

**AGENDA**  
**POCONO TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
**SEPTEMBER 26, 2016 – 7:00 p.m.**

- A. CALL TO ORDER** (followed by the Pledge of Allegiance)
- B. ROLL CALL**
- C. NOTIFICATIONS OF COMMENTS**
- D. CORRESPONDENCE**
- E. MANAGER'S REPORT – TBD**
- F. MINUTES:** Minutes of the Pocono Township Planning Commission Regular Meeting  
09/12/2016
- G. NEW PLANS AND SUBMISSIONS FOR PLANNING COMMISSION REVIEW:**
  - 1. Kelly Minor Subdivision
  - 2. Brookdale on the Lake Zoning Amendment
- H. FINAL PLANS UNDER CONSIDERATION:**
  - 1. Kinsley Minor Subdivision – This minor subdivision contains 4 lots, 2 of which are new. A long private access drive is proposed. The plans were administratively accepted at the April 25<sup>th</sup>, 2016 P.C. mtg. Tabled at the 09/12/2016 mtg. A time extension letter was received until 12/19/2016. The BOC at their 09/06/2016 mtg. granted the RFM for SALDO SEC. 3.208.M.
  - 2. G.M. and Kailas Amin – 4 lot Minor Subdivision. The plans were administratively accepted at the May 9<sup>th</sup>, 2016 P.C. mtg. Tabled at the 09/12/2016 mtg. The developer/applicant provided an extension of time to 11/30/16. Review No. 3 distributed 09/16/16.
- I. PRELIMINARY PLANS UNDER CONSIDERTATION:**
  - 1. Sheldon Kopelson, Commercial Development (Lot 3)- Plan was accepted at the 08/13/2013 P.C. mtg. The configuration of the minor subdivision is dependent on the Rt. 715 realignment. Tabled at the 09/12/2016 mtg. A resubmission has not occurred. Deadline for consideration extended to June 30,2017.
  - 2. Spa Castle Land Development – Plan was accepted at the 12/14/2015 mtg. The Planning Modules for this project was rejected by the Commissioners. Tabled at the 09/12/2016 mtg. The developer/applicant has provided a time extension letter until 04/17/2017. Planning Review distributed 09/09/16.

3. Camelback Lot 13 and Hotel – Plan was accepted at the 06/13/2016 PC mtg. Tabled at the 09/12/2016 mtg. Application period runs until 10/24/2016. Review letter distributed 07/21/16.
4. Sanofi Pasteur Tier One Parking Deck – Plan was accepted at the 07/11/2016 P.C. mtg. The applicant has provided an extension to 12/08/16. Review No. 1 distributed 07/22/16. Tabled at the 09/12/2016 mtg. Applicant has requested the plan be tabled.

**J. SKETCH PLANS**

**K. PERMITS**

**L. PRESENTATION OF VARIANCE, SPECIAL EXCEPTIONS, CONDITIONAL USE, ET AL, APPLICATIONS**

1. Summit Health Center Conditional Use Application Hearing is scheduled for 09/29/2016.
2. Adam's Outdoor Advertising and Anthony Covello – Special Exception, Validity and Variance – application received 07/22/2016
3. Adam's Outdoor Advertising Sign – 198 Stadden Road, Anthony and Elizabeth Casciano Special Exception, Variance, Appeal, Interpretation and Validity Challenge, Application dated 08/05/2016. Review No. 1 distributed 09/22/16.

**M. UNFINISHED BUSINESS**

1. SALDO – Final draft revisions

**N. NEW BUSINESS: - none**

**O. COMMENTS BY AUDIENCE**

**P. ADJOURNMENT:**

POCONO TOWNSHIP PLANNING COMMISSION

REGULAR MEETING MINUTES

SEPTEMBER 12<sup>th</sup>, 2016

7:00 P.M.

The Pocono Township Planning Commission Regular Meeting was held on September 12<sup>th</sup>, 2016 at the Pocono Township Municipal Building, Tannersville, PA, and opened by Chairman Ron Swink at 7:00 p.m. by the Pledge of Allegiance.

**ROLL CALL:** Ron Swink, present, Scott Gilliland, present; Marie Guidry, present; Robert Demarest, present; Robert DeYoung, present; Dennis Purcell, present; Jeremy Sawicki, absent.

Lisa Pereira, Planning Commission Solicitor, and Jon Tresslar, Township Engineer; Charles Vogt, Township Manager; and Pamela Finkbeiner, Township Secretary; were present.

**ACKNOWLEDGEMENT OF COMMENTS:** Chairman R. Swink noted the Planning Commission meets the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month at 7:00 p.m. to 9:00 p.m. The board will address 5 comments per plan and noted each visitor has the right to comment at this time or before any action is taken on a matter.

**CORRESPONDENCE:**

**TIME EXTENSION LETTERS:**

- a) Margaret and Christopher Kinsley until 12/19/2016.
- b) SPA Castle until 04/17/2017.
- c) Amin LDP until 11/30/2016.

**MANAGER'S REPORT:** Introduction of Charles Vogt, Pocono Township Manager.

**MINUTES:**

S. Gilliland noted a correction under New Business concerning the Capital Improvement Plan.

M. Guidry made a motion, seconded by D. Purcell, to approve the minutes of the 08/22/2016 meeting with correction. All in favor. Motion carried.

**NEW PLANS AND SUBMISSIONS FOR PLANNING COMMISSION REVIEW: None**

Kinsley Minor Subdivision - Plan fees paid. Plan accepted at the 04/25/2016 P.C. Meeting. Tabled at the 08/22/2016 mtg. Revised plans submitted 06/17/2016. A time extension letter was received until 12/19/2016. The Board of Commissioners approved the RFM for SALDO Sec. 3.208.M - Maximum grade on local access street at their 09/06/2016 mtg. B. DeYoung made a motion, seconded by S. Gilliland, to table the Kinsley Minor Subdivision Plan. All in favor. Motion carried.

G. M. and Kailas Amin - 4 Lot Minor Subdivision - Plan fees paid. Plan accepted at the 05/09/2016 P.C. meeting. Tabled at the 08/22/2016 mtg. A time extension was received until 11/30/2016. Revised plans and response letter were submitted on 09/06/2016

B. DeYoung made a motion, seconded by S. Gilliland, to table the G.M. and Kailas Amin - 4 lot Minor Subdivision. All in favor. Motion carried.

**PRELIMINARY PLANS UNDER CONSIDERATION:**

Sheldon Kopelson - Commercial Development (Lot 3) - Plan accepted at the 08/13/2013 P.C. mtg. Tabled at the 08/22/2016 mtg. Deadline for consideration is 06/30/2016. S. Gilliland made a motion, seconded by B. DeYoung, to table the Sheldon Kopelson - Commercial Development (Lot 3) All in favor. Motion carried.

Spa Castle Land Development - Plan accepted at the 12/14/2015 mtg. Plan fees paid. Planning modules rejected by the Commissioners. Tabled at the 08/22/2016 mtg. A time extension letter was received until 04/17/2016. M. Guidry made a motion, seconded by B. Demarest, to table the Spa Castle Land Development Plan. All in favor. Motion carried.

Camelback Lot 13 and Hotel - Plan fees paid. Plan was accepted at the 07/25/2016 mtg. the plan was tabled at the 08/22/2016 mtg. M. Guidry made a motion, seconded by S. Gilliland, to table the Camelback Lot 13 and Hotel LDP. All in favor. Motion carried.

Sanofi Pasteur Tier One Parking Deck - Plan fees paid. The Plan was accepted at the 07/11/2016 Mtg. The plan was tabled at the 08/22/2016 mtg. B. Demarest made a motion, seconded by D. Purcell, to table the Sanofi Pasteur Tier One Parking Deck. S. Gilliland abstained. All in favor. Motion carried.

**PRESENTAION OF VARIANCE, SPECIAL EXCEPTIONS, CONDITIONAL USE, ET AL, APPLICATIONS: None**

Summit Health Systems Conditional Use Application - The Hearing scheduled for 09/29/2016 at 6:00 p.m.

Adams Outdoor Advertising and Anthony Covello - The Planning Commission had recommended the Special Exception be denied at their 07/11/2016 regular mtg. No action taken.

Adams Outdoor Advertising - 198 Stadden Road - No action taken.

**UNFINISHED BUSINESS:**

SALDO revisions: J. Tresslar, Twp. Engineer, reviewed the revisions.

- 1) 611.4.4 - Fire Protection - reword or remove - 'and an adequate supply of water or fire protection.'
- 2) 621. Highway Capital Improvement Fund - Removed
- 3) 622.C.4 Traffic Impact Study - removed last sentence.

Judi Coover, Commissioner, noted the draft SALDO will go to the Commissioners to set the hearing dates.

Ellen Gndt, Commissioner, requested the redline version of the draft to compare to the 'clean' version.

Discussion followed on steps to SALDO approval.

B. Demarest made a motion, seconded by S. Gilliland, to recommend approval of the SALDO revisions. All in favor. Motion carried.

NEW BUSINESS: None

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**DISCUSSIONS:**

M. Guidry questioned the status of the Sign Ordinance. Discussion followed on the remaining items to complete the sign ordinance.

S. Gilliland questioned the status of the Rt. 715 realignment. J. Coover noted she received an email stating it will go through the bank property. R. Swink questioned why the PC has not been informed of the PennDOT improvement plans. Discussion followed.

C. Vogt, Twp. Manager, note the receipt of the Rt. 611 improvement plans from Scotrun to Swiftwater.

Discussion on BCRA waterline and roadway construction projects.

ADJOURNMENT: B. DeYoung made a motion, seconded by M. Guidry, to adjourn the meeting at 8:25 p.m. All in favor. Motion carried.

POCONO TOWNSHIP PLAN RECEIPT CHECK LIST

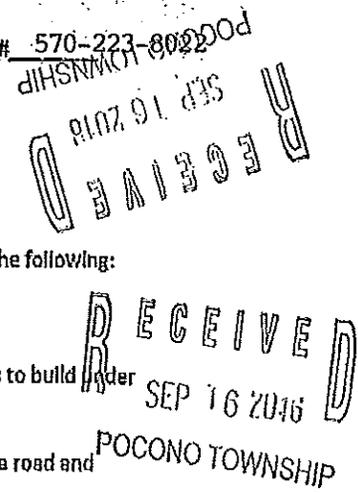
Name of Subdivision or Land Development Plan: MINOR SUBDIVISION OF LANDS OF MICHAEL L. KELLY AND SHIRLEY J. KELLY, husband & wife

Property Identification # 12-6364-02-58-6137

Date: 9/16/16 Name of Engineer or Surveyor FRANK J. SMITH JR. Telephone# 570-223-8020

Preliminary Major Subdivision and/or Land Development

- Yes No
Signed dated Application - 11 copies
Required Fee
Plan (includes street profiles, storm piping and cross sections, if appropriate) -11 copies of the following:
Storm Water Management (SWM) Report- 3 copies
Wetland Study or abbreviated Study (if warranted) - 11 copies
Planning Modules Information as per DEP requirement- 4 copies
Copy of Erosion and Sedimentation Plan (may be submitted with final unless applicant opts to build Preliminary plan approval) - 3 copies
Modification Request Application for all requested Modifications - 11 copies
PennDot Highway Occupation Permit (HOP) or acknowledgement of project if fronting state road and non-residential



Plan is either Preliminary or Final. There are no provisions in the ordinance for a Preliminary/Final Submission. Such Submission would require a Modification Request with the plan application.

Final Major Subdivision and/or Land Development

- Yes No
Signed dated Application - 11 Copies
Required Fee
Plan (includes street profiles, storm piping and cross sections, if appropriate) -11 copies of the following:
Storm Water Management (SWM) Report- 3 copies
Wetland Study or abbreviated Study (if warranted) (if preliminary plan submittal was waived) -11 copies
Planning Modules Information (if preliminary plan submittal was waived) as per DEP requirement- 4 copies
Copy of Erosion and Sedimentation Plan - 3 copies
Construction Cost Estimates - 11 copies
Modification Request Application for all requested Modifications (if Modifications approved with Preliminary Plan, then provide listing on Final Plan) - 11 copies
PennDot Highway Occupation Permit (HOP) or acknowledgement of project if fronting state road and non-residential

Plan is either Preliminary or Final. There are no provisions in the ordinance for a Preliminary/Final Submission. Such Submission would require a Modification Request with the plan application.

Minor Subdivision Plan Check List

- Yes No
[X] Signed dated Application - 11 copies
[X] Required Fee
[X] Plan -11 copies of the following:
[X] Wetland Study or abbreviated Study (if warranted) -11 copies To be provided upon receipt
[X] Modification Request for all requested Modifications - 11 copies NONE
[X] Tract History for verification of minor plan consideration - 11 copies See Plot Book 65 Pg. 104
[X] Minor Planning Modules as per DEP Requirement -4 copies To be provided upon completion

Submission Receipt- After the Commission has determined that the Plan Submission Included all of the required material as specified by this Ordinance, the Commission shall Issue a receipt for the Plan at a regular meeting. The date the submission receipt is Issued (the Submission Receipt Date) constitutes the official date of submission for purposes of plan review. Plans and supportive data, which are incomplete, shall be rejected and the Applicant shall be notified of the nature and extent of the omissions.

These Items are requirements for plan receipt issuance only. No other acceptance or approval is implied.

**FRANK J. SMITH JR., INC.**  
**PROFESSIONAL LAND SURVEYORS**

P.O. BOX 543

Marshalls Creek, PA 18335

Phone 570-223-8022 Fax 570-223-1375 Email [franksmith@fjsmithinc.com](mailto:franksmith@fjsmithinc.com)

land surveys, construction surveys, subdivision and site development plans, test pits, percolation tests and septic designs  
Frank J. Smith Jr., P.L.S., President [franksmith@fjsmithinc.com](mailto:franksmith@fjsmithinc.com)  
John Ray Rogers, P.L.S., Vice President [rayrogers@fjsmithinc.com](mailto:rayrogers@fjsmithinc.com)

September 16, 2016

Pocono Township  
Planning Commission & Board of Supervisors  
PO Box 197  
Tannersville, PA 18372

Re: Minor Subdivision of Lands of Michael L. Kelly & Shirley J. Kelly

**Project Description:**

Michael and Shirley Kelly own 15.323 Acres on the south side of Manor Drive, running along the Swiftwater Creek. The property to the north is owned by their son, Christopher Kelly, and the Swiftwater Preserve. Lands to the east, south and west are residential.

The purpose of this plan is to create a 5.846 Acre lot (Lot 2), which is intended to be conveyed to their son, Christopher Kelly for recreational use only. No improvements are proposed for this lot. A Non-build waiver has been requested for Lot 2. Lot 1 has an existing septic system, but we have performed testing for a reserve area for Lot 1, as per Township regulations.

Please feel free to call if you have any questions.

Respectfully,



Frank J. Smith Jr., P.L.S.  
President

**POCONO TOWNSHIP LAND DEVELOPMENT APPLICATION**

Pocono Township  
P.O. Box 197  
Tannersville, Pa. 18372

The undersigned hereby applies for review by the Pocono Township Planning Commission and review and approval of the board of Supervisors of Pocono Township for the plans submitted herewith and described below:

- 1. \_\_\_\_\_ Preliminary Plan Submission \_\_\_\_\_ Lot Line Adjustment
- \_\_\_\_\_ Final Plan Submission \_\_\_\_\_ Lot Combination
- Final Plan- Minor Subdivision Submission

2. Name of Land Development: MINOR SUBDIVISION OF LANDS OF MICHAEL L. KELLY AND SHIRLEY J. KELLY, husband & wife

Plan Dated: 9/9/2016 County Deed Book No.: 2214

Volume No.: \_\_\_\_\_ Page No.: 1563

Property is located in the Township's Designated R-1 Zone.

3. Name of Property Owner(s): MICHAEL L. & SHIRLEY J. KELLY  
(If corporation, provide corporations' name and address and two officers of corporation)

Address: PO BOX 668

SWIFTWATER, PA 18370 Phone No.: 570-839-3575

4. Name of Applicant: SAME  
(If other than owner)

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

5. Applicant's Interest if other than owner. \_\_\_\_\_

6. Engineer, Architect, Land Surveyor, or Landscape Architect responsible for plan:

FRANK J. SMITH JR., INC.

Address: PO BOX 543

MARSHALLS CREEK, PA 18335 Phone No.: 570-223-8022

7. Total Acreage: 15.323 AC Total Number of Lots: 2

8. Acreage of adjoining land in same ownership (if any): 0

- 9. Type of Development Planned: Single Family:  \_\_\_\_\_
- Two-Family: \_\_\_\_\_
- Multi-Family: \_\_\_\_\_
- Commercial: \_\_\_\_\_
- Industrial: \_\_\_\_\_
- Other: \_\_\_\_\_

**POCONO TOWNSHIP LAND DEVELOPMENT APPLICATION**

10. Will construction of building be undertaken immediately \_\_\_\_\_ Yes  No

By Whom: \_\_\_\_\_ Person Subdividing  
\_\_\_\_\_ Other Developer  
\_\_\_\_\_ Purchasers of Individual lots

11. Type of water supply proposed: \_\_\_\_\_ Public (Municipal) system  
\_\_\_\_\_ Private (Centralized)  
\_\_\_\_\_  Individual (On Site)

12. Type of sanitary sewage disposal proposed: \_\_\_\_\_ Public (Municipal) system  
\_\_\_\_\_ Private (Centralized)  
\_\_\_\_\_  Individual (On Site)

13. Are all streets proposed for dedication: \_\_\_\_\_ Yes  No

14. Acreage proposed for park or other public or semi-public use as per Ordinance 121, Article IX, Section 3.212:

0

15. Present zoning classification and zoning changes, if any, to be requested:

16. Have appropriate public utilities been consulted:  Yes \_\_\_\_\_ No

17. Material accompanying this Land Development Application:

Number	Item
a) _____	Preliminary Plan
b) _____	Final Plan
c) <u>8</u>	Final Plan-Minor Subdivision
d) _____	Development Agreement
e) _____	Street Profiles and Cross-sections
f) _____	Other

18) List all subdivision standards and requirements which have not been met and for which a waiver or change is to be required:

The undersigned represents that to the best of his knowledge and belief, all the above statements are true and correct, and complete.

Date: 9/16/16

Signature of Owner or Applicant:

*Michael L. Kelly*  
(BY) MICHAEL L. KELLY

*Shirley J. Kelly*  
SHIRLEY J. KELLY



ADMINISTRATIVE CENTER  
1 Quaker Plaza, Room 106  
Stroudsburg, PA 18360-2169  
Phone: 570-517-3100  
Fax: 570-517-3858  
Email: mcpc@monroecountypa.gov

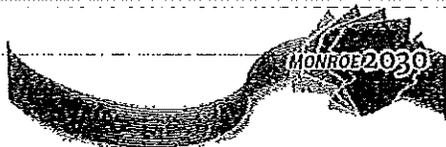
**MONROE COUNTY PLANNING COMMISSION**  
**RECEIPT OF PLAN SUBMITTAL**

Date Received 9/16/16  
Owner/Applicant Michael L. + Shirley J. Kelly  
Engineer Frank J. Smith Jr., Inc  
Project Name Michael L. + Shirley J. Kelly

Fee \$35 Check Number 1681  
Type of Plan Minor  
Acreage Approx 15 Lots -  
Received by [Signature]

(Revised 1/28/15)

# MCPC Subdivision and Land Development Review Checklist



Monroe County Planning Commission  
One Quaker Plaza, Room 106  
Stroudsburg, PA 18360  
Phone (570) 517-3100 Fax (570) 517-3858  
mcpc@monroecountypa.gov

<u>Completeness:</u>	<u>Copies Provided:</u>	<u>Date Received:</u>
2 copies – Plan Sets (1 copy for Minor Subdivisions)	<u>1</u>	
2 copies – MCPC Review Checklist	<u>1</u>	
Fee (\$300-LDP/Site/Majors) (\$35 – Minor Subdivisions)	<u>\$35</u>	
1 copy – PNDI	<u>1</u>	
2 copies – Other Supporting Documents	<u>1</u>	

General Information: MINOR SUBDIVISION OF LANDS OF MICHAEL L. KELLY AND  
 Project Name and Municipality: SHIRLEY J. KELLY, HUSBAND AND WIFE – POCONO TOWNSHIP  
 Property Location: 7113 MOSS DRIVE, SWIFTWATER  
 Zoning District: R-1 PIN: 12-6364-02-58-6137  
 Applicant: MICHAEL L. & SHIRLEY J. KELLY Phone: 570-839-3575  
 Address: PO BOX 668  
SWIFTWATER, PA 18370  
 Plan Prepared By: FRANK J. SMITH JR., INC. Contact Name: FRANK SMITH  
 Address: PO BOX 543 Phone/Fax: (570)223-8022 / 223-1375  
MARSHALLS CREEK, PA 18335 Email: franksmith@fjsmithinc.com  
 Brief description of project: CREATING LOT 2, TO BE CONVEYED TO CHRISTOPHER KELLY (THEIR SON)  
AS A RECREATION ONLY LOT.

Site Information:  
 Application Type: (Land Development, Major Subdivision, etc.....) MINOR SUBDIVISION  
 Is County completion of Planning Module Component 4B being requested as part of this plan? (YES/NO)  
 Development Type: (single-family, multi-family, commercial, etc.....) SINGLE FAMILY  
 Total Acreage of Site/Square Footage of Proposed Structures: 15.323 ACRES  
 Number of lots or units: 2 Building Height/No. of Stories: 35' MAX.  
 Length of new roads: 0 Zoning Use Class: X Permitted  
2.5% EXISTING Conditional  
Special Exception  
 Parking: (required/proposed/existing) EXISTING Has this plan been previously submitted/revised, if yes when:  
no  
 Method of Water Supply and provider: ON SITE  
 Method of Sewage Disposal and provider: ON SITE (NONE FOR LOT 2 AND LOT 1 HAS EXISTING)  
 Fire Protection: POCONO TOWNSHIP FIRE CO.  
 Is public transportation available in this area? NO If yes, describe any pick-up/drop-off points, bus shelters,  
 etc. being proposed. NO



RECEIVED  
SEP 13 2016

POCONO TOWNSHIP

2037 ROUTE 811  
SUITE 8, MERCHANTS PLAZA  
P.O. BOX 536  
TANNERSVILLE, PA 18372

TEL: (570) 820-0320  
FAX: (570) 820-0380  
www.royledurney.com

GEORGE ROYLE IV  
JEFFREY A. DURNEY  
GEOFFREY S. WORTHINGTON  
HILLARY A. HADDEN

September 13, 2016

VIA HAND DELIVERY

Charles Vogt, Esq.  
Township Manager  
Township of Pocono  
P. O. Box 197  
Tannersville, PA 18372

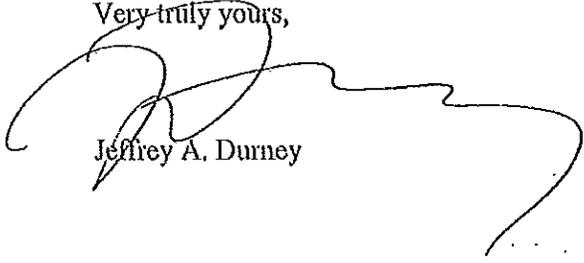
Re: Petition to Amend Zoning Ordinance

Dear Charlie:

Enclosed please find an original and five (5) copies of a Petition to Amend the Pocono Township Zoning Ordinance. Also enclosed is our check in the amount of \$1,000.00 in payment of the applicable fee. Kindly let us know when consideration of the Petition is scheduled before the Board of Commissioners and/or the Planning Commission.

If you have any questions, please feel free to contact me. Thank you.

Very truly yours,

  
Jeffrey A. Durney

Enclosures

ROYLE & DURNEY  
Jeffrey A. Durney, Esq.  
2937 Route 611  
Merchants Plaza – Suite 8  
P.O. Box 536  
Tannersville, PA 18372  
(570) 620-0320

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BEFORE THE POCONO TOWNSHIP BOARD OF COMMISSIONERS

IN RE: Application of Edward P. Abraham, Robert L. Hackenberg and Vincent J. Trapasso for a Text Amendment to the Pocono Township Zoning Ordinance of 2003 (Ordinance No. 110), as Amended, in Order to Permit a Treatment Center as a Conditional Use in the RD Recreation District of Pocono Township

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**PETITION OF EDWARD P. ABRAHAM, ROBERT L. HACKENBERG AND VINCENT J. TRAPASSO TO AMEND THE POCONO TOWNSHIP ZONING ORDINANCE OF 2003 (ORDINANCE NO. 110), AS AMENDED**

Petitioners, Edward P. Abraham, Robert L. Hackenberg and Vincent J. Trapasso, by and through their counsel, Royle & Durney, hereby petition the Board of Commissioners of Pocono Township to amend the text of the current Pocono Township Zoning Ordinance, more specifically, Section 404(B)(3), to permit a Treatment Center as a conditional use in the RD Recreation District, and in accordance therewith aver as follows:

1. The Petitioners are the equitable owners of the property made the subject of this Petition for Text Amendment (“Petition”), pursuant to an Agreement for Sale of Commercial Real Estate dated May 9, 2016. The record owner of the property is Silverleaf Resorts, Inc.

2. The property made subject of this Petition is comprised of a 232 acre parcel located along Route 611 and Brookdale Road in Pocono Township (the “Property”). The Property was formerly the Caesar’s Brookdale Resort.

3. The Property contains 119 guest rooms; dining facilities, administrative and support buildings, laundry facilities, maintenance buildings, a lake, recreation areas, open space and other miscellaneous improvements.

4. A portion of the Property located along Route 611 is zoned Commercial. The remainder of the Property is zoned RD Recreation District. All of the existing improvements on the Property are located within the RD Recreation District. The Property is accessed from State Route 611.

5. The Caesar's Brookdale Resort has been closed and the Property vacant since 2008.

6. Despite being listed for sale, no developer has sought to reopen the Property as a resort or any other type of use permitted in the RD Recreation District.

7. Given the industry trend toward modern resort facilities, such as Kalahari, Great Wolf and Camelback Lodge, the likelihood of the Property being reopened as a resort is remote.

8. The buildings on the Property have deteriorated and can be expected to continue to deteriorate absent a new owner taking over and making a significant investment in the Property.

9. The continued vacancy and non-use of the Property may create public safety issues for the Township, with a "ghost town" being a breeding ground for all kinds of unwanted activities.

10. The continued vacancy and non-use of the Property has deprived the Township of both a substantial employer and tax and other revenues generated by a fully-functioning property.

11. Petitioners have identified the Property, with its existing facilities, as an ideal location for a Treatment Center.

12. Petitioners intend to operate a Treatment Center (which is included in the definition of a Group Care Facility in the Zoning Ordinance) on the Property, which will provide treatment

for persons suffering from a dependency to drugs or alcohol. The facility will be licensed by the Commonwealth of Pennsylvania and subject to all state and federal regulations and will seek further accreditations of health care organizations.

13. All patients of the Treatment Center will be at the facility on a voluntary basis. Patients will be put through a vigorous screening process to ensure that they are appropriate candidates for the treatment services offered. The Treatment Center will not accept patients referred by a court for mandatory treatment as part of the disposition of their court cases.

14. The annual net fiscal impact of the Treatment Center will be favorable for Pocono Township as well as the Pocono Mountain School District.

15. The Treatment Center anticipates employing 80 to 100 people at the facility. A significant number of the jobs will be for professionals who are licensed and credentialed, such as doctors, nurses and counselors.

16. Petitioners will refurbish and use the existing structures on the Property, restoring the deteriorating resort and creating a first class treatment facility.

17. The Treatment Center will operate as a for-profit business and will not seek an exemption from real estate taxes, unlike other possible purchasers of the Property, such as a religious group that would seek a property tax exemption.

18. The traffic generated by the Treatment Center will be readily accommodated by existing roads and highways in the immediate vicinity of the Property under acceptable levels of service.

19. The Treatment Center will be a less intensive use than that of a resort or other permitted uses in the RD Recreation District. In this regard, the traffic in and out of the Treatment Center will largely be limited to employees arriving and departing from work. The

traffic at the Treatment Center will be significantly less than that of other permitted uses in the RD Recreation District such as a resort, amusement park, restaurant or water park, where customers come and go throughout the entire day.

20. Petitioners hereby request the Township to amend the text of the current Township Zoning Ordinance to permit a Treatment Center as a conditional use in the RD Recreation District.

21. A copy of the proposed text amendment to the Pocono Township Zoning Ordinance is attached hereto as Exhibit "A".

22. Treatment Centers, as Group Care Facilities, are already permitted uses as of right in the Commercial District under the current Zoning Ordinance.

23. While currently permitted by right in the Commercial District, a Treatment Center is better suited for larger parcels more commonly found in the RD Recreation District, which allow for more privacy and greater isolation distances to minimize any impact on neighboring properties.

24. By permitting a Treatment Center as a Conditional Use in the RD Recreation District, the Township will allow for the full utilization of the Property and derive the myriad positive impacts resulting from the restoration and utilization of the Property.

25. Among the uses already permitted by right in the RD Recreation District are transient dwelling accommodations, including resorts and lodges, multi-family dwellings, private clubs, and dormitories. In addition, planned residential development and boarding houses are permitted as conditional uses within the RD Recreation District.

26. The Treatment Center is a facility much like a resort, lodge or other uses already permitted as of right in the RD Recreation District. Allowing a Treatment Center in the RD

Recreation District is consistent with the other permitted uses and does not in any way burden or change the nature of the district.

27. Life Care Facilities are already permitted as a special exception in the RD Recreation District. Life Care Facilities are defined as:

A planned development designed for the elderly and/or disabled persons, which may include congregate residences, and/or full health and continuing care nursing home facilities. A Life Care Facility may also include accessory uses such as a community center, personal service shops, recreation areas and common open areas.

28. The Treatment Center will provide similar care and facilities as that provided by a Life Care Facility, including residential treatment and care for persons suffering from alcoholism or drug addiction.

29. In addition, in order for a Treatment Center to be approved as a conditional use, Section 516 of the Zoning Ordinance requires the property owner to prove, among other things, that the conditional use: (i) shall not adversely affect the character of the district, nor the conservation of property values; (ii) shall not adversely affect the health and safety of residents on adjacent properties or in the general neighborhood; (iii) shall conform with regulations applicable to the district where located; (iv) shall be compatible with adjoining development; (v) shall provide adequate landscaping and screening to protect adjoining areas; (vi) shall not jeopardize the public health, safety, welfare and convenience; and (vii) shall have facilities available to adequately service the property (e.g., fire, police and ambulance protection, sewer, water and other utilities, etc.).

30. Section 539(c) of the Zoning Ordinance further requires that a Treatment Center: (i) be sponsored and operated by an agency licensed by the applicable governmental program; (ii) have 24-hour on-site supervision by professionals trained to supervise the types of clients to be

served by the facility; and (iii) provide proof that sufficient staffing and other security measures will be provided if the facility will house persons presenting a physical threat to the safety of nonresidents.

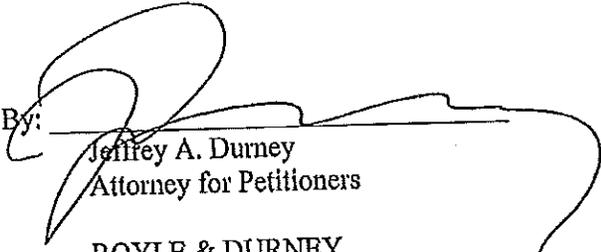
31. Petitioners' request to amend the Pocono Township Zoning Ordinance as set forth above is consistent with and compatible with the Multi-Municipal Comprehensive Plan of Hamilton Township, Stroud Township, Pocono Township and Stroudsburg Borough. Specifically, the amendment permitting the Treatment Center will, among other things: (i) enhance tax revenue from business development to balance the residential share of the property tax base, (ii) promote job creation for local residents, (iii) encourage the adaptive re-use of vacant and underutilized properties, (iv) relate economic development to available infrastructure, (v) attract and maintain desirable businesses, and (vi) facilitate opportunities for residents to obtain family sustaining jobs in a variety of appropriate employment fields.

32. Pursuant to Section 906 of the Pocono Township Zoning Ordinance and Section 609 of the Municipalities Planning Code, Petitioners request that this Petition be forwarded to the Pocono Township Planning Commission and the Monroe County Planning Commission so that they may provide their review of this proposed Zoning Ordinance Amendment.

WHEREFORE, Petitioners hereby request that the Board of Commissioners of Pocono Township amend its Zoning Ordinance as set forth above and to schedule a hearing thereon in accordance with the Pocono Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

Respectfully submitted,

Date: September 13, 2016

By: 

Jeffrey A. Durney  
Attorney for Petitioners

ROYLE & DURNEY  
2937 Route 611  
Merchants Plaza – Suite 8  
P.O. Box 536  
Tannersville, PA 18372

Telephone: (570) 620-0320  
Facsimile: (570) 620-0390  
Email: [jdurney@royledurney.com](mailto:jdurney@royledurney.com)

**EXHIBIT A**

**TOWNSHIP OF POCONO  
MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF POCONO TOWNSHIP  
AMENDING THE TOWNSHIP ZONING ORDINANCE**

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania that the Zoning Ordinance is hereby amended as follows:

WHEREAS, Section 906 of the Pocono Township Zoning Ordinance and Section 609 of the Municipalities Planning Code, 53 P.S. §106909, authorize the Township of Pocono to enact amendments to the Pocono Township Zoning Ordinance; and

WHEREAS, the Pocono Township Board of Commissioners has determined that it is in the best interests of the municipality to adopt this ordinance amending the Pocono Township Zoning Ordinance; and

WHEREAS, the Board of Commissioners of Pocono Township has determined that this Ordinance is generally consistent with the Township's Comprehensive Plan; and

WHEREAS, a public hearing was held for the purpose of considering this amendment to the Pocono Township Zoning Ordinance; and

WHEREAS, the Board of Commissioners of Pocono Township, after a public hearing, and after receipt of recommendations from the Pocono Township Planning Commission and the Monroe County Planning Commission, deems it appropriate and proper that the Zoning Ordinance be amended to permit Treatment Centers as a conditional use in the RD Recreation District and finds that such modification is in accordance with the spirit and intent of the Pocono Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania that the Pocono Township Zoning Ordinance is hereby amended as follows:

**1. TEXT AMENDMENT.**

Section 404(B)(3) of the Zoning Ordinance is hereby amended to add a new subsection 404(B)(3)(g), with Section 404(B)(3) being restated to read as follows:

"3. **Conditional Uses** – The following uses are permitted subject to the review and approval of the Board of Supervisors (see Section 516).

- a. Planned residential development (see Article VI).

- b. Boarding houses (see Section 525).
- c. Bed and breakfast establishments (see Section 524).
- d. Governmental uses (see Section 538).
- e. Agricultural operations (Farms) (see Section 519).
- f. Sign plaza (see Article VII).
- g. Treatment Centers (see Section 539(C)).”

2. SEVERABILITY. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The Board of Commissioners hereby declares that it would have passed this Amendment and each Section or part thereof, other than the part declared invalid, if the Board of Commissioners had advanced knowledge that any part would be declared invalid.

3. REPEALER. Any resolution, ordinance or part of any ordinance or resolution inconsistent herewith, and any amendments thereof, are hereby expressly repealed and the provisions of this Ordinance shall prevail.

4. RATIFICATION. In all other respects, the provisions of the Pocono Township Zoning Ordinance, as amended, shall remain in full force and effect.

5. EFFECTIVE DATE. This Zoning Ordinance shall become effective five (5) days after adoption.

ENACTED and ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**BOARD OF COMMISSIONERS OF POCONO TOWNSHIP**

By: \_\_\_\_\_  
Harold Werkheiser, President

By: \_\_\_\_\_  
Robert DeYoung, Vice President

By: \_\_\_\_\_  
Judi Coover

By: \_\_\_\_\_  
Gerald Lastowski

By: \_\_\_\_\_  
Ellen Gmandt

ATTEST;

\_\_\_\_\_  
Township Secretary

**Brian D. Courtright, P.L.S.**  
**Professional Land Surveyor**

P.O. Box 333  
Pocono Summit, PA 18346  
phone/fax (570) 839-9986  
Email: bdcsurveying@verizon.net

RECEIVED  
SEP 06 2016  
POCONO TOWNSHIP

To: Pocono Planning Commission  
From: Brian

September 6, 2016

RE: Amin Minor Subdivision

Dear Members:

We offer the following responses to the review letter from Jon Tressler, P.E., P.L.S. dated July 22, 2016:

**Subdivision and Land Development Ordinance**

- 1.
- 2.
3. The courses have been added to the plan.
4. Modification has been requested.
5. Easement has been added and flow arrows added to the plan.
6. Easements have been added to the plan. The note has been revised. The township requested the easements for their use therefore it should be the township's responsibility.

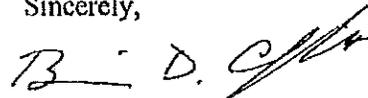
**Stormwater Management**

1. See note 19. Prior to any construction the Stormwater Management Ordinance will be complied with.

**Additional Comments**

1. The existing driveway is now labeled.
2. The FIRM panel number has been revised.
3. No watercourse is visible.
4. "Supervisors" have been replaced by "Commissioners"

Sincerely,



Brian D. Courtright, P.L.S.



**Boucher & James, Inc.**  
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY  
INNOVATIVE ENGINEERING

Fountainville Professional Building  
1456 Ferry Road, Building 500  
Doylestown, PA 18901  
215-345-9400  
Fax 215-345-9401

2738 Rimrock Drive  
Stroudsburg, PA 18360  
570-629-0300  
Fax 570-629-0306

559 Main Street, Suite 230  
Bethlehem, PA 18018  
610-419-9407  
Fax 610-419-9408

[www.bjengineers.com](http://www.bjengineers.com)

September 16, 2016

Ronald Swink, Chairman  
Pocono Township Planning Commission  
P.O. Box 197  
Tannersville, PA 18372

**SUBJECT: G.M. & KAILAS AMIN MINOR SUBDIVISION-REVIEW NO. 3  
POCONO TOWNSHIP, MONROE COUNTY, PENNSYLVANIA  
PROJECT NUMBER 1630002**

Dear Mr. Swink:

This review is our second follow-up to the initial review provided by T&M Associates dated May 19, 2016. Comments in this letter are limited to a determination of whether those comments have been adequately satisfied as discussed below. No new comments have been generated by this review.

The submitted information consists of the following items

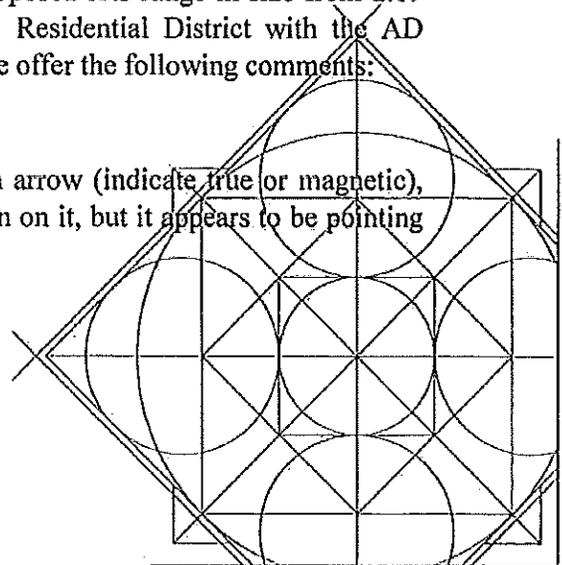
- Final Minor Subdivision Plan, Tax Map Parcel 6364-0080-1330, of Property Situate in Pocono Township, Monroe County Pennsylvania, prepared for G.M. & Kailas Amin prepared by Brian D. Courtright, P.L.S. last revised 8/26/16.
- Correspondence prepared by Brian D. Courtright, P.L.S. dated September 6, 2016.

The project consists of the division of an existing tract of land consisting of 25.67 Acres into 4 lots all with proposed frontage on Back Mountain Road. The proposed lots range in size from 2.19 Acres to 16.48 Acres. The property is located in the R-1 Residential District with the AD Recreation District to the east and the west of the property. We offer the following comments:

**SALDO**

1. Section 2.304.B.2 states the plan shall show a "North arrow (indicate true or magnetic), graphic scale, date." The plan has a north arrow shown on it, but it appears to be pointing in the wrong direction. Please correct the plan.

*Comment Satisfied.*



2. Section 2.304.B.3 states "A plat of the area proposed to be subdivided, including tract boundaries, and if appropriate, Street lines and names, Lot Lines, Right-of-way or easements (existing or proposed, if any), watercourses, lakes, swamp and wetland locations and names (if any), rock out crops and stone fields, location and description of any certified historic site or structure or certified natural feature." The plan submitted shows the existing right-of-way, but does not provide geometry of the existing right-of-way. The plan should also show additional future right-of-way (25 feet from the centerline of road), with geometry, and show the building restriction line from that future right-of-way line.

*Comment Satisfied.*

3. Section 2.304.8.4 states the plan shall show "Sufficient data, acceptable to the Engineer to determine readily the location, bearing and length of every boundary, Street and Lot Lines (based upon an accurate field survey, closed with an error not to exceed one in five thousand and balanced). All dimensions shall be shown in feet and hundredths of a foot with all bearings shown to the nearest one second of arc. The area of each Lot or parcel." The plans contain several distances missing. There plans do not contain enough information to check the lot closure. This information must be provided.

*Information is still missing from the plans. Distances alongside yards that intersect the road legal right-of-way and ultimate right-of-way are dimensioned variously to the legal right-of-way or the ultimate right-of-way somewhat indiscriminately. Distances need to be provided along the side line to both the ultimate right-of-way and legal right-of-way so lot closures for the lots, as well as the area reserved as the ultimate right-of-way, can be checked for closure. This also applies to distances along the legal rights-of-way and ultimate rights of way. Information is insufficient to check lot closures. (Previous Comment)*

*The missing information has been added to the Plans, however the following items must still be provided prior to lot closures being checked.*

- a. *The bearing and distance along the northeastern property line of proposed Lot 1 must be provided.*
- b. *The length along the northern property line of proposed Lot 2 having a bearing of S48°25'44"E is incorrect and must be revised.*
- c. *The total length along the western property line of the proposed Remaining Lands having a bearing of N17°19'47"E does not equal the sum of the individual distances along the same bearing, and must be revised.*
- d. *The measurement of the western property line of the proposed Remaining Lands having a bearing of N17°19'47"E, and between the rights-of-way and rear property line is not consistent with the 839.48 feet shown on the plan.*

- e. The total length along the northwestern property line of proposed Lot 3 having a bearing of N32°16'34"E is not equal to the sum of the individual distances along the same bearing, and must be revised.*
- f. The 637.02 feet along the southern property line of the proposed Remaining Lands must be removed.*
4. Section 3.206 states "The Applicant shall furnish six (6) copies of a Storm Water Drainage Plan and associated calculations to the Commission for review and analysis. Said plan shall comply with the Pocono Township Stormwater Management and Earth Disturbance Ordinance and shall also meet the Commonwealth of Pennsylvania Title 25, Chapter 102, Department of Environmental Protection requirements for an Erosion and Sedimentation Control Plan." No Storm Water Drainage Plan has been submitted. The Applicant has requested a Modification from the Stormwater Management Ordinance. See additional discussion below.
5. Section 3.207.A states "Drainage easements shall be provided adjacent to street rights-of-way as indicated and required by the drainage plans." Since no Drainage plan has been submitted it cannot be determined if any easements are required.

*Comment Satisfied.*

6. Section 3.207.8 states "Drainage easements a minimum of ten (10) feet in width shall be provided along Side and Rear Lot Line. Such easements shall immediately adjoin such Lot Lines." These required easements have not been shown on the plan.

*Note 20 has been added to the plans. However, the words "Construction and maintenance are the responsibility of Pocono Township." should be removed. (Previous comment)*

*The Applicant has not complied with this comment by removing the words "Construction and maintenance are the responsibility of Pocono Township." from Note 20. The Township Solicitor should offer an opinion.*

#### Stormwater Management Ordinance

This project is located in Subarea 5, Management District A of the Broadhead-McMichaels Watershed -Act 167 Stormwater Management Plan (SWMO). In District A, post development flows must be reduced to match predevelopment flows as follows: 2-year to 1-year, 5-year to 5-year, 10-year to 10-year, 25-year to 25-year, 50-year to 50-year, 100-year to 100- year. We offer the following comments:

1. According to Section 104.8 Subdivisions are "Regulated Activities" of Stormwater Management Ordinance, Ordinance No. 138. Section 202 defines a Subdivision as "The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development: Provided,

however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempt." The plan submitted meets the requirements of "Regulated Activities" and as such must submit a Stormwater Management Plan and supporting calculations. The Applicant has requested a Modification from the Stormwater Management Ordinance. See additional discussion below.

#### Modification Request

1. The applicant has submitted a Request for Modification from Section 104.8 of the Stormwater Management Ordinance, Ordinance No. 138. The applicant states in the "Request for Modification" the Justification for Relief is "The impervious surface on Lot 3 shouldn't exceed 5,000 Sq. Ft., Lots 2 & 3 are already improved and designing for a 16 acre parcel would be a waste of time. The house could be placed anywhere and would dramatically vary from any design." Section 901.A states "In order to permit the reasonable utilization of property, the Board of Supervisors (Commissioners) may grant a modification of the requirements of one or more provisions of this Ordinance if literal compliance will result in undue hardship or be unreasonable as it is applied to a particular property, or if the Applicant establishes to the satisfaction of the Board of Supervisors that an alternative proposal will allow for equal or better results, provided that such modification will not be contrary to the public interest and fulfills the purpose and intent of this Ordinance." Section 901.B of the Ordinance states "In granting any requested modification, the Board of Supervisors (Commissioners) may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance." Section 901.C.2 states "All requests for modification shall be made in writing, shall be signed by the Applicant, shall accompany the submission of the Stormwater Management Site Plan, and shall include: The specific modification desired and the proposed alternative." The Modification Request does state the specific modification desired, but does not propose an alternative way to substantially meet the objectives of the standards. The required information should be submitted or the applicant provide an alternative proposal for meeting the intent of the Ordinance. One possible option would be to place a note on the plan stating that any construction that will take place on each lot will take into consideration development of all lots within the subdivision.

*Note No. 19 has been added to the Plan. The Township should determine if this note is satisfactory to waive the need for a drainage study.*

#### General

1. The existing driveway on the proposed Lot 3 should be shown on the plan.

*Comment Satisfied.*

2. Note 9 on the plan list the Flood Plain Panel as 42089C266E. This should be revised to be 42089C253E.

*Comment Satisfied.*

3. Based on the contours shown on the plan it appears a drainage channel may cross the Remaining Lands and Lot 3. A drainage easement should be provided for this channel.  
*(Previous comment)*

*The requested drainage easement is not shown. The Applicant states that based on a field inspection "no water course is apparent."*

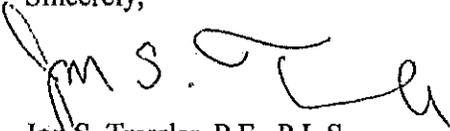
4. All references in the noted on the plan to Board of Supervisors must be changed to Board of Commissioners.

*Comment Satisfied.*

We recommend the above comments be addressed to the satisfaction of Pocono Township prior to the approval of the Minor Subdivision Plan.

If you should have any questions regarding the above comments, please contact me.

Sincerely,



Jon S. Tresslar, P.E., P.L.S.  
Township Engineer

JST/mep/cg

cc: Charles J. Vogt, Township Manager  
Pamela Finkbeiner –Township Secretary  
Leo DeVito, Esquire – Township Solicitor  
Lisa Pereira, Esquire, Broughal & DeVito, LLP  
Brian Courtright, P.L.S..  
G.M & Kailas Amin, Applicant



**Borton  
Lawson**  
ENGINEERING  
ARCHITECTURE

September 23, 2016

Pocono Township Commissioners  
P.O. Box 197  
112 Township Drive  
Tannersville, PA 18372

RE: Sanofi Pasteur, Inc. - Tier One Parking Deck Project

BL No.: 2016-2228-010

Dear Commissioners:

On behalf of our client, please accept this letter to extend plan review/approvals by Pocono Township for this project for sixty (60) days. The request is made to complete the plan approval process.

Should you have any questions, please do not hesitate to contact me at 484-821-0470, extension 2105.

Sincerely,

Aaron M. Sisler, P.E.  
Project Manager

Enclosure(s)  
AMS/dth

Bethlehem  
Pittsburgh  
State College  
Wilkes-Barre

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Bethlehem, PA 18017

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Fax: 484.821.0474

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