

**MOUNT POCONO BOROUGH COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, DECEMBER 23, 2019  
7:10 P.M.**

President C. Williams opened the Special Meeting at 7:10 P.M. with the following members present: Vice-President F. O'Boyle; Councilmembers: D. Casole; T. Ford; M. Hensel; A. Montanez; and, S. Stewart-Keeler. Mayor M. Penn; Solicitor J. Fareri; Borough Engineer C. McDermott and, Borough Secretary/ Treasurer L. Noonan were also present.

Junior Councilmember K. Crosby was absent.

The Pledge of Allegiance was said by all.

**PRELIMINARY ANNOUNCEMENTS**

None

**UNFINISHED BUSINESS:**

**LPC POCONO I, LP (LOT 28)**

Attorney Charlie Suhr, Traffic Engineer Peter Terry, and Will Freve, Senior Vice-President with Logistic Property Company, LLC were present on behalf of the LPC Pocono I, LP. Attorney Suhr explained that they were before Borough Council this evening seeking land development approval.

Attorney Suhr discussed the off-site improvements, the Pocono Star Roadway Extension, Financial Security for Pocono Star Roadway Extension, Amendment of the Land Development Plan, Route 611 Improvements and Traffic Signal Optimization, Recreation Fee, Market Way Intersection Improvements, Future Roadway Obligations, Third Party Inspections, and Outstanding Engineering Comments, all of which were outlined in his Memo dated December 18, 2019.

There was a lengthy discussion regarding the above referenced points. Mr. Freve offered a compensation package in the amount of \$824,000, which included the Recreation Impact Fee of approximately \$200,000.

Further discussion on the Planning Commission's memo dated October 18, 2019 which recommended conditional approval of the LPC Pocono I, LP (Lot 28) Land Development Plan and waiver recommendations.

Councilmember M. Hensel moved to grant the following waivers which were outlined in the Mount Pocono Planning Commission (MPPC) Memo dated October 18, 2019:

- 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).**

**MOUNT POCONO BOROUGH COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, DECEMBER 23, 2019  
7:10 P.M.**

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 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 furthermore 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 187-56.B – MINIMUM NUMBER 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



**MOUNT POCONO BOROUGH COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, DECEMBER 23, 2019  
7:10 P.M.**

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

- 2019-115
- 5) 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.
  - 6) 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 1/2" caliper and evergreen trees as 6 feet height.
  - 7) 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.
  - 8) 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:
  - 9) Section 179-18 and 21.A(6) – CONSUMPTIVE-USE TRACKING REPORTS

**MOUNT POCONO BOROUGH COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, DECEMBER 23, 2019  
7:10 P.M.**

**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.

Vice-President F. O'Boyle seconded. Motion carried unanimously.

It was noted for the record that the following waiver request was denied to Section 187-48 – STREETS/ROADS **a waiver to the requirements of this section and the following street design sub-section.** 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 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.

Councilmember A. Montanez moved to approve the Land Development Plan for LPC Pocono I, LP (LOT 28) under and subject to the following conditions:

- 1) Developer will fully comply with the terms set forth in the Memo of the Mount Pocono Planning Commission above referenced, including satisfaction of all outstanding items set forth in the letter of Reilly Associates dated October 14, 2019 (Exhibit 5 at the Conditional Use Hearing) and Pennoni Associates also dated October 14, 2019 (Exhibit 4 in the Conditional Use proceeding);
- 2) The emergency means of ingress and egress described in paragraph 26 of the Conditional Use Decision shall be created and maintained by the Developer. The proposed final Land Development Plan shall depict the emergency ingress and egress;
- 3) All necessary outside agency approvals will be obtained by the Applicant;
- 4) Upon recording the Land Development Plan, the Applicant shall pay the Borough of Mount Pocono a recreation fee in the amount to be calculated by the Borough Engineer in accordance with the Borough's SALDO;
- 5) Developer will enter into a Land Development Agreement with appropriate security as required by the SALDO;
- 6) All outstanding fees and costs due to the Borough of Mount Pocono shall be paid in full.

2019-116



**MOUNT POCONO BOROUGH COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, DECEMBER 23, 2019  
7:10 P.M.**

Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

**Proposed 2020 Budget**

President C. Williams asked were there any more comments or questions on the 2020 Budget.

**Mike Oser, 39 Fairview Avenue**, questioned the increase in taxes

**Tom Neville, 209 Knob Road**, asked how much tax will come from the LPC Pocono I, LP

Councilmember S. Stewart-Keeler moved to adopt the proposed 2020 Budget.  
Councilmember A. Montanez seconded.

Councilmember T. Ford stated the reassessment is not relevant as it was not designed to raise taxes, he asked over the summer for council to pass a budget that doesn't raise taxes. He is not voting for the budget as there are no increases for Borough Employees.

Motion went to a Roll Call Vote: Councilmember D. Casole No, opposed due to the costs of the Regional Police; Vice-President F. O'Boyle Yes; Councilmember S. Stewart-Keeler Yes; Councilmember A. Montanez Yes; Councilmember M. Hensel No; Councilmember T. Ford No; President C. Williams Yes. Motion carries 4-3.

**NEW BUSINESS**

**Advertise January Re-Organization & Regular Meeting**

Councilmember M. Hensel moved to advertise the Re-Organization Meeting for 6:30 pm on Monday, January 6, 2020 and the Regular Meeting for 7:00 pm. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

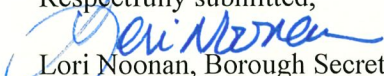
**PUBLIC PARTICIPATION**

**Mike Oser, 39 Fairview Avenue**, asked what time the meeting next week begins and if the vote for the ordinance increasing the elected officials' salary is on that agenda.

**Patty Bucco, 140 Winona Road**, discussed the salary increase for the Borough Council

**Tom Neville, 209 Knob Road**, thanked council for their hard work and dedication. There being no further public participation or further business coming before the Borough Council, Vice-President F. O'Boyle moved to adjourn. Councilmember A. Montanez seconded. Motion carried unanimously.

Respectfully submitted,

  
Lori Noonan, Borough Secretary/Treasurer

2019-11-8