



**KARASEK LAW OFFICES, LLC**

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Ronold J. Karasek, Esquire

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December 7, 2024

Mr. Joseph L. Widmer  
158 Smithfield Trailer Court  
East Stroudsburg, PA 18301

**RE: My Client : Smithfield Township**  
**Applicant : Joseph L. Widmer**  
**Plan : Land Development Plan**  
**Subject : Conditional Preliminary/Final Plan Approval**

Dear Mr. Widmer:

In my capacity as the Township Solicitor, this is correspondence to confirm that the above plan was granted conditional preliminary/final plan approval at a duly advertised public meeting of the Smithfield Township Board of Supervisors held on Tuesday, November 19, 2024 at 6:00 p.m. at which time you and/or your Planning Professional were present.

The official action that was taken was as follows:

- The Board granted conditional preliminary and final approval based upon the aforesaid Agreement for Conditional Plan Approval Form signed by you; and a copy of said form is enclosed in this letter and the information contained therein is made part and parcel of the approval.
- The Board also granted several Subdivision and Land Development Ordinance (SALDO) waivers along with a Storm Water Waiver. The Recommendation/Grant of SALDO Waivers Form which you signed is also enclosed in this letter and the information contained therein is made part and parcel of the approval.

Of course, any Plan Notes, General Notes, Covenants (or otherwise) as found on the Preliminary/Final Land Development Plan for Joseph Widmer (with its last revision date) along with your and Planning Professional correspondence and supporting documents are also part and parcel of this conditional plan approval.


Mr. Joseph L. Widmer  
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Incidentally, all of these conditions were acceptable by you as evidenced by your signature to the forms noted above. Further, it was agreed and understood that all conditions must be completed in full (and all fees paid) before the Township will sign the plan/plat and before the plan/plat can be duly recorded. If all conditions are not timely met, you acknowledge and agree that the plan will be automatically rejected and the conditional approval automatically rescinded.

In closing, you, your Planning Professional and/or your Attorney (if any) are free to contact me if there are any questions. Thank you.

Very truly yours,

KARASEK LAW OFFICES, LLC



Ronald J. Karasek, Esquire  
Solicitor to Smithfield Township

RJK/kik

Enclosures

BY FIRST CLASS MAIL

cc: Mr. Joseph L. Widmer -w/enclosure (by USPS)  
RKR Hess- w/enclosure (by USPS)  
Township Engineer -- J. Tresslar, P.E. - w/ enclosure (by e-mail only)  
Township Board of Supervisors  
ATTN: Township Manager -- Julia Heilakka w/enclosure (by e-mail)

**SMITHFIELD TOWNSHIP - BOARD OF SUPERVISORS**  
**1155 RED FOX ROAD, EAST STROUDSBURG, PA 18301**  
**AGREEMENT FOR CONDITIONAL PLAN APPROVAL**

Plan Name: Joseph Widmer- Preliminary/Final Land Development Plan

Date: November 19, 2024

I, the undersigned, as the Applicant/Landowner/Developer of the above entitled plan hereby agree to accept and agree to perform each and every condition set forth below as an inducement for the Smithfield Township Board of Supervisors granting me a conditional plan approval as permitted by the Smithfield Township-SALDO Section 604,D,(5),(6); 704,C,1,(d),(e) and 804,C,(1),(e) and/or the Pennsylvania Municipalities Planning Code Section, 53 P.S. Section 10503(9) and 10508(4)(ii) and/or other applicable law. It is agreed and understood that all Plan Notes and Covenants and Easements, Planning Professional Correspondence and Supporting Documents are part and parcel of this approval. (This list is illustrative and not exhaustive.) Further, it is agreed and understood that the method and manner of communicating the approval decision is waived by the Applicant and it is agreed and understood that all conditions must be completed in full before the Board of Supervisors will sign the plan/plat and before the plan/plat can be duly recorded.

The conditions are as follows:

	To Be Done	Date Done
Planning Module approval or exemption	<u>N/A</u>	_____
Written certification from Smithfield Township Sewer (or other) Authority <u>re</u> ability to hook-up and available capacity	<u>0</u>	_____
Written certification from Brodhead Creek Regional (or other) Authority <u>re</u> ability to hook-up and available capacity	<u>N/A</u>	_____
Monroe County Planning Commission Review and/or Approval	<u>1/1</u>	_____
Monroe County Conservation District Review and/or Approval	<u>1/1</u>	_____
Soil Erosion and Sedimentation, Plan	<u>1/1</u>	_____
Other Stormwater Management plans (i.e. Plot and Grading Plan, Drainage Covenant)	<u>1/1</u>	_____
PennDOT Highway Permit or Township Driveway Permit	<u>1/1</u>	_____
Other Permits (i.e. NPDES, MCCD General Permit 4 _____)	<u>N/A</u>	_____
Compliance with all conditions set forth in Township Engineer's Review Letters of November 7, 2024	<u>0x0</u> →	_____
Deed of Dédication for Streets acceptable to Township Engineer (or Alternate Engineer) and Township Solicitor	<u>N/A</u>	_____
Unification and Merger Deed	<u>N/A</u>	_____
Grant of Easement for Right-of-Way along _____ acceptable to Township Engineer (or Alternate Engineer) and Township Solicitor	<u>For SW</u>	_____
Misc. Agreements (_____)	<u>N/A</u>	_____
Improvements Agreement with security acceptable to Township Engineer and Township Solicitor	<u>0x</u> →	_____
Maintenance Agreement with security acceptable to Township Engineer and Township Solicitor	<u>0x</u> →	_____
Park, Recreation and Open Space Fees-in-Lieu	<u>0x</u> →	_____
Monuments, pins and/or markers to be set in the field and certified, in writing, by Applicant's Engineer	<u>0x</u> →	_____
SALDO Waivers to be granted and noted on the plan	<u>0x</u>	<u>11/19/24</u>
PRD or Other Conditions: _____	<u>0x</u>	_____
Signature of Plan	<u>N/A</u>	_____
Notarization of Plan	<u>0x</u> →	_____
All conditions to be completed by: _____	<u>0x</u> →	_____

If the above conditions are not timely met, I acknowledge and agree that the plan will be automatically rejected and the conditional approval automatically rescinded.

SMITHFIELD TOWNSHIP, MONROE COUNTY, PA  
1155 Red Fox Road, East Stroudsburg, PA 18301

**RECOMMENDATION FOR GRANT OF SALDO WAIVER REQUESTS**

Plan Name: Joseph Widmer-Preliminary/Final Land Development Plan  
Date of Recommendation: November 14, 2024

Pursuant to the PA Municipalities Planning Code, 53 P.S. Section 10503(8) and the Smithfield Township Subdivision and Land Development Ordinance (SALDO), Sections 1601, the Smithfield Township Planning Commission recommends the following waiver(s) or modification(s) of the SALDO because literal enforcement of the SALDO will exact undue hardship because of peculiar conditions pertaining to the land in question. Further, conditions for such waiver(s) or modifications(s) may be imposed which will be in the public interest and will secure substantially the objectives of standards or requirements so modified or waived.

The Waiver requests (with any conditions) which are recommended as follows:

- SALDO Section 603.1.C(2)(j) requires that the names of property owners within the 1,000' of the project site be provided. A Waiver is requested not to comply with this requirement; and,
- SALDO Section 1014.1.A requires the installation of curbing along the side of the streets, driveways and parking areas. A Waiver is requested not to comply with this requirement; and,
- SALDO Section 1015.1 requires sidewalks along Milford Road and Business Route 209. A Waiver is requested not to comply with this requirement; however, Township Planning Commission recommends that an area be provided for the installation of sidewalks in the future; and,
- SALDO Section 1024.4 two trees are required for the proposed parking spaces. A Waiver is requested not to comply with this requirement; and,
- SALDO Section 1024.6 requires that parking lots be separated from buildings by a minimum distance of 10' or more; and, a Waiver is requested to allow a closer minimum distance; and,
- SALDO Section 1024.15 off-street parking areas require sufficient queuing spaces to accommodate exiting and entering vehicles; and, a Waiver is requested to provide for the queuing for six vehicles at the entrance for SR 209; and,
- SALDO Sections 1101.1.C<sup>2</sup>(c) and 1101.1.C(2)(d) requires street trees to be planted. Seven evergreen trees are proposed but six additional street trees are still required; and,
- SALDO Section 1101.1.E(2) requires a low hedge bumper around the outside perimeter. A Waiver is requested not to comply with this requirement; and,
- SALDO Section 1301.7.F requires that the maximum slope of a detention basin be four horizontal to one vertical and the request is two horizontal to one vertical; and,

- SALDO Section 1301.7.G requires that the minimum top width of the detention basin embankment shall be 10' and the proposed berm is 6'; and,
- SALDO Section 1301.7.Q(2) requires the minimum diameter of all storm drainage pipes be 18". The proposed pipe is 15"; and,
- SALDO Section 1302.4.A no excavation or fill shall be made with a face or surface slope steeper than 3 horizontal to 1 vertical. The proposed slope is two horizontal to one vertical; and,
- SALDO Section 1302.4.D the limits of all cuts and fills shall be a minimum of 10' from the adjacent property line. The request is for grading within 10' of the northeasterly property line; and,
- Stormwater Section 221.11 requires roof drains should not be connected to streets or sanitary/storm sewers or roadside ditches. A waiver is to allow roof leaders to discharge into the proposed storm sewers.

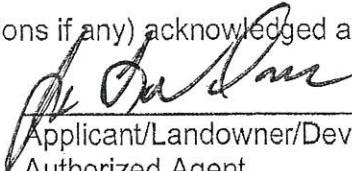
See also the attached Correspondence from Nicholas DeFrank, P.E. dated August 30, 2024 which outlines most (but not all<sup>1</sup>) of the SALDO and Stormwater Waiver Requests and the reasons for such requests. Correspondence is attached as Exhibit "A" and is hereby made a part hereof.

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**OFFICIAL ACTION ON WAIVER REQUESTS**

- Granted by Township Board of Supervisors at meeting of: 11/19/2024.
- Denied by Township Board of Supervisors at meeting of: \_\_\_\_\_.
- Granted in part and denied in part by Township Board of Supervisors at meeting of: \_\_\_\_\_ as follows: \_\_\_\_\_

Conditions, if any: as per the attached letter and itemization sheet.

Waiver Recommendations (with conditions if any) acknowledged and accepted by:  
Date: 11/19, 2024   
Applicant/Landowner/Developer or  
Authorized Agent

<sup>1</sup> SALDO Sections 1024.4, 1101.1.C(1)(c) and 1101.1(C)(2)(d) and SALDO Section 1101.1.E(2) are not recited in said letter.

# **EXHIBIT "A"**

August 30, 2024

Revised October 23, 2024

Job Number 10842.004

Smithfield Township Board of Supervisors  
1155 Red Fox Road  
East Stroudsburg Pa 18301

**SUBJECT:** Waiver Requests for the Land Development For Joseph Widmer  
Lands of Joseph Widmer

Dear Smithfield Township Planning Commission and Board of Supervisors:

On behalf of the applicant, we are requesting waivers from the following Smithfield Township Ordinance requirements:

### **Subdivision and Land Development Ordinance Requirements:**

**603.1.C.2.(j) Site Context Map** - Names of owners of all properties and the names of all subdivisions within 1,000 feet of the site.

**Waiver Request** – Show only the owners that are adjacent to the property proposed for development.

**Waiver Justification** - There are numerous owners within 1,000 feet of the property and naming all of them would make the Site Context Map difficult to read. The adjoining property owners have been indicated on the plans which we believe is adequate given the limited scope of the project.

**1014 Curbs** - Curbs shall be installed along each side of every arterial, collector and local street, access driveway, and parking lots in a land development where pedestrian traffic will be traveling adjacent to the street, access driveway, or parking lot.

**Waiver Request** – A waiver of the requirement to install curb for pedestrian access.

**Waiver Justification** – The only pedestrian traffic anticipated to be generated by the project is from the 6 employee and visitor parking spaces provided on the site. Vehicular traffic on the site is limited to vehicles accessing these parking spaces. The parking spaces have a direct travel route to access the building. The addition of curb to the project would not impact the pedestrian access routes.

**1015 Sidewalks** - Sidewalks shall be required on both sides of all streets in major subdivision plans and land developments.

**Waiver Request** – A waiver of the requirement to provide sidewalk along streets.

**Waiver Justification** – The proposed development encompasses approximately 0.53 acres. The proposed use requires 6 parking spaces. There are currently no existing sidewalks along SR 209 for several miles in either direction. The proposed use is not anticipated to generate pedestrian traffic along SR 209 or between the adjoining uses. Neighboring developments along SR 209 do not have sidewalks installed along SR 209.

**1024.4 Street Trees for Parking Spaces** - Street trees shall be provided at the rate of not less than two trees for every 10 parking spaces, which shall be in addition to any other requirements for buffering or landscaping.

**Waiver Request** – A waiver of the requirement to provide streets trees for parking spaces.

**Waiver Justification** – The proposed development encompasses approximately 0.53 acres. The proposed use requires 6 parking spaces, which would result in 2 street trees. The Smithfield Township Zoning Ordinance requires trees per linear foot of parking area AND a buffer yard between SR 209 and the proposed development. Based off this Zoning Ordinance tree & shrub calculation, 16 trees and 35 shrubs are required along SR 209. The proposed trees and shrubs are laid out to provide adequate spacing and buffering along SR 209. Given the limited space along SR 209, and the already dense planting proposed, we are requesting a waiver from planting additional street trees.

**1024.6 Parking Lot Separation** - Parking lots shall be separated from buildings by a minimum distance of 10 feet or more.

**Waiver Request** – Allow parking closer to the building as shown on LD Plans.

**Waiver Justification** – The proposed development encompasses approximately 0.53 acres. The proposed use requires 6 parking spaces. Given the unique size, shape and topography of the property, the site layout was designed to meet the Smithfield Township Ordinance requirements, to the extent practical, while also meeting the needs of the owner's business. This includes adequate space for truck turning, loading, parking and other improvements required by the Smithfield Ordinances. The proposed layout provides a 4-foot separation from the parking space to the north side of the building and 10-feet from the handicap space to the south side of the building, which is appropriate given the scope of the project.



**1024.15 Parking Queuing** - Every off-street parking area shall include sufficient queuing space to accommodate entering and exiting vehicles without overflowing onto adjacent streets or service roadways however, a minimum queuing space for six vehicles is required.

**Waiver Request** – A waiver of the requirement to provide queuing for 6 vehicles at the entrance from 209.

**Waiver Justification** – The proposed use generates traffic for the use of 6 parking spaces. The ordinance requirement does not consider the scope of the project as the basis for the minimum driveway entrance que resulting in a requirement that is not appropriate for this project. The proposed project provides queuing for at least 3 vehicles, which is appropriate given the scope of the project.

**1101.1.C Street Trees** - When Required, Street trees shall be required for any subdivision or land development where suitable street trees do not exist as part of the design and construction of...

**Waiver Request** – A waiver of the requirement to provide streets trees.

**Waiver Justification** – The proposed development encompasses approximately 0.53 acres. Based on the length of frontage for the existing property, 8 street trees are required. The Smithfield Township Zoning Ordinance requires trees per linear foot of parking area AND a buffer yard between SR 209 and the proposed development. Based off this Zoning Ordinance tree and shrub calculation, 16 trees and 35 shrubs are required along SR 209. The proposed trees and shrubs are laid out to provide adequate spacing and buffering along SR 209. Given the limited space along SR 209, and the already dense planting proposed, we are requesting a waiver from planting additional street trees.

**1101.1.E.2 Parking Area Buffer** - When a nonresidential parking area is located within 100 feet of a public street or is adjacent to a residential use, the perimeter of the parking area that is adjacent to the public street and residential lot shall be softened by a continuous low hedge around the outside perimeter. Required buffer shrubs may not be used to meet this requirement.

**Waiver Request** – A waiver of the requirement to provide parking area buffering.

**Waiver Justification** – The proposed development encompasses approximately 0.53 acres. The Smithfield Township Zoning Ordinance requires trees per linear foot of parking area AND a buffer yard between SR 209 and the proposed development. Based off this Zoning Ordinance tree and shrub calculation, 16 trees and 35 shrubs are required along SR 209. The proposed trees and shrubs are laid out to provide adequate spacing and buffering along SR 209. Given

the limited space along SR 209, and the already dense planting proposed, we are requesting a waiver from planting additional shrubs to buffer the proposed parking areas.

**1301.7.F Basin Slope** - The maximum slope of the earthen detention basin embankments should be four horizontal to one vertical. An embankment stability analysis shall be supplied for basins with a proposed slope which exceeds four horizontal to one vertical.

**Waiver Request** – Allow slopes steeper than 4:1 up to 2 horizontal to 1 vertical (2:1).

**Waiver Justification** – The basin is graded at 3:1 on the interior while 2:1 on the exterior embankment to minimize impacts to existing natural features and necessary to tie into existing grades (prior to the property lines). The proposed stormwater facility will manage runoff from approximately 0.55 acres of upslope drainage. The proposed basin has a bottom area of approximately 250 SF, total storage of 5,992 ft<sup>3</sup> and a total height of 5-feet, although the ponding depth during the 100-yr storm is approximately from approximately 3.6' feet deep. The basin outflow will also discharge through an existing drainage pattern (on an undeveloped portion of adjacent property) towards Joel Street. Slopes at a grade of 2:1 are acceptable for the site soils types based on DEP standards and will be stabilized with erosion control matting to aid in the establishment of vegetation. Calculations have been provided within the ESC Report showing the stability of the proposed 2:1 slopes. Given the small scale of the proposed stormwater facility, and minimal upslope drainage area, the basin 3:1 and 2:1 side slopes will be stable meeting the intent of the ordinance.

**1301.7.G Basin Berm Width** - The minimum top width of the detention basin embankment shall be 10 feet. An embankment stability analysis shall be supplied for basins with a proposed embankment slope which is less than 10 feet.

**Waiver Request** – Allow basin berm width of 6-feet.

**Waiver Justification** – The basin is graded at with a top berm width of 6-feet to minimize impacts to existing natural features and necessary to tie into existing grades (prior to the property lines). The proposed stormwater facility will manage runoff from approximately 0.55 acres of upslope drainage. The proposed basin has a bottom area of approximately 250 SF, total storage of approximately 6,000 ft<sup>3</sup> and a total height of 5-feet, although the ponding depth during the 100-yr storm is approximately from approximately 3.6' feet deep. The basin is proposed with a key trench and core that will help prevent migration of water through the berm. The basin outflow will also discharge through an existing drainage pattern (on an undeveloped portion of adjacent property) towards Joel Street. Given the small scale of the proposed stormwater facility, and minimal upslope drainage area, the proposed 6-foot berm will be stable meeting the intent of the ordinance.

**1301.7.Q.2 Minimum Pipe Size** - The minimum diameter of all storm drainage pipe shall be 18 inches or an equivalent thereto. Where headroom is restricted, equivalent pipe arches may be used in lieu of circular pipe.

**Waiver Request** – Allow minimum pipe size to be 15-inch.

**Waiver Justification** – There proposed piping system consists of 2 inlets capturing the upslope flow and closed lid manholes to discharge runoff down the proposed side slopes at an acceptable slope. The total drainage area to the system is approximately 0.32 acres which results in a flow of approximately 2.1 cfs for the 50-yr storm. The proposed 15-inch pipes can more than handle the peak flows from the design storms as shown from the included calculations. The proposed stormwater conveyance and management systems will be owned and maintained by the property owner.

**1302.4.A Slopes** -No excavation of fill shall be made with a face or surface slope steeper than 3:1 without retaining wall or other soil retention.

**Waiver Request** – Allow slopes steeper than 3:1 up to 2 horizontal to 1 vertical (2:1)

**Waiver Justification** – There are portions of grading proposed at 2:1 slopes to minimize impacts to existing natural features and necessary to tie into existing grades (prior to the property lines) since the proposed building is only allowed in a small area on the site per current zoning regulations. Slopes at a grade of 2:1 are acceptable for the site soils types based on DEP standards and will be stabilized with erosion control matting to aid in the establishment of vegetation. Calculations have been provided within the ESC Report showing the stability of the proposed 2:1 slopes. Therefore, the proposed 2:1 side slopes will be stable meeting the intent of the ordinance.

**1302.4.D Cut/Fill Slopes** Cut and fill shall not endanger adjoining property. All the outermost limits of all cuts and fills shall be a minimum of ten (10) feet from adjacent property lines.

**Waiver Request** – Allow grading within 10 feet of the adjacent property lines.

**Waiver Justification** – The unique size of the property and building restrictions limit the development of the property. The grading is proposed at 3:1 and 2:1 to maintain separation between the proposed grading and property lines. Fill that was previously placed on the property is within 10' of adjacent properties and is proposed to be graded to create a more natural grade. The proposed grades will be stable and will not endanger the adjoining properties meeting the intent of this ordinance requirement.

natural grade. The proposed grades will be stable and will not endanger the adjoining properties meeting the intent of this ordinance requirement.

## Stormwater Management Ordinance Requirements:

**221.11 Roof Drain Connections**— Roof drains shall not be connected to streets, sanitary or storm sewers.

**Waiver Request** – Allow roof leaders to be connected to storm sewers.

**Waiver Justification** – The proposed use includes a 1,008 SF building with pavement required around 3 sides and a proposed 3:1 slope down the rear. It is not possible to disconnect the roof drains to discharge over vegetation. In addition, there are concerns with water freezing in winter conditions if roof drains discharge over existing pavement. Therefore, disconnecting the proposed roof leaders from streets and storm sewers are not feasible for this site. The storm sewer collection system from the roofs drains to stormwater management basins that provide water quality measures that will treat stormwater from the roofs before leaving the site, accomplishing the goals of the ordinance requirement.

Thank you for considering these requests. If you have any questions, please call.

Respectfully submitted,

R.K.R. Hess, A Division of UTRS, INC.



Nicholas DeFrank, P.E.