

**MOUNT POCONO PLANNING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, OCTOBER 16, 2019
7:10 P.M.**

Chairman K. Kirkwood opened the Regular Meeting at 7:10 P.M. with the following members present: Commissioners; M. Penn; H. Velasco; and, R. Varney. Also, present were Solicitor H. C. Connor; Borough Engineer C. Niclaus; Alternate Engineer C. McDermott; Traffic Engineer S. Harney; Zoning/ Codes Enforcement Officer D. Noonan; and, Planning Commission Recording Secretary D. Jackowski.

Vice Chair R. Dorkoski; Commissioners N. DeLano and, P. Bucco were absent.

Representing Borough Council was Councilmember D. Casole.

Pledge of Allegiance was said by all.

PRELIMINARY ANNOUNCEMENTS

Chairman K. Kirkwood thanked everyone for attending this evening.

APPROVAL OF MINUTES

Commissioner M. Penn moved to accept the Regular Meeting minutes of Wednesday, September 18, 2019, as presented. Commissioner R. Varney seconded. Motion carried unanimously.

OLD BUSINESS

Lot #28, Market Way – Land Development Submission/ Conditional Use

The project's representatives were Rik Longacre, Schlouch Incorporated; Traffic Engineer Peter Terry and Attorney Charles Suhr.

The Planning Commission acknowledged receipt of the review letter from Alternate Borough Engineer C. McDermott who stated that the Applicant is requesting several waivers and suggested that the Planning Commission hear from the Applicant.

Mr. R. Longacre handed out to the Planning Commission his letter of waiver requests from the Mount Pocono Subdivision and Land Development Ordinance (SALDO); Chapter 187 are as follows:

- 1) Section 187-56.F – BUFFERS AND SCREENS
a waiver to the requirement of planting all property line buffers per section 187-56.F(e).

The ordinance requires a “low / 10 ft” type buffer where a proposed commercial/industrial use abuts a commercial/industrial use or zoning district. A 10’ wide buffer line has been added along the property lines.

Regarding planting, the ordinance states that the purpose of the property line buffer and screen is to integrate new development with its surroundings and to separate incompatible uses. While the adjoining commercial uses are generally compatible with the proposed use, an all evergreen tree planting screen is proposed along the western, and a portion of the southern property line to visually buffer these neighbors. Evergreen trees are spaced 8 trees per 100 linear feet, which arrangement

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far exceeds the effectiveness of the required “low” buffer (2 canopy trees, 1 ornamental tree and 5 shrubs per 100’).

Additional planting along the southern property line is restricted due to 2:1 grading and limited space between the top of slope and the property line. It should be noted the proposed embankment in this area is 12 to 26’ high and in itself provides a buffer to the adjacent undeveloped commercial (C-2) land. Additional planting along the eastern property line is not possible due to the air space easement and further more would have no practical value screening open land owned by the Pocono Mountains Municipal Airport Authority.

- 2) Section 187-44 – FOUR-STEP DESIGN PROCESS
a waiver to the requirement of all preliminary plans shall include documentation of a four-step design process. The four-step design process does not lend itself to laying out large commercial or industrial building footprints and the parking areas required to support them. There are no alternative design solutions for the use of the site.

- 3) Section 187-30.D(2) – CARTWAY CENTERLINE
a waiver to the requirements of following this street/roadway design section. The method used to profile the main access driveway through the site is more appropriate for the use and site grading than traditional methods of providing street profiles, as described in the ordinance.

- 4) Section 187-48 – STREETS/ROADS
a waiver to the requirements of this section and the following street design subsection. The waiver is requested because the design guidelines provided in the ordinance are not appropriate to the on-site driveways that are an integral component of the site layout rather than separate functioning streets. All of the design issues that these sections intend to regulate are adequately addressed in the project layout, grading and construction details.

Note that this waiver is intended to cover concrete curbs (Section 187-48.w(5)(a) which is mentioned in a separate review comment.

- 5) Section 187-56.B – MINIMUM NUMER OF TREES (LANDSCAPING REQUIREMENTS)
a waiver to the requirement of providing a minimum of 12 trees per gross acre within the Borough and deciduous trees having a minimum caliper of 4” and evergreen trees having a minimum height of 8 to 10 feet. The overall planting design provides an arrangement and quantity of trees that is typical to a warehouse facility and considered satisfactory from an aesthetic perspective. The number of proposed trees is also an integral component of the required BMP’s for the NPDES permit.

The ordinance requires planting 282 proposed trees in the Borough and the plan proposes 147 trees. The site design does not have the capacity to plant the remaining trees either as screening or parking lot / site plantings. It should be noted that

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additional ornamental plantings will typically be added around the office areas, entrance signs, etc. upon tenant fit out.

- 6) Section 187-56.C(2)(f) – PROVIDING 8 FEET WIDE PLANTING STRIPS
a waiver to the requirement of providing planting strips. The required minimum 8 feet wide planting strip is not appropriate for the pedestrian movements or maintenance for a warehouse parking lot.
- 7) Section 187-56.G(2)(c) and (f) – PLANT SPECIFICATIONS /size of proposed trees
a waiver to the requirements of following these 2 sections which require a minimum caliper of 4 inches for canopy trees and a minimum height of 8 – 10 feet for evergreen trees. The plan proposes minimum sizes for canopy trees as 2 ½” caliper and evergreen trees as 6 feet height.
- 8) Section 187-56.I – LANDSCAPING PLAN SHALL BE PREPARED BY A LANDSCAPE ARCHITECT LICENSED AND REGISTERED IN PA
a waiver to the requirement of a landscaping plan needing to be prepared by a landscape architect licensed and registered in the state. Though the proposed landscaping plan was not prepared by a licensed landscape architect it was prepared by an individual that has adequate education and experience to layout proposed plantings for the warehouse facility.
- 9) Section 187-55 – SIDEWALKS
a waiver to this section is requested. The waiver is requested because the design guidelines provided in the ordinance are not appropriate to the on-site driveways and parking areas that are an integral component of the site layout rather than separate functioning streets. The plan proposes a minimal amount of sidewalk in locations which are typical for employee and visitor access from the parking areas to the warehouse. ADA walks are provided as required.

As agent for the developer of the above referenced project, we request the following waivers from the Borough of Mount Pocono Stormwater Management Ordinance, Chapter 179:

Section 179-18 and 21.A(6) – CONSUMPTIVE-USE TRACKING REPORTS

a waiver to the requirement of providing consumptive-use tracking reports. As discussed with the Township Engineer, since the plan will be designed to comply with the Township, Borough & DEP Storm Water Regulations, and the development will be connecting to public water and sewer systems, the Consumptive Use Tracking Report is no longer necessary.

After some discussion Commissioner M. Penn moved to recommend to Borough Council to accept the waiver requests as previously recorded except for item #4 (in red) and that to accept this project with all outstanding items completed from the Engineer’s review letter dated October 14, 2019 and to receive approvals/ permits from all outside agencies. Commissioner H. Velasco seconded. Motion carried unanimously.

The Planning Commission acknowledge receipt of a review letter dated October 14, 2019, from Borough Traffic Engineer Pennoni. Representing Pennoni was Scott Harney who stated that there were no real issues with the traffic study that was presented by the Applicant. He did note

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the following improvements are being proposed by the developer that the Borough may want to be included in the conditions of this plan:

- a. Install a traffic signal at the intersection of Industrial Drive and Market Way (Coolbaugh Township).
- b. Construct 250-foot long northbound right turn lane on Industrial Drive approaching Market Way (Coolbaugh Township).
- c. Collect traffic count data at the six study intersections once the proposed warehouse is fully operational and adjust the traffic signal timing and phasing to provide optimized operation.
- d. Construct an extension of the southbound SR 611 right turn lane to extend the existing 100-foot storage length to provide 680-foot of storage with scenario 1 development and to 485-feet with scenario 2 development (refer to attached Pennoni review letter).

After a discussion regarding traffic and how a traffic study is calculated, Commissioner M. Penn moved to recommend to Borough Council to accept the conditional use and to include the items as previously stated as the improvements that the developer would make and that this would be conditional upon the cooperation with all outside agencies. Commissioner H. Velasco seconded. Motion carried unanimously.

NEW BUSINESS

Posh Properties (SR 940) – Land Development Submission

The Planning Commission acknowledged receipt of the Borough Engineer C. Niclaus' review letter dated October 16, 2019.

Michael Jeitner of Bohler Engineering was present and introduced the owner of the project Mr. Jason Posh. Mr. M. Jeitner explained that this project is on SR 940 next to Perkins noting that the access will stay the same and that they are proposing to develop this property with a 2,500 SF fast casual restaurant, a 2,500 SF retail store and a 3,500 SF dental office. He touched on a few items from the Engineer's review letter such as:

Zoning Ordinance Review

3. *The proposed restaurant, retail store, and dental office uses are consistent with Principal Permitted Uses. A Principal Permitted Use with more than 40,000 square feet of impervious coverage requires a Special Exception Use. The applicant is proposing a Variance request for this requirement and that it be considered as a Conditional Use on Cover Sheet 1 (215-16 D. Schedule of Uses, Attachment 1). Justification has not been received.*

The Applicant will request a waiver on this item in writing.

9. *The size of parking spaces proposed does not meet the 10 feet x 20 feet minimum (215-22 B. [4]).*

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The Applicant will request a waiver to have the parking spaces 9 feet x 18 feet.

11. *All parking and loading areas shall be separated from street and property lines with setbacks and buffers (215-22 I.). See also SALDO comment. The applicant notes a Variance is requested on Cover Sheet 1, and no justification has been received.*

The Applicant will request a waiver on this item in writing.

13. *Landscaping is required per SALDO regulations (215-22.O.). The applicant notes a Variance is requested on Cover Sheet 1, and no justification has been received.*

The Applicant will request a waiver on this item in writing.

19. *Lighting is required to IESNA recommended practice (215-35.I.) The applicant has noted that a Variance request is proposed on Cover Sheet 1, but for just the 0.1 foot candle lamination at the property line. Given the directly adjacent uses, the request is reasonable and in conformity with the surrounding existing conditions.*

The Applicant discussed that the lighting may overflow and would request a waiver.

There were many other comments on the Borough Engineer's review letter however the Applicant requested to come back before the Planning Commission for another review.

Commissioner R. Varney moved to accept the Posh Properties (SR 940) Land Development Plan Submission and to start the 90-day review process as of today. Commissioner M. Penn seconded. Motion carried unanimously.

McDonald's Rebuild – Sketch Plan

The Planning Commission acknowledged receipt of the Borough Engineer C. Niclaus review letter dated October 16, 2019.

Michael Jeitner of Bohler Engineering and Mr. Richard Burkhart of McDonald's were present. Mr. M. Jeitner explained that McDonald's Corporation is proposing to demolish the existing restaurant and rebuild a new 4,540 SF McDonald's Restaurant with a side-by-side drive-thru configuration along with all associated parking, lighting, landscaping, utilities and stormwater management facilities to support the use.

After some discussion, the Planning Commission thanked them for coming before them and look forward to reviewing the plans soon.

Petition for Zoning Map Change – (Fairview Avenue)

Borough Council has scheduled a Public Hearing for Wednesday, November 13, 2019, at 6:00 P.M. regarding a petition for Zoning Map Change for the property located at 25-27 Fairview Avenue. Borough Council is requesting that the Planning Commission review and provide comments on this matter for said hearing.

Zoning/ Codes Enforcement Officer D. Noonan supports the zoning change from a R-1 to a C-1 that would accommodate commercial permitted uses in the C-1. He stated that his concern is if

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the change is not made that the property would go into disrepair and potentially become a blighted property.

Upon review and discussion of the petition, the Planning Commission did not have any consensual opinion. The suggestion from Solicitor H. C. Connor was to make a motion for and a motion against for a possible recommendation.

Commissioner M. Penn moved to recommend to Borough Council to approve the Zoning Map Change. Commissioner H. Velasco seconded. Motion went to a roll call vote: Commissioner H. Velasco, "Yes"; Commissioner M. Penn, "Yes"; Commissioner R. Varney, "No"; and, Chairman K. Kirkwood, "No". Motion was a tie 2 - 2.

Commissioner H. Velasco moved to recommend to Borough Council disapprove the Zoning Map Change. Commissioner M. Penn seconded. After some discussion, motion went to a roll call vote: Commissioner H. Velasco, "No"; Commissioner M. Penn, "No"; Commissioner R. Varney, "Yes"; and, Chairman K. Kirkwood, "Yes". Motion was a tie 2 - 2.

Upon much deliberation the Planning Commission could not make any recommendation to Borough Council as no consensus could be reached.

There being no public participation and no further business coming before the Planning Commission, Commissioner M. Penn moved to adjourn at 9:50 P.M. Commissioner R. Varney seconded. Motion carried unanimously.

Respectfully submitted,


Diana Jackowski
Planning Commission Recording Secretary