

**POCONO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING OF APRIL 28, 2008**

A Regular meeting of the Pocono Township Planning Commission was held on April 28, 2008, 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: Chairman, Frank Ruggiero; Robert Demarest; Gordon Holz; Scott Ewing; Wayne Pratt, Dennis Schmoyer; and Jane Cilurso were present.

Absent: None

Timothy McManus, Solicitor was present. David Horton, Twp. engineer, was present. Aaron Sisler, Engr., Boucher & James, Inc., was present. Steven 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/Schmoyer) to approve the 04/14/08 Planning Commission Regular Meeting Minutes.

BILLS: A motion was made, seconded and carried (Demarest/Ewing) to recommend payment of the Secretary's bill for the month of April, 2008.

CORRESPONDENCE: None

PRESENTATION OF NEW PLANS: 1) Nicholas P. Nicholas Final Minor Subdivision/Lot Combination Plan - Plan submitted 04/18/08 for 04/28/08 P.C. meeting. \$300.00 Plan fee paid. Barry Tompkins, B.T.T. Associates, Inc., presented the plan for annexation of two existing lots located on the southwest side of Sullivan Trail, Pocono Twp. There is an existing house on one of the lots. The Plan Checklist was satisfactorily reviewed.

A motion was made, seconded and carried (Holz/Ewing) to accept the Nicholas P. Nicholas Final Minor Subdivision/Lot Combination Plan.

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TABLING OF PLANS: A motion was made, seconded and carried (Holz/Ewing) to table the following plans: 1) Martinell Land Dev. Plan; 2) Minor Subdivision of Lands of the Estate of George Howard Sebring and Planning Modules; 3) Final Minor Subdivision, Property Combination Plan Lands of Peechatka; 4) The Village at Iroquois Ridge Major Subdivision Preliminary Plan; 5) The Spirit of Swiftwater, Inc., Land Dev. Plan; 6) Snyder Major Subdivision Preliminary Plan, and 7) Pocono Manor Tentative PRD Preliminary Plan

PRESENTATION OF PLANS FOR FINAL APPROVAL:

1) Martinell Land Dev. Plan - Plan submitted 05/31/07 for 06/11/07 P.C. meeting. \$680.00 Plan fee paid. The plan was tabled at the 04/14/08 P.C. meeting. **The Sup'v. at their 04/21/08 meeting accepted a 90-day Waiver letter -until 07/20/08. The last P.C. meeting is 06/23/08; the last Sup'v. meeting is 07/07/08.** See above motion for tabling of the plan.

2) Minor Subdivision of Lands of The Estate of George Howard Sebring and Planning Modules - \$300.00 fee paid. Plan was submitted 08/17/07 for the 08/27/07 P.C. meeting. The plan was tabled at the 04/14/08 P.C. meeting. **The Sup'v. at the 04/07/08 meeting accepted a 90-day Waiver letter until 07/06/08. The last P.C. meeting is 06/09/08; the last Sup'v. meeting is 06/16/08.** See above motion for tabling of the plan.

3) C. L. Becker Construction, Inc., Land Dev. Plan - \$500.00 fee paid. The plan was submitted 09/14/07 for the 09/24/07 P.C. meeting. The plan was tabled at the 04/14/08 P.C. meeting. **The Sup'v. at their 04/21/08 meeting accepted a 60-day waiver letter - until 06/20/08. The last P.C. meeting is 06/09/08; the last Sup'v. meeting is 06/16/08.** See above motion for tabling of the plan. Jim Freeman, HRG, Inc., Atty. Robert Nothstein, and Craig Becker, owner, represented the plan. A Lot Consolidation plan was submitted along with the development plan. The Twp. engineer's 04/18/08 comment letter was discussed.

A motion was made, seconded and carried (Pratt/Demarest) to recommend that the Pocono Twp. Supervisors approve the Lot Consolidation Plan for C. L. Becker Construction, Inc., contingent upon compliance with comments No. 1, 2, 3, and 5 of the Twp. engineer's 04/18/08 comment letter.

No revised Land Development plans were received. The Twp. engineer's 04/04/08 comment letter was discussed. Issues outstanding are the SEO approval letter; MCCD approval; Penn Dot Highway Occupancy Permit; Lighting details; Stormwater issue; Detention Basin size. A revised set of plans and the revised stormwater calculations are required, together with a response letter stating that the outstanding issues are resolved.

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PRESENTATION OF PLANS FOR FINAL APPROVAL (CONT):

3) C. L. Becker Construction, Inc., LDP (cont): A motion was made, seconded and carried (Demarest/Pratt) to table the C. L. Becker Construction, Inc., Land Dev. Plan.

4. Donald J. Scheiner Final Minor Subdivision Plan -
The plan was submitted 03/14/08 for the 03/24/08 P.C. meeting. \$300.00 fee paid. The plan was tabled at the 04/14/08 P.C. meeting. Atty. Aaron D'Angelo, Newman, Williams, Mishkin, Corveleyn, Wolfe & Fareri, was the representing attorney for this plan, as Solicitor McManus' firm had a conflict. Mark Robbins, Martin & Robbins, represented the plan. The Twp. Engineer's 04/28/08 comment letter was reviewed.

A motion was made, seconded and carried (Demarest/Holz) to recommend that the Pocono Twp. Supervisors accept the following six Requests for Modification for the Donald J. Scheiner Final Minor Subdivision Plan (pertaining to the William B. Fizette property):
1) FROM SALDO SECTION 2.304.A - Scale; 2) FROM SALDO SECTION 2.304.B.3 - Watercourses and Wetlands; 3) FROM SALDO SECTION 2.304.B.4 - Boundary Survey and Closure Report; 4) FROM SALDO SECTION 2.304.B.5 - Adjacent Property Owners; 5) FROM SALDO SECTION 2.304.B.6 - Reference Monuments and/or LOT MARKERS; and 6) FROM SALDO SECTION 2.304.B.7 - Building Setbacks.

M. Robbins noted that the above waivers are requested because the Fizette lands are not part of this submission, and this submission does not propose any new construction or land disturbance.

A motion was made, seconded and carried (Demarest/Holz) to recommend that the Pocono Twp. Supervisors accept the Request for Modification from SALDO Section 3.210 - re wetlands.

A motion was made, seconded and carried (Holz/Demarest) to recommend that the Pocono Twp. Supervisors approve the Donald J. Scheiner Final Minor Subdivision Plan.

5) Final Minor Subdivision, Property Combination Plan for Lands of Peechatka - \$300.00 Plan fee paid. Plan submitted for the 04/14/08 P.C. meeting. The plan was tabled at the 04/14/08 P.C. meeting. See above motion for tabling of the plan.

PRESENTATION OF PLANS FOR PRELIMINARY APPROVAL:

1) The Village at Iroquois Ridge 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 04/14/08 P.C. meeting. **The Sup'v. at their 03/17/07 meeting granted a 90-day Waiver request - from 03/17/08 - until 06/15/08. The last P.C. mtg. is 05/12/08; the last Sup'v. meeting is 06/02/08. The Sup'v. approved the six RFMs as requested. The Sup'v. rejected the requested zone change from R-1 to R-2. See the above motion for tabling of the plan.**

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PRESENTATION OF PLANS FOR PRELIMINARY APPROVAL (CONT):

2) Quaker Ridge Estates Major Preliminary Subdivision Plan - formerly, Back Mountain Road Major Preliminary Subdivision - Plan was submitted 02/26/07 for 03/12/07 P.C. meeting. \$1,200.00 Plan fee paid. \$400.00 Stormwater Mgmt. fee paid. The plan was tabled at the 04/14/08 P.C. meeting. **The Supervisors at their 03/17/08 meeting granted a Waiver request - until 06/15/08. The last P.C. meeting is 05/12/08; the last Sup'v. mtg. is 06/02/08.** Jim Cahill, Pocono Manor, and Lou Caiazzo, Hanover Engr., Inc., represented the plan. The Twp. engineer's 04/28/08 letter was reviewed.

A motion was made, seconded and carried (Holz/Ewing) to recommend that the Pocono Twp. Supervisors approve the Quaker Ridge Estates Major Preliminary Subdivision Plan, conditioned upon all requirements of the Twp. engineer's 04/28/08 letter being satisfied.

3) Terry Martz Major Preliminary Subdivision Plan and Planning Modules - Plan submitted for 03/12/07 P.C. meeting. Fees paid: Plan fee \$525.00; Stormwater Mgmt. fee 325.00. The plan was tabled at the 04/14/08 P.C. meeting. **The Sup'v. at their 04/21/08 meeting granted a 90-day Waiver request - until 08/31/08. The last P.C. meeting is 08/11/08; the last Sup'v. meeting is 08/18/08.** Donna Alker, Achterman Associates, Inc., and Terry Martz, owners, represented the plan. They are proposing to have an open space area (.75 acres) designated to the Property Owners' Association and provide in-lieu fees to accommodate that. They propose providing a 4' wide bikeway with a driveway width of 20', which will be paved to Twp. road specifications. The developer noted that he intends to dedicate the roads to the Township; if the Twp. does not accept them, they will be turned over to the Property Owners Association. The stormwater and open space will be the responsibility of the Property Owners Association. Lights will be installed at the intersections of the roads.

They did not do a field survey of the back parcel because they are not doing anything with it. They asked if the P.C. would consider a deed plotting as opposed to an actual field survey for the remaining lands portion of the lot.

After discussion, a motion was made, seconded and carried (Holz/Demarest) to recommend that the Pocono Twp. Supervisors accept the Request for Modification from SALDO 2.302.B.9 - re tract boundaries - and recommended that a note be added to the plan that the section identified as remaining lands was done by deed plotting and not an actual survey.

The P.C. discussed the length of the proposed cul de sac (2,200 ft). A proposed emergency access drive is proposed, which currently coincides with an existing driveway used by T. Martz. T. Martz noted that there is a deeded right-of-way on the emergency exit, and anyone in the development can use it, if necessary. T. Martz agreed to put a covenant on the plan stating that he and/or a Property Owners Association will be responsible

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PRESENTATION OF PLANS FOR PRELIMINARY APPROVAL (CONT):

3) Terry Martz Major Prelim. Subd. Plan (cont):

for maintaining the emergency road.

A motion was made and seconded (Holz/Schmoyer) to recommend that the Pocono Twp. Supervisors approve the Terry Martz Major Preliminary Subdivision Plan, based upon T. Martz

adding a covenant on the plan stating he and/or a Property Owners Association will be responsible for maintaining the

Emergency road. Ayes: G. Holz/ D. Schmoyer. Nays:

R. Demarest; S. Ewing; W. Pratt, and F. Ruggiero. J. Cilurso abstained.

Motion did not carry.

A motion was made and seconded and carried(Pratt/Demarest) to forward the Terry Martz Major Preliminary Subdivision Plan to the Pocono Twp.

Supervisors with a note added that the Waiver Request from SALDO Section 3.304.A - re a 2200' cul de sac - not be approved and that the road not be accepted for dedication to Pocono Township. Ayes: W. Pratt; R.

Demarest; S. Ewing, and F. Ruggiero. Nays: G. Holz; D. Schmoyer. J. Cilurso abstained.

A motion was made, seconded and carried (Ewing/Schmoyer) to recommend that the Pocono Twp. Supervisors approve the Request for Waiver from SALDO Section 3.604.B.5.a (Table 3-1) -

re a 24' travelway width - and accept a proposed travelway width of 20' with an adjacent 4' wide paved "bike lane" on the westernly/northernly sides of the proposed road for the Terry Martz Major Preliminary Subdivision Plan. A 4" wide solid white line would demark the division between the "bike lane" and the travelway. 4' wide shoulders will be provided adjacent to the pavement on both sides of the road.

A motion was then made, seconded and carried (Ewing/Schmoyer) to amend the motion re the RFM from SALDO Section 3.604.B.5.a (Table 3-1) as above to include "dependent upon the conditions

made by the Supervisors regarding the cul de sac" re the Terry Martz Major Preliminary Subdivision Plan. J. Cilurso abstained.

A motion was made, seconded and carried (Holz/Demarest) to forward the Planning Modules for the Terry Martz and Quaker Ridge Estates plans to the Pocono Township Supervisors for their acceptance and forwarding to the DEP for approval.

4) The Spirit of Swiftwater, Inc., Land Dev. Plan-

\$2,057.00 Plan fee paid. Plan submitted 04/27/07 for 05/14/07 P.C.

meeting. 1 RFM The plan was tabled at the 04/14/08 P.C. meeting. **The**

Sup'v. at their 04/21/08 meeting granted a 60-day Waiver letter from

05/09/08 until 07/08/08. The last P.C. meeting is 06/23/08; the last

Sup'v. meeting is 07/07/08. See the above motion for tabling of the plan.

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PRESENTATION OF PLANS FOR PRELIMINARY APPROVAL (CONT):

5) Snyder Major Subdivision Preliminary Plan - \$1,650.00 fee paid. Plan submitted 07/13/07 for the 07/23/07 P.C. meeting. The plan was tabled at the 04/14/08 P.C. meeting. **The Sup'v. at their 03/17/08 meeting granted a 90-day Waiver letter - until 06/15/08. The last P.C. mtg. is 05/12/08; the last Sup'v. mtg. is 06/02/08.** See the above motion for tabling of the plan.

6) 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 04/14/08 P.C. meeting. **The Supervisors at the 04/07/08 meeting granted an extension until 06/30/08, as requested.** See above motion for tabling of the plan, as requested.

PRESENTATION OF SKETCH PLANS: None

PRESENTATION OF VARIANCE, ETAL, APPLICATIONS: 1) The Spirit of Swiftwater Setback Variance Application - At a continuation Hearing held on 04/24/08, the Pocono Twp. Zoning Hearing Board granted the requested variance.

2) Larry Furtsch Variance Application for Setback - A Hearing will be held before the Pocono Twp. Zoning Hearing Board on May 15, 2008, at 6:00 p.m. at the Pocono Twp. Municipal Building, Tannersville, PA.

UNFINISHED BUSINESS: The Planning Commission, Supervisors, and other applicable parties will meet on 05/08/08 at 6:00 p.m. at the Pocono Twp. Municipal Building for a joint work session regarding Township ordinances. Mr. Carson Helfrich, Planner, will be present.

NEW BUSINESS: 1) Carson Helfrich will speak to interested Planning Commission members of the County municipalities on May 7, 2008, at the MCCD.

2) G. Holz is scheduled to represent the P.C. at the 05/05/08 Sup'v. meeting at 7:00 p.m. at the Pocono Twp. Municipal Building.

COMMENTS: 1) D. Hartshorn questioned if taxes are paid on open space taken over by a Property Owners Association. Solicitor McManus noted that the common areas are reflected in the assessments for each of the lots.

ADJOURNMENT: A motion was made, seconded and carried (Holz/Pratt) to adjourn the Planning Commission meeting until Monday, 05/12/08 at 7:00 p.m. at the Pocono Twp. Municipal Building.

Respectfully submitted:

Jane Cilurso, Secretary

