

**POCONO TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING OF MAY 11, 2009**

A Regular meeting of the Pocono Township Planning Commission was held on May 11, 2009, at 7:00 p.m. in the Pocono Twp. Municipal Building, Tannersville, PA. Frank Ruggiero, Chairperson, opened the meeting, followed by the Pledge of Allegiance.

Present: Frank Ruggiero, Chairman, Scott Ewing, Gordon Holz, Dennis Schmoyer, Ronald Swink and Jane Cilurso were present. Absent: Robert Demarest  
Timothy McManus, Solicitor was present. Aaron Sisler, Twp. engineer, Boucher & James, Inc., was present. S. Meylach, Zoning Officer, was present.

**COMMENTS:** Frank Ruggiero, Chairman, explained that each visitor has a right to comment at this time or before any action is taken on a matter. There were no comments at this time. Chairman Ruggiero noted that all scheduled Pocono Twp. Planning Commission meetings will run from 7:00 p.m. to 9:30 p.m. In the event of a discussion at 9:30 pm., the P.C. will attempt to finish it; however, the P.C. will not undertake any new plan after 9:30 p.m. Chairman Ruggiero also noted that no more than five major comments from the Twp. engineer's review letter or other comments would be discussed at the meetings.

**MINUTES:** A motion was made, seconded and carried (Ewing/Swink) to approve the 04/27/09 Planning Commission Minutes, there being no additions or corrections.

**BILLS:** None

**CORRESPONDENCE:** None, except what pertained to the plans, which was read at the time of plan review.

**NEW PLANS:** None

**TABLING OF PLANS:** A motion was made, seconded and carried (Holz/Ewing) to recommend that the Planning Commission members table the following plans: 1) The Village at Iroquois Ridge Major Subdivision Preliminary Plan; 2) Snyder Major Subd. Prelim. Plan; 3) The Lands of The Spirit of Swiftwater, Inc. (Office) Preliminary Plan; 4) Pocono Manor Tentative Planned Residential Dev. Prelim. Plan; 5) Pump Stations in Pocono Twp. related to SR0611 Pocono and Hamilton Townships Sewerage System Project, 6) Sanofi Pasteur Building 37 Building Additions Preliminary Land Dev. Plan; 7) Sanofi-Pasteur, Inc., Tank Storage Preliminary LDP; 8) The Village Store Amended Final Land Dev. Plan; 9) The Village at Iroquois Ridge Major Subdivision Planning Modules, and 10) The Outback Lodge & Waterpark Land Dev. Plan.

**PRESENTATION OF PLANS FOR FINAL APPROVAL:**

1) MCTA Final Land Dev. Plan (Addition to Bldg.) \$940.00 fee paid. Plan was submitted 01/16/09 for the 01/26/09 P.C. mtg. Plan is for a 50' x 100' addition to the existing office. **The Sup'v. at the 04/17/09 Special meeting accepted a 90-day extension - from 04/26/09 to 07/25/09. The last P.C. mtg. is 07/13/09; the last Sup'v. mtg. is 07/20/09.** The plan was tabled at the 04/27/09 P.C. meeting.

Marvin Walton, Niclaus Engineering Assoc., Inc., and David Horvath, MCTA representative, represented the plan. MCTA had applied for a Variance, but M. Walton noted that Atty. M. Wolfe opined that the parking should come under a different classification, making the Variance unnecessary. Also, the Twp. ZO determined that the parking as shown would be better based on vehicular servicing and repair, as opposed to professional offices. The MCTA plan dated 05/01/09 is in conformance. Atty. Wolfe will forward a letter of withdrawal of the Variance application. M. Walton is awaiting a letter from the Twp. SEO regarding the Sewage at MCTA.

The Requests for Modification were reviewed, and a motion was made, seconded and carried (Holz/Swink) to recommend acceptance of the following Requests for Modification:

- 1) From SALDO Section 2.106 - Preliminary
- 2) From SALDO Section 2.303.B.4.A - Proposed and existing streets and lot layout on immediately adjoining tracts, including name and right-of-way widths that fall within 300' distance from the project boundary lines.
- 3) From SALDO Section 2.302.D.14 and 2.303.B.31 requiring Steep Slope area information as required by Section 3.209.

A motion was, seconded and carried (Holz/Schmoyer) to forward the MCTA Land Dev. Plan (Addition to Bldg.) to the Pocono Twp. Supervisors with the recommendation that the plan be approved for Final, conditioned upon Atty. M. Wolfe forwarding a letter withdrawing the application for a Variance for the MCTA and conditioned upon all outstanding comments of the Twp. engineer's 05/08/09 letter being satisfactorily addressed.

2) Pump Stations in Pocono Twp. related to SR0611 Pocono and Hamilton Townships Sewerage System Project - Plan submitted for 02/23/09 P.C. meeting. 4 RFMs. The plan was tabled at the 04/27/09 P.C. meeting. A motion was made, seconded and carried (Schmoyer/Swink) to recommend that the Pocono Twp. Supervisors accept the 90-day Extension letter for the Pump Stations in Pocono Twp. and for the P.C. to table the plan.

3) The Village Store Amended Final Land Dev. Plan - \$550.00 Plan fee paid. Plan submitted 04/03/09 for the 04/13/09 P.C. meeting. The plan was tabled at the 04/27/09 P.C. meeting. See above motion for tabling of the plan.

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PRESENTATION OF PLANS FOR FINAL APPROVAL (CONT):**

4) Pocono Creek Plaza Phase II Sewage Facilities Planning Modules - Submitted to the P.C. on 04/03/09 for 04/13/09 meeting. The Planning Module was tabled at the 04/27/09 P.C. meeting. Marvin Walton, Niclaus Engineering Assoc., Inc., represented the Planning Modules. The P.C. completed Component 4A.

A motion was made, seconded and carried (Ewing/Schmoyer) to forward the Pocono Creek Plaza Phase II Sewage Facilities Planning Modules to the Pocono Twp. Supervisors with the recommendation for their acceptance and for forwarding to DEP as a Revision to the Pocono Twp. Act 537 Plan.

M. Walton will assemble an original Planning Module and then make three additional copies. The P.C. secretary will forward a copy of the Twp. engineer's review letter of the Planning Modules to DEP with the Planning Modules.

5) The Village of Iroquois Ridge Major Subdivision Planning Modules - Submitted for the 04/27/09 P.C. meeting. \$253. fee paid. The Planning Modules were tabled at the 04/27/09 P.C. meeting. See above motion for tabling of the Planning Modules.

**PRESENTATION OF PLANS FOR PRELIMINARY APPROVAL:**

1) The Village at Iroquois Ridge REVISED Major Subdivision Preliminary Plan and Planning Modules - Plan submitted 12/01/06 for 12/11/06 P.C. meeting. \$3,272.00 plan fee paid. 3 RFMs  
The plan was tabled at the 04/27/09 P.C. meeting. **The Sup'v. at their 02/17/09 meeting accepted a 90-day Waiver from 02/17/09 to 05/18/09. The last P.C. mtg. is 05/11/09; the last Sup'v. meeting is 05/18/09.** The Sup'v. approved the six RFMs as requested. The Sup'v. rejected the requested zone from change from R-1 to R-2. See above motion for tabling of the plan.

A Waiver Letter is necessary, but not yet received.

A motion was made, seconded and carried (Holz/Ewing) to recommend that The Village at Iroquois Ridge Revised Major Subdivision Preliminary Plan be disapproved, unless a Waiver Letter is received on or before the 05/18/09 Supervisors' meeting.

2) Snyder Major Subdivision Preliminary Plan - \$1,650.00 fee paid. Plan submitted 07/13/08 for the 07/23/08 P.C. meeting. The plan was tabled at the 04/27/09 P.C. meeting. **The Sup'v. at the 04/06/09 mtg. accepted a 90-day Waiver letter from 04/06/09 until 07/05/09. The last P.C. meeting is 06/08/09; the last Sup'v. meeting is 06/15/09.** See above motion for tabling of the plan.

**PRESENTATION OF PLANS FOR PRELIMINARY APPROVAL (CONT):**

3) Pocono Manor Tentative Planned Residential Development Preliminary Plan - \$10,610.00 Plan fee paid. \$1,900.00 Stormwater Management fee paid. Plan was submitted for the 11/14/07 P.C. meeting. The plan was tabled at the 04/27/09 P.C. meeting. **The Supervisors at their 03/16/09 meeting accepted a time extension until 07/31/09, as requested.** See above motion for tabling of the plan.

4) The Lands of The Spirit of Swiftwater, Inc. (Office) Plan was submitted on 06/13/08 for the 06/23/08 P.C. meeting. The plan was tabled at the 04/27/09 P.C. meeting. **The Sup'v. at their 05/04/09 meeting accepted a Waiver Extension until 08/07/09. The last P.C. meeting is 07/27/09; the last Sup'v. mtg. is 08/03/09. A revised plan was received at the 11/10/08 P.C. meeting.** See above motion for tabling of the plan.

5) Sanofi Pasteur, Inc., Tank Storage Land Development Plan - \$530.00 Plan Fee paid. \$300.00 Stormwater Mgmt. fee paid. Plan submitted 12/05/08 for 01/12/09 P.C. meeting. RFMs The plan was tabled at the 04/27/09 P.C. meeting. **The Sup'v. at their 05/04/09 meeting accepted an Extension Letter until 06/22/09, as requested. The last P.C. mtg. is 06/08/09; the last Sup'v. meeting is 06/15/09.** See above motion for tabling of the plan.

6) Sanofi Pasteur Building 37 - Building Additions Preliminary Land Dev. Plan - \$400.00 LDP Fee; \$300.00 Stormwater Mgmt. Fee. Plan submitted on 03/13/09 for 03/23/09 P.C. meeting. The plan was tabled at the 04/27/09 P.C. meeting. See above motion for tabling of the plan.

7) The Outback Lodge & Waterpark Preliminary Land Dev. Plan - \$2,967.50 Plan fee paid. \$1,052.50 Stormwater Review fee paid. Plan submitted 04/17/09 for 04/27/09 P.C. meeting. The plan was tabled at the 04/27/09 P.C. meeting.

**PRESENTATION OF SKETCH PLANS:** 1) Kresge and Youmans' Subdivision Plans - Greg and Eugene Kresge, Atty. Joseph McDonald, and John Rutkowski, Jr., realtor, represented the subject plans. There is a pending Agreement of Sale for the land showing on the plan recorded in 1988 (Youmans' plan - 5.802 acres, 37.4 acres, and 5.029 acres) - except for the triangular piece of property showing on the plan. They would like to combine all three lots into one lot.

Discussion followed regarding Note #6 on the Youmans' Plan recorded in 1988 which reads "The remaining lands are to be annexed and become a part of other lands of the developer adjoining the westerly boundary of the subdivision and must not be sold separately without Township approval", and which also exists on the Eugene & Patricia Kresge Plans recorded in 1999 and 2000. The discussion included the litigation started by the Robert Turnbull family regarding the descriptive easement. It is now declared that there is a 40' wide easement

**PRESENTATION OF SKETCH PLANS (CONT) :**

with a 20' wide cartway from the Cherry Lane Road across the property shown on the plan to the Turnbull property. A line originally dividing properties and which was dissolved by virtue of the covenants must be "undissolved" (See Plans recorded in 1999 and 2000.)

It was determined that the next step for the Kresges is to obtain a minor subdivision/lot consolidation plan joining the three lots as discussed and which should contain a note stating that "this plan supersedes Covenant #6 as it appears on the plans dated 1988, 1999, and 2000".

**PRESENTATION OF VARIANCE, ETAL, APPLICATIONS:** 1) The application for the MCTA Variance Hearing scheduled for 05/21/09 will be withdrawn.

**UNFINISHED BUSINESS:** 1) A Work Session for updating and review of the Township ordinances with Carson Helfrich was held on 04/07/09 at 6:00 p.m. **The next Work Session will be held on Thursday, 05/14/09, at 6:00 p.m. at the Pocono Twp. Municipal Building, Tannersville, PA. The Revised Subdivision Ordinance was previously distributed to each member to review for finalization at the 05/14/09 Work Session. All applicable persons were strongly encouraged to attend.**

**NEW BUSINESS:** 1) Frank Ruggiero is scheduled to represent the P.C. at the 05/18/09 Sup'v. meeting at the Pocono Twp. Municipal Building, Tannersville, PA.

2) A motion was made, seconded and carried (Holz/Schmoyer) that the regularly scheduled P.C. meeting for 05/25/09 will be cancelled because of Memorial Day Holiday. The next P.C. meeting will be held on 06/08/09 at 7:00 p.m. at the Pocono Twp. Municipal Building.

**PUBLIC COMMENTS:** None

**GOOD OF THE ORDER:** None

**ADJOURNMENT: A motion was made, seconded and carried (Holz/Ewing) to adjourn until the Regular P.C. meeting on Monday, 06/08/09, at 7:00 p.m. at the Pocono Twp. Municipal Building.**

Respectfully submitted:

Jane Cilurso, Secretary

