

MOUNT POCONO BOROUGH PLANNING COMMISSION  
RE-ORGANIZATION & REGULAR MEETING AGENDA  
Wednesday, April 20, 2022 – 7:00 PM

LOCATION: Borough Building located at 1361 Pocono Blvd, Mount Pocono

1. Call to Order
2. Pledge of Allegiance
3. Reorganization
  - a. Chair
  - b. Vice Chair
  - c. Borough Council Liaison
  - d. Zoning Hearing Board Liaison
4. Roll Call  
\_\_\_\_ M. Penn, \_\_\_\_ P. Bucco, \_\_\_\_ R. Dorkoski, \_\_\_\_ E. Melbert, \_\_\_\_ A. M. Harris,  
\_\_\_\_ D. Staples, \_\_\_\_ T. Cramer, \_\_\_\_ C. Connor, \_\_\_\_ C. Niclaus, \_\_\_\_ A. Wilkinson, \_\_\_\_ J. Walker
5. Preliminary Announcements
6. Consider Approval of Minutes – Regular Meeting Minutes
  - a. December 15, 2021
7. Unfinished Business
  - a. Bizio
    - i. Review Minor Subdivision Plan
    - ii. Review Land Development Plan
8. New Business
  - a. Rezoning for 94 Winona
  - b. 3360 SR 940 Short Term Rental Conditional Use
  - c. Popeye’s Land Development Plan
  - d. Annual Report
9. Liaison Reports
  - a. Borough Council
  - b. Zoning Hearing Board
10. Public Participation
11. Adjournment

**MOUNT POCONO PLANNING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, DECEMBER 15, 2021  
7:06 P.M.**

Chair M. Penn opened the meeting at 7:06 P.M. at the Pocono Mountain Volunteer Fire Hall with the following members present: Vice Chair P. Bucco; Commissioners; H. Velasco and, D. Staples; Commissioner A.M. Harris via Google Meet. Also, present were; Solicitor H. C. Connor; Zoning Officer A. Wilkinson; and, Planning Commission Secretary J. Walker.

Absent: Commissioner R. Dorkoski; Borough Engineer C. Niclaus.

**PRELIMINARY ANNOUNCEMENTS** - None

**APPROVAL OF MINUTES**

Vice Chair P. Bucco moved to approve the regular Planning Commission minutes of October 27, 2021, as presented. Commissioner H. Velasco seconded. Motion carried unanimously.

Vice Chair P. Bucco moved to approve the regular Planning Commission minutes of November 17, 2021, as presented. Commissioner D. Staples seconded. Motion carried unanimously.

**OLD BUSINESS**

**Clarius – Land Development Plan/ Minor Subdivision Plan**

Planning Commission acknowledged the time extension request from the Applicant.

Commissioner D. Staples moved to accept the time extension until February 24, 2022 or thirty days beyond the current ninety-day expiration date of January 25, 2022 for process the subdivision and land development plans for the Clarius project. Vice Chair P. Bucco seconded. Motion carried unanimously.

**Bizio Land Development Plan**

Per the suggestion from Solicitor H. C. Connor, Vice Chair P. Bucco moved to amend the agenda to include the Bizio Land Development Plan. Commissioner D. Staples seconded. Motion carried unanimously.

Vice Chair P. Bucco moved to table the Bizio Land Development Plan. Commissioner D. Staples seconded. Motion carried unanimously.

**NEW BUSINESS**

**Conditional Use – 39 Seneca Road – Short-Term Rental**

After Zoning Officer A. Wilkinson explained that the Applicant is seeking approval of conditional use for the short-term rental at 39 Seneca Road. There was discussion on possible conditions.

Vice Chair P. Bucco moved to recommend to Borough Council the following conditions for the Conditional Use 39 Seneca Road Short-Term Rental: insert a bear box for the trash; erect a fencing in the backyard; a minimum 24-hour waiting period in between rentals to allow for proper cleaning; and, the Applicant must notify additional neighbors for the Conditional Use Hearing. Commissioner D. Staples seconded. Motion carried unanimously.

**PROJECT UPDATES**

Zoning Officer A. Wilkinson gave an update on all the listed projects. She added an item regarding conversations she had with the new owner of 153 Sterling (old site of Malcolm's Hairdressing). He purchased that parcel, which is zoned C-1, but also purchased some of the adjoining lots, which are currently zoned R-1 since they back up to the Pine Hill

**MOUNT POCONO PLANNING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, DECEMBER 15, 2021  
7:06 P.M.**

residential development. Zoning Officer sent owner some basic information regarding pursuing re-zoning, nothing has been received to date.

**LIAISON REPORTS**

**Borough Council** - None

**Zoning Hearing Board** - None

**PUBLIC PARTICIPATION**

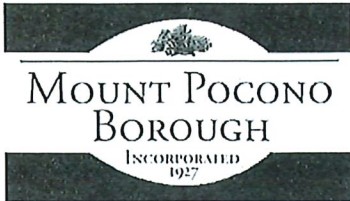
**Borough Secretary J. Walker** – noted that there is one vacancy and that he contacted both Commissioners R. Dorkoski and H. Velasco as their term ends on December 31, 2021 and asked if they would be interested on staying on the Board. Commissioner H. Velasco may be interested in being an Alternate Member. He also noted that he hasn't received a response from Commissioner R. Dorkoski.

None

There being no public participation and no further business coming before the Planning Commission, Vice Chair P. Bucco moved to adjourn at 8:11 P.M. Commissioner D. Staples seconded. Motion carried unanimously.

Respectfully submitted,

Joshua Walker  
Planning Commission Secretary



# Land Development Application

## Project Information

Name of Proposed Development: Minor Subdivision Plan, Lands of Stanislaw Bizio

PIN # 10-6355-08-89-1353, 10-6355-08-89-0279, 10-6355-08-89-1233

Proposed Number of Lots 1 Location/Street 22 Sterling Street

Other \_\_\_\_\_

## Applicant/Owner

First Name Stanislaw

Last Name Bizio

Address 3 Candlewood Avenue

City/State/Zip Mount Pocono, PA 18344

Phone 646-208-3301 Alt Phone \_\_\_\_\_

Email stbizio@aol.com

RECEIVED

NOV 03 2021

MT. POCONO BOROUGH

## Engineer/Contact

First Name Nate

Last Name Oiler

Company RKR Hess, a division of UTRS Inc.

Cell Phone 570-656-3393 Work Phone 570-421-1550 ex 1101

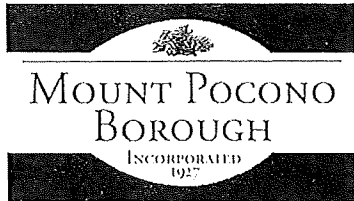
Email noiler@rkrhess.com

FILE COPY

## Office Use Only:

Application Fee (\$) \$167<sup>00</sup> (CK #107) Date Paid: 11/2/21

Deposit (\$) \$1,050<sup>00</sup> (CK #108) Date Paid: 11/2/21



# Land Development Application

## Narrative of Project

The Applicant would like to combine three adjoining properties that he owns into one lot.

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100 West Broad Street, Suite 200, Hazleton, PA 18201  
570.455.2999 570.454.9979  
barryisett.com

RECEIVED  
FEB 15 2022  
MT. POCONO BOROUGH

February 15, 2022  
Project #313618.008

Planning Commission  
Mount Pocono Borough  
1361 Pocono Boulevard  
Mount Pocono, PA 18344

Dear Planning Commission Members:

**RE: BIZIO MINOR SUBDIVISION PLAN**  
Mount Pocono Borough, Monroe County, Pennsylvania  
Subdivision Plan Review 2

**Materials Submitted for Review**

1. Minor Subdivision Plan, sheet 1 of 1, dated 1/26/22, prepared by RKR Hess
2. Response letter, dated 1/26/22

The project proposes a Lot Improvement Subdivision, or Minor Subdivision, for the three tax map parcels owned by Mr. Bizio on the west side of Rt. 196 (Sterling Road) approximately 1,000 feet north of the intersection with Rt. 611 and Rt. 940 (FivePoints), also bordering Rt. 611 to the west, bearing the identification numbers 10-6355-08-89-1353, 6355-08-89-0279 and 63-55-08-89-1233. The lots include a residential structure that fronts Rt. 611 to the west, a commercial building fronting Rt. 196 and a vacant parcel to the south fronting a Rt. 196 spur. The subject lots include 0.58 acres in area and are located adjacent to an existing gas station that also accesses the Rt. 196 spur. The lots are within the C-2 Commercial - General zoning district.

Based upon our review, the following comments are offered in *italics* for the revisions received:

**Zoning Ordinance Review**

1. The minimum lot area in the C-2 zone is 22,000 sf, or 0.505 acres. Each of the existing lots is non-conforming. The new lot acreage after combination/subdivision will be 0.58 acres and become conforming. *Addressed.*
2. The existing buildings have non-conforming front and / or side, yard setbacks. The lot combination will have no have effect on this. The Planning Commission should discuss whether the actual setbacks should be listed and/or dimensioned on the plan. *Addressed.*
3. Two or more uses on a lot have restrictions on the type of residential structure allowed that differs from what exists (215-20.C(4)). Can a simple plan note that states "Residence to be removed" or "Proposed commercial building" be added for what I'm assuming is a residence? *Addressed.*

4. The lot combination will allow for commercial development of the lot that is restricted for non-conforming lots where the Owner cannot own adjoining property (215-69.B.(1). *Addressed.*
5. Proposed lot coverage should be noted. *Addressed.*

The above comments are informational only. The Zoning Officer shall be the jurisdictional entity on Zoning requirements.

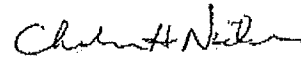
### **Subdivision and Land Development Ordinance (SALDO)**

1. The owner's affidavit shall be in such form as required by the Council upon the recommendation of the Borough Solicitor, and it shall include a reference to the lot numbers of the subject lots (being joined) and the plat book and page number where the map is recorded (187-25). This section doesn't necessarily follow the direction of the next comment 2 regarding section 187-31. The label "*Proposed Lot C*" should be revised to "*Existing Lot C*" on the layout plan.
2. The plan requirements set forth in **187-31** for minor subdivisions shall also apply to lot improvement subdivisions. In addition, copies of the deeds prepared for recording shall be provided and said deeds shall affect the lot improvements on the approved plans and shall be recorded along with the approved plans (187-32). *Addressed.*
3. One additional monument is recommended at the radius tangent point on Route 611 (187-31.B(13) and 187-49.A(4)(a). *Addressed.*
4. The project area soil type and classification should be listed (187-31.B(25)). *Addressed.*
5. Wetlands are not addressed and probably not applicable, but in the absence of any note otherwise, the following note should be added: "*The developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Borough Council shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Borough of Mount Pocono shall have no liability or responsibility for the same to the developer or purchaser(s).*" (187-31.B(19)). *Addressed.*
6. Clear sight triangles should be addressed (187-31.B(20) and B(30)(b)). *Clear sight triangles are addressed with the Land Development Plan.*
7. Utility and drainage easements should be noted (187-31.B(30)(d)). *Addressed.*
8. The provision of sidewalks should be discussed (187-55, 187-48X). *Sidewalks are addressed with the Land Development Plan.*

These comments are made with the understanding that all features are accurately displayed on the submitted plans and that they comply with all current laws, regulations, and currently acceptable professional land surveying and engineering practices. Other comments may be added as additional information becomes available or should change.

Please do not hesitate to contact me at our office (272-200-2012) if you should have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Niclaus".

Charles Niclaus, P.E.  
Borough Engineer  
Barry Isett & Associates, Inc.





100 West Broad Street, Suite 200, Hazleton, PA 18201  
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barryisett.com

February 3, 2022  
Project #313618.008

RECEIVED  
FEB 03 2022  
MT. POCONO BOROUGH

Planning Commission  
Mount Pocono Borough  
1361 Pocono Boulevard  
Mount Pocono, PA 18344

Dear Planning Commission Members:

**RE: B PLAZA IMPROVEMENTS**

Mount Pocono Borough, Monroe County, Pennsylvania  
Land Development Plan Review #2 (revised)

**Materials Submitted for Review**

- Letter of Transmittal, dated 1/26/22
- Land Development Plan Response Letter, dated 1/26/22, prepared by RKR Hess
- Waiver Requests, 4, dated 1/26/22
- Trip Generation Calculations
- Land Development Plan Set, dated 1/26/22, prepared by RKR Hess
- Consumptive Use Form, dated 1/26/22
- Drainage Application, dated 1/26/22

The project proposes an addition to an existing commercial building located on the west side of Rt. 196 (Sterling Road) approximately 1,000 feet north of the intersection with Rt. 611 and Rt. 940 (FivePoints), bearing the tax map parcels 10-6355-08-89-1353, 6355-08-89-0279 and 63-55-08-89-1233. It appears a residential structure would be removed that fronts Rt. 611 to facilitate parking for the expansion. The subject lots include 0.58 acres in area that is proposed to be combined and are located adjacent to an existing gas station where a new access point is proposed. The lots are within the C-2 Commercial - General zoning district.

The submission is being reviewed for conformance with the Borough Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO), and Stormwater Management Ordinance. The following comments are offered in *italics* for the revisions received:

**Zoning Ordinance**

1. The existing building has non-conforming front yard setbacks. Dimensions should be shown. (215-Attachment 2). *Addressed, dimensions have been added to Sheet C.EX.01.*
2. A traffic impact study is required for 50 trip ends peak hour or 500 trip ends per day (215-41). A trip generation analysis for the proposed use should be provided to confirm whether this would apply. *Addressed, trip generation calculations submitted.*

3. The fire department should be consulted on the suitability of circulation for the site. **Has the Fire Department responded?**
4. A residential driveway from Rt. 611 and a commercial driveway from Rt. 196 are being removed in favor of a single access to a PennDOT right-of-way (r.o.w.) opposite a driveway of the adjacent gas station. PennDOT will have to approve any changes to their highway r.o.w. and access through a Highway Occupancy Permit application (215-22 H. [3]). The status of this application should be discussed. *A copy of the application is to be provided upon submission. PennDOT approval is necessary.*

The above comments are informational only. The Zoning Officer shall be the jurisdictional entity on Zoning requirements.

### **Subdivision and Land Development Ordinance (SALDO)**

1. Sewage service construction plan approval is required from the Mount Pocono Municipal Authority (MPMA) if a new service line to the addition is planned along with confirmation of EDU payment (187-29.F (6)). *Addressed, no new lines proposed.*
2. Water service construction plan approval is required from PA American if a new service line to the addition is planned or a new meter pit (187-29.F (7)). *Addressed, no new lines proposed.*
3. Easements should be shown for the drainage improvements outside of the lot area and PennDOT approval of such (187-29.G (4)). **PennDOT easements are to be provided and PennDOT approval is necessary.**
4. A Highway Occupancy Permit is needed for the proposed driveway (187-29.G (15)). *A copy of the permit is to be provided. PennDOT approval is necessary.*
5. A trip generation analysis should be provided to confirm if a traffic impact study is necessary (187-29.G (17)). *Addressed, trip generation calculations provided.*
6. The Planning Commission can comment on the necessity of an environmental impact statement, but this is a mostly disturbed site with limited natural resources (187-29.G (18)). *The response letter indicates that this should not be necessary. The Planning Commission should confirm.*
7. Clear sight triangles should be shown and noted for intersections (187-30.C (1)f) and (2)b). *Unique configuration of the site is the basis of a requested waiver. The Planning Commission should review this request and make a recommendation to Borough Council for consideration of approval, for which I have no objection.*
8. A note should be added to the plan stating: *All lots shown on this plan are subject to the rules and regulations contained in the Borough of Mount Pocono Zoning Ordinance. (187-30.C (2)h). Addressed.*
9. A note should be added to the plan stating: *The developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Borough Council shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Borough of Mount Pocono shall have no liability or responsibility for the same to the developer or purchaser(s). Addressed.*

10. As-Built plans will be required after construction. The cost of as-built plans should be included in the Development Agreement and Cost Opinion (187-33.1 and 187-37). *A note has been added to Sheet C.S.01. **The cost and as-built requirement will be included in the Development Agreement when submitted.***
11. An Improvements Construction Guarantee is required (187-34 and 187-37). **The cost and security requirement will be included in the Development Agreement when submitted.**
12. A Land Development Improvements Agreement is required (187-42). **The Development Agreement will be required before Final Plan approval.**
13. The distance between the centerlines of the driveway and nearest intersecting streets will need a waiver request (187-48 (Q)). As previously discussed, this was considered a preferred location for the driveway. *A waiver request has been submitted for the unique configuration of this property* **The Planning Commission should review this request and make a recommendation to Borough Council for consideration of approval, for which I have no objection.**
14. Sidewalks have been provided around three sides of the property along existing roads. The Planning Commission may wish to discuss why the sidewalks were left just short of the property lines in two areas (187-48.W and X). *The response letter suggests providing an easement for the shortage due to grading concerns.* **The Planning Commission should review this request.**
15. Monuments and Markers are proposed at missing lot corners. It is recommended that a monument be set at the Route 611 boundary where it is less likely to be disturbed by a nearby travelway (187-49). *Addressed.*
16. Drainage easement width and location for natural drainageways should be reviewed by the Planning Commission (187-50.D (5)). *The response letter indicates there are no natural drainageways. The existing features plan has grading, and the Stormwater report has calculations that indicate pre-existing storm flows cross the existing parking lot and enter the PennDOT right-of-way. The plans propose a bypass storm system within the subject property to effectuate the flow discharge. A drainage easement assures that the Borough can gain access to or maintain conditions that might prevent the natural pre-existing drainage flow path in the event the property owner fails to maintain such. A stormwater covenant per comment 20 below would also address this concern.* **Not addressed.**
17. Drainage improvements in the PennDOT right-of-way need to be approved (187-50.D(8)). **A copy of the HOP application will be provided upon submission along with a copy of the permit when received.**
18. Drainage easements should be provided along lot lines (187-50.D(10)). *Addressed.*
19. A stormwater maintenance agreement will be required (187-50.E (1)). **See attached sample agreement and memorandum of fee for the agreement.**
20. Stormwater maintenance shall be included as part of a deed to the property (187-50.E (3)). **A stormwater covenant on plan sheet C.S.01 that will be recorded could serve the same purpose.**
21. Soil erosion and sedimentation control plans shall be approved as adequate by the Monroe County Conservation District (MCCD) (187-51). **Approval by MCCD is required.**

22. At the final approval stage, an executed agreement with the MPMA shall be submitted for Sewer service (187-53). *Addressed.*
23. The 20' buffer plantings shown appear to meet 187-56.F requirements but were not tabulated like the other Landscape requirements noted. *Addressed.*
24. A recreation facility fee will be applicable for this project in the amount of \$0.25 per square foot of impervious area (187-61, Res #8 2017). **The approximate proposed 15,000 sf of impervious area, if lessened by the 11,000 sf of existing impervious area, would equate to \$1,000.00 for the recreation fee if interpreted that way by Borough Council.**
25. A waiver request has been submitted for a smaller size than the specified 10' x 20' parking spaces for the parking lot. The waiver justification is reasonable given the pre-existing parking conditions and unique lot configuration (87-62.1.B(4)). ***The Planning Commission should review this request and make a recommendation to Borough Council for consideration of approval, for which I have no objection.***
26. The number of parking spaces proposed exceeds the average constructed number of 17 and proposes the maximum reserve number of 20 (187-62.1(d)). ***Borough Council should review this modification.***
27. Access to the site requires a Highway Occupancy Permit (187-62.1.H(3)). ***PennDOT approval is necessary.***

#### **Stormwater Management Ordinance**

1. Stormwater management facilities are subject to PennDOT approval (179-10.I) ***PennDOT approval is necessary.***
2. Limiting Zones (LZ) were left blank on the infiltration forms. It appears that the intent was to use the full depth of the excavations as the LZ. The third infiltration test was subject to a water seep and failed but is not being used for infiltration design (179-13). Other requirements of this section are not met, but the limitations of the site leaves very few, if any, options otherwise. A waiver request is recommended or a note could be added to the plan requiring testing during construction when the site is at somewhat finished grade and more conducive to perform the testing. *A waiver request has been submitted with reasonable justification. The Planning Commission should review this request and make a recommendation to Borough Council for consideration of approval, for which I have no objection.*
3. A 1.0 ft. freeboard is required for all stormwater facilities (179-16.A). A waiver would be appropriate for the specific conditions of this project if requested. *A waiver request has been submitted with reasonable justification. The Planning Commission should review this request and make a recommendation to Borough Council for consideration of approval, for which I have no objection.*
4. A blanket stormwater easement is recommended for the site in the form of a note on the Site Plan (179-16.F). ***A more comprehensive Stormwater covenant is recommended that covers other noted concerns herein. Feel free to call me on this.***
5. A Consumptive Use Tracking Report has not been submitted (179-18). *Addressed.*
6. A plan note should be added acknowledging that any revision to the approved drainage plan must be approved by the municipality and that a revised E&S Plan must be submitted to the conservation district for a determination of adequacy (179-21.B(24)). *Addressed.*

7. The following certification should be added to the plan: "*I, (Design Engineer), on this date (date of signature); hereby certify that the drainage plan meets all design standards and criteria of the Brodhead/Tobyhanna Watershed Act 167 Stormwater Management Ordinance.*" (179-21). *Addressed.*
8. A declaration of adequacy and highway occupancy permit from the PennDOT District Office when utilization of a PennDOT storm drainage system is proposed (179-21(5)). ***PennDOT approval is necessary.***
9. A Municipal Stormwater maintenance fund will be required (179-32). ***See attached sample agreement and memorandum of fee for the agreement.***
10. A Drainage Plan application is required with the appropriate fee (App C and 179-27). ***An application has been submitted; the fee can be addressed with the Borough. The application was reviewed and would be considered satisfactory if signed.***

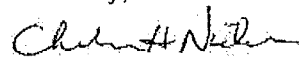
### General

1. ***The PennDOT Highway Occupancy permit required for this project will likely take a long review time and affects numerous required features of this project. Time extension waivers for approval should allow for this timeframe.***
2. ***The applicant shall file the final record plan with the Monroe County Recorder of Deeds within 90 calendar days of the date of endorsement by the Council and provide to the Borough proof of such recording within 15 calendar days of such recording. If the applicant fails to record the final record plan in the Recorder's office within the required ninety-calendar-day period, the action of the Council shall be deemed null and void and a resubmission of the plan shall be made to the Planning Commission (187-24.0). The Drawing Index should check the plans to be recorded and the Owner's signature date should coincide with the Final Plan date.***

These comments are made with the understanding that all features are accurately displayed on the submitted plans and that they comply with all current laws, regulations, and currently acceptable professional land surveying and engineering practices. Other comments may be added as additional information becomes available or should changes occur.

Please do not hesitate to contact me at our office (272-200-2012) if you should have any questions regarding this letter.

Sincerely,



Charles Niclaus, P.E.  
Borough Engineer  
Barry Isett & Associates, Inc.



525 Main Street, Suite 200, Stroudsburg, PA 18360  
272.200.2050 272.200.2051  
barryisett.com

RECEIVED  
FEB 02 2022  
MT. POCONO BOROUGH

February 1, 2022  
Project #313618.008

Mount Pocono Borough Council  
1361 Pocono Boulevard  
Mount Pocono, PA 18344

Dear Council Members:

**RE: B PLAZA IMPROVEMENTS**

Mount Pocono Borough, Monroe County, Pennsylvania  
Stormwater Maintenance Agreement

In accordance with Section 179-32A of the Mt. Pocono Borough Code, the developer is required to make a payment to the municipal storm water maintenance fund to help defray the cost of periodic inspections and maintenance costs. Pursuant to Section 179-32A(1), the cost for periodic inspections over a 10 year period has been estimated at \$750.00 per year for a total escrow fund requirement of \$7,500.00. See also the following Code sections for reference:

1. A stormwater maintenance agreement is required (187-30 G.).
2. A drainage facilities maintenance escrow fund is required (187-40 A(3)).
3. Maintenance of stormwater control facilities must be noted and become a deed covenant (187-50 E.).
4. The execution of a maintenance agreement is required before final approval, along with an associated maintenance fund (179-29, 31 & 32 & Appendix A). See 179 Attachment 1 form (following 3 pages).

Please do not hesitate to contact me at our office at 272-200-2012 if you should have any questions regarding this letter.

Sincerely,

Charles Niclaus, P.E.  
Borough Engineer  
Barry Isett & Associates, Inc.

STORMWATER MANAGEMENT

179 Attachment 1

Borough of Mount Pocono

APPENDIX A

STANDARD STORMWATER FACILITIES MAINTENANCE AND MONITORING  
FOR PRIVATELY OWNED STORMWATER FACILITIES AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, (hereinafter the "Landowner"), and Borough of Mount Pocono, Monroe County, Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Monroe County, Pennsylvania, Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Subdivision/Land Development Plan (hereinafter "Plan") for the \_\_\_\_\_ Subdivision which is expressly made a part hereof, as approved or to be approved by the Municipality, provides for detention or retention of stormwater within the confines of the Property; and

WHEREAS, the Municipality and the Landowner, his successors and assigns agree that the health, safety, and welfare of the residents of the Municipality require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the Municipality requires, through the implementation of the **Brodhead and Tobyhanna Watershed Stormwater Management Plan**, that **stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner, his successors and assigns.**

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner, his successors and assigns, in accordance with the terms, conditions and specifications identified in the Plan.
2. The Landowner, his successors and assigns, shall maintain the stormwater management facilities in good working condition, acceptable to the Municipality so that they are performing their design functions

## MOUNT POCONO CODE

3. The Landowner, his successors and assigns, hereby grants permission to the Municipality, its authorized agents and employees, upon presentation of proper identification, to enter upon the Property at reasonable times, and to inspect the stormwater management facilities whenever the Municipality deems necessary. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structures, pond areas, access roads, etc. When inspections are conducted, the Municipality shall give the Landowner, his successors and assigns, copies of the inspection report with findings and evaluations. At a minimum, maintenance inspections may be performed in accordance with the following schedule:
  - Annually for the first 5 years after the construction of the stormwater facilities,
  - Once every 2 years thereafter, or
  - During or immediately upon the cessation of a 50 year or greater precipitation event.

If any deficiencies the municipality shall notify the landowner by written notification within 30 days to correct said deficiencies.
4. All reasonable costs for said inspections shall be born by the Landowner and payable to the Municipality.
5. The owner shall convey to the municipality easements and/or rights-of-way to assure access for periodic inspections by the municipality and maintenance, when required.
6. The Landowner, his successors and assigns, will perform maintenance in accordance with the maintenance schedule for the stormwater management facilities including sediment removal as outlined on the approved schedule and/or Subdivision/Land Development Plan.
7. In the event the Landowner, his successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to the Municipality, the Municipality may enter upon the Property and take such necessary and prudent action to maintain said stormwater management facilities and to charge the costs of the maintenance and/or repairs to the Landowner, his successors and assigns. This provision shall not be construed as to allow the Municipality to erect any structure of a permanent nature on the land of the Landowner, outside of any easement belonging to the Municipality. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
8. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like on account of the Landowner's or his successors' and assigns' failure to perform such work, the Landowner, his successors and assigns, shall reimburse the Municipality upon demand, within 30 days of receipt of invoice thereof, for all costs incurred by the Municipality hereunder. If not paid within said 30-day period, the Municipality may enter a lien against the property in the amount of such costs, or may proceed to recover his costs through proceedings in equity or at law.
9. The Landowner, his successors and assigns, shall indemnify the Municipality and its agents and employees against any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the Municipality for the construction, presence, existence or maintenance of the stormwater management facilities by the Landowner, its successors and assigns.
10. In the event a claim is asserted against the Municipality, its agents or employees, the Municipality shall promptly notify the Landowner, his successors and assigns, and they shall defend, at their own expense, any suit based on such claim. If any judgment or claims against the Municipality, his agents or employees shall be allowed, the Landowner, his successors and assigns shall pay all judgments, costs and expenses in connection therewith.
11. In the event of an emergency or the occurrence of special or unusual circumstances or situations, the Municipality may enter the Property, if the Landowner is not immediately available, without notification or



STORMWATER MANAGEMENT

identification, to inspect and perform necessary maintenance and repairs, if needed, when the health, safety or welfare of the citizens is at jeopardy. However, the Municipality shall notify the landowner of any inspection, maintenance, or repair undertaken within ten (10) days of the activity. The Landowner shall reimburse the Municipality for its costs within (30) days.

This Agreement shall be recorded among the land records of Monroe County, Pennsylvania and shall constitute a covenant running with the Land and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality;

\_\_\_\_\_

(SEAL)

For the Landowner;

\_\_\_\_\_

ATTEST:

Borough of Mount Pocono

County of Monroe, Pennsylvania

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, do hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing Agreement bearing date of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me in my said County and State.

GIVEN UNDER MY HAND THIS \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_

NOTARY PUBLIC

(SEAL)

# RKRHESS

A DIVISION OF  UTRS

RECEIVED  
JAN 19 2022  
MT. POCONO BOROUGH

January 18, 2022  
Project No. 10622.004

Mount Pocono Borough  
1361 Pocono Borough, Suite 100  
Mount Pocono, PA 18344

**ATTENTION: ALEXIS WILKINSON, ZONING OFFICER**

**SUBJECT: B PLAZA IMPROVEMENTS  
LAND DEVELOPMENT & MINOR SUBDIVISION APPLICATION REVIEW WAIVER**

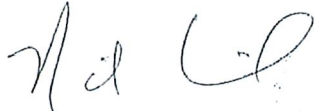
Dear Alexis:

I am writing to you on behalf of Stanislaw Bizio to waive the specific requirement as set forth in the Mount Pocono Borough Subdivision and Land Development Regulations and the Municipalities Planning Code requiring a decision by you within ninety (90) days from the date of the Land Development Plan and Minor Subdivision submission receipt date.

We agree to waive the requirement that the Board of Commissioners render a decision on our plan within the time specified in the Ordinance and Municipalities Planning Code until May 3, 2022.

Very truly yours,

**R.K.R. HESS, a division of UTRS. Inc.**



Nathan S. Oiler, PE  
Director of Land Development Engineering Services

P:\PA\Monroe Co\Mt Pocono Bor\Bizio\10622.004 Lot Imp Subd-LD App\Project Info\Permit Applications\2022-01-18 MPB Rev Time Waiver LTR.docx

**MOUNT POCONO BOROUGH SALDO WAIVER REQUEST**  
**Bizio Land Development**  
**1-26-2022**

**Stormwater Management Ordinance (SWMO) Section: 179-13.A.1.(c) and 179-13.A.2**

*179-13.A.1.(c) - Site specific infiltration tests shall be run at the level of the proposed infiltration surface and shall be in accordance with ASTM Guide No. D5126 to determine the appropriate hydraulic conductivity rate.*

*179-13.A.2 - A minimum depth of 24 inches shall be maintained between the bottom of the infiltration BMP and the limiting zone of the soil.*

**Waiver Request:** Three (3) soil probes were performed along the downhill side of the existing property. These test pits were dug to a depth of 11-feet with no limiting zone encountered. The infiltration tests were performed at depths of 78" (TP1), 90" (TP2) and 72" (TP3). In order to meet the infiltration requirement of the stormwater management ordinance, a sub-surface infiltration facility (Basin B) is proposed. Basin B is proposed with a bottom elevation at 1832.50. TP1 is located within the proposed limits of Basin B.

**179-13.A.1.(c)** - Although, the bottom of Basin B only provides approximately 1.3-feet of separation from the soil probe bottom, no limiting zone was encountered. In addition, it is not anticipated that a limiting zone will be encountered within the next 0.7-feet given the soil horizons found in TP1. Therefore, we are requesting a waiver from providing a minimum depth of 24 inches between the bottom of the infiltration BMP and the limiting zone of the soil.

**179-13.A.2** - The soil probe depth at TP1 was down to approximate elevation 1831.2 while the infiltration test was performed at approximate elevation 1835.70. However, given the soil probe results showed a consistent soil horizon from depths of 72" down to the bottom, it is reasonable to assume the infiltration rates would be consistent throughout the soil horizon. Therefore, we are requesting a waiver from providing an infiltration test at the level of the proposed infiltration surface.

Recommended for approval:

\_\_\_\_\_  
Mount Pocono Borough Planning Commission

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_  
Mt Pocono Borough Council

\_\_\_\_\_  
Date

**MOUNT POCONO BOROUGH SALDO WAIVER REQUEST**  
**Bizio Land Development**  
**1-26-2022**

**Stormwater Management Ordinance (SWMO) Section: 179-16.A**

*The height of embankment must provide a minimum of 1 foot of freeboard above the maximum pool elevation, computed when the facility functions for the one-hundred-year proposed conditions inflow.*

**Waiver Request:** Basins C and D are provided to meet the release rate reductions required by the Stormwater Management Ordinance. Basin C is only 2-feet deep and captures runoff from a small upslope drainage area consisting of mostly pervious surface. In addition, the water surface elevation (WSE) in Basin C is approximately 1.2-feet and provides approximately 0.8-feet of freeboard during the 100-year design storm. Likewise, a majority of Basin D is only 2.4-feet deep and captures upslope offsite runoff from the PennDOT ROW. In addition, the water surface elevation (WSE) in Basin D is approximately 1.7-feet and provides approximately 0.7-feet of freeboard during the 100-year design storm. Given the SR 196 spur downslope of the proposed development, required sidewalk along the property frontage and inverts of the existing stormwater conveyance system, it is not practical to modify the basins to accommodate this requirement. Therefore, we are requesting a waiver from providing the required freeboard in this ordinance section.

Recommended for approval:

\_\_\_\_\_  
Mount Pocono Borough Planning Commission

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_  
Mt Pocono Borough Council

\_\_\_\_\_  
Date

**MOUNT POCONO BOROUGH SALDO WAIVER REQUEST**  
**Bizio Land Development**  
**1-26-2022**

**Subdivision and Land Development Ordinance (SALDO) Section: 187-48(Q)(8)**

*Minimum distance from non residential driveway to nearest intersecting street right of way – Arterial – 300 ft*

**Waiver Request:**

The property is unique as it is located between SR 611 and SR 196 with right of ways along 3 sides of the property. At the PennDOT Scoping Meeting, PennDOT indicated that access to the property would be limited to the SR 196 spur as shown on the land development plans. The distance between the nearest right of way lines for SR 611 & SR 196 is +/-122 ft.

A waiver is requested to allow the driveway to be closer than 300 ft to the nearest right of way lines.

Recommended for approval:

\_\_\_\_\_  
Mount Pocono Borough Planning Commission

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_  
Mt Pocono Borough Council

\_\_\_\_\_  
Date

**MOUNT POCONO BOROUGH SALDO WAIVER REQUEST**  
**Bizio Land Development**  
**1-26-2022**

**Subdivision and Land Development Ordinance (SALDO) Section: 187-48(P)**

*Clear Sight Triangle*

**Waiver Request:**

The property is uniquely configured being fronted on three sides by PennDOT roads (SR 611 and SR 196). The driveway will be located on the short spur of SR 196 with controlled stop sign intersections in both directions along the spur. The sight triangle/distance requirements at the driveway will be controlled by PennDOT.

A waiver is requested from the Borough's clear sight triangle requirements.

Recommended for approval:

\_\_\_\_\_

Mount Pocono Borough Planning Commission

\_\_\_\_\_

Date

Approved by:

\_\_\_\_\_

Mt Pocono Borough Council

\_\_\_\_\_

Date

January 26, 2022  
Project No: 10622.004

Mount Pocono Borough  
1361 Pocono Boulevard  
Mount Pocono, PA 18344

**ATTENTION: PLANNING COMMISSION**

**SUBJECT: B PLAZA IMPROVEMENTS  
LAND DEVELOPMENT PLAN, REVIEW #1**

Dear Planning Commission Members:

We are in receipt of Barry Isett & Associates Inc 12-14-2021 review letter and offer the following responses. For clarification we have repeated the comments.

### Zoning Ordinance

1. Commercial Retail and Offices are permitted uses in the C-2 zone.

**Response: No response required.**

2. The existing building has non-conforming front yard setbacks. Dimensions should be shown. (215-Attachment 2).

**Response: Dimensions have been added to sheet C.EX.01**

3. The size of parking spaces proposed does not meet the 10 feet x 20 feet minimum (215-22B. [4]), unless designed as required in the specified section. Specified section requirements appear to have been met for this unique lot with pre-existing parking conditions. See also SALDO comments for a Waiver Request.

**Response: A waiver has been previously requested for the parking space size.**

4. The number of parking spaces proposed meets 85<sup>th</sup> percentile requirements for retail and office (215, Attachment 4). The average values would require 3 less spaces. See SALDO comment 28.

**Response: No response required.**

5. A traffic impact study is required for 50 trip ends peak hour or 500 trip ends per day (215-41). A trip generation analysis for the proposed use should be provided to confirm whether this would apply.

**Response: Trip generation calculations are provided with this submission.**

6. The fire department should be consulted on the suitability of circulation for the site.

**Response: The fire department has been provided a copy of the land development plan for comments.**

7. A residential driveway from Rt. 611 and a commercial driveway from Rt. 196 are being removed in favor of a single access to a PennDOT right-of-way (r.o.w.) opposite a driveway of the adjacent gas station. PennDOT will have to approve any changes to their highway r.o.w. and access through a Highway Occupancy Permit application (215-22 H. [3]). The status of this application should be discussed.

**Response: An application for a Highway Occupancy Permit is being prepared and a copy will be provided to the Borough upon submission to PennDOT.**

**Subdivision and Land Development Ordinance (SALDO)**

1. Sewage service construction plan approval is required from the Mount Pocono Municipal Authority (MPMA) if a new service line to the addition is planned along with confirmation of EDU payment (187-29.F (6)).

**Response: It is anticipated that the existing sewer line will be utilized for the new addition. The project is being coordinated with MPMA.**

2. Water service construction plan approval is required from PA American if a new service line to the addition is planned or a new meter pit (187-29.F (7)).

**Response: It is anticipated that the existing water line will be utilized for the new addition.**

3. Easements should be shown for the drainage improvements outside of the lot area and PennDOT approval of such (187-29.G (4)). A blanket easement should be noted for access and maintenance to the facilities (187-29.G (13)).

**Response: The drainage improvements in the PennDOT right of way will be included as part of the PennDOT HOP application and any required PennDOT easements will be provided.**

4. A Highway Occupancy Permit is needed for the proposed driveway (187-29.G (15)).

**Response: An application for a Highway Occupancy Permit is being prepared and a copy will be provided to the Borough upon submission to PennDOT.**

5. A Plan for maintenance of improvements is required (187-29.G (16)).

**Response: There is no open land or recreation land proposed on this site (187-41).**

6. A trip generation analysis should be provided to confirm if a traffic impact study is necessary



(187-29.G (17)).

**Response:** Trip generation calculations are provided with this submission. It is not anticipated that a traffic impact study will be required.

7. The Planning Commission can comment on the necessity of an environmental impact statement, but this is a mostly disturbed site with limited natural resources (187-29.G (18)).

**Response:** The site is currently developed and we don't believe an environmental impact statement outlining impacts to natural resources is necessary for this site.

8. Clear sight triangles should be shown and noted for intersections (187-30.C (1)f) and (2)b).

**Response:** The sight distance requirements will be controlled by PennDOT. Due to the unique configuration of this site, the sight distance requirements do not apply. The driver at the driveway can see to the stop sign controlled intersection either side of the driveway. A waiver request has been included with this submission.

9. A note should be added to the plan stating: *All lots shown on this plan are subject to the rules and regulations contained in the Borough of Mount Pocono Zoning Ordinance.* (187-30.C (2)h).

**Response:** The note has been added to Sheet C.S.01 (Note 7).

10. A note should be added to the plan stating: *The developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Borough Council shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Borough of Mount Pocono shall have no liability or responsibility for the same to the developer or purchaser(s)."*

**Response:** The note has been added to Sheet C.S.01 (Note 8).

11. As-Built plans will be required after construction. The cost of as-built plans should be included in the Development Agreement and Cost Opinion (187-33.1 and 187-37).

**Response:** A note has been added to Sheet C.S.01 (Note 10) that as built plans will be required after construction. The cost will be included in the Development Agreement and the Opinion of Cost.

12. An Improvements Construction Guarantee is required (187-34 and 187-37).

**Response:** An Improvements Construction Guarantee will be provided prior to final approval.

13. A Land Development Improvements Agreement is required (187-42).

**Response:** A Land Development Improvements Agreement will be provided prior to final approval.

14. The distance between the centerlines of the driveway and nearest intersecting streets will

need a waiver request (187-48 (Q)). As previously discussed, this was considered a preferred location for the driveway.

**Response:** **A waiver request for the distance between the driveway centerline and the nearest intersecting streets is included with this submission.**

15. Sidewalks have been provided around three sides of the property along existing roads. The Planning Commission may wish to discuss why the sidewalks were left just short of the property lines in two areas (187-48.W and X).

**Response:** **Due to the grading impacts on the adjoining properties that will be required to construct a compliant sidewalk, the sidewalk have been stopped short of the property line. The applicant is willing to provide a grading/sidewalk easement on his property to allow for the extension of the sidewalk onto the adjoining properties if desired in the future.**

16. Monuments and Markers are proposed at missing lot corners. It is recommended that a monument be set at the Route 611 boundary where it is less likely to be disturbed by a nearby travelway (187-49).

**Response:** **A monument has been added on the Route 611 boundary.**

17. Stormwater Management is governed by Chapter 179 (187-50.A).

**Response:** **No response required.**

18. Drainage easement width and location for natural drainageways should be reviewed by the Planning Commission (187-50.D (5)).

**Response:** **There are no natural drainageways on the site.**

19. Drainage improvements in the PennDOT right-of-way need to be approved (187-50.D(8)).

**Response:** **The drainage improvements in the PennDOT right of way will be included as part of the PennDOT HOP application.**

20. Drainage easements should be provided along lot lines (187-50.D(10)).

**Response:** **A drainage easement has been provided along the side/rear lot lines.**

21. A stormwater maintenance agreement will be required (187-50.E (1)).

**Response:** **Please confirm if Borough will draft the agreement or if a sample agreement will be provided to the Applicant. A Stormwater Maintenance Agreement will be provided prior to final approval.**

22. Stormwater maintenance shall be included as part of a deed to the property (187-50.E (3)).

**Response:** See comment 21.

23. Soil erosion and sedimentation control plans shall be approved as adequate by the Monroe County Conservation District (MCCD) (187-51).

**Response:** The plans have been submitted to the Monroe County Conservation District. The approval will be provided to the Borough upon receipt.

24. At the final approval stage, an executed agreement with the MPMA shall be submitted for Sewer service (187-53).

**Response:** MPMA has indicated an agreement is not required if the existing line is utilized.

25. The 20' buffer plantings shown appear to meet 187-56.F requirements but were not tabulated like the other Landscape requirements noted.

**Response:** The Landscape Requirement Table has been updated to include the buffer plantings.

26. A recreation facility fee will be applicable for this project in the amount of \$0.25 per square foot of building (187-61, Res #8 2017).

**Response:** The recreation facility fee will be paid prior to final approval. Please confirm the required fee for the project.

27. A waiver request has been submitted for a smaller size than the specified 10' x 20' parking spaces for the parking lot. The waiver justification is reasonable given the pre-existing parking conditions and unique lot configuration. **The Planning Commission should review this request and make a recommendation to Borough Council for consideration of approval 187-62.1.B(4).**

**Response:** No response required.

28. The number of parking spaces proposed exceeds the average constructed number of 17 and proposes the maximum reserve number of 20. **Borough Council should review this modification (187-62.1(d)).**

**Response:** No response required.

29. Access to the site requires a Highway Occupancy Permit (187-62.1.H(3))

**Response:** An application for a Highway Occupancy Permit is being prepared and a copy will be provided to the Borough upon submission to PennDOT.

### Stormwater Management Ordinance

1. Stormwater management facilities are subject to PennDOT approval (179-10.I)

**Response:** The stormwater management facilities in the PennDOT right of way will be included as part of the PennDOT HOP application.

2. Limiting Zones (LZ) were left blank on the infiltration forms. It appears that the intent was to use the full depth of the excavations as the LZ. The third infiltration test was subject to a water seep and failed but is not being used for infiltration design (179-13). Other requirements of this section are not met, but the limitations of the site leaves very few, if any, options otherwise. A waiver request is recommended or a note could be added to the plan requiring testing during construction when the site is at somewhat finished grade and more conducive to perform the testing.

**Response:** A waiver request for the limiting zones is included with this submission.

3. A 1.0 ft. freeboard is required for all stormwater facilities (179-16.A). A waiver would be appropriate for the specific conditions of this project if requested.

**Response:** A waiver request for the 1 ft freeboard is included with this submission.

4. A blanket stormwater easement is recommended for the site in the form of a note on the Site Plan (179-16.F).

**Response:** A blanket stormwater easement has been added to Sheet C.S.01 (Note 9).

5. A Consumptive Use Tracking Report has not been submitted (179-18).

**Response:** The Consumptive Use Tracking Report has been included with this submission.

6. A plan note should be added acknowledging that any revision to the approved drainage plan must be approved by the municipality and that a revised E&S Plan must be submitted to the conservation district for a determination of adequacy (179-21.B(24)).

**Response:** A note has been added to Sheet C.S.01 (Note 11).

7. The following certification should be added to the plan: "*I, (Design Engineer), on this date (date of signature); hereby certify that the drainage plan meets all design standards and criteria of the Brodhead/Tobyhanna Watershed Act 167 Stormwater Management Ordinance.*" (179-21).

**Response:** A note has been added to Sheet C.G.01.

8. A declaration of adequacy and highway occupancy permit from the PennDOT District Office when utilization of a PennDOT storm drainage system is proposed (179-21(5)).

**Response:** The PennDOT HOP permit, including the storm water facilities, will be provided to the Borough upon receipt.

9. A Municipal Stormwater maintenance fund will be required (179-32).

**Response:** A Municipal Stormwater Maintenance Fund will be provided prior to final approval. Please confirm the basis for the fund amount.

10. A Drainage Plan application is required with the appropriate fee (App C and 179-27).

**Response:** The Drainage Plan application is included with this submission. The fee will be provided upon confirmation from the Borough on the fee resolution or agreement that the drainage application fee will be provided from the concurrent land development application escrow.

General

1. The Natural features plan should have contour elevations shown.

**Response:** Contour Elevations have been added to the Sheet C.EX.01.

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

Very truly yours,

**R.K.R. HESS, a division of UTRS. Inc.**



Nathan Oiler, PE  
Director of Land Development Engineering Services

Cc Stan Bizio

# BOROUGH OF MOUNT POCONO

1361 POCONO BOULEVARD, SUITE 100  
MONROE COUNTY, PENNSYLVANIA

## PLANNING COMMISSION SUBMISSION APPLICATION FORM

Name of Proposed Development: 94 Winona rd  
Proposed Number of lots: 1 Location/Street: 94 Winona rd mt pocono  
Pin #: 10635508999838  
Applicant/Owner: Khaleem Mohammed  
Address: 94 Winona rd mount pocono pa  
Telephone: 5707305888 Fax #: \_\_\_\_\_  
Email: Kmohd16@ptd.net

Engineer/Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax #: \_\_\_\_\_  
Email: \_\_\_\_\_

Borough Application Fee: \$ 550 Date Fee Paid: 01/05/2022  
Deposit (if applicable): \$ \_\_\_\_\_ Date Paid: NA

CK# 566

RECEIVED  
JAN 11 2022  
MT. POCONO BOROUGH

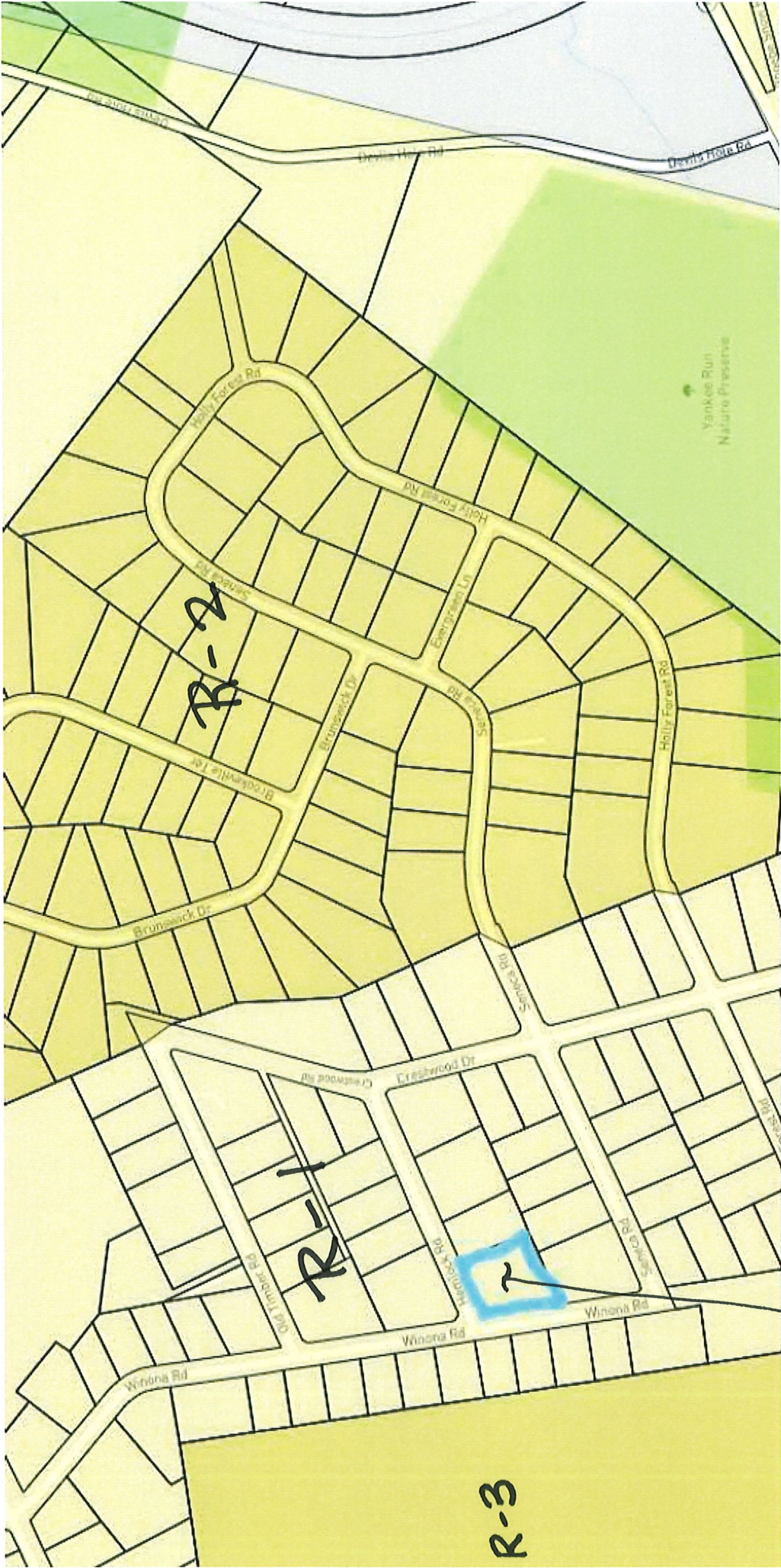
Narrative of Project (attached sheet can be used): \_\_\_\_\_

Looking to rezone property as needed to short term rent  
94 Winona rd

RECEIVED  
JAN 11 2022  
MT. POCONO BOROUGH

BOROUGH OF MT. POCONO  
MUNICIPAL BUILDING  
1361 Pocono Blvd. Suite 100  
Mt. Pocono, PA 18344

<b>RECEIPT</b>		DATE <u>Jan 11, 2022</u>	No. <u>966960</u>
RECEIVED FROM <u>PRO TECH ELECTRIC LLC</u>		<u>\$ 550</u>	
<u>FIVE HUNDRED AND FIFTY</u> <sup>XX/100</sup> DOLLARS			
FOR RENT <input type="checkbox"/>			
FOR <u>APP/DEPOSIT - STR 94 WINONA (PC)</u>			
ACCOUNT	<input type="checkbox"/> CASH	FROM	TO
PAYMENT	<input checked="" type="checkbox"/> CHECK	<u>D. Jankowski</u>	
BAL. DUE	<input type="checkbox"/> MONEY ORDER	BY	
	<input type="checkbox"/> CREDIT CARD		



— SUBJECT PARCEL : 94 WINONA

# BOROUGH OF MOUNT POCONO

1361 POCONO BOULEVARD, SUITE 100  
MONROE COUNTY, PENNSYLVANIA

## PLANNING COMMISSION SUBMISSION APPLICATION FORM

Name of Proposed Development: 3360 Rt 940 Short Term Rentals

Proposed Number of lots: 1 Location/Street: 3360 Route 940

Pin #: 10.8.1.45-1

Applicant/Owner: Jean Costa

Address: 3429 Byrnes Street, Charlotte, NC 28205

Telephone: 570-243-1324 Fax #: \_\_\_\_\_

Email: orientebiz@gmail.com

Engineer/Contact: Not Applicable

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

Telephone: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email: \_\_\_\_\_

Borough Application Fee: \$ 200 Date Fee Paid: 3/7/22 ck # 118

Deposit (if applicable): \$ 1000 Date Paid: 3/7/22 ck # 117

**Narrative of Project** (attached sheet can be used): CONDITIONAL USE -

Setting up short term rentals, a total of 2 units are being setup

The first unit is a 1 Bedroom, 1 Bath.

The second unit will have 4 Bedrooms and 2 bathrooms.

I plan on first furnishing up the 1 Bedroom, 1 Bath unit and shortly there  
after starting to furnish the much larger second unit.

The total number of units is 3 in the building, however, I am only going to  
use 2 of the units for short term rentals for now.

RECEIVED  
MAR 02 2022  
MT. POCONO BOROUGH





# Land Development Application

## Project Information

Name of Proposed Development: Proposed Popeye's

PIN # 10635510468727C1

Proposed Number of Lots N/A Location/Street 3236 Route 940

Other \_\_\_\_\_

**RECEIVED**

FEB 23 2022

MT. POCONO BOROUGH

## Applicant/Owner

First Name Pablo

Last Name Medeiros

Address Mt. Pocono LLC 234 Closter Dock Road

City/State/Zip Closter, New Jersey 07624

Phone 201-768-1300 Alt Phone \_\_\_\_\_

Email pmedeiros@heidenbergproperties.com

## Engineer/Contact

First Name Rhett

Last Name Chiliberti

Company Colliers Engineering & Design

Cell Phone 215-915-0534 Work Phone 445-444-7313

Email rhett.chiliberti@colliers

## Office Use Only:

Application Fee (\$) \$350 - ck# 71853 Date Paid: 2/23/22

Deposit (\$) \$2500 - ck# 71854 Date Paid: 2/23/22



# Land Development Application

## Narrative of Project

The Applicant proposes to construct a Popeye's Restaurant with associated Drive-Thru. Existing drive-in stand / uses exist on two properties that abut the proposed use: McDonald's and Taco Bell.

BOROUGH OF MT. POCONO  
 MUNICIPAL BUILDING  
 1361 Pocono Blvd. Suite 100  
 Mt. Pocono, PA 18344

<b>RECEIPT</b>		DATE <u>FEB 23, 2022</u>	No. <u>966979</u>
RECEIVED FROM <u>NEWMAN, WILLIAMS</u>		\$ <u>350</u> —	
<u>THREE HUNDRED FIFTY</u> <del>xx/100</del>		DOLLARS	
<input type="radio"/> FOR RENT <input checked="" type="radio"/> FOR <u>POPEYES - APPLICATION FEE</u>			
ACCOUNT		<input type="radio"/> CASH <input checked="" type="radio"/> CHECK <input type="radio"/> MONEY ORDER <input type="radio"/> CREDIT CARD	FROM _____ TO _____ BY <u>D. Jodanis</u>
PAYMENT			
BAL. DUE			

BOROUGH OF MT. POCONO  
 MUNICIPAL BUILDING  
 1361 Pocono Blvd. Suite 100  
 Mt. Pocono, PA 18344

<b>RECEIPT</b>		DATE <u>FEB 23, 2022</u>	No. <u>966980</u>
RECEIVED FROM <u>NEWMAN WILLIAMS</u>		\$ <u>2500</u> —	
<u>TWO THOUSAND FIVE HUNDRED</u> <del>xx/100</del>		DOLLARS	
<input type="radio"/> FOR RENT <input checked="" type="radio"/> FOR <u>ESCROW DEPOSIT - POPEYES</u>			
ACCOUNT		<input type="radio"/> CASH <input checked="" type="radio"/> CHECK <input type="radio"/> MONEY ORDER <input type="radio"/> CREDIT CARD	FROM _____ TO _____ BY <u>D. Jodanis</u>
PAYMENT			
BAL. DUE			

1500 JFK Boulevard  
Suite 222  
Philadelphia, PA 19102  
Main: 877 627 3772



February 18, 2022

Joshua Walker, Borough Manager  
Mount Pocono Borough  
1361 Pocono Boulevard, Suite 100  
Mount Pocono, PA 18344

**Proposed Popeye's Restaurant  
Mount Pocono Borough, Monroe County, PA  
Colliers Engineering & Design Project No. 20005261A**

Dear Joshua, Regarding the above referenced project, below please find a list of the anticipated approvals for this site:

1. Borough Preliminary and Final Land Development Approval
2. Borough Engineer
3. MPMA
4. PAWC
5. Monroe County Planning Commission – review letter only
6. Fire Department
7. Monroe County Conservation District

If you should have any questions, or require additional information, please do not hesitate to contact this office.

Sincerely,

Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "Rhett Chiliberti".

Rhett Chiliberti, PE  
Geographic Discipline Leader

cc: Pablo Medeiros, Jason Lazar  
Marc Wolfe  
File/correspondence

R:\Projects\2020\20005261A - Mt. Pocono\Correspondence\OUT\220218 Anticipated Approvals List.docx

RECEIVED  
FEB 23 2022  
MT. POCONO BOROUGH

1500 JFK Boulevard  
Suite 222  
Philadelphia, PA 19102  
Main: 877 627 3772



February 18, 2022 VIA HAND DELIVERY

Joshua Walker, Borough Manager  
Mount Pocono Borough  
1361 Pocono Boulevard, Suite 100  
Mount Pocono, PA 18344

**Proposed Popeye's Restaurant**  
**Mount Pocono Borough, Monroe County, PA**  
**Colliers Engineering & Design Project No. 20005261A**

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Dear Joshua, Regarding the above referenced project, below please find a list of the requested Waivers:

**LIST OF REQUESTED WAIVERS**

1. Waiver from §187-29.D.3 and §189-59 to not provide information on wetlands due to the site is an existing shopping center.
2. Waiver is requested from §187-30.A, to not provide an existing resource and site analysis plan due to the site is an existing shopping center.
3. Waiver is requested from 187-30.B, to not provide a Final Resource and Impact and Conservation Plan due to the site is an existing shopping center.
4. Waiver from §187-17 to process the application for both Preliminary and Final Land Development approval, due to the scope of the improvements.
5. Waiver is requested from §187-61 to not provide the recreational facility fee due to the scope of the improvements.
6. Partial Waiver from §187-48 W. and X., to not provide curb along the property frontage, and to not provide sidewalk along the entire property frontage, as Route 940 does not have curb along the project frontage and adding curbing would impact the existing drainage patterns. The applicant is proposing sidewalk along the project frontage with sidewalk connection to the pad site. Oak Street sidewalk is not provided, as the street has minimal grass areas to install a sidewalk and a drainage swale, and steep slopes exist along the Oak Street frontage.
7. Waiver from §187-56.G.2.f. to provide 2.5" caliper trees in lieu of the 4" caliper trees due to the difficulty to install large trees with the large caliper size and associated root-ball. The industry standard is 2.5".
8. Partial Waiver is requested from §187-56.C(2)(f), to not provide the required 8 ft wide planting strip and the associated plantings, due to the nature of retrofitting the development within an existing shopping center.
9. Waiver is requested from §187-56.D, to not provide the required street trees. An existing non-conformity determination for the parking setback was provided by the Borough. Therefore, there is not enough space to plant the required trees. Furthermore, there are overhead wires along the project frontage restricting the placement of the street trees in the right of way.
10. Partial Waiver is requested from §187-56.F, to not provide all of the required trees in the front yard buffer. An existing non-conformity determination for the parking setback was provided by the Borough. Therefore, there is not enough space to plant the required trees. 6 canopy trees and 6 evergreen trees are required. 2 canopy trees and 5 evergreen trees are proposed. Additional shrubs have been provided over the requirement of this section.
11. Partial Waiver is requested from §187-56.F, to not provide the required trees in the side yard buffer. There are overhead wires along the western property line restricting the placement of the street trees. This has reduced total trees that can be planted in the side yard buffer. 4 canopy trees and 3 ornamental trees are required. 0 canopy trees and 3 ornamental trees are proposed. An additional evergreen tree is proposed above the requirement of this section. Note, the adjacent property abutting this lot line is a commercial development.
12. Waiver is requested from §187-62.2, to propose light levels in excess of 0.1 foot candles off the property. The site lighting has been pointed inward of the site and shields are proposed to reduce glare and off-site impacts. The light poles have been located as far from the property line as is possible while still providing adequate lighting of the site. Light levels of 0.3 foot candles are proposed off-site of the northern and western property line (i.e. Route 940 and adjacent commercial site)

Project No. 21005348A

February 18, 2022

Page 2 | 2

If you should have any questions, or require additional information, please do not hesitate to contact this office.



Sincerely, Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "Rhett Chiliberti".

Rhett Chiliberti, PE  
Geographic Discipline Leader

cc: Pablo Medeiros, Jason Lazar, Robert J. Kidwell, Esq.,  
File/correspondence

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1500 JFK Boulevard  
Suite 222  
Philadelphia, PA 19102  
Main: 877 627 3772



February 18, 2022

VIA HAND DELIVERY

Joshua Walker, Borough Manager  
Mount Pocono Borough  
1361 Pocono Boulevard, Suite 100  
Mount Pocono, PA 18344

**Proposed Popeye's Restaurant  
Mount Pocono Borough, Monroe County, PA  
Colliers Engineering & Design Project No. 20005261A**

Dear Joshua, Regarding the above referenced project, below please find the Special Exception Request:

The project proposes to construction a Proposed Popeye's Restaurant with associated Drive-Thru. As listed in Section 215-16A of the Borough Zoning Ordinance, Drive-in stands / uses are a Special Exception Use. Please accept this letter along with the required submission documentation as a formal request for special exception.

It shall be noted, that existing drive-in stand / uses exist on two properties that abut the proposed site. These adjacent properties have an existing McDonald's Restaurant and Taco Bell Restaurant with drive-thru uses.

If you should have any questions, or require additional information, please do not hesitate to contact this office.

Sincerely, Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "Rhett Chiliberti".

Rhett Chiliberti, PE  
Geographic Discipline Leader

cc: Pablo Medeiros, Jason Lazar, Marc Wolfe, File/correspondence  
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**RECEIVED**  
FEB 23 2022  
MT. POCONO BOROUGH



1727 Jonathan Street • Allentown, PA 18104  
Phone: (610) 776-6700 • Fax: (610) 776-1190 • www.bencivil.com

March 24, 2022

RECEIVED  
MARCH 24 2022  
MT. POCONO BOROUGH

Melissa Maupin  
PennDOT Permit Manager  
1002 Hamilton St.  
Allentown, PA 18101

RE: HOP Application 270608 Stanislaw Bizio  
formally App. 244384 Scoping App.  
S0520200086 SR 0611 and SR 0196  
Mount Pocono Borough, Monroe Co.  
*Benchmark* Project No. 017018

Dear Melissa:

Attached please find the following materials for your review concerning the proposed addition and site modifications to the subject property.

1. M950 AA
2. M950 MPC
3. Construction Cost Estimate
4. Transportation Impact Assessment
5. Covid Adjustment Calculations
6. Scoping Application S0520200086

Draft application 244384 expired as the site layout was being developed so we are resubmitting as application 270608. Once we receive comments concerning the TIA we will submit the HOP plans for your review.

If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Peter A. Terry'.

Peter A. Terry, P.E., PTOE, RSP<sub>21</sub>

PAT/slc

1500 JFK Boulevard  
Suite 222  
Philadelphia, PA 19102  
Main: 215-861-9021

RECEIVED

MAR 25 2022

MT. POCONO BOROUGH



March 24, 2022

VIA UPS AND EMAIL

Joshua Walker  
Borough Manager  
Mount Pocono Borough  
1361 Pocono Boulevard, Suite 100  
Mount Pocono, PA 18344

**Proposed Popeye's Restaurant**  
**3236 Route 940**  
**Mount Pocono Plaza**  
**Mount Pocono Borough, Monroe County, PA**  
**Colliers Engineering & Design Project No. 20005261A**

Dear Mr. Walker,

Regarding the above referenced project, enclosed please find the following documents:

- One (1) copy of PADEP Sewage Facilities Planning Module.
- One (1) copy of the Completed PNDI Search.
- One (1) copy of the Existing Conditions Plan, Overall Site Plan, and Utility Plan prepared by our office, last revised 2/18/22.
- One (1) copy of the Sewage Flow Calculations.

The project site is located at 3236 Route 940, Mt. Pocono, PA 18344. The project proposes to develop the site with a Popeye's restaurant (2,350 SF) with drive-thru. The proposed development will generate approximately **1,500 gpd** or **6 EDUs**. However, the current shopping center has **100 EDUs** allocated and only uses approximately **33 EDUs**, per the MPMA.

**Please consider this letter as a written request to submit for a sewage facilities exemption module.** Should you have any questions and/or concerns regarding our request, please do not hesitate to contact this office directly. Thank you for your assistance in this matter.

Sincerely,

Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "Rhett Chiliberti".

Rhett Chiliberti, PE  
Geographic Discipline Leader

cc: Chuck Niclaus  
File/Utilities

R:\Projects\2020\20005261A - Mt. PoconoApplications-Permits\ACT 537\210315 Cover Letter.docx

Maser Consulting is now Colliers Engineering & Design

Accelerating success.



**Location: 3236 Route 940, Mt. Pocono, PA 18344**

**CED Project#: 20005261A**

**Date: 03/24/2022**

**Narrative:**

The project site is located at 3236 Route 940, Mt. Pocono, PA 18344. The project proposes to develop the site with a Popeye's restaurant (2,350 SF) with drive-thru.

The proposed development will generate approximately **1,500 gpd** or **6 EDUs** as indicated in the calculation below. However, the current shopping center has **100 EDUs** allocated and only uses approximately **33 EDUs**, per the MPMA.

**Calculations:**

**Existing Conditions:**

- N/A

**Proposed Conditions:**

- Commercial (Restaurant)      1,500 gpd (typical Popeye's Restaurant)
- Total:                                      1,500 gpd**

**Total: 6 EDUs**

RECEIVED  
MAR 25 2022  
MT. POCONO BOROUGH

# MOUNT POCONO BOROUGH PLANNING COMMISSION 2021 ANNUAL REPORT

In accordance with the Pennsylvania Municipalities Planning Code (PMPC), the Mount Pocono Borough Planning Commission hereby submits the following 2022 Annual Report to the Mount Pocono Borough Council.

The Planning Commission held a total of nine (9) Regular Monthly Meetings during 2021. Note: The Planning Commission increased its members from five (5) to seven (7). Also, the Planning Commission accepted two (2) new members.

## DISCUSSIONS:

- Park & Recreation – Dog Park Proposal – Sent to Borough Council Per Solicitor’s Advice (4/21/21)
- Planning Commission Members Back to Seven (7) Members (8/18/21) & (9/15/21)

## CONDITIONAL USE:

- Clarius Land Development Plan reviewed & recommended with conditions to Borough Council (2/17/21)
- Pocono Trailer – 5360 SR 611 reviewed (6/16/21)

## IMPROVEMENTS: None

## SITE PLAN: None

## SKETCH PLAN:

- Sparkle Car Wash reviewed (2/17/21)
- Arya Village proposed mixed use reviewed (8/18/21)
- Bizio proposed retail/office space reviewed (9/15/21)
- Harbor Freight (Mount Pocono Plaza) reviewed (11/17/21)
- Popeye’s (Mount Pocono Plaza) reviewed (11/17/21)

## MINOR SUBDIVISION PLAN:

- Clarius accepted & tabled (11/17/21), extension request accepted (12/15/21)
- Bizio accepted & tabled (11/17/21)

## PRELIMINARY LAND DEVELOPMENT & LAND DEVELOPMENT PLANS:

- Taco Bell LDP Modification reviewed & recommended to Borough Council (4/21/21)
- Sparkle Car Wash reviewed & tabled (7/21/21), reviewed & recommended LDP with waivers to Borough Council (8/18/21)
- Clarius LDP accepted & reviewed also recommended to Applicant that minor subdivision plan should be submitted separately (10/27/21), review & tabled (11/17/21), extension request accepted (12/15/21)
- Bizio LDP accepted (11/17/21)

## FINAL PLANS: None

## SEWAGE FACILITIES PLANNING MODULES: None

## ORDINANCE REVIEWS & RECOMMENDATIONS:

- Per Clarius request - change the height requirements & Zoning District C-2 as a Conditional Use for warehouses reviewed & recommended to Borough Council (7/21/21)
- Recommended to Borough Council to amend Ordinance to have seven (7) members on the Planning Commission (9/15/21)

## MISCELLANEOUS: None

## WORK SESSIONS: None

## WORKSHOPS ATTENDED: None

## PRESENTATIONS: None

Respectfully submitted by,

Michael Penn, Planning Commission Chairman