

**MOUNT POCONO PLANNING COMMISSION
RE-ORGANIZATION & REGULAR MEETING MINUTES
WEDNESDAY, APRIL 20, 2022
7:00 P.M.**

The Planning Commission Re-Organization meeting was opened at 7:05 P.M. with the following members present: Commissioners M. Penn; P. Bucco; A. Harris; D. Staples; T. Cramer; and, R. Dorkoski via Google Meet. Also, present were Borough Engineer C. Niclaus; and, Zoning/ Codes Enforcement Officer A. Wilkinson,

Commissioner E. Melbert and Borough Manager J. Walker were absent.

Pledge of Allegiance was said by all.

RE-ORGANIZATION

Nominations – Mr. M. Penn noted that normally the Solicitor would ask for nominations and with no objections from the Solicitor, Mr. M. Penn asked for nominations for Chairman of the Planning Commission.

Commissioner P. Bucco nominated Michael Penn as Chairman of the Planning Commission for 2021. Commissioner T. Cramer seconded. There being no other nominations, the nominations closed for Planning Commission Chairman. Motion carried unanimously.

Chairman M. Penn asked for nominations for Planning Commission Vice Chair. Commissioner T. Cramer moved to nominate Patty Bucco as Vice Chair. Commissioner A. Harris seconded, and asked if there were any more nominations for this position. There being none, motion carried unanimously.

Vice Chair P. Bucco moved to appoint Commissioner A. Harris as the Borough Council Liaison. Commissioner T. Cramer seconded. Motion carried unanimously.

Vice Chair P. Bucco moved to appoint Zoning Officer A. Wilkinson as the Zoning Hearing Board Liaison. Commissioner A. Harris seconded. Motion carried unanimously.

PRELIMINARY ANNOUNCEMENTS – None

APPROVAL OF MINUTES – Vice Chair P. Bucco moved to accept the Regular Meeting minutes of Wednesday; December 15, 2021, as presented. Commissioner A. Harris seconded. Motion carried unanimously.

UNFINISHED BUSINESS

Bizio – Minor Subdivision & Land Development Plans – Chairman M. Penn noted that this project was before them informally as there wasn't a quorum at that time. He asked Ms. Nancy Peterson with RKR Hess, who was representing the Applicant, to give a recap for the sake of the new members. She explained that this project consists of three (3) parcels that are situated on SR 196, where the deli which will stay and be extended with the residential property SR 611 would be demolished for a parking lot. During the recap it was noted by Ms. N. Peterson that the PennDOT review was received today. She also noted that they had received a response from the Fire Department who had no objections to the project. She requested relief from the preparation of the Environmental Impact Study (EIS). Borough Engineer C. Niclaus responded that the site is not environmentally sensitive. The Applicant did request waivers which Borough Engineer C. Niclaus supported all of the waivers requested. Upon reviewing the waiver requests, the Planning Commission made the following motions:

Vice Chair P. Bucco moved to recommend to Borough Council Bizio Minor Subdivision Plan with conditional approval the Bizio Minor Subdivision Plan pending satisfaction of the Borough Engineer's review letter. Commissioner D. Staples seconded. Motion carried unanimously.

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Commissioner T. Cramer moved to recommend to Borough Council to accept the following waiver request:

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.

Commissioner D. Staples seconded. Motion carried unanimously.

Commissioner D. Staples moved to recommend to Borough Council to accept the following waiver request:

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.

Vice Chair P. Bucco seconded. Motion carried unanimously.

Vice Chair P. Bucco moved to recommend to Borough Council to accept the following waiver request:

Subdivision and Land Development Ordinance (SALDO) Section: 187-62.1.B(4)

Parking stalls – a minimum of 10 feet by 20 feet

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. The property when combined will be approximately 0.6 acres. A minimum length of 18' for the parking space and a parking space width of 9.5'. This size parking space is adequate for the vehicles proposed to access the site and will allow the parking lot to be configured to maintain the required 20' parking lot buffer along SR 0611 and reduces the impervious area for the site. Parking spaces with the 20' length will be provided in the spaces along the rear property line.

A waiver is requested to allow a parking space with a minimum width of 9.5 feet and a minimum length of 18'.

Commissioner T. Cramer seconded. Motion carried unanimously.

Vice Chair P. Bucco moved to recommend to Borough Council to accept the following waiver request:

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

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modify the basins to accommodate this requirement. Therefore, we are requesting a waiver from providing the required freeboard in this ordinance section.

Commissioner T. Cramer seconded. Motion carried unanimously.

Commissioner D. Staples moved to recommend to Borough Council to accept the following waiver request:

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.

Vice Chair P. Bucco seconded. Motion carried unanimously.

Commissioner T. Cramer moved to recommend to Borough Council the Bizio Land Development Plan with conditional approval, pending Borough Engineer's review letter recommendations and PennDOT's input on sidewalks. Vice Chair P. Bucco seconded. Motion carried unanimously.

Let it be noted that the Applicant provided an extension of review time to June 8, 2022.

NEW BUSINESS

Rezoning for 94 Winona Road – Mr. Khaleem Mohammed was in attendance requesting the Planning Commission to consider rezoning his property at 94 Winona Road from a R-1 to a R-2 Zoning District, as he would like use this property as a short-term-rental (STR).

After some discussion, Commissioner A. Harris moved to recommend to Borough Council not to approve the rezoning of 94 Winona Road from a R-1 to R2 Zoning District due to concern of spot zoning and setting a precedent in the Borough. Vice Chair P. Bucco seconded. Commissioner D. Staples was on the fence regarding this request. However, the motion carried unanimously.

3360 SR 904 – STR Conditional Use – Mr. Jean Costa who was in attendance, explained the purpose of his request. He noted that this would be a STR with three (3) units in the building. He also noted that his parents would be living in one of the units and would be on-site in case of any concerns with the renters.

Zoning Officer A. Wilkinson stated that this property is in a C-2 Zoning District and a conditional use is required to proceed with the Planning Commission to potentially recommend conditions to Borough Council prior to the Conditional Use Hearing which is scheduled for Tuesday, May 3, 2022, at 6:00 P.M.

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Commissioner A. Harris moved to recommend the 3360 SR 904 STR to Borough Council with the following conditions to be part of the conditional use: trash must be secured; the minimum age of the renter must be 21 years of age; and, existing mature landscaping buffer to remain. Vice Chair P. Bucco seconded. Motion carried unanimously.

Popeye's Land Development Plan – Due to a lack of quorum to accept the Popeye's Land Development Plan, Vice Chair P. Bucco moved to retroactively accept this plan from March 16, 2022. Commissioner T. Cramer seconded. Motion carried unanimously.

Let it be noted that Mr. Richard Roseberry of Colliers Engineering & Design was in attendance representing the Applicant. He stated that this project is designed to Popeye's standards and a letter from the Fire Department was received and that there was no objection with this project.

Commissioner R. Dorkoski had the following concerns: curb radius at end of drive-through; and, existing island obstruction.

Borough Engineer C. Niclaus brought up emergency access connection to the adjacent property.

Commissioner T. Cramer moved to recommend to Borough Council to accept waiver request **(1) Waiver from §187-29.D3 and §189-50 to not provide information on wetlands due to the site is an existing shopping center, with notations of no impacts.** Vice Chair P. Bucco seconded. Borough Engineer C. Niclaus stated that he had no issue with this waiver request, however, the Applicant needs to note on the plans that the Borough is not held for any responsibility with regards to wetlands of this plan. Motion carried unanimously.

Vice Chair P. Bucco moved to recommend to Borough Council to accept waiver request **(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.** Commissioner T. Cramer seconded. Motion carried unanimously.

Vice Chair P. Bucco moved to recommend to Borough Council to accept waiver request **(3) Waiver is requested from §187-30.B, to provide a Final Resource and Impact and Conservation Plan due to the site is an existing shopping center.** Commissioner T. Cramer seconded. Commissioner D. Staples stepped out of the meeting during this time. Motion carried 5 – 0.

Vice Chair P. Bucco moved to recommend to Borough Council to accept waiver request **(4) Waiver from §187-17 to process the application for both Preliminary and Final Land Development approval, due to the scope of the improvements.** Commissioner T. Cramer seconded. Commissioner D. Staples stepped out of the meeting during this time. Motion carried 5 – 0.

The following waiver request was not recommended: **(5) Waiver is requested from §187-61 to not provide the recreational facility fee due to the scope of the improvements.**

Vice Chair P. Bucco moved to recommend to Borough Council to accept waiver request **(6) Partial Waiver from §187-48 W. and X., to not provide curb along the property frontage, and to no provide sidewalk along the entire property frontage, as Route 940 does not have a 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.** Commissioner T. Cramer seconded. Motion carried unanimously.

Commissioner A. Harris moved to recommend to Borough Council to accept waiver request **(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".** Vice Chair P. Bucco seconded. Motion carried unanimously.

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Waiver requests (8) through (11) were discussed and Borough Engineer C. Niclaus would like to see units installed elsewhere on the site. It was suggested that the Applicant come back with specific locations.

Vice Chair P. Bucco moved to recommend to Borough Council to accept waiver request *(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 norther and western property line (i.e. Route 940 and adjacent commercial site).* Commissioner T. Cramer seconded. Motion carried unanimously.

Vice Chair P. Bucco moved to recommend to Borough Council waiver request *(13) Waiver is requested from §179-16.A, to propose less than the required 1 ft. of freeboard above the maximum pool elevation of the 100-year storm event. The proposed underground stormwater basin has a large footprint, but is shallow due to connection constraints into the existing storm sewer. The proposed underground basin proposes 0.11 ft. of freeboard for the 100-year storm event.* Commissioner D. Staples seconded. Motion carried unanimously.

Borough Engineer C. Niclaus stated that he had no issues with the waivers requested excluding waiver requests (8) through (11).

Commissioner A. Harris moved to table the Popeye's Land Development Plan to resolve landscaping matters. Commissioner D. Staples seconded. Motion carried unanimously.

2021 Planning Commission Annual Report – Chairman M. Penn reviewed this report pointing out that the Planning Commission had nine (9) regular meetings, increased the Commission from five (5) members to seven (7) members, accepted two (2) new members, considered proposed dog park from the Park & Recreation Board, reviewed a number of submissions and made recommendations to Borough Council.

Commissioner D. Staples moved to approve the 2021 Planning Commission Annual Report and forward to Borough Council. Vice Chair P. Bucco seconded. Motion carried unanimously.

LIAISON REPORTS

Borough Council – Commissioner A. Harris stated that Borough Council is considering that the Planning Commission be reduced from seven (7) members down to five (5) members.

Zoning Hearing Board – Commissioner A. Harris noted that Borough Council received a letter of interest from Fran O'Boyle to be on the Zoning Hearing Board (ZHB). Zoning Officer A. Wilkinson stated that Popeye's went in front of the ZHB to consider their project as a Special Exception. She noted that the hearing is scheduled to continue on April 26, 2022.

PUBLIC PARTICIPATION – None

There being no public participation and no further business coming before the Planning Commission, Vice Chair P. Bucco moved to adjourn at 9:12 P.M. Commissioner A. Harris seconded. Motion carried unanimously.

Transcribed by,


Diana Jackowski
Administrative Assistant



