# MOUNT POCONO BOROUGH PLANNING COMMISSION REGULAR MEETING AGENDA Wednesday, October 19, 2022 – 7:00 PM

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

1.	Call to	Order						
2.	Pledge of Allegiance							
3.	Roll Call M. Penn, P. Bucco,R. Dorkoski, A. M. Harris, D. Staples,E. Melbert,							
	C.	Connor, C. Niclaus, D. Jackowski						
4.	Preliminary Announcements							
5.	Consider Approval of Minutes							
	a.	Regular Meeting Minutes – August 17, 2022						
6.	Unfinished Business –							
		Arya Village, 1221 Pocono Blvd. – Review (?) Auto 4 Sale Conditional Use – Application Withdrawn						
7.	New Bu	New Business						
	a.	Harbor Freight (Five Below) – Amended Land Development Plan						
8.	Project	Updates						
9.	Liaison	Reports						
		Borough Council Zoning Hearing Board						
10.	.0. Public Participation							
11.	1. Adjournment							

# MOUNT POCONO PLANNING COMMISSION REGULAR MEETING MINUTES WEDNESDAY, AUGUST 17, 2022 7:00 P.M.

Chairman M. Penn opened the regular meeting at 7:09 P.M.

Pledge of Allegiance was said by all.

Roll Call: Vice Chair P. Bucco, present; Commissioner R. Dorkoski, present via phone; Commissioner A. Harris, present; Commissioner D. Staples, absent; Commissioner E. Melbert, present; Commissioner T. Cramer, absent; Solicitor C. Connor, present; Borough Engineer C. Niclaus, present; and, Recording Secretary, D. Jackowski, present.

PRELIMINARY ANNOUNCEMENTS – Chairman M. Penn announced that Alexis Wilkinson is no longer the Borough Zoning Officer. He was advised that Shawn McGlynn, SFM Consulting, will be taking over the Zoning Officer duties starting on Monday, August 22, 2022, and will be in the office Monday's, Wednesday's, and Friday's. He was also advised that Mr. McGlynn will not be attending these meetings; however, in his opinion, it could be beneficial that the Zoning Officer be in attendance as Zoning questions may arise. It was also noted that the agenda will be sent to the Zoning Officer prior to the meeting and that questions or opinions could be asked prior to the meeting.

**APPROVAL OF MINUTES** – Commissioner A. Harris moved to accept the Regular Meeting minutes of Wednesday, June 15, 2022, as presented. Commissioner R. Dorkoski seconded. Motion carried unanimously.

#### **UNFINISHED BUSINESS**

**Arya Village, 1221 Pocono Boulevard** – In attendance representing the Arya Village project were the Applicant, Ms. Rupal Patel, and her Engineer, Christian Cobaugh.

The Applicant's Engineer C. Cobaugh reviewed the revised plans indicating that PennDOT wasn't going to allow an entrance off of SR 611 & Belmont Avenue and will have a right turn only on SR 196 (Sterling Road) with an in and out on Pine Hill Road. Borough Engineer C. Niclaus reminded the Applicant that a TIS is required to move ahead with a proper review of the plan. More discussion was had, including the buffer requirements; are they a Zoning issue or under SALDO. It was clarified if Zoning issues are involved the Applicant would have to go before the Zoning Hearing Board (ZHB) for variance(s) and that could take up to ninety (90) days.

The Planning Commission acknowledged that it was in receipt of the Borough Engineer's Technical Review #2 letter dated August 17, 2022. It was also acknowledged that there were nineteen (19) Zoning Ordinance Review items that were informational only and that the Zoning Officer shall be the jurisdictional entity on Zoning requirements. Also, there were thirty-two (32) Subdivision and Land Development Ordinance (SALDO) items outstanding; forty-two (42) Stormwater Management items; and three (3) general comments, including traffic comments not addressed and a Traffic Impact Study (TIS) that has not been submitted.

Commissioner R. Dorkoski questioned if the Applicant was looking for an approval that would give the Applicant the right to close on this property.

Solicitor C. Connor answered by stating that the Planning Commission does not have the right on whether the closing would take place or not. He advised that currently what has been submitted to the Planning Commission is not enough information for any recommendation to be made and reminded the Applicant that the Planning Commission is only a recommending body with final approval up to Borough Council. He stated that this cannot affect the closing of the property and that the Applicant has to decide if she would like to continue.

Commissioner R. Dorkoski stated that, with not receiving a complete submission, the Planning Commission cannot advise the Applicant to close on the property. He noted the following: can't see an implied approval at this time; parking space sizes are an issue; and pavers are not allowed; he reminded the Applicant "buyer beware."

After Solicitor C. Connor's suggestion to the Applicant that, again, there is not enough information and the plan needs to be cleaned up to come back before the Planning Commission and advice to the Commission not to accept this plan as-is, Vice Chair P. Bucco

# MOUNT POCONO PLANNING COMMISSION REGULAR MEETING MINUTES WEDNESDAY, AUGUST 17, 2022 7:00 P.M.

moved to accept a ninety (90) day time extension, conditional upon receiving a letter requesting such. Commissioner A. Harris seconded. Motion carried unanimously.

Commissioner E. Melbert moved to table the Arya Village project until the next regular Planning Commission meeting. Vice Chair P. Bucco seconded. Motion carried unanimously.

Commissioner R. Dorkoski moved that all the items that are outstanding that can be completed must be completed prior to coming before the Planning Commission. Vice Chair P. Bucco seconded. Motion carried unanimously.

NEW BUSINESS – Vice Chair P. Bucco moved to table the Caliper of Trees – SALDO 187-6 and Submission Requirements – SALDO 187-18 to 187-24. Commissioner R. Dorkoski seconded. After some discussion Vice Chair P. Bucco amended her motion to table Caliper of Trees – SALDO 187-6 and SALDO 187-39 Improvement Maintenance Guarantee instead. Commissioner R. Dorkoski seconded. Motion carried unanimously.

Submission Requirements – SALDO 187-18 to 187-24 – After an explanation from the Planning Commission Recording Secretary D. Jackowski, Vice Chair P. Bucco moved to adopt the following amendment to the SALDO 187-18 to 187-24 Submission Requirements: to decrease the number of submission plans from ten (10) down to four (4) including electronic submissions and to decrease likewise the number of any required supporting documents such as sewage planning module(s), including electronic submissions; approvals and/or permits from the Pennsylvania Department of Environmental Protection; and highway occupancy permit from six (6) down to two (2). Commissioner E. Melbert seconded. Motion carried unanimously.

**PROJECT UPDATES** – Solicitor C. Connor stated that the Development and Stormwater Agreements for the Clarius project have been finalized. He noted that Clarius is closing on the property this week and they have indicated that they have potential tenants for the warehouse and that eighty-six (86) acres will be cleared early this fall.

### **LIAISON REPORTS**

**Borough Council** – Commissioner A. Harris stated that Borough Council at last night's meeting appointed a new Zoning Officer as was reported by Chairman M. Penn earlier in the meeting.

Zoning Hearing Board - No report.

#### **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 8:53 P.M. Commissioner A. Harris seconded. Motion carried unanimously.

Submitted by,

Diana Jackowski Recording Secretary

# Mount Pocono Borough Council Regular Meeting Minutes, Tuesday, September 6, 2022 6:30 P.M.

NOW, THEREFORE, be it RESOLVED as follows:

- 1. Application fee for the approval of the Keeping of chickens shall be in the amount of \$65.00.
- 2. Fee for the renewal of an annual permit issued for the Keeping of Chickens shall be \$35.00.
- 3. No permits shall be issued, or renewals approved without the payment in full of the above described fees.

Approved this <u>6</u> day of <u>September</u>, 2022 by Mount Pocono Borough Council.

Councilwoman E. Santiago seconded. Motion carried 7 - 0.

Consideration of sending a letter of support for the Pocono Mountain Regional Police Department's LSA application for a License Plate Reader program and to purchase a police patrol vehicle. — Vice President L. Noonan moved to authorize the Borough Manager to send a letter of support for the Pocono Mountain Regional Police Department's LSA application for a License Plate Reader program and to purchase a police patrol vehicle. Councilwoman C. Williams seconded. Motion carried 7-0.

Consideration of flooring estimates for restorations. – Vice President L. Noonan moved to table the flooring restoration estimates until more specific quotes are received for the downstairs. Councilwoman C. Williams seconded. Motion carried 7-0.

Consideration of approving Medico Construction estimate of \$3,811.99 for preventive maintenance on the 2008 Case 621 Ext wheel loader. – Vice President L. Noonan moved to approve the estimate cost of \$3,811.99 from Medico Construction for preventive maintenance on the 2008 Case 621 Ext wheel loader. Councilwoman A. Harris seconded. Motion carried 7-0.

Consideration of approving the Financial Requirement and Minimum Municipal Obligation (MMO) for the Borough's Pension Plan for 2023 in the amount of \$27,852.00. – Vice President L. Noonan moved to approve the Financial Requirement and Minimum Municipal Obligation (MMO) for the Borough's Pension Plan for 2023 in the amount of \$27,852.00. Councilman N. DeLano seconded. Motion carried 7-0.

Consideration of granting an extension of 90 days to allow the Mount Pocono Borough Council to render a decision on the Arya Village, LLC's application for Land Development Plan. — Councilwoman C. Williams moved grant the ninety (90) day extension to allow the Borough Council to render a decision, but this extension does not guarantee an approval by Borough Council on the Arya Village, LLC's Land Development Plan and authorized the Borough Manager to send a memo specifying this to the Applicant. Councilman N. DeLano seconded. Motion carried 7 — 0.

Consideration of placing an order with Hometown Press to establish a Borough Newsletter to be mailed out twice a year with costs being limited to just the postage. — After some discussion regarding interest from another party, Councilman N. DeLano moved to table the placing of an order with Hometown Press until the other offer is presented. Councilwoman D. Fulton seconded. Motion carried 7-0.

Consideration of approving a Touch a Truck event at this year's Harvest Fest on Saturday, September 24, 2022. — Vice President L. Noonan moved to approve the Touch a Truck event at the Harvest Fest on Saturday, September 24, 2022. Councilwoman A. Harris seconded. Motion carried 7-0.



### Diana Jackowski <diana@mountpocono-pa.gov>

# Fwd: Conditional Use Hearing- 1170 Pocono Blvd-MPB

1 message

Lindsay Scerbo < lindsay@sfmconsultingllc.org>
To: Diana Jackowski < diana@mountpocono-pa.gov>

Fri, Oct 14, 2022 at 3:47 PM

Hi Diana,

I forgot to copy you on the original email, so sorry about that! But Ostap Sharak is withdrawing his Conditional Use application for 1170 Pocono Blvd, which the hearing was supposed to be on Tuesday, Oct. 18.

Just keeping you in the loop:)

Enjoy your weekend and I'll see you Monday morning (which is probably when you're reading this lol)

Lindsay Scerbo

Zoning Researcher

Pocono Township (570) 629-1922 ext. 1218

Mount Pocono Borough (570) 664-2023

https://www.sfmconsultingllc.org

------ Forwarded message ------

From: AUTO 4 SALE INC TEAM <sales@auto4salepa.com>

Date: Fri, Oct 14, 2022 at 2:50 PM

Subject: Re: Conditional Use Hearing- 1170 Pocono Blvd-MPB

To: Lindsay Scerbo < lindsay@sfmconsultingllc.org>

Cc: Shawn McGlynn <smcglynn@sfmconsultingllc.org>, Joshua Walker <office@mountpocono-pa.gov>

Please withdraw our application at this time. We currently in talks with survey company Mendola & Associates on getting new survey done with all new planning proposal.

It will probably take a little time because they are booked for months ahead. When all paper work will be ready we will be resubmitting our application right away.

Please let us know what will be left from our deposit and what will go to our escrow account.

Thank you so much

570.972.1122 1170 Pocono Blvd Mount Pocono, PA 18344 http://www.auto4salepa.com

From: Lindsay	/ Scerbo	<li>dsay</li>	v@sfm	consulti	nallc.ora>

**Sent:** Friday, October 14, 2022 9:51 AM

To: AUTO 4 SALE INC TEAM <sales@auto4salepa.com>

Cc: Shawn McGlynn <smcglynn@sfmconsultingllc.org>; Joshua Walker <office@mountpocono-pa.gov>

Subject: Conditional Use Hearing- 1170 Pocono Blvd-MPB

### INTEROFFICE MEMORANDUM

TO:

MOUNT POCONO BOROUGH PLANNING COMMISSION

FROM:

SHAWN MCGLYNN, ZONING OFFICER

SUBJECT:

HARBOR FREIGHT/FIVE BELOW LDP AMENDMNER

DATE:

OCTOBER 18, 2022

CC:

JOSHUA WALKER, BOROUGH MANAGER, CHARLES NICLAUS,

BOROUGH ENGINEER

RECEIVED
OCT 18 2022
MT. POCONO BOROUGH

In accordance with §215-107, B (7) the following is a report from the Zoning Office regarding the proposed amendment to the Harbor Freight/Five Below LDP.

Specifically, this is an amendment to the previously approved LDP for Harbor Freight/Five Below for the additional allocation of space, creating a separate 8,784 square foot leasehold/tenant space in the rear of the approved leasehold for Five Below. To this end, the Zoning Officer has the following comments and observations:

- 1. The property is situated in the C-2 Zoning District.
- 2. Chapter 215 Attachment 1, *Schedule of Use Regulations* provides for a range of uses which may be permitted to occupy the space.
- 3. Currently there is no proposed tenant. The applicant states that a tenant will be obligated to fit within the permitted uses described under the Zoning Ordinance.
- 4. Based on the wide range of uses permitted, parking requirements could vary from just three examples: 185 parking spaces (restaurant) to the existing 53 retail parking spaces (Kmart) to 76 parking spaces (exercise club).
- 5. Without an identified tenant, it is impossible to determine sewage requirements/EDUs or water supply/sprinkler flow requirements for the proposed tenant space.
- 6. Based on the proposed layout, a traditional retail tenant is unlikely because there is no possibility of a store-front display area. A likely tenant will be using the proposed space for more private uses (fitness gym, restaurant, club).
- 7. There may be a likelihood that the proposed tenant space could be further subdivided, as the long hallways permit. Any further internal subdivision of the proposed tenant space will require Land Development.
- 8. Due to the lack of frontage for the proposed tenant space, the ability for signage/advertising will be severely limited, in accordance with §215-87 B(1)(b) whereby the area of a wall sign is limited to 20% of the area of the building wall, including doors and windows. This signage issue, along with the lack of frontage/display area, will deter most retail tenants.
- 9. Building Code and Fire Safety must be considered, specifically because the proposed tenant space is accessed by a long hallway and proposes to discharge occupants from both the approved and the proposed tenant spaces into one rear service area. Building Code/Fire Safety analysis should be provided.

Shawn F. McGlynn BCO, ICC, PENNBOC T: 484.330.9088 F: 484.623.4615 www.sfmconsultingllc.org

Sent from my iPad



**CONNOR LETTER - 10-13-22.pdf** 892K

### Charles Niclaus, PE <cniclaus@barryisett.com>

Fri, Oct 14, 2022 at 9:14 AM

To: Shawn McGlynn <smcglynn@sfmconsultingllc.org>, Diana Jackowski <diana@mountpocono-pa.gov>, Joshua Walker <office@mountpocono-pa.gov>

Shawn, have you made a decision on whether it's a LDP? Even if what's in the letter is correct, wouldn't an appeal of the decision be necessary? If that has not been decided, does it change what would be your decision?

### Thanks, Chuck

[Quoted text hidden]

## Shawn McGlynn <smcglynn@sfmconsultingllc.org>

Sun, Oct 16, 2022 at 1:39 PM

To: "Charles Niclaus, PE" <cniclaus@barryisett.com>

Cc: Clark Connor <a href="https://www.nct.net/">https://www.nct.net/</a>, Diana Jackowski <a href="https://www.nct.net/">diana@mountpocono-pa.gov</a>, James Fareri <a href="https://www.nct.net/">jfareri@newmanwilliams.com</a>, Joshua Walker <a href="https://www.nct.net/">office@mountpocono-pa.gov</a>, Lindsay Scerbo <a href="https://www.nct.net/">lindsay@sfmconsultingllc.org</a>

### Chuck,

I believe the additional tenant space, along with the exterior modifications proposed requires LDP approval.

The Zoning Ordinance does not specifically authorize the Zoning Officer to enforce SALDO, nor does SALDO authorize the Zoning Officer to administer it.

That being stated, Section 215-107 under Subsection B (7), states that "the Zoning Officer shall not have the power to permit any activity which does not conform to this Chapter or all other Ordinances of the Borough known to the Zoning Officer." I take this to mean that I (as the Borough's Zoning Officer) am empowered to enforce SALDO. This includes making interpretations as to applicability.

So, I agree, if Pablo wants to dispute my interpretation, an appeal must be filed with the ZHB. I have copied the Borough's Solicitor and PC Solicitor on this email for their interpretation.

Thanks,

Shawn McGlynn

Mount Pocono Borough Zoning Officer

[Quoted text hidden]

### Diana Jackowski <diana@mountpocono-pa.gov>

Mon, Oct 17, 2022 at 8:34 AM

To: Clark Connor <a href="https://www.nccinetricolorg/">https://www.nccinetricolorg/</a>, Michael` Penn <a href="https://www.nccinetricolorg/">https://www.nccinetricolorg/</a>, Michael` Penn <a href="https://www.nccinetricolorg/">https://www.nccinetricolorg/</a>, Ann Marie Harris <a href="https://www.nccinetricolorg/">https://www.nccinetricolorg/</a>, Dakota Staples

<drsenterprises1017@gmail.com>, Chuck Niclaus <cniclaus@barryisett.com>, Patty Bucco <njct602@aol.com>, Erin Melbert <erinm@melbert.net>, Richard Dorkoski <richd327@gmail.com>

Cc: Claudette Williams < cwilliams@mountpocono-pa.gov>, Norman DeLano Jr < ndelano@mountpocono-pa.gov>

### Good Morning All -

Please email stream regarding the Harbor Freight - Five Below (Mount Pocono Plaza Shopping Center) including Borough Zoning Officer and the Applicant's letter regarding amending the LDP to be reviewed this Wednesday at the PC

meeting.

Thank you. [Quoted text hidden]

Respectfully,

Diana Jackowski Administrative Assistant Mount Pocono Borough 1361 Pocono Boulevard, Suite 100 Mount Pocono, PA 18344 PH: 570-839-8436 ext. 302

FAX: 570-839-0981

diana@mountpocono-pa.gov





A Professional Corporation

P. O. Box 511 712 Monroe Street Stroudsburg, PA 18360 570.421.9090

www.newmanwilliams.com

Marc R. Wolfe, Esquire mwolfe@newmanwilliams.com

October 13, 2022

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OCT 142022

H. Clark Connor, III, Esquire P.O. Box 235 Swiftwater, PA 18370 MT. POCONO BOROUGH

RE: Mt. Pocono, LLC - Mount Pocono Plaza Shopping Center

Our File No. 56800

Dear Clark:

Please be advised that Mt. Pocono, LLC (the "Owner" and/or the "Developer") has been advised it must submit a Land Development Plan for the proposed reuse of part of the former K-Mart store property which is part of the Mount Pocono Plaza Shopping Center (the "Center"). The Land Development Plan for the Center was approved in 1989 and included the former K-Mart space.

The Developer previously received approval to use part of the former K-Mart store for the Harbor Freight store, the Planet Fitness and the Ollie's Bargain Outlet store. Minimal interior and exterior changes are proposed for the conversion of the former K-Mart space into separate demised areas.

In order to keep the project on schedule, the Developer has requested that its proposed development plan for the former K-Mart space be on the October 19, 2022 Borough Planning Commission Agenda, however, the Developer by making that request reserved the right to contest the interpretation that its plan to convert the remaining vacant portion of the former K-Mart space to a Five Below store with a smaller vacant "future tenant" space behind that constitutes land development.

The Developer's plans for the space in question involve the following:

- 1. The construction of interior demising walls as well as other interior renovations.
  - 2. The installation of bollards along the Tenant's frontage.
  - 3. The construction of a canopy along the Tenant's frontage.

H. Clark Connor, III, Esquire Page 2 October 13, 2022

4. Loading dock geometry changes at the rear of the future Tenant frontage. Specifically, the width was reduced from 14 feet wide to 10 feet wide.

The exterior work, as you can discern from the above summary, is minor. Pennsylvania case law is quite clear that minor exterior improvements such as proposed here do not constitute land development. Rather, "the MPC, when viewed as a whole, clearly is intended to apply to the allocation of land in such a way that issues related to public use, water management, sewers, streets and the like must be addressed. Consistently with this focus, the case law typically involves the division of a tract of land into smaller parcels for the construction of either residential or commercial buildings." *Upper Southampton Twp. v. Upper Southampton Twp. Zoning Hearing Bd.*, 594 Pa. 58, 68, 934 A.2d 1162, 1168 (2007). This division of land found within the MPC implicates many legitimate governmental concerns affecting the general public, such as sanitary sewer, water, storm water management, parking areas, driveways, roadways, curbs, and sidewalks. *Id* at 1169."

In Borough of Moosic v. Zoning Hearing Board of Borough of Moosic, 11 A.3d 564 (Pa. Cmwlth. 2010) "this Court has held on numerous occasions that various minor improvements do not constitute land development under the MPC, including an antenna and its accessory structures, a medical office building on the grounds of a completed shopping center, Kirk v. Smay, 28 Pa. Commw. 13, 367 A.2d 760 (Pa. Cmwlth. 1976), and a billboard, Marshall Township Board of Supervisors v. Marshall Township Zoning Hearing Board, 717 A.2d 1 (Pa. Cmwlth. 1998)." See Bretz v. Buckingham Twp., 40 A.3d 763 (Pa. Commw. Ct. 2012). Even in situations where a roof was being constructed over a restaurant's patio the court has found that this type of development was certainly not the type of large-scale development of land described in Upper Southampton. Borough of Moosic v. Zoning Hearing Bd., 11 A.3d 564, 568 (Pa. Commw. Ct. 2010). In Borough of Moosic the court stated that "the Borough's very broad interpretation of the SALDO and MPC as requiring land development approval for any improvement to property, no matter how minor, is inconsistent with the Supreme Court's decision in Upper Southampton and this Court's case law." Id. (Emphasis Added)

None of the exterior improvements proposed by the Developer for the Five Below/vacant future tenant spaces involve large scale development impacting governmental concerns affecting the public, such as sanitary sewer, water, and parking areas. The former K-Mart store building was general retail and that use is continued with the Five Below tenancy and will likely continue with the future tenant space. All that this reuse involves is some very minor exterior alterations and interior renovations, none of which individually or cumulatively under foregoing case law is large scale development that rises to the level of requiring land development plan approval.

After you have had the opportunity to review this material I will welcome the opportunity to further discuss the issue so that it can be resolved before the October 19, 2022 Planning Commission meeting.

H. Clark Connor, III, Esquire Page 3 October 13, 2022

Thank you for your attention to this matter.

Very truly yours,

Marc R. Wolfe

# MRW/aml

cc:

Joshua Walker, Borough Manager Shawn McGlynn, Zoning Officer Pablo Medeiros.

Rhett N. Chiliberti, P.E.

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Diana Jackowski <diana@mountpocono-pa.gov>

# Fwd: Mt. Pocono, LLC - Mount Pocono Plaza Shopping Center

4 messages

Shawn McGlynn <smcglynn@sfmconsultingllc.org>

Fri, Oct 14, 2022 at 8:58 AM

To: "Chuck Niclaus, PE <cniclaus@barryisett.com> (cniclaus@barryisett.com)" <cniclaus@barryisett.com>, Diana Jackowski <diana@mountpocono-pa.gov>

FYI

----- Forwarded message -----

From: Alma Lebson <alebson@newmanwilliams.com>

Date: Thu, Oct 13, 2022 at 4:17 PM

Subject: Mt. Pocono, LLC - Mount Pocono Plaza Shopping Center To: H. Clark Connor III Esquire (hcconnor@ptd.net) <hcconnor@ptd.net>

CC: Joshua Walker, Borough Manager (office@mountpocono-pa.gov) <office@mountpocono-pa.gov>, Shawn McGlynn -Hamilton Twp. ZO (smcglynn@sfmconsultingllc.org) <smcglynn@sfmconsultingllc.org>, Pablo J. Medeiros (pmedeiros@ colliersengineering.com) <rhett.chiliberti@colliersengineering.com>, Marc Wolfe <mwolfe@newmanwilliams.com>

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OCT 142022

MT. POCONO BOROUGH

Please see attached letter.

### Alma Lebson

Assistant to Marc R. Wolfe, Esq.



P.O. Box 511

712 Monroe Street

Stroudsburg, PA 18360 t: (570) 421-9090 Ext. 232

**f:** (570) 424-9739

e: alebson@newmanwilliams.com

www.newmanwilliams.com

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525 Main Street, Suite 200, Stroudsburg, PA 18360

272.200.2050 272.200.2051

barryisett.com



October 13, 2022 Project #313618.014

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

Dear Planning Commission Members:

RE: HARBOR FREIGHT & FIVE BELOW LAND DEVELOPMENT PLAN

Mount Pocono Borough, Monroe County, Pennsylvania Land Development Plan Review Final (Amendment)

### **Materials Submitted for Review**

- 1. Land Development Plan Set, sheets 1 9, latest revision 8/30/22, prepared by Colliers Engineering and Design.
- Engineer Revisions email dated 9/8/22.
- 3. Owner/Applicant correspondence dated 10/12/22.

The project proposes reuse of a 18,456 SF area and the separation of another approximately 19,000 SF reuse area into a 9,505 SF area for Five Below and a residual 8,784 SF area (plus common area) in an existing Shopping Center building located in the Mount Pocono Plaza located on the south side of Route 940 bordering the intersection of Oak Street to the east and opposite the intersection of Industrial Park Drive at the main driveway, bearing the tax map parcels 10/111456, 10/13/2/2-1C and 10/13/2/2-2C. The applicant proposes to divide the former K-Mart store into separate demised areas and Harbor Freight is proposing a loading dock at the rear of its proposed store area. Five Below is the proposed tenant for the 9,505 SF area and the remaining area is for a future tenant. Subsequently, the applicant proposes to change the existing two-way driveway at the rear of the stores to a one-way circulation to accommodate the new loading provisions. The subject lots include 19.57 acres in area and tax parcels are not differentiated on the overall plan. The lots are within the C-2 Commercial - General zoning district.

Based upon our review, the following comments are offered for an amended final review:

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

1. In lieu of a developer's agreement and improvement securities, occupancy permits will not be issued until site improvements and landscaping features are completed to the satisfaction of the Borough.

- 2. It should be discussed if a recreation facility fee will be applicable for any part of this project (187-61, Res #8 2017). A recreation fee shall be applicable for the improvements area. The exterior sitework impervious area is approximately 8,000 sf including the docks area, front building sidewalk and Route 940 sidewalk. At \$0.25 / SF, the recreation fee would be \$2,000.00.
- 3. Illumination should be illustrated for the loading and trailer parking areas (187-62.1.C, 187-62.2). Illumination should be shown in intensity values to the property lines. This has not been completed.

## **General Comments**

- 1. Certifications on the cover sheet should be executed.
- 2. Besides the interior space of an existing unit being divided into 2 units, the principal revisions of this amendment include a canopy and bollards being installed along the tenant frontage, and a reduction in the size of the rear loading dock for the newly divided area. However, a ramp has been added where the 75' loading zone was previously designated. A 43' loading area is now designated which would be suitable for a Box type or single unit truck.
- 3. Additional materials requested by the zoning officer have been provided in an email from the Owner/Applicant. The zoning officer should comment on the suitability of the materials provided.
- 4. The minor nature of the revisions appears to be suitable for this to proceed as an amendment to the approved Land Development Plan. If the Planning Commission agrees, this should be moved on to the Borough Council with a recommendation from the Planning Commission.

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,

Charles Niclaus, PÉ Borough Engineer

Barry Isett & Associates, Inc.

















