

## MINUTES

### POCONO TOWNSHIP PLANNING COMMISSION REGULAR MEETING FEBRUARY 13, 2012

A Regular meeting of the Pocono Township Planning Commission was held on February 13, 2012 at 7:00 P.M. in the Pocono Township Municipal Building, Tannersville, Pennsylvania. Scott Ewing, Chairperson, opened the meeting, followed by the Pledge of Allegiance.

**Present:** S. Ewing; R. Swink; S. Gilliland; R. Demarest; D. Schmoyer; M. Velardi; J. Tresslar (Engineer); D. Horton (Engineer); G. Worthington (Solicitor).

**Absent:** None.

**Comments:** Chairman, Scott Ewing, 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, S. Ewing, 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, S. Ewing, 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 (Swink/Velardi) to approve the 1/23/12 Planning Commission Regular Meeting 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.

**Tabling of plans:** A motion was made, seconded and carried (Demarest/Gilliland) to recommend that the Planning Commission members table the following plans:

- 1) The Reserve at Bryson's Farm Major Subdivision Plan & Planning Module;
- 2) Sanofi Pasteur Discovery Drive Widening LDP;

- 3) Sheldon Kopelson Minor Subdivision Plan;
- 4) Tanalo Estates Major Subdivision Plan;
- 5) The Pocono Manor Tentative PRD Prelim. Plan; and
- 6) The Lands of The Spirit of Swiftwater, Inc. (Office).

**New plans:** None.

**Presentation of plans for final approval:**

- 1) Northampton Community College Land Dev. Plan – Plan submitted 02/12/10 for 02/22/10 P.C. meeting. The plan was revised and resubmitted 08/29/11 for the 09/12/11 P.C. meeting. A \$6,000.00 Escrow fee and a \$1,500.00 Escrow fee were paid. Plan was tabled at the 11/14/11 P.C. meeting. **The Sup’v. at their 11/21/11 meeting accepted a 90-day Time Extension letter – from 12/06/11 – until 03/05/12. The last P.C. meeting is 02/27/12; the last Sup’v. meeting is 03/05/12.** Jamie Keener of HRG was present on behalf of the Applicant along with Chris Dellinger of HRG, William Murphy, Esq., and several representatives of Northampton Community College. Discussion was held on items highlighted as matters important to the Planning Commission in the review letter of Jon Tresslar dated February 10, 2012. A motion was made, seconded and carried (Demarest/Swink) to recommend the Board of Supervisors grant the Applicant’s request for a waiver of the SALDO requirement to submit separate Preliminary and Final Land Development Plans subject to the condition that the Board of Supervisors resolve to its satisfaction the issue of the Applicant’s need to document available sewage capacity. A second motion was made, seconded and carried (Velardi/Swink) to recommend the Board of Supervisors grant the Applicant’s request for a waiver of Section B.7.B.1.h of the Stormwater Management Ordinance (requiring fencing around detention basins) on the condition that suitable language is noted on the Plan indemnifying the Township from third party claims that may arise out of this waiver. The plan was tabled for further discussion at the next P.C. meeting.
- 2) The Reserve at Bryson’s Farm Major Subdivision Plan – Final – and Planning Modules – Plan submitted 09/20/10 for 09/27/10 P.C. mtg. \$450.00 plan fee paid; \$1,500.00 Escrow fee paid; \$181.00 Planning Modules fee paid. The plan was tabled at the 11/14/11 P.C. mtg. Revised Plans were submitted. **The Sup’v., at their 2/6/12 mtg., accepted a Time Extension letter – from 2/13/12 to 4/23/12. The last P.C. mtg. is 4/9/12; the last Sup’v. mtg. is 4/16/12.** See above motion for tabling of the plan.
- 3) Sanofi Pasteur Discovery Drive Widening Land Dev. Plan – Plan submitted 06/03/11 for 06/13/11 P.C. mtg. Plan fee paid: \$580.00 Stormwater fee paid \$300.00; Escrow Fee \$3,000.00; Fee in Lieu Fee \$4,200.00. Plan was tabled at the 11/14/11 P.C. mtg. **The Sup’v. at their 1/17/12 meeting provided an**

**extension until the 30<sup>th</sup> of March, 2012. The last P.C. meeting is 3/12/12; the last Sup’v. mtg. is 3/19/12.** See above motion for tabling of the plan.

- 4) Sheldon Kopelson Minor Subdivision Plan – Plan submitted for 09/02/11 and 09/12/11 P.C. meeting. \$620.00 Stormwater Management fee paid; \$575.00 Minor Subdivision fee paid; \$2,500.00 Minor Subdivision Escrow fee paid. The plan was tabled at the 11/14/11 P.C. meeting. **The Sup’v. at their 11/21/11 mtg. accepted a Time Extension from 11/21/11 to 03/20/12. The last P.C. mtg. is 03/12/12; the last Sup’v. mtg. is 03/19/12.** See above motion for tabling of the plan.

**Presentation of plans for preliminary approval:**

- 1) Tanalo Estates Major Subdivision Plan for J. A. Snyder Entities, Inc . (formerly, 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 has been revised under the name of Tanalo Estates Major Subdivision for J.A. Snyder Entities, Inc. The revised plan was submitted on 03/11/10. The plan was tabled at the 11/14/11 P.C. meeting. **The Sup’v. at the 2/6/12 meeting accepted a Time Extension letter from 02/19/12 to 5/20/12. The last P.C. meeting is 04/23/12; the last Sup’v. meeting is 05/07/12.** 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. Revised plans were previously submitted. Copies of a Community Fiscal Study were submitted. The plan was tabled at the 11/14/11 P.C. meeting. **The Sup’v. at their 11/21/11 meeting accepted a time extension until 12/31/12, as requested. The last P.C. meeting is 12/10/12; the last Sup’v. meeting is 12/17/12.** See above motion for tabling of the plan.
- 3) The Lands of The Spirit of Swiftwater, Inc. (Office) – The plan was submitted on 06/13/08 for the 06/23/08 P.C. meeting. A revised plan was received at the 11/10/08 P.C. meeting. The plan was tabled at the 11/14/11 P.C. meeting. **The Sup’v. at their 11/21/11 meeting accepted a Time Extension letter from 12/17/11. to 03/16/12. The last P.C. meeting is 02/27/12; the last Sup’v. mtg. is 03/05/12 .** See above motion for tabling of the plan.

**Sketch plans:** None.

### **Presentation of variance, et al. applications:**

- 1) Sheldon Kopelson Minor Subdivision – Request to amend and revise the Pocono Township Subdivision and Land Development Ordinance, Ordinance No. 77, as previously amended, to **delete** section 3.403 of the ordinance in its entirety. **At the request of the applicant, the Sup’v. at their 1/17/12 meeting referred this matter to the P.C. for review and comment.** Marc Wolfe, Esq. and Donna Alker, P.E. were present on behalf of the applicant. Attorney Wolfe explained the basis for the request: The inclusion of density limitation provisions in the SALDO is, in the opinion of the Applicant, unnecessary given the subject matter is (in the case of Pocono Twp.) addressed in the PRD section of the Zoning Ordinance. After discussion, a motion was made, seconded and carried (Gilliland/Schmoyer) to pass the Applicant’s request on to the Board of Supervisors without making a formal recommendation.
- 2) Sheldon Kopelson Minor Subdivision – Request to amend section 615.a.3 of the Pocono Township Zoning Ordinance, as heretofore amended. **At the request of the applicant, the Sup’v. at their 1/17/12 meeting referred this matter to the P.C. for review and comment.** Marc Wolfe, Esq. and Donna Alker, P.E. were present on behalf of the applicant. Attorney Wolfe explained the basis for the request: Section 615.a.3 of the Zoning Ordinance, in the opinion of the Applicant, should be amended to allow for increased height and density limitations in a PRD where the structures are built according to standards imposed by the Building Code, as amended. After discussion, a motion was made, seconded and carried (Gilliland/Schmoyer) to pass the Applicant’s request on to the Board of Supervisors without making a formal recommendation.

### **Unfinished business:**

- 1) The Proposed Amended Zoning Ordinance and Proposed Amended Subdivision and Land Development Ordinance were submitted to the Planning Commission members at the 09/12/11 P.C. mtg. for review and comments. A meeting for further review and comments re the ordinances was held on 11/22/11. The Twp. planner and Twp. solicitor will make the necessary revisions.
- 2) Sheldon Kopelson’s Conditional Use Applications – Tabled until further notification.
- 3) Mitchel Garfinkel Special Exception (Life Care Facility) – Application submitted \$300.00 fee paid. **Use Application submitted for review by the P.C. members for the 01/09/12 meeting.** Marc Wolfe, Esq. was present along with Engineer William Greiner and the Applicant to discuss the application and the Township Engineer’s review letter dated January 9, 2012. Attorney Wolfe submitted a memorandum detailing the proposed use as a Life Care Facility and its

compatibility with his interpretation of applicable Ordinance and Dictionary definitions. The Applicant gave a detailed explanation and fielded questions regarding the proposed use. A revised Site Plan was submitted to the Commission members. After discussion, a motion was made, seconded and carried (Demarest/Swink) to make a favorable recommendation to the Zoning Hearing Board on the Applicant's request for Special Exception subject to the Zoning Hearing Board holding a hearing on the request.

- 4) New Dairy Queen Grill and Chill Restaurant – The Applicant was expected to be present to request the Planning Commission sign off on the Applicant's Planning Module. The Applicant was not present. This item will remain on the agenda.

**New business:** M. Velardi is scheduled to represent the P.C. at the next regularly scheduled Supervisors' meeting on 2/21/12 at 7:00 p.m. at the Pocono Twp. Municipal Building, Tannersville, PA.

**Comments:** None.

**Adjournment:** At 9:30 P.M. a motion was made, seconded and carried (Velardi/Schmoyer) to adjourn until the next regular meeting on February 27, 2012, at 7:00 p.m. at the Pocono Twp. Municipal Building.