



## **MIDDLE SMITHFIELD TOWNSHIP PLANNING COMMISSION MINUTES**

May 25, 2023 at 5:30pm

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday May 25, 2023, at 5:30 pm at Schoonover Municipal Building, with Bob Early presiding.

Planning Commission members in attendance: Bob Early, Nick Theofilos, Mark Oney, and alternate member Carrie Wetherbee. Also in attendance, Planning Commission Solicitor Deborah L. Huffman, Esq., Township Engineer Ben Kutz, P.E., and Planning Commission Recording Secretary Vicki Smith.

Presenter: Kris J. Reiss, PE, LVL Engineering Group

### **Pledge of Allegiance**

### **Approval of Agenda and any Amendments**

Carrie Wetherbee made a motion to approve the May 25, 2023, agenda. Nick Theofilos seconded the motion. Motion passed 4-0.

### **Approval of the Minutes**

Carrie Wetherbee made a motion to approve the March 23, 2023, minutes. Nick Theofilos seconded the motion. Motion passed 4-0.

### **Plan Submittals**

Personal Care Home, Milford Road

Mr. Reiss stated the property in question is located off of Route 209 and being 5128 Milford Road with an easement driveway to Route 209. The owners wish the property to be used as a personal care facility. Previously received conditional use approval with conditions. Starting the process of land development plans to convert from residential use to commercial use. The property also has a private access road. PennDOT has been contacted and is still working things out. Traffic will be minimal and will have 8 beds and 2 full-time employees at a time with the traffic being anticipated with 24 trip-ends with the workers and deliveries. Part of the conditions is to make certain that emergency vehicles will fit and as a precaution a fire truck ran through. Portions of the existing driveway vary but are generally 15 to 20 feet wide. The areas that are narrower will propose a 12-foot-wide driveway and propose to widen in areas where it will be acceptable. Description of the driveway easement and right-of-way are in the deed. A wetlands delineation report has been provided for the wetlands and a stream cross over, with additional surveys for wildlife on going. Proposing to make improvements to the stream culvert and the capacity of the culvert will be increased, this is the only place where the wetlands encroach, not on the property. Onsite well and a septic design has been provided. Existing 4 spaces for parking and adding an ADA space. The building will be refurbished with all permits required at a later time.

Carrie Wetherbee made a motion to accept plan submittal. Nick Theofilos seconded the motion. Motion passed 4-0

### **Plan Reviews and Unfinished Business**

None

### **Other Reviews and/or Recommendations**

None

### **New business**

None

### **Discussion**

None

### **Correspondence**

Brodhead Watershed Association – Received a letter from the Brodhead Watershed Association in support of the Municipal Adoption of 150-foot buffers in accordance with Act 167 (PA Stormwater Management Act).

Ben Kutz gave an overview of Act 167 and 150 ft buffer. Each County is responsible for adopting Act 167 plans. The County is responsible for looking at their major watersheds in the county and developing plans of watershed levels in a 1,000 ft to 10,000 ft altitude view, which comes down to recommendations for storm water management, how quickly storm water can be released off of a site so that you don't see a debilitating effects for the watershed. Most of all these plans were passed in the mid 2000's and almost the entire state has expired Act 167 plans. DEP is pushing counties to revise and make Act 167 current. Model ordinance was sent out to all municipalities that fall into that watershed as a recommendation for adoption within 6 months, the deadline should occur 6/1 or 6/2. This was open to public comments and a lot of the comments were about the buffer. The model ordinance states a 150 ft buffer around all streams, lakes, ponds, and wetlands. Middle Smithfield Township Stormwater Management Ordinance currently has a 50 ft buffer, there are some things that are permitted, but it is a small list of permitted activities that can fall into the 50 ft buffer. This is to prevent development from encroaching within that distance. There have been a lot of conversations between municipalities, the County and the County Conservation District about the requirements. The 150 ft buffer comes from Chapter 102 requirements from the state, where you have a commercial /residential development over an acre you need to apply for NPDES permits and if you are working in an area with high quality and exceptional value streams this where the 150 ft buffer comes into play. Chapter 102 only deals with streams and will only apply to wetlands if it were in the flood plains of the stream. The developments that are impacted are under an acre and a relief would need to be sought for under the 150 ft buffer and will impact many lots that will not be buildable. The buffer numbers are not coming from BWA, they came from a collective group that the conservation district put together and had representatives from the municipalities and other persons. The County has not updated the plan in a very long time and should be updated every 5 years. A draft revision stormwater ordinance was sent to the Board of Supervisors and will be discussed at the BOS meeting 5/25/23. The recommendation would cover a couple of options, one of which would be keeping the 50 ft requirement, but then having 2 options on top of that.

One is having half of 150 ft provided that will be good and the second provision a water quality feature in lieu of the 150 ft. The general opinion is the 150 ft is too excessive and doesn't consider the size of the wetland and the impact it has on all wetlands. The protection of high-quality streams is important and doesn't allow for many exceptions. If you don't change the existing property or establishments, the Act 167 requirements do not apply unless you add on or in a redevelopment situation.

**Continuing Education**

Pennstate Extension Land Use Webinar Series – Transportation

**Public Comment**

None

**Next Meeting**

June 22, 2023

**Adjourn**

Carrie Wetherbee made a motion to adjourn the meeting at p.m. Nick Theofilos seconded the motion. Motion passed 4-0.

Respectfully submitted,

Vicki Smith  
Planning Commission Recording Secretary  
May 25, 2023