

**Pocono Township Board of Commissioners
Regular Meeting Minutes
February 6, 2023 | 6:22 p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on February 6, 2023 and was opened by Jerrod Belvin at 6:22 p.m. followed by the Pledge of Allegiance.

Roll Call: Jerrod Belvin, present; Ellen Gnadtt, present; Jerry Lastowski, present; Keith Meeker, present; and Rich Wielebinski, present via zoom.

In Attendance: Taylor Munoz, Township Manager; Leo DeVito, Township Solicitor; Jon Tresslar, Township Engineer; Judy Acosta, Zoning; Shawn Goucher, Acting Chief of Police; Patrick Briegel, Public Works Director; and Jennifer Gambino, Administrative Assistant.

Public Comment – None

Announcements

- The Township ice skating rink at TLC Park is open 8:00 a.m. to 9:00 p.m. daily on a weather-permitting basis. Please follow the Township Facebook page or call the office to check on its status.

Presentations – None

Hearings

- Ordinance 2023-01 – Curative Amendment Hearing – Consideration and adoption of Ordinance 2023-01 amending the Code of Ordinances of Pocono Township, Chapter 470, Zoning, to add definitions for truck terminal/distribution and warehouse, to add provisions related to uses not regulated, to create a new Enterprise Park Overlay District, to add regulations for truck terminal/distribution and warehouse uses, to amend the schedule of uses to add truck terminal/distribution and warehouse uses, to amend the Township zoning map to add the Enterprise Park Overlay District, and repealing all ordinances or parts of ordinances inconsistent therewith.

J. Belvin made a motion, seconded by E. Gnadtt, to open public hearing. All in favor. Motion carried.

L. DeVito provided a summary of the process for developing the curative amendment. In September of 2022, the Township acknowledged its zoning ordinance defective as it pertains to warehouses/truck terminals/distribution facilities. The BOC memorialized the deficiencies via a Resolution that declared a municipal curative amendment. The Township had six months to draft, review and advertise the required zoning amendment related to those uses. The Township developed a comprehensive amendment and overlay district, which further delineated the difference between a warehouse in a traditional sense of the term versus a truck terminal use to describe distribution facilities. Established a conditional use process which requires a hearing before the Board of Commissioners. The proposal was vetted through the Township and County Planning Commissions, with additional public feedback solicited. The public hearing was advertised on two occasions and properties were posted accordingly with notice to the property owners.

E. Gnadtt asked for clarification regarding the role of the Board of Commissioners in the conditional use process and new applications for truck terminal developments. Thanked all who were involved in the curative amendment.

J. Belvin thanked the Township professionals involved and staff for their work. Asked for clarification regarding environmental provisions and language included within the ordinance.

Public Comment on Curative Amendment

Lonnie Christian (Resident) – Stated concerns with terminology within the Ordinance.

Marie Guidry (Resident) – Complimented the staff and those involved in developing the Ordinance language.

Dave Dixon (Resident) – Asked for clarification regarding the conditional use process and whether certain conditions can be re-visited if additional issues arise. Suggested the Township carefully consider the components of the conditional use process.

Abby Jones (Penn Future) – Thanked the Township for undertaking the curative amendment process. Stated the Township's approach is constructive, including energy-efficient construction processes, and commended use of overlay district. Expressed concerns about impacts to water and sensitive environmental features.

Kyle Hoyt (Non-Resident) – Represents the Old Dominion property on SR 715. Expressed concerns about the ordinance impact to their existing truck terminal property, particularly on any future plans.

Lisa Bucholz (Jackson Resident) – On behalf of the Pocono Regional Citizens Group, it has been a privilege to watch Pocono Township undertake this process. Commended the Township for their work.

J. Belvin made a motion, seconded by J. Lastowski, to close the public hearing. All in favor. Motion carried.

J. Belvin made a motion, seconded by J. Lastowski, to adopt Ordinance 2023-01 Amending the Code of Ordinances of Pocono Township, Chapter 470, Zoning, to add definitions for truck terminal/distribution and warehouse, to add provisions related to uses not regulated, to create a new Enterprise Park Overlay District, to add regulations for truck terminal/distribution and warehouse uses, to amend the schedule of uses to add truck terminal/distribution and warehouse uses, to amend the Township zoning map to add the Enterprise Park Overlay District, and repealing all ordinances or parts of ordinances inconsistent therewith. All in favor. Motion carried.

Resolutions

J. Belvin made a motion, seconded by K. Meeker, to approve Resolution 2023-02 Granting Conditional Approval of the Sanofi Pasteur, Inc. B-83 Cold Storage Building Preliminary/Final Land Development Plan. All in favor. Motion carried.

J. Belvin made a motion, seconded by K. Meeker, to approve Resolution 2023-03 Granting Conditional Approval of the Sanofi Pasteur, Inc. B-87 Line 10 Building Preliminary/Final Land Development Plan. All in favor. Motion carried.

Resolution 2023-04 – Applicant described review process that began in August 2022. Worked with Township engineer and staff on use-by-right convenience store and gas station, went through two zoning hearing board proceedings and received unanimous approval by the Planning Commission for waiver requests. E. Gndant asked for clarification on various waiver requests. R. Wielebinski thanked the applicant for installing sidewalks and asked whether applicant would be willing to change out the traffic light mast arms with decorative poles.

J. Belvin made a motion, seconded by K. Meeker, to approve Resolution 2023-04 Granting Conditional Approval of the Cherry Lane Development Partners – 2977 Route 611 (Tannersville Wawa) Preliminary/Final Land Development Plan. Roll call: J. Belvin, yes; E. Gndant, no; J. Lastowski, yes; K. Meeker, yes; R. Wielebinski, yes. Motion carried.

- Resolution 2023-05 – Motion to approve Resolution 2023-05 Granting an additional extension of time for the Conditional Approval of the Running Lane, LLC Preliminary/Final Land Development Plan.

No representative present for discussion.

E. Gandt made a motion, seconded by J. Belvin, to table until next BOC meeting. Motion withdrawn.

J. Belvin made a motion, seconded by K. Meeker, to approve Resolution 2023-05 granting an additional three-month extension for conditional approval of the Running Lane, LLC Preliminary/Final Land Development Plan. J. Lastowski asked for clarification. R. Wielebinski suggested the Township reach out to the applicant. All in favor. Motion carried.

Consent Agenda

- Motion to approve a consent agenda of the following items:
 - Old business consisting of the minutes of the January 17, 2023 meeting of the Board of Commissioners.
 - Financial transactions through February 2, 2023 as presented, including ratification of general fund expenditures, sewer operating expenditures and gross payroll; vouchers payable, sewer operating expenditures, construction fund expenditures, capital reserve expenditures and transfers.

J. Belvin made a motion, seconded by K. Meeker, to approve the consent agenda. All in favor. Motion carried.

NEW BUSINESS

1. Personnel

J. Belvin made a motion, seconded by R. Wielebinski, to ratify a contract with Patrick Briegel as the Pocono Township Public Works Director, overseeing the Road Crew, Sewer Department and Parks, at a salary of \$105,000 with standard Township benefits. All in favor. Motion carried.

2. Travel/Training Authorizations

- 2023 PSATS Conference (FYI only)
 - Township Manager, Public Works Director, and Emergency Management Coordinator to attend.
 - Will evaluate whether to send Road Crew personnel once full session schedule released.

Report of the President

Richard Wielebinski

- Discussion and possible action regarding the purchase of a new sweeper truck – Process paused for now while due diligence is performed on various sweeper options.
- Discussion and possible action regarding an MOU for the position of Road Crew Foreman.

R. Wielebinski made a motion, seconded by J. Belvin, to approve MOU for the position of Road Crew Foreman. Discussion regarding rate differential for Jim Loysen of \$3.00 specific to Jim Loysen. All in favor. Motion carried.

Commissioner Comments - None

Reports

Zoning

A Zoning Hearing is scheduled for February 16, 2023 for Five Below. Applicant requesting a sign variance for Crossings location.

Two civil complaints coming up, including Birchwood enforcement action. Described enforcement being conducted on additional short term rental issues. Filing an additional civil complaint this week for 11 Bull Pine regarding STR issues.

E. Gndt asked about the status of advertising signs on SR 611.

Police Report

- General police updates. Provided police report and year over year comparisons for 2021 and 2022. Currently implementing new RMS system.

Ambulance Report

- Report was emailed to BOC previously.

Public Works Report

- Interview and appointment of new Foreman and Assistant Foreman positions is now complete.
- Advertisement for vacant Road Crew position will be posted within the next week.
- Current Public Works projects – Completing trimming along the roadways. Performed drainage work on Laurel Lake Road to fix issue with runoff freezing on the road. Hauling material from Gaunt Road for Township projects. Working on Traisr implementation for Public Works.
- Mountain View Park updates
 - Installation of new slide now complete.
 - Update – MVP fencing project – No update.
- TLC Park updates – Working with Township Manager and engineer to resolve items.

Administration – Manager’s Report

- Discussion and possible action regarding the acceptance of a \$6,200 PennDOT offer for obtaining of right-of-way for the replacement of the bridge over Pocono Creek on SR 715 adjacent to TLC Park – E. Gndt asked whether the Township solicitor and engineer should review.

J. Lastowski made a motion, seconded by R. Wielebinski, to accept PennDOT’s offer. All in favor. Motion carried.

J. Lastowski made a motion, seconded by J. Belvin, to open the agenda for advertising of Spring and Fall Cleanups. All in favor. Motion carried.

J. Lastowski made a motion, seconded by J. Belvin, giving authorization to put out for public bid the Spring and Fall Cleanups. All in favor. Motion carried.

Township Engineer Report

- Sidewalk installation for Wendy’s and Turkey Hill. Wendy’s on hold. Turkey Hill to submit a concept plan.
- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement.
 - Easement needed from adjoining property owner (Lovito).

- Update – TASA SR 611 sidewalk project. Had meeting with coordinator last week and expect to have a design in the next couple weeks for review. PennDOT has a list of requirements for pedestrian lighting along SR 611.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonville Avenue. On hold.

Township Solicitor Report

- Zoning Hearing Board updates.
 - Recap – Medina & Alvarez sought permission to use property zoned R-1 as a short-term rental. Had zoning hearing and request was denied.
 - February 16, 2023 – Cima Network, Inc. seeking variance from the ordinance restricting wall signs to a maximum of 50 square feet.
- Discussion regarding preparation of an ordinance codifying BCRA's public water service area for consistency with the Township's central sewage (Act 537) service area. Discussion regarding what properties would be affected if service area mirrored the Township's sewage service area.
- Update – Tobyhanna Act 537 Sewage Capacity Request. Pending litigation.
- Update – Closing for sale of Bartonville Avenue parcel. Will be closed by end of this week.
- Update – Johnson Appeal Commonwealth Court argument. No word from Court.
- Update – PJJWA transfer agreement. At next meeting, Township will be enacting an ordinance to authorize this transaction transferring the water system.

Completed oral arguments in front of Judge Zulick regarding the Grossi STR issue.

Sent a letter to a local business that was using the Township logo as their own. Sent a letter citing intellectual property issues and the logo was changed.

Public Comment

Matt Burkbeck (Resident) – Indicated there are two homes in his neighborhood running short term rentals. Both continue to operate. Asked whether the Township can proactively tell individuals they cannot put in a short term rental prior to investing resources into construction.

Dave Dixon (Resident) – Discussed short term rental concerns and process for reporting violations.

Adjournment

J. Belvin made a motion, seconded by E. Gndt, to adjourn the meeting at 8:58 p.m. All in favor. Motion carried.