

**POCONO TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES  
DECEMBER 8<sup>th</sup>, 2014**

The Pocono Township Planning Commission Regular Meeting was held on December 8<sup>th</sup>, 2014, at the Pocono Township Municipal Building, Tannersville, PA, and opened by Ron Swink at 7:00 p.m. followed by the Pledge of Allegiance.

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

Lisa Pereira, Broughal & DeVito LLP, Township Solicitor; Tim Edinger, T&M Associates, Township Engineer; and Pamela Finkbeiner, Secretary were present.

**CORRESPONDENCE:** Municipal Planning Fundamentals Workshop - Marie Guidry and Jeremy Sawicki will attend.

**RIGHT-OF-WAYS:** Fee Simple verse dedicated easement - L. Pereira, Twp. Solicitor, noted Fee simple acquisitions allows the Township to take ownership of the easement for future roadway improvements. S. Gilliland stated with the dedicated easement, the owner needs to agree. If the owner does not, the easement would be obtained by condemnation. L. Pereira noted it would only apply to land development plans. T. Edinger, Twp. Engineer, explained fee simple will impact lots which are presently separated by a Township road. The fee simple acquisition creates a Defacto lot when a property is divided by a roadway, in some cases the Defacto lot created may be unbuildable. J. Sawicki made a motion, seconded by S. Gilliland, to recommend the Board of Commissioners consider a Fee Simple easement for future road right of ways. All in favor. Motion carried.

**MINUTES:** B. DeYoung made a motion, seconded by S. Gilliland, to approve the minutes of the 11/24/2014 Regular meeting. All in favor. Motion carried.

**NEW PLANS AND SUBMISSIONS FOR PLANNING COMMISSION REVIEW:**

John Strubert Lot Line Adjustment Plan - Plan fee paid. Professional Service agreement and escrow received. Carl Fergoni, Twp. Zoning Officer, provided a letter dated 12/08/2014. The Plan is for a lot line adjustment and sewer and water easements. Property owner John Strubert represented the plan. T. Edinger, Twp. engineer, had concerns with plan. He noted: 1) Pocono Creek Buffer as per the Stormwater management ordinance; 2) Right-of-way along the Pocono Lane; 3) Sewer laterals. J. Strubert stated the garage does not have septic at the present time; 4) Shady Lane bisect the properties; 5) Water laterals from one lot to the other; and 6) ZO letter - Variance for the "additional non-conformities created".

T. Edinger noted the use of Fee Simple to obtain right-of-ways would create 4 non-conforming lots if applied to Shady Lane. J. Schubert noted both Shady Lane and Pocono Lane are private roads. T. Edinger noted the Fee Simple would not apply to private roads.

R. Swink questioned the design of the laterals. T. Edinger recommended the plan stay at the Planning Commission until the issues can be addressed.

T. Munoz made a motion, seconded by M. Guidry, to accept the John Strubert Lot Line Adjustment Plan. All in favor. Motion carried.

T. Edinger will not provide a letter of acceptance for the Strubert Lot Line Adjustment Plan since the plan was accepted at the P.C. meeting.

**FINAL PLANS UNDER CONSIDERATION:**

Hart Minor Subdivision Plan - Plan accepted at the 09/22/2014 meeting. T&M review letter dated 12/04/2014 for revised plan was received. The Zoning issues were not addressed. Time extension letter received until 2/1/15. Don Pensyl, Surveyor, represented the plan. T. Edinger, Twp. Engineer, referred to his amended letter:

A. (Comment 5) Parcel 'B' does not close - computer closure sheets were not provided. D. Pensyl will provide the computer closure sheets.

B. (Comment 7) Reference to Supervisors to be changed to Commissioners.

C. (Comment 8) Overall (Consolidated) Harrigan Lot is not clearly denoted. D. Pensyl will make the changed.

D. (Comment 12) Parent tract septic system.

R. Swink noted he walked the Tract and questioned the wetlands in the rear portion of the property. T. Edinger stated did not see any wetlands on the property during his site visit. D. Pensyl stated there are no watercourses or wetlands on the property.

L. Pereira, Twp. Solicitor, requested a signature block for the MCPC approval and a signature block for the Harrigans.

J. Sawicki made a motion, seconded by T. Munoz, to recommend approval of the Hart Minor Subdivision Plan with the conditions of the Twp. Engineer's letter of 12/04/2014 be addressed and the addition of the Signature blocks for MCPC approval and the Harrigan's signatures. All in favor. Motion carried.

T. Edinger explained the Plan would go before the Commissioners by Resolution at the 12/15/2014 meeting. The Resolution will contain the conditions of approval. The Conditions of the Resolution will need to be met before the plan and deed are recorded.

Robbins Minor Subdivision Plan - Robbins Final Minor Subdivision Plan - Plan fee paid. Professional Service Agreement and escrow paid. T&M Associates' review letter of 12/04/2014 received. Terry Martin, Martin & Robbins, P.L.S., represented the plan and presented a revised plan based on the Twp. Engineer's letter of 12/04/2014. The plan is to settle the estate of Mark Robbins. Discussion on the impact of Fee Simple for easements along Abeel Road. A Fee Simple easement would create a Defacto from Lot 1. The Defacto lot may not buildable. T. Martin noted the property is in Act 319 and a 'subdivision' by Fee Simple may change the property's Act 319 status. A proposed easement if offered on the plan. L. Pereira noted by law, any plan submitted before an ordinance or policy is adopted is not effected. P. Finkbeiner questioned if a lot is caused to be non-conforming with a Fee Simple dedication. L. Pereira stated those lots would become a legal non-conforming lot of record since the Township created it. T. Martin stated Abeel Road has a 33' right-of-way and the plan shows an 8.5' strip reserved for future road widening. Discussion followed as to the size of easements, creation of additional non-conforming lots, and non-

**ROBBINS CONT:**

buildable lots. T. Edinger noted on Rt. 611 and Rt. 715 a developer may need additional easements for their road improvements. L. Pereira noted the Township can refuse the offer of Fee Simple. R. Swink noted it will be at least 45 days until a policy is set and will not affect the plan. M. Guidry made a motion, seconded by J. Sawicki, to recommend approval of the Robbins Minor Subdivision, conditioned upon all comments of the Twp. Engineer's letter of 12/04/2014 be addressed. All in favor. Motion carried.

P. Finkbeiner will confirm with Gregg Schuster, Twp. Manager, that the plans can be placed on the agenda for the 12/15/2014 meeting.

**PRELIMINARY PLANS UNDER CONSIDERATION:**

Sheldon Kopelson, Planned Residential Development (Lot 1) - Plan accepted at the 8/12/13 P.C. meeting. A time extension has been granted until 6/30/15. No resubmission has been made by the applicant. L. Pereira, Twp. Solicitor, is working with the developer to set up a meeting to discuss the project. M. Guidry made a motion, seconded by J. Sawicki, to table the Sheldon Kopelson, Planned Residential Development (Lot 1). All in favor. Motion carried.

Sheldon Kopelson, Minor Subdivision Plan - Plan was accepted at the 08/13/13 P.C. meeting. A time extension has been granted until 6/30/15. The configuration of the Lot 3 is dependent on the Route 715 realignment. No new submission has been made.

Sheldon Kopelson, Commercial Development (Lot 3) - Plan was accepted at the 08/13/2013 P.C. meeting. A time extension has been granted until 06/30/2015. The configuration of the minor subdivision is dependent on the Route 715 realignment.

T. Munoz made a motion, seconded by S. Gilliland, to table the Minor Subdivision Plan, and Commercial Development (Lot 3). All in favor. Motion carried.

**PRESENTATION OF SKETCH PLANS - None**

**PRESENTATION OF VARIANCE, SPECIAL EXCEPTIONS, CONDITIONAL USE, ET AL, APPLICATIONS - None**

**NEW BUSINESS - M. Guidry questions concerning the Strubert plan.**

B. DeYoung questioned the sewer EDU reductions approved at the Commissioner's meeting. T. Edinger, Twp. Engineer, noted there is a formal process to request a reduction in the EDU allotment.

S. Gilliland asked if Hamilton Township contributed to the sewer system. P. Finkbeiner noted the Pocono/Hamilton Township's sewer project included several properties in Hamilton Township. Pocono will collect the fees from the users in Hamilton Township.

T. Munoz announced he has accepted the position of Chief of Staff for Senator-elect Mario Scavello. He will submit his letter of resignation to the Board of Commissioners in the near future. The Board congratulated T. Munoz on his new position and thanked him for his service on the Pocono Township Planning Commission.

**PUBLIC COMMENT:** Randy Peechakta spoke concerning the PJJWA. M. Guidry requested P. Finkbeiner to contact G. Schuster, Twp. manager, on the status of Pocono Logistics' hookup to the water authority.

**UNFINISHED BUSINESS** - The Board reviewed the draft sign ordinance up to section 704. Next Sign Ordinance workshop is 12/18/2014 at 7:00 p.m. at the Pocono Township Municipal Building.

**ADJOURNMENT:** J. Sawicki made a motion, seconded by S. Gilliland, to adjourn the meeting at 9:05 p.m., until 12/22/2014 at 7:00PM at the Pocono Township Municipal Building, Tannersville, Pennsylvania. All in favor. Motion carried.

Respectfully submitted  
Pamela Finkbeiner  
Secretary