup>1</sup>
S.R. 209 & S.R. 0447	B (14.5)	B (14.6)	B (16.5)	B (18.1)	C (22.5)		B (18.7)	C (23.4)	
S.R. 0447 & Brown St/Site Dwy	A (2.8)	A (2.9)	A (2.8)	A (3.7)	A (4.1)		A (3.7)	A (4.2)	
S.R. 0447 & Staybridge Hotel/Site Dwy	A (0.8)	A (0.8)	A (8.0)	A (0.8)	D (28.9)	B (17.4)	A (0.8)	D (32.9)	B (17.9)
S.R. 0209 & Site Dwy	A (0.2)	A (0.2)	A (1.4)	A (0.2)	A (1.2)		A (0.3)	A (1.2)	

<sup>1</sup> Projected conditions with implementation of recommended improvements.

**The Levels of Service remain the same during the existing, base, and projected scenarios or the projected level of service is within 10 seconds of the base level of service as permitted by PennDOT.**

**The following comment is related to our review of the Traffic Impact Study.**

- a. **The Executive Summary indicates a right-in, right-out, and left-in driveway will be provided along S.R. 0209 at the existing Gulf Station driveway. However, the Executive Summary further discusses a two-way center left turn lane being proposed along S.R. 0209 to allow left turns onto S.R. 0209. The Applicant shall clarify whether left turns out of the project site onto S.R. 0209 will be allowed.**

12. In accordance with Section 404.3.D, access management requirements shall apply to “all properties and projects accessing both sides of U.S. Route 209 from the interchange with I-80 to the border of Smithfield Township”. Section 404.3.D states, “driveways that do not conform to the regulations in this Section and that were constructed before the adoption of this Section, shall be considered legal nonconforming driveways. Nonconforming driveways may remain in use until such time as the use of the property is changed in such a way as to impact the use of the driveway. Nonconforming driveways shall be reconstructed to comply with this Section if a change in the intensity of use of a property results in increased trip generation, as follows:

- (1) A change in use for purposes of this regulation shall be any change that requires subdivision or site plan approval.
- (2) A change in intensity of use is established when the use of the access increases peak hour or average daily traffic volume by ten (10%) percent or more, based on the latest edition of “Trip Generation” published by the Institute of Transportation Engineers, provided that no use generating less than fifty (50) trips per day shall be subject to this requirement.”



*The proposed development will utilize the existing northern most driveway taking access from S.R. 0209 (at the Gulf station). The driveway is proposed to be modified with curb and its width will be reduced to 30-feet (existing driveway width is 53-feet ±).*

- a. In accordance with Section 404.3.E, “no tract shall be provided direct access to Route 209 and Business Route 209 if adequate alternate access can be provided by way of an arterial, collector, or frontage or cross access drive and if such access is in the best interest of traffic operations. Regulations in subsections (F) through (I) shall apply when a tract is provided direct access to Route 209, Business Route 209, and future Route 1019.” ***(From Previous Comment 11.a from Review No. 1) The development proposes improvements along S.R. 0209 and S.R. 0447. The proposed accesses shall be reviewed and approved by the Pennsylvania Department of Transportation.***
  - b. In accordance with Section 404.3.F.(4), “driveways shall be aligned with driveways across Route 209 where possible; if not possible, driveways shall be offset a minimum of one hundred fifty (150) feet from those on the opposite side of Route 209, Business Route 209 or future Route 1019”. ***(From Previous Comment 11.b from Review No. 1) The proposed driveway is located approximately 75-feet south (centerline to centerline) of the opposite driveway accessing the Cigarette Outlet. The proposed driveway shall be relocated for compliance with this Section, or a variance will be required.***
  - c. Previous Comment 11.c from Review No. 1 satisfied.
  - d. It should be noted that per Section 404.3.G.(6), “access points may be restricted to right turn-in, right turn-out if determined to be in the best interest of traffic operations”. ***(Previous Comment 11.d from Review No. 1) The Applicant should be aware that, based upon further review, right turn-in and right-turn out only movements may be required at the proposed modified driveway accessing S.R. 0209.***
13. In accordance with Section 404.3.I, “upon submission of preliminary access plans or highway occupancy permit plans to the Pennsylvania Department of Transportation, the applicant shall submit a copy of such plans along with any attached subdivision or land development plans to Smithfield Township. Issuance of a highway occupancy permit by the Pennsylvania Department of Transportation does not guarantee approval of plans by Smithfield Township”. ***(From Previous Comment 12 from Review No. 1) The development proposes improvements along S.R. 0209 and S.R. 0447. Submissions to, correspondence with, and permit from the Pennsylvania Department of Transportation shall be provided.***
14. Per Schedule II, Regulations for Off-Street Parking Spaces, the following parking is required for each proposed use:
- a. A restaurant is required to have 1 parking space for every 2.5 seats and 1 for each full-time employee. *Twenty-six (26) parking spaces are required for proposed restaurant and only 23 are proposed. Fourteen (14) parking spaces are required for proposed cafe and 22 are proposed.*
  - b. A gasoline service station is required to have one (1) parking space for every 150 gross square feet. *Forty-one (41) parking spaces are required at the proposed gasoline service station and only 38 are proposed.*



*(From Previous Comment 13 from Review No. 1) A total of 81 parking spaces are required for the full development. In addition to the proposed parking at each use, a 10-space overflow parking lot is also proposed. Therefore, a total of 97 parking spaces are proposed on the project site.*

*In accordance with Section 511.21.D, in the ED Zoning District where a parking area is intended for the joint use of two or more distinct land use activities, the total parking area required shall be the same as required for those uses computed separately. The proposed number of parking spaces is in compliance with Section 511.21.D.*

15. *In accordance with Section 511.20.F, “only one (1) principal use is permitted on a lot by-right within the ED District unless part of a mixed-use development or an incentivized development. In the event of a conflict between the provisions of a mixed-use development or an incentivized development and the provisions of the underlying district, the provisions of the mixed-use development or the incentivized development shall prevail, depending upon the development option chosen. If the standards in the major mixed use development option and the incentivized development option are silent in relation to any development standard, the development standard identified in the underlying district shall prevail.” (From Previous Comment 15 from Review No. 1) The plan proposes three (3) principal permitted uses, two (2) restaurants and a convenience store with fuel pumps. While all proposed uses are permitted in the ED Zoning District individually, all three cannot be proposed on the same lot without utilizing the Major Mixed Use Development option or the Incentivized Development option, both of which would require relief from the Zoning Ordinance. The plan shall clearly identify the proposed intent of this development with a list of all relief that will be required.*

## **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

16. Comment 16 from Review No. 1 satisfied.
17. In accordance with Section 504.K, the Sketch Plan shall include “required improvements such as streets, parking lot layout, number of parking stalls, stormwater management concepts, etc.”. *No stormwater management is provided on the Sketch Plan. This shall be addressed. (Previous Comment 17 from Review No. 1) Underground stormwater management areas are now shown. All stormwater management shall meet the requirements of the Stormwater Management Ordinance. In addition, roadside swales exist along S.R. 0447 and S.R. 0209. The impact to these roadside swales by the proposed development shall also be addressed.*
18. Comment 18 from Review No. 1 satisfied.
19. In accordance with Sections 504.S and 504.W, the Sketch Plan shall include “the parcel identification number and recording information for the tract and all adjacent lots; zoning classifications for the tract and all adjacent lots” and “the names of the owners of all abutting properties and existing uses”. *Adjacent property owner information shall be provided on the plan. (Previous Comment 19 from Review No. 1) Parcel No. 16.110011 shall be labeled on the plan.*
20. In accordance with Section 1002.7.E, “the purpose of steep slope regulations is to conserve and protect those areas having steep slopes from inappropriate development and excessive grading; to prevent potential dangers caused by erosion, stream siltation, and soil failure; and to promote uses



in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover by restricting grading of steep slope areas. Steep Slope Area shall be subject to use regulations identified below.

<b>Steep Slope Category</b>	<b>Percent</b>	<b>Maximum Area of Disturbance</b>
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.” *(New Comment) Steep slopes are now shown on the submitted Existing Resources/Site Analysis Plan. The plan indicates that the proposed disturbance of each steep slope category exceeds the maximum permitted in the chart above. A waiver will be required. Also refer to ZO Comment 4.*

21. In accordance with Section 1006.7, “Where a subdivision or development abuts or contains an existing or proposed arterial or collector street, the Township shall require reverse frontage with buffers along the side and rear property line”. In addition, and in accordance with Section 1012.5.B, “All lots requiring reverse frontage shall be subject to a special setback. Within the special setback, the twenty-five (25) feet of depth abutting the collector or arterial street shall be established as a buffer easement by the applicant/developer, except within the sight triangle.” *(Previous Comment 20 from Review No. 1) Consideration should be given to providing a main access drive along and adjacent to the side and rear property lines.*
22. In accordance with Section 1006.12, “no plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to §420 of the Act of June 1, 1945, (P.L.1242, No. 428) known as the “State Highway Law,” before driveway access to a State highway is permitted. The plan shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit. The Township shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by PennDOT.” *The development proposes improvements along S.R. 0209 and S.R. 0447 with driveways accessing both roads. (From Previous Comment 21 from Review No. 1) Submissions to, correspondence with, and permit from the Pennsylvania Department of Transportation shall be provided.*
23. In accordance with Sections 1015.1 and 1015.8, “sidewalks shall be required on both sides of all streets in major subdivision plans and land developments. Street sidewalks shall have a minimum width of four (4) feet, unless otherwise approved by the Board of Supervisors. There shall be a minimum three (3) foot-wide planting strip, between the curb and sidewalk along local streets and ten (10) feet along collector or arterial streets. This grass planting strip can be used for the location of the underground utilities.” “All sidewalks and curbs at intersections of two (2) or more streets shall include a handicap accessible ramp in accordance with ADA Standards. (Ord. 208, 9/25/2012, §1015)” *(Previous Comment 23 from Review No. 1) Sidewalks will be required along*





***S.R. 0447 and S.R. 0209 (connect to the Smithfield Gateway sidewalk) with handicap accessible ramps.***

24. In accordance with Sections 1020 and 1024.18, all parking lots, multifamily developments and nonresidential developments shall be adequately lit during after-dark operating hours. All light standards shall be located within landscaped islands and be freestanding on secure bases and not on the parking surfaces. ***(Previous Comment 24 from Review No. 1) A lighting plan shall be included with the land development plan submission. Also refer to ZO Comment 10.***
25. In accordance with Section 1024.6, “parking lots shall be separated from buildings by a minimum distance of ten (10) feet or more”. ***(From Previous Comment 25 from Review No. 1) Less than 10 feet is provided along two spaces along the western side of the proposed convenience store and along the northern side of the proposed café. The layout shall be revised for compliance with this Section.***
26. In accordance with Section 1024.13, “entrances and exits to and from off-street parking areas shall be located so as to minimize interference with street traffic and shall meet the minimum requirements for space between driveways and intersections set forth in §1010. Where, in the opinion of the Township Engineer or Board of Supervisors, a left turn exit would create undeliverable traffic congestion the exit shall be restricted to right turns only.” ***The development proposes improvements along S.R. 0209 and S.R. 0447 with driveways accessing both roads. (From Previous Comment 29 from Review No. 1) The development proposes improvements along S.R. 0209 and S.R. 0447. In addition, improvements along S.R. 0209 in support of the Smithfield Gateway development and impacting this future development shall be considered. Submission to the Pennsylvania Department of Transportation is required for its review and comment.***
27. Previous Comment 27 from Review No. 1 satisfied.
28. In accordance with Section 1101, a landscape plan is required. ***(From Previous Comment 28 from Review No. 1) A landscape plan shall be provided with the land development plan submission. Also refer to ZO Comment 8.***
29. In accordance with Section 1202.A, “in conformance with the Pennsylvania Municipalities Planning Code, this Section requires the public dedication of land suitable for park land, noncommercial recreational uses, preserved open space, and the construction of recreational facilities. Upon agreement of the Board of Supervisors, any of the following alternatives may be approved by the Board of Supervisors in lieu of public dedication of land, as specified in this Section:
  1. Payment of recreation fees.
  2. Construction of recreation facilities.
  3. Dedication of recreation land or preserved open space to the Township or its designee.
  4. A combination of these alternatives.”



*(Previous Comment 29 from Review No. 1) Open space and recreation facilities shall be provided or a fee in-lieu of will be required.*

30. In accordance with Sections 1301 and 1302, stormwater management and erosion and sedimentation controls are required. *(Previous Comment 30 from Review No. 1) Stormwater management and erosion and sedimentation controls shall be provided with the land development plan. The requirements provided in the Stormwater Management Ordinance shall be adhered to.*

### MISCELLANEOUS COMMENTS

31. An access to the project site will be shared with Staybridge Suites and access to the northerly adjacent property (Parcel No. 16.110011) will be through the proposed development. An access easement will be required between the developer and each adjacent property owner. *(From Previous Comment 32 from Review No. 1)*
32. Previous Comment 33 from Review No. 1 satisfied.

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, the Engineer shall provide a letter, addressing item by item, their action in response to each of our comments.

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

Sincerely,

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

JST/meh

cc: Ronold J. Karasek, Esquire, Smithfield Township Solicitor  
Ken Wolf, Smithfield Township Zoning Officer  
Jeff Beaven, P.E., Bohler – Applicant’s Engineer  
Soham Patel, JPSPA Realty, LLC – Applicant/Property Owner  
Melissa E. Hutchison, P.E. – T&M Associates