

POCONO TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING OF AUGUST 10, 2009

A Regular meeting of the Pocono Township Planning Commission was held on August 10, 2009, at 7:00 p.m. in the Pocono Twp. Municipal Building, Tannersville, PA. F. Ruggiero, Chairperson, opened the meeting, followed by the Pledge of Allegiance.

Present: F. Ruggiero, Chairman, Scott Ewing, Robert Demarest, Gordon Holz, Dennis Schmoyer, Ronald Swink and Jane Cilurso

Absent: None

Timothy McManus, Twp. Solicitor; Aaron Sisler, Twp. engineer, Boucher & James, Inc.; and S. Meylach, Zoning Officer, were 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 (Schmoyer/Ewing) to approve the 07/13/09 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.

At this time Robert Maskrey, Jr., Esq., spoke regarding the Tschirlig/Kimmins/Toy properties in Pocono Mountain Campsites.

In order to resolve certain lot encroachment issues, Roberta Kimmins, who owns two tax parcels, desires to convey Lot 13 from one of her tax parcels to Richard and Patricia Toy, who own five tax parcels. In exchange, the Toys would convey Lot 43 from one of their tax parcels to William Tschirlig, who owns one tax parcel. By these various conveyances, the existing eight tax parcels of the parties would irrevocably be reduced to three parcels. Atty. Maskrey requested direction as to whether this all may be accomplished by reference to the existing PMC subdivision map, rather than by going through the expense of preparing a minor subdivision plan. He had taken a copy of a map of the Pocono Mt. Campsites and outlined the various proposed conveyances. They are requesting a waiver of certain subdivision plan requirement provisions of the SALDO. They will be increasing some of the lot sizes.

Robert Maskrey, Jr., Esq., re Pocono Mt. Campsites properties (cont):  
Pocono Twp. Ordinance #121 requires a plan to be approved and recorded.  
A survey may be required if the pins cannot be located.

After discussion, a motion was made, seconded and carried (Holz/Demarest) to recommend that the Pocono Township Supervisors look favorably on the request for a waiver on the provisions of the Pocono Twp. Ordinance #121 which apply to the properties belonging to Tschirlig/Kimmins/Toy at Pocono Mt. Campsites, as discussed at the 08/10/09 P.C. meeting. They are taking non-conforming lots and making larger lots. J. Cilurso abstained.

NEW PLANS: None

TABLING OF PLANS: A motion was made, seconded and carried (Holz/Demarest) to recommend that the Planning Commission members table the following plans: 1) Pump stations in Pocono Twp. related to SR0611 Pocono and Hamilton Twps. Sewerage System Project; 2) The Lands of The Spirit of Swiftwater, Inc. (Office) Preliminary Plan; 3) Snyder Major Subd. Prelim. Plan;

4) The Outback Lodge & Waterpark Land Dev. Plan; and 5) Sanofi Pasteur VDL Phase 3 Preliminary Land Dev. Plan.

PRESENTATION OF PLANS FOR FINAL APPROVAL:

1) Pump Stations in Pocono Twp. related to SR0611 Pocono and Hamilton Townships Sewerage System Project - Plan submitted for 02/23/09 P.C. mtg. 4RFMs. The plan was tabled at the 07/13/09 P.C. meeting. The Sup'v. accepted an Extension Letter until 10/12/09. Last PC mtg. 09/28/09; last Sup'v. mtg. 10/05/09. See above motion for tabling of the plan.

2) 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 07/13/09 P.C. meeting. The Sup'v. at their 07/06/09 mtg. gave a 90-day Time Extension - from 07/12/09 to 10/10/09. The last P.C. mtg. is 09/28/09; the last Sup'v. mtg. is 10/05/09. Ann Wingert, Niclaus Engineering Associates, Inc., represented this plan. The Twp. engineer's 08/10/09 review letter was discussed. Ms. Wingert noted that the owner desires to change the use of the existing Village Store and apartment to a restaurant. No building additions are proposed at this time. They propose to use an existing 26' easement from the adjoining Reilly property which allows them access to the property, and the existing driveway for the property is being eliminated. They have not heard from Penn Dot regarding their application for an HOP. The 1.26-acre parcel is in a C-commercial zone). R. Demarest requested that the parking spaces as shown on the plan be numbered. 30 seats are proposed. Two parking spaces are being provided for employees. Seventeen total parking spaces are required. (14 will be striped; 3 will not be striped.) The total

2) The Village Store Final Amended Land Dev. Plan (Cont): square footage of floor area for the building is approximately 3600 sq. feet, plus the existing deck. The second floor will no longer be utilized as an apartment, and will not be part of the restaurant. An elevated sand mound is proposed to meet the sewage requirements; there will be a reserve area, also. The following motions were approved re Requests for Modifications for The Village Store Amended Final Land Dev. Plan:

- A. A motion was made, seconded, and carried (Cilurso/Ewing) to recommend that the Pocono Twp. Supervisors approve a Request for Modification from SALDO Section 2.106 - Preliminary Plan
- B. A motion was made, seconded, and carried (Cilurso/Holz) to recommend that the Pocono Twp. Supervisors approve a Request for Modification from SALDO Section 2.303.B.4.A - Proposed streets and lot layout on immediately adjoining tracts, including name and right-of-way widths that fall within 300 feet distance from the project boundary lines. Ayes: Cilurso, Holz, Schmoyer, Swink, and Ruggiero. Nays: Ewing and Demarest.
- C. A motion was made, seconded and carried (Holz/Swink) to recommend that the Pocono Twp. Supervisors NOT approve a Request for Modification from SALDO Section 2.303.B.9 - tract boundaries shall be determined by an accurate field survey and closed with an error not to exceed one in five thousand and balanced. All in favor except for Ewing, who was opposed.
- D. A motion was made, seconded, and carried (Holz/Swink) to recommend that the Pocono Twp. Supervisors NOT approve a Request for Modification from SALDO Section 2.303.B.22 which requires the location and type of permanent monuments and markers which have been set in place. S. Ewing opposed.
- E. A motion was made, seconded and carried (Holz/Ewing) to recommend that the Pocono Twp. Supervisors approve a Request for Modification from SALDO Sections 2.302.D.14, 2.303.B.31 and 3.209 with regard to Steep Slope requirements.
- F. A motion was made, seconded and carried (Demarest/Swink) to recommend that the Pocono Twp. Supervisors NOT approve a Request for Modification from SALDO Section 2.400 with regard to a requirement that the applicant enters into a Development Agreement.

Following discussion, it was determined that A. Wingert would find out the plans for use of the second floor of the proposed restaurant.

A motion was made, seconded and carried (Demarest/Schmoyer) to table the Village Store Final Amended Land Dev. Plan.

PRESENTATION OF PLANS FOR PRELIMINARY APPROVAL:

1) 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 07/13/09 P.C. meeting. The Sup'v. at the 06/15/09 mtg. accepted a 90-day Waiver letter from 06/15/09 until 09/13/09. The last P.C. meeting is 08/24/09; the last Sup'v. meeting is 09/07/09 (Holiday). See above motion for tabling of the plan.

2) 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 07/13/09 P.C. meeting. The Supervisors at their 07/06/09 meeting accepted a time extension until 09/30/09, as requested. A Time Extension request was received.

A motion was made, seconded and carried (Ewing/Schmoyer) to recommend that the Pocono Twp. Supervisors accept the Time Extension letter for the Pocono Manor Tentative Planned Residential Dev. Preliminary Plan - until December 31, 2009, and for the P.C. to table the plan.

3) 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 07/13/09 P.C. meeting. The Sup'v. at their 08/03/09 meeting accepted a Waiver Extension until 11/05/09. The last P.C. meeting is 10/26/09; the last Sup'v. mtg. is 11/02/09. A revised plan was received at the 11/10/08 P.C. meeting. See above motion for tabling of the plan.

4) 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 05/11/09 P.C. meeting. The plan was tabled at the 07/13/09 P.C. meeting. The Sup'v. at their 07/20/09 mtg. accepted a 60-day Time Extension Letter until 09/24/09. The last P.C. mtg. is 09/14/09; the last Sup'v. mtg. is 09/21/09. See above motion for tabling of the plan.

5) Sanofi Pasteur Central Utility Plan Phase 3 (CUP 3) Land Dev. Plan - \$400.00 Plan fee paid; \$300.00 Stormwater Mgmt. Fee paid. Plan submitted 06/01/09 for 06/08/09 P.C. meeting. The 90-day Time Extension expires 09/06/09. The last P.C. mtg. is 08/10/09; the last Sup'v. mtg. is 08/17/09. The plan was tabled at the 07/13/09 P.C. mtg. A Time Extension letter was received - until 09/22/09.

A motion was made, seconded and carried (Swink/Schmoyer) to recommend that the Pocono Twp. Supervisors accept the Time Extension letter for the Sanofi Pasteur Central Utility Plan Phase 3 (CUP 3) Land Dev. Plan - until 09/22/09, and for the P.C. to table the plan.

PRESENTATION OF PLANS FOR PRELIMINARY APPROVAL (CONT):

6) Sanofi Pasteur - VDL Phase 3 Preliminary Land Dev. Plan - \$500.00 fee paid; \$300.00 Stormwater Mgmt. fee paid. Plan submitted for 06/22/09 P.C. meeting. The plan was tabled at the 07/13/09 P.C. meeting. See above motion for tabling of the plan.

PRESENTATION OF SKETCH PLANS: None

PRESENTATION OF VARIANCE, ETAL, APPLICATIONS:

1) Pocono Twp. Zoning Hearing Board Variance Hearing for Outback Lodge and Waterpark - Scheduled for 08/20/09 at 6:00 p.m. at the Pocono Twp. Municipal Building, Tannersville, PA.

2) Setback Variance Hearing Continuation will be held on 08/20/09 at 6:30 p.m. for Stanley and Zuzana Butryman at the Pocono Twp. Municipal Building, Tannersville, PA.

UNFINISHED BUSINESS: 1) A work session for updating and review of the Township ordinances with Carson Helfrich scheduled for 08/06/09 was cancelled, and rescheduled for Thursday, 09/03/09 at 6:00 p.m. at the Pocono Twp. Municipal Building, Tannersville, PA.

NEW BUSINESS:

1) D. Schmoyer is scheduled to represent the P.C. at the 08/17/09 Sup'v. meeting at 7:00 p.m. at the Pocono Twp. Municipal Building, Tannersville, PA.

PUBLIC COMMENTS: None

GOOD OF THE ORDER: None

ADJOURNMENT: A motion was made, seconded and carried (Schmoyer/Swink) to adjourn until the Regular P.C. meeting on Monday, 08/24/09, at 7:00 p.m. at the Pocono Twp. Municipal Building.

Respectfully submitted:

Jane Cilurso, Secretary