

The regular meeting of the Middle Smithfield Township Planning Commission was held on Thursday, February 18, 2016 at 7pm at the Schoonover Municipal Building with Bob Early presiding.

Members present: Bob Early, Parin Shah, Carrie Wetherbee, Mark Oney, and Dr. William Suriano. Also in attendance, Planning Commission Solicitor Todd Weitzmann, Esq., Township Engineer Fred Courtright, P.E. and Township Secretary Michele Clewell. (Wayne Bolt was absent)

Presenters: Frank Smith of Frank J. Smith, P.L.S. and Andrew Wolf, Esq. of the Bushkill Group.

### **Pledge of Allegiance**

### **Approval of Minutes**

Carrie Wetherbee made a motion to approve the January 21, 2016 minutes. Parin Shah seconded the motion. Bill Suriano abstained from voting as he was not at the last meeting. Motion passed 4-0.

### **Plan Submittals**

None

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

Minor Subdivision of Lands of HARA Corporation; Frank Smith presented a proposed minor subdivision plan and five modification requests on behalf of his client, The Bushkill Group. The proposed plan is to subdivide the tract of land into three parcels shown; the sand pit, the maintenance garage and the corporate building parcels.

Mr. Smith stated that the plan before the members has been revised to reflect discussions with the township engineer.

Mr. Courtright summarized his comment letter dated February 11, 2016.

Mr. Courtright stated that the sewage planning module postcard requesting a planning module waiver requires the Board of Supervisors' approval and then submission to PA DEP. Mr. Courtright recommends the Planning Commission forward the sewage planning module to the Township Supervisors.

The Monroe County Planning Commission comments were reviewed; however, Mr. Courtright explained that as they are not significant, no recommendations are required.

Mr. Smith submitted five modification requests;

- a. Sheet Size; Parin Shah made a motion to grant the modification request to waive the requirement due to the size of the property, the plan would require an additional sheet

at a 100 scale and the industry standard sheet size is 24x36 not 22x34. Carrie Wetherbee seconded the motion. Motion passed 5-0.

- b. Wetlands accurately shown; Parin Shah made a motion to grant the modification request as there is no further development of the property being proposed. Carrie Wetherbee seconded the motion. Motion passed 5-0.
- c. Steep slopes (+25%) to be shown; Bill Suriano made a motion to grant the modification request as there is no further development of the property being proposed. Parin Shah seconded the motion. Motion passed 5-0.
- d. Contour lines to show slope of lots; Mark Oney made a motion to grant the modification request as there is no further development of the property being proposed. Bill Suriano seconded the motion. Motion passed 5-0.
- e. Grid Location; Mark Oney made a motion to grant the modification request as grid numbers are no longer used by Monroe county Emergency Services. Bill Suriano seconded the motion. Motion passed 5-0.

Bill Suriano made a motion to recommend approval of the HARA minor subdivision and forward to the Board of Supervisors. Carrie Wetherbee seconded the motion. Motion passed 5-0.

### **Resica Falls Scout Reservation**

Mark Oney reported that Nick McKee attended the Supervisors work session and the “Board” remains consistent with their ruling that the Resica Falls Scout Reservation is required to do a land development plan for the building they are proposing. Mr. Courtright stated that he went through the land development requirements and provided a list to Mr. McGee of items he believes would not be required to be shown on the plan. Mr. Courtright stated that they are moving in the direction of submitting a land development plan for consideration.

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

An Ordinance Of The Township Of Middle Smithfield, Monroe County, Pennsylvania, Amending The Code Of Ordinances Of The Township Of Middle Smithfield, As Heretofore Amended; Amending Part Ii, “General Legislation”, Chapter 200 “Zoning”; Providing Use Category B2, Dwelling, Apartment Complex, Shall Be A Conditional Use In The C1 And C2 Zoning Districts; Adding A Density Limitation And Other Supplementary Regulations For Use Category B2, Dwelling, Apartment Complex; Amending The Requirements Of An H8 No-Impact Home-Based Business As An Accessory Use; Amending And Restating Section 081-050, Enforcement; And Providing For Other Miscellaneous Matters – It was noted that the Board of Supervisors have advertised the proposed ordinance for a public hearing on March 10, 2016 at 7pm.

The MST Planning Commission provided the following comments regarding the proposed ordinance;

- a. Carrie Wetherbee stated that Section #2 B.B2 (2) states that “A dwelling unit shall not be leased for periods of less than 30 days”. She has concerns that the 30 day may be too short since the township is trying to avoid the vacation rentals. Attorney Weitzmann stated that month-to-month residential leases are common (they are often the default term under Pennsylvania law). Therefore, it could be problematic for the Township to

allow month-to-month leases in other residential settings but prohibit them in apartment complexes.

- b. Bob Early stated that Section #2 B.B2 (6) states that “An architectural elevation of each proposed new principal building shall be provided to the Township for review at least 45 days prior to the intended date of issuance of a construction permit for the building”. Mr. Early asked who it goes to for a review as it does not specify. Fred Courtright stated that since this ordinance is part of the zoning ordinance it would go to the zoning officer. Bill Suriano recommended that the wording be changed to say “the architectural elevation be submitted to the zoning officer or designee”.
- c. Parin Shah asked why the Planning Commission’s previous comments were not taken into account regarding Section 3 (c): “The performance standards for the Use Category “All Other Use Categories” in the C1 and C2 zoning Districts shall be”...: An extensive discussion ensued that focused on how there could be unintended negative consequences arising from the proposed language in Section 3(c). Specifically, the proposed performance standards in Section 3(c) are much more restrictive than the prior performance standards. That would be fine if the newly restrictive performance standards only applied to the Apartment Complex use. Instead they are proposed to apply to “All Other Use Categories” and that could severely limit the types of developments in the C1 and C2 zoning districts. The Planning Commission felt strongly that the existing performance standards were put in place to encourage developments like the recent Price Chopper development, and with the more restrictive proposed performance standards similar developments would be unlikely in the future.
- d. Bob Early stated that Section #2 B.B2 (8) states that “Rooftop heating and air conditioning equipment shall be screened from view from public streets by rooflines, parapet walls, grading or architectural screens with materials and colors consistent...” Mr. Early stated that the word “grading” should be removed.

Parin Shah made a motion recommending that the proposed ordinance as presented not be approved until Section 3 (c) is changed to limit the Performance Standards for apartment complexes only. Carrie Wetherbee seconded the motion. Motion passed 5-0.

### **New Business**

None

### **Discussion**

Carrie Wetherbee reported that she participated in the online webinar yesterday titled When it rains, it drains; an overview of MS4 Stormwater Management. Michele Clewell asked if Ms. Wetherbee could forward the PowerPoint presentation as the township is now required to follow the MS4 program.

**Public Comment**

None

**Next Meeting**

March 17, 2016

**Adjournment**

Parin Shah made a motion to adjourn the meeting at 7:53 pm. Carrie Wetherbee seconded the motion. Motion passed 5-0.

Respectfully submitted,

Michele L. Clewell  
Township Secretary  
February 18, 2016