

MOUNT POCONO BOROUGH PLANNING COMMISSION
REGULAR MEETING AGENDA
Wednesday, May 17, 2023 – 7:00 PM

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

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
____ A. M. Harris, ____ E. Melbert, ____ M. Penn, ____ R. Dorkoski, ____ S. Speno,
____ D. Noonan (Alternate), ____ C. Connor, ____ C. Niclaus, ____ D. Jackowski
4. Preliminary Announcements
5. Consider Approval of Minutes – Re-Organization/ Regular Meeting Minutes
 - a. March 15, 2023
6. Unfinished Business - None
7. New Business
 - a. Shivers – 130 View Court #203 – Short term Rental, Conditional Use Review
 - b. Baronov – 31 Seneca Road – Short Term Rental, Conditional Use Review
 - c. Beyond Hello Cannabis Dispensary, 3192 SR 940 #101, Conditional Use Review
8. Project Updates
9. Liaison Reports
 - a. Borough Council
 - b. Zoning Hearing Board
10. Public Participation
11. Adjournment

**MOUNT POCONO PLANNING COMMISSION
RE-ORGANIZATION/ REGULAR MEETING MINUTES
WEDNESDAY, MARCH 15, 2023
7:00 P.M.**

The Planning Commission Re-Organization meeting was opened at 7:05 P.M. by Solicitor C. Connor.

Pledge of Allegiance – was said by all.

RE-ORGANIZATION

Nominations – Solicitor C. Connor asked for nominations for Chair of the Planning Commission.

Commissioner E. Melbert nominated Ann Marie Harris as Chair of the Planning Commission for 2023. Commissioner M. Penn seconded. There being no other nominations, the nominations closed for Planning Commission Chair. Motion carried unanimously.

Chair A. Harris asked for nominations for Planning Commission Vice Chair. Commissioner S. Speno moved to nominate Erin Melbert as Vice Chair. Chair A. Harris seconded, and asked if there were any more nominations for this position. There being none, motion carried unanimously.

It was agreed that Recording Secretary Diana Jackowski will be the Zoning Hearing Board Liaison.

Roll Call – The following were present: Chair A. Harris; Vice Chair E. Melbert, Commissioner M. Penn; and, Commissioner S. Speno. Commissioner R. Dorkoski was absent. Also, present were Solicitor C. Connor; Borough Engineer C. Niclaus; and, Recording Secretary D. Jackowski.

PRELIMINARY ANNOUNCEMENTS – None

APPROVAL OF MINUTES – Commissioner S. Speno moved to accept the Regular Meeting minutes of Wednesday, August 17, 2022, as presented. Commissioner E. Melbert seconded. Motion carried unanimously.

UNFINISHED BUSINESS

Arya Village, 1221 Pocono Boulevard – It was reported that Borough Council at its regular meeting on February 7, 2023, denied the extension for the Arya Village project and that to inform the Applicant that they could come back with a new submission and that any outstanding monies owed must be paid.

NEW BUSINESS

Commonwealth Charter Academy (CCA), 4 Fork Street – Sketch Plan – Representing the Applicant Mr. Jayson Livingston, Architect Engineer of Strada was in attendance. Borough Engineer C. Niclaus suggested to the Applicant to come before the Planning Commission to evaluate the project and if it should be considered as a Land Development Plan. Mr. J. Livingston presented the project and explained the improvements of the property which includes waiver requests for stormwater management and buffers.

After the Borough Engineer's review of the CCA, 4 Fork Street Sketch Plan and Solicitor C. Connor stated that in his opinion that this project is not a Land Development Plan, Commissioner M. Penn moved to that the CCA, 4 Fork Street sketch plan doesn't warrant to be a Land Development Plan; however, it is recommended to Borough Council with the following items that need to be addressed by the Applicant and included when applying for a Zoning Permit as noted when submitted by the Applicant:

1. Stormwater Ordinance Section 179-20A(5) Exemptions – recommended for approval to be forwarded to Mount Pocono Borough Council on the request for a 5,000 sf exemption from the Stormwater Ordinance specific design requirements. Impervious area is required to be lessened from what is existing.

**MOUNT POCONO PLANNING COMMISSION
RE-ORGANIZATION/ REGULAR MEETING MINUTES
WEDNESDAY, MARCH 15, 2023
7:00 P.M.**

2. SALDO Section 187-56F(3)(e) Buffers and screens – recommended to approve this waiver as it will widen the access drive in front of the building adjacent Fork Street and remove the required 10' buffer. The Applicant did propose providing all requirements of the landscape plantings in the existing buffer area to remain and this is a requirement of granting the waiver. Borough Council to approve.
3. Submit a lighting plan subject to the Borough's Ordinance requirements SALDO 187-62 and have it reviewed by a professional reimbursed by the Escrow account of the Sketch Plan application.
4. Parking space sizes less than 10' x 20' were recommended to match the existing sizes of parking spaces and meet 85th percentile reservations. The Applicant was encouraged to provide the average number parking spaces required with some 10' x 20' spaces. The parking layout must be designed and provided in accord with the most current Institute of Transportation Engineers Traffic Engineering Handbook. The Applicant shall provide copies of the methodology used for the design for review by a Professional.

Vice Chair E. Melbert seconded. Motion carried unanimously.

Annual Report – Commissioner M. Penn as last year's Chair of the Planning Commission he reviewed the 2022 Planning Commission Annual Report. Commissioner M. Penn moved to approve the 2022 Annual Report with correction. Commissioner S. Speno seconded. Motion carried unanimously.

PROJECT UPDATES – Chair A. Harris reported that there was a problem with Taco Bell's placement of its trash bin as it was too close to the setback line. She added that Taco Bell went before the Zoning Hearing Board to prove that to move the trash bin would be a hindrance. It wasn't proven so they have to move the trash bin location. It was noted that Sparkle Car Wash is at the point of their final inspections.

LIAISON REPORTS

Borough Council – Chair A. Harris gave the following report: (1) Zoning Department is currently correcting some zoning permits prior to occupancy permits that were issued; (2) Mount Pocono Municipal Authority made comments to Borough Council that they would be going before the Planning Commission to see what approvals would be needed and that they aren't sure what to do next; and, (3) SFM Consulting is now our Building Code Official replacing Bureau Veritas. She asked if anyone would be interested in a PSAB webinar regarding Planning Commission. She received positive response that there is interest in the webinar. Commissioner M. Penn questioned if there are any new Ordinances being reviewed, such as for Short Term Rentals. It was stated that the Zoning Department is working on the Rental Ordinance.

Zoning Hearing Board – No report.

PUBLIC PARTICIPATION – Borough Council President D. Struckle congratulated the newly voted Planning Commission Officers: Ms. A. Harris, Chair; and, Ms. E. Melbert, Vice Chair. He added that the reason for severing our ties with Bureau Veritas was lack of communication and reporting to the Borough. He stated that it was good to see full attendance of the Planning Commission and appreciated all of them for their continued good work.

There being no additional public participation and no further business coming before the Planning Commission, Commissioner M. Penn moved to adjourn at 8:37 P.M. Commissioner S. Speno seconded. Motion carried unanimously.

Submitted by,

Diana Jackowski
Recording Secretary

SHIVERS - 130 VIEW COURT, #103

SHORT-TERM RENTAL

BOROUGH OF MOUNT POCONO

1361 POCONO BOULEVARD, SUITE 100
MONROE COUNTY, PENNSYLVANIA

PLANNING COMMISSION SUBMISSION APPLICATION FORM

Name of Proposed Development: The proposal is to use the property as a short-term rental.

Proposed Number of lots: _____ Location/Street: View Ct, Mount Pocono

Pin #: 10635511578232

Applicant/Owner: Tyrell Shivers

Address: 130 View Ct Mount Pocono, PA 18344 unit 204

Telephone: 570-442-9233 Fax #: _____

Email: caetjs@gmail.com, admin@pocoknos.com

Engineer/Contact: N/A

Address: N/A

Telephone: N/A Fax #: _____

Email: N/A

Borough Application Fee: \$ 200 Date Fee Paid: 1/18/23 JS

Deposit (if applicable): \$ 1000 Date Paid: 1/18/23 JS

Narrative of Project (attached sheet can be used): _____

We want to use the property located at 130 View Ct Mount Pocono as a

Short term rental

RECEIVED

JAN 18 2023

MT. POCONO BOROUGH



Diana Jackowski <diana@mountpocono-pa.gov>

130 View Ct., Unit 204 Application Moving Forward

1 message

Lindsay Scerbo <lindsay@sfmconsultingllc.org>

Mon, Mar 6, 2023 at 2:13 PM

To: "Pocoknos Property Management Corp." <admin@pocoknos.com>

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

Paul and Sarah,

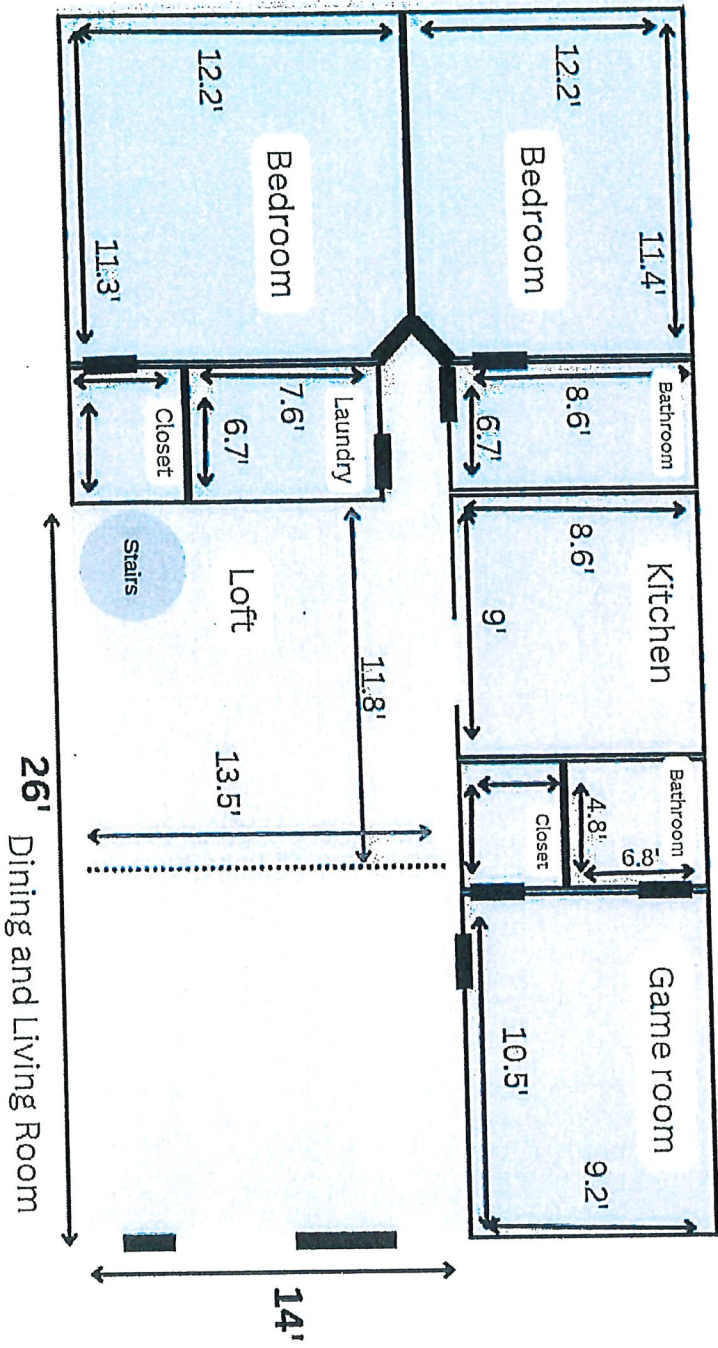
Your Conditional Use Application has been approved by the Zoning Officer. With that, we are now ready to move forward and add you to the agenda for the next Planning Commission meeting, which will be held on April 19th, 2023, at 7:00 pm.

In accordance with Section 215-111(B)(f) of the Borough Ordinance, you are required to notify the owners of the properties contiguous to and across the street from the subject property of the Conditional Use Hearing. The notice will essentially state the date and time of the hearing, what property it is for, and what the hearing is being held to discuss. These notices must be delivered via certified mail at least 14 days before the hearing date.

Please let me know if you have any questions.

Kind regards,

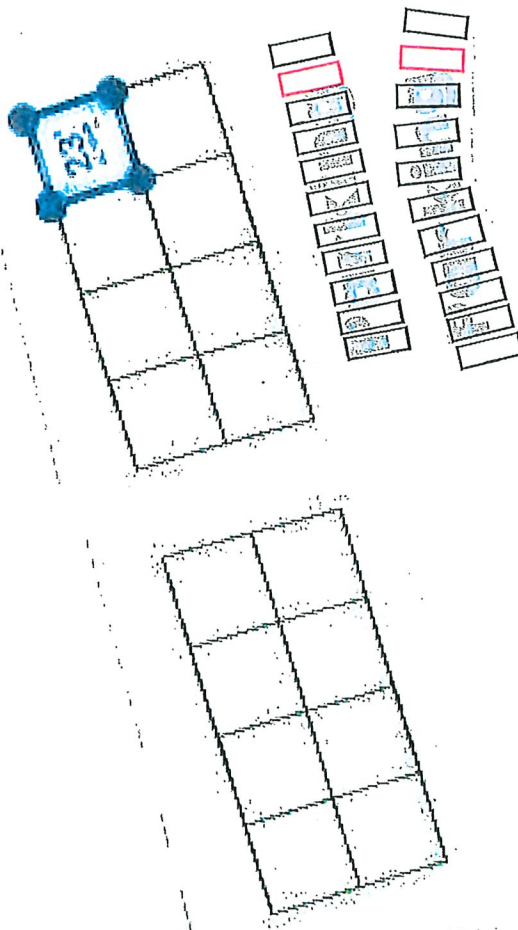
Lindsay Scerbo, CZO
Zoning Administrator
Pocono Township (570) 629-1922 ext. 1218
Mount Pocono Borough (570) 664-2023
<https://www.sfmconsultingllc.org>



View Ct

View Ct

View Ct



© 2022 TomTom, © 2023 Microsoft Corporation, © OpenStreetMap Terms

 Our parking spots

1/27/23, 9:36 AM

SFM Consulting LLC Mail - 130 View Court, Unit 204, STR Conditional Use Application



Lindsay Scerbo <lindsay@sfmconsultingllc.org>

130 View Court, Unit 204, STR Conditional Use Application

1 message

Lindsay Scerbo <lindsay@sfmconsultingllc.org>

Fri, Jan 27, 2023 at 9:36 AM

To: caetjs@gmail.com, "Pocoknos Property Management Corp." <admin@pocoknos.com>

Cc: Shawn McGlynn <smcglynn@sfmconsultingllc.org>

Good morning,

A preliminary review of your Conditional Use application has been completed by the Zoning Officer. The following document will be needed:

- A letter from the Oak View Terrace Condominium Association stating that this use is conforming with their community regulations and bylaws.

Please let me know if you have any questions.

Kind regards,

Lindsay Scerbo, CZO
Zoning Administrator
Pocono Township (570) 629-1922 ext. 1218
Mount Pocono Borough (570) 664-2023
<https://www.sfmconsultingllc.org>

Oak View Terrace Condominium Association

110 View Court Unit 50
Mount Pocono PA 18344
570-971-2509

February 16, 2023

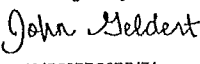
To Whom It May Concern:

The unit at 130 View Court Unit 204 may be used as a short terms rental as long as the following conditions are met. Dues, fines, or assessments are all paid and current. The advertised listing is for a minimum of 7 days. No undue burden is placed on the infrastructure of the neighbors, community, or association. And guest and tenants follow community rules and guidelines. Consistent with the bylaws, rules and regulations it may not be rented for less than 7 days.

Sincerely,

Oak View Terrace Condominium Association Board

John Geldert

DocuSigned by:

424D69BDC3DB474...

**Commonwealth of Pennsylvania
Department of Revenue**

SALES TAX LICENSE

TYRELL SHIVERS
130 VIEW CT APT 204 MOUNT POCONO PA 18344-1176

Sales License ID: 01000867

License Type: Retail

Expiration Date: 12/31/2027



pennsylvania

DEPARTMENT OF REVENUE

This license authorizes the holder to collect state and/or local sales, use and hotel occupancy tax. Licenses are issued for tax collection purposes and shall remain in force as specified herein unless sooner surrendered, suspended or revoked.

THIS LICENSE MUST BE PROMINENTLY DISPLAYED.
This license is not assignable or transferable.

Hotel Room Rental
Excise Tax # 45-2775

County of Monroe

CERTIFICATE OF AUTHORIZATION

This is to certify that

TYRELL SHIVERS OF 130 View Ct, Unit 204, Mount Pocono, PA 18344
has been duly licensed to collect

Hotel Room Rental Excise Tax

In the County of Monroe, Commonwealth of Pennsylvania as specified in the resolution adopted by the
Monroe County Board of Commissioners on April 1st, 2005.

The Treasurer of Monroe County has caused this certificate to be issued and this seal to be affixed this
15th day November 2022.

Monroe County Seal


Theresa Johnson, County Treasurer

THIS LICENSE SHALL BE PUBLICLY DISPLAYED

INTEROFFICE MEMORANDUM

TO: MOUNT POCONO BOROUGH PLANNING COMMISSION
FROM: SHAWN MCGLYNN, ZONING OFFICER
SUBJECT: CONDITIONAL USE HEARING – 130 VIEW COURT, UNIT 204
DATE: APRIL 13, 2023
CC: JOSHUA WALKER, BOROUGH MANAGER

In accordance with §215-111(D) of the Borough Zoning Ordinance, the following is a report from the Zoning Office regarding the **Conditional Use Hearing** for the property situated at 130 View Court, Unit 204.

Specifically, this is an application for the conversion of a two-bedroom, condominium unit to a transient Short-term Rental. The provisions of §215-111(D), for the purpose of the Planning Commission's review, are as follows (Zoning Officer Comments are in bold and italics):

Standards and criteria.

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this chapter and other ordinances of the Borough. In addition to the applicable general provisions of this chapter and to the standards and criteria provided in this chapter for specific conditional uses and specific special exceptions, **the following standards and criteria shall be applied in the review of applications for conditional uses:**

- 1). The proposed use shall be in harmony with the purposes, goals, objectives, and standards of the Borough's Comprehensive Plan, this chapter, and all other ordinances of the Borough. ***The proposed use is a residential use of land, albeit commercial, and is generally harmonious for the zoning district.***

- 2). The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site. ***The existing dwelling/property is compliant with these requirements.***

- 3). The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this chapter, or any other plan, program, map or ordinance of the Borough or other government agency having jurisdiction to guide growth and development. ***The proposed use is compliant with this requirement provided the potential for nuisance***

issues that may arise from parties and unruly guests are addressed under the enforcement provisions of Chapter 154 of the Borough Ordinance. The Condominium Association has approved this use on the property, and adjoining property owners were notified of the proposed use of their neighboring unit.

4). The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Borough, whether such services are provided by the Borough or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing the ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other ordinances of the Borough. The permit approval shall be so conditioned. ***The use is generally compliant with this provision. They have provided two (2) parking spaces, the building is two-bedroom condominium unit with a maximum occupancy of six (6) people. The home is served by public sewer and water.***

5. The following additional factors shall be considered:

- Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs.
- Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
- Location, arrangement, appearance and sufficiency of off-street parking and loading.
- Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- Adequacy of stormwater and drainage facilities.
- Adequacy of water supply and sewage disposal facilities.
- Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

No changes to the exterior of the property are proposed and therefore the proposal complies with this provision.

6). No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria enumerated above, all of the applicable standards contained in this chapter shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary

by the Council or Zoning Hearing Board to protect the general health, safety, and welfare as well as to implement the purposes of this chapter and the MPC shall be imposed as conditions of approval in accord with Section 912.1 or Section 913.2 of the MPC, ^{and} as the case may be. *The specific standards for a short-term rental are included in Chapter 154 of the Borough Ordinance.*

The application demonstrates compliance with the Zoning Ordinance and the Zoning Office recommends approval conditioned on compliance with Chapter 154 of the Borough Ordinance and the Condo Associations comments.

BARONOV – 31 SENECA ROAD

SHORT-TERM RENTAL

BOROUGH OF MOUNT POCONO

1361 POCONO BOULEVARD, SUITE 100
MONROE COUNTY, PENNSYLVANIA

PLANNING COMMISSION SUBMISSION APPLICATION FORM

Name of Proposed Development: 31 Seneca Rd. Mt. Pocono, PA 18344

Proposed Number of lots: _____ Location/Street: _____

Pin #: ~~0000~~ 10636505099865

Applicant/Owner: Dmitry Baronov

Address: 31 Seneca Rd. Mt. Pocono, PA 18344

Telephone: 610-270761 Fax #: _____

Email: dmitrybaronov@gmail.com

Engineer/Contact: _____

Address: _____

Telephone: _____ Fax #: _____

Email: _____

Borough Application Fee: \$ 200 Date Fee Paid: 3/27/23 #1143

Deposit (if applicable): \$ 1,000 Date Paid: 3/27/23 #1144

Narrative of Project (attached sheet can be used): _____

Application for STR

RECEIVED
MAR 27 2023
MT. POCONO BOROUGH



Mount Pocono Borough

Tel 570-839-8436
Fax 570-839-0981

1361 Pocono Blvd., Suite 100
Mount Pocono, PA 18344

www.mountpocono-pa.gov

RECEIVED

MAR 27 2023

MT. POCONO BOROUGH

SHORT-TERM RENTAL APPLICATION

ALL SECTIONS OF THIS APPLICATION MUST BE COMPLETED

- Property Address: 31 Seneca Rd, Mt Pocono, PA 18344 Unit #: _____ (if applicable)
- Property Owner's Name(s): Dmitriy Baronov
Mailing Address: 31 Seneca Rd, Mt Pocono, PA 18344
24-Hour Phone Number: 646-270-7161
Can this phone number receive text messages? Yes
Email: dmitriybaronov@gmail.com
- Managing Agent's Name: Sofia Pustilnik
*A managing agent is required if the Property Owner is not a local resident.
Mailing Address: 167 Westfall Dr, Dingmans Ferry, PA 18328
24-Hour Phone Number: 570-664-7107
Can this phone number receive text messages? Yes
Email: houseonatrail@gmail.com
- Type of Dwelling used for Short-Term Rentals: Single Family Townhome/Condo Multi-Family
 Individual Rooms Other: _____
If building is a multi-unit structure, total # of units being used as Short-Term Rentals: _____
If building is a multi-unit structure, a separate application is required for each unit as a short-term rental
- Total number of bedrooms: 3 Total number of bathrooms: 2
- Sewage System: Private Septic Public/Community Sewer
If septic, date of last inspection/pump: _____
***Must provide Borough with copy of professional evaluation of septic system**
Approximate age of system: _____ Capacity of System: _____
- Is property within a developed community under the jurisdiction of an HOA/POA? No
If so, name of HOA: _____

Application must be submitted with the following:

1. Copy of the current deed.
2. If Private Septic, the location, approximate age and capacity of the sewage disposal system, a professional evaluation of the septic system and proof of pumping with the last 12 months.
3. Copy of current Monroe County Hotel Room Excise Tax Certificate.
4. Copy of current Pennsylvania Sales and Use Tax Permit.
5. Trespass waiver signed by the owner of the property.
6. Registration Fee: \$500.00


I hereby certify that I am the owner of the above referenced property. If the property is owned by a corporation, I certify that I am a partner of that corporation and have the authority to sign and acknowledge the following on behalf of the corporation.

I have read, understand and agree to the provisions set forth in Chapter 154, Article III of the Mount Pocono Borough Code for Short-Term Rental Standards. I have also read and understand Chapter 154, § 150- 21 through 24 regarding violations and penalties and that any violation of the provisions of Chapter 154 may result in fines and/or the revocation of a Short-Term Rental Permit. I agree to conform to all applicable laws of this jurisdiction, I understand that the issuance of a Short-Term Rental Permit is not guaranteed by this application.

Signature of Property Owner: _____  _____ Date: 3/22/23

I hereby certify that I am the Managing Agent of the above referenced property and have been given authority to accept service for the Property Owner.

I have read, understand and agree to the provisions set forth in Chapter 154, Article III of the Mount Pocono Borough Code for Short-Term Rental Permit is not guaranteed by this application.

Signature of Managing Agent: _____  _____ Date: 3/22/23

DO NOT WRITE BELOW THIS LINE – BOROUGH USE ONLY

Date Received: _____	Payment Type: _____	MO/Check #: _____
Registration Fee: \$ _____		Inspection Fee: \$ _____
Approved: _____	Denied: _____	Reason for Denial: _____
Permit No.: _____	Zoning Officer: _____	Date Approved: _____
Property Identification Number (PIN): _____		

TRESPASS WAIVER

The undersigned is/are the owner(s) of a parcel of land in Mount Pocono Borough, Monroe County, Pennsylvania, at the following location:

Property Address: _____ 31 Seneca Rd, Mt Pocono, PA 18344 _____

Property Identification Number (PIN): _____ 10636505099865 _____

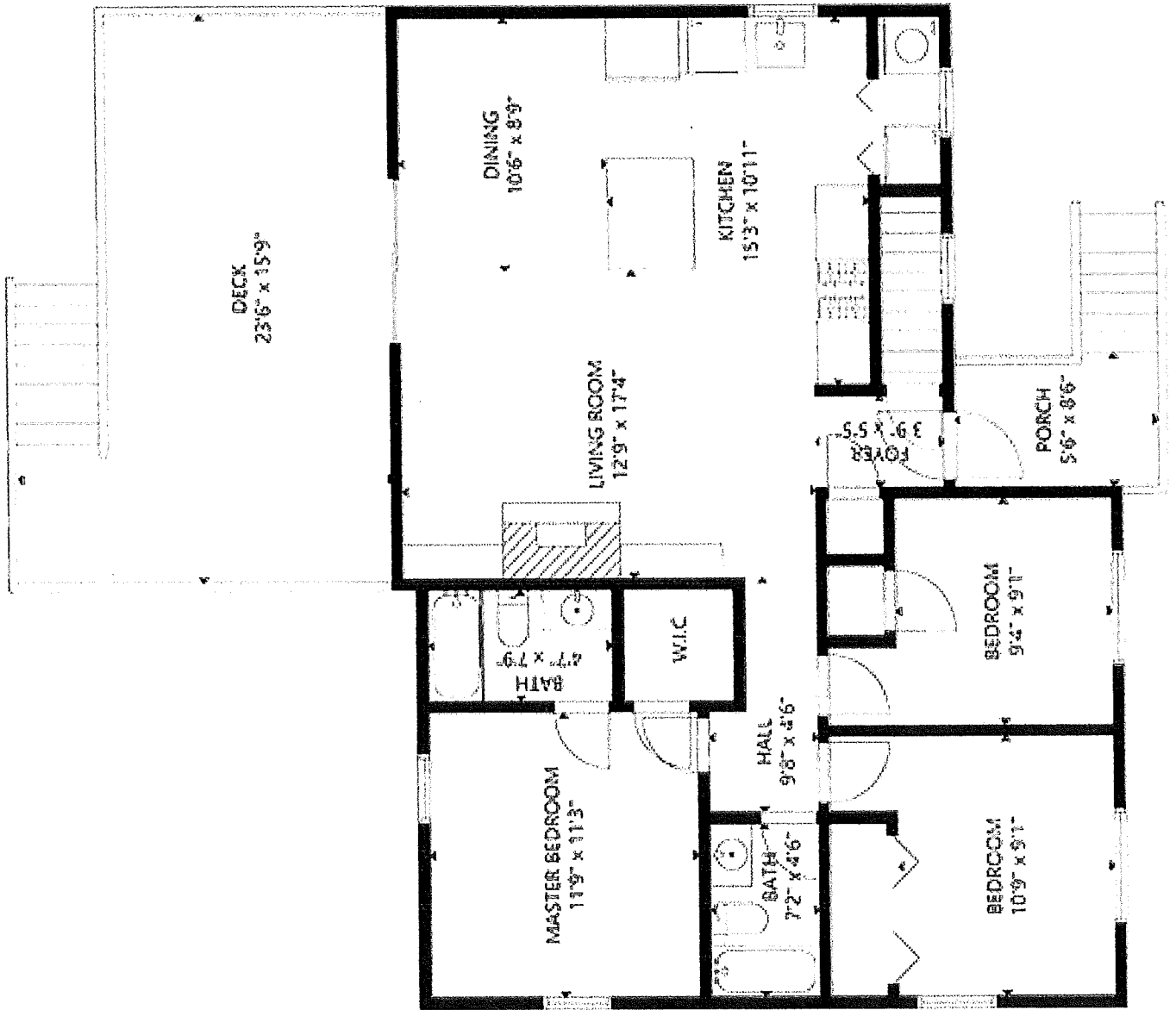
The undersigned authorize(s) and allow(s) any agents, employees, public officials or representatives of Mount Pocono Borough to enter upon the above land and enter any structures for the purpose of performing any inspection, site visit or testing necessary to determine compliance with Mount Pocono Code of Ordinances.

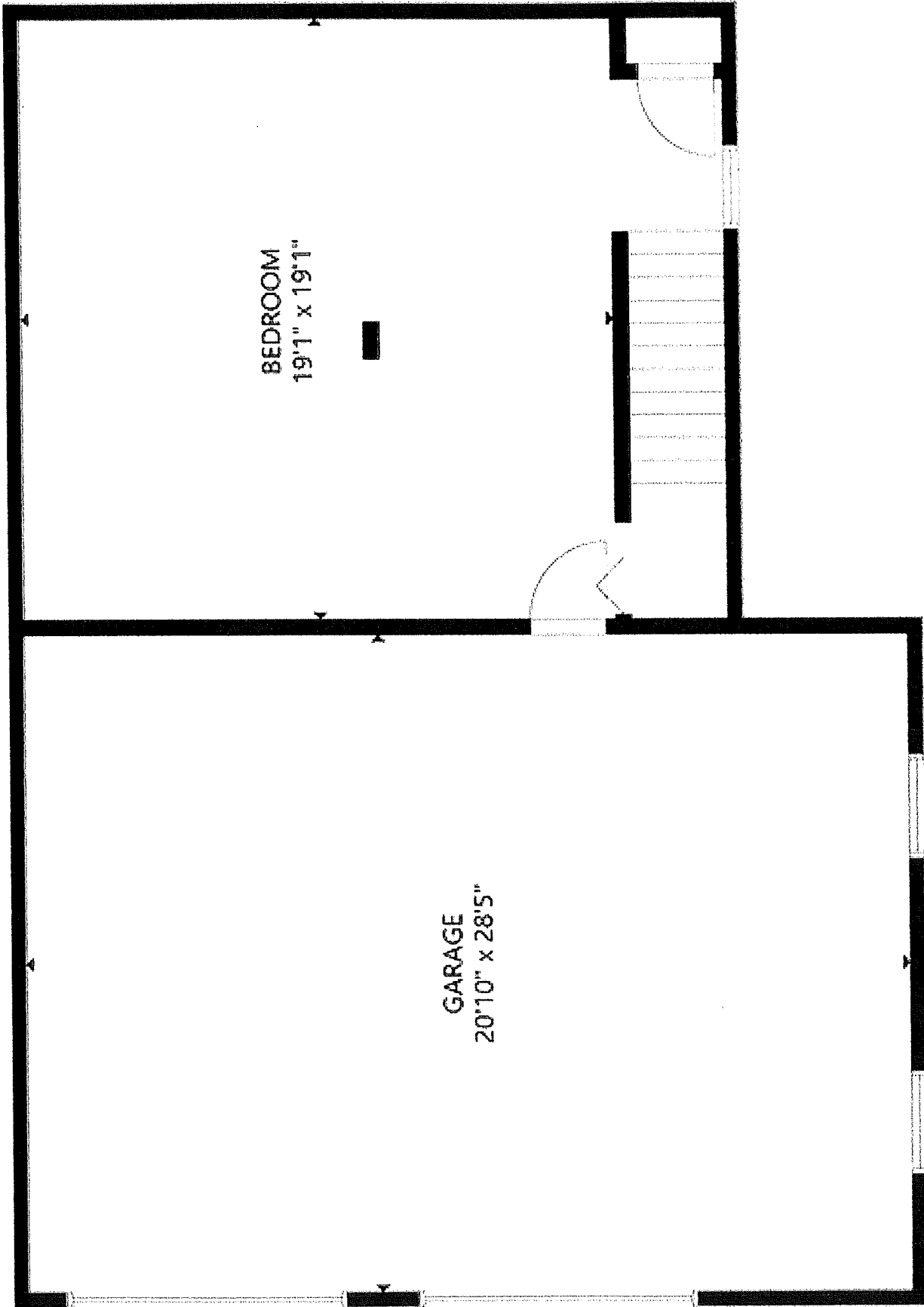
The undersigned has/have signed this Waiver this _____ 22 _____ day of _____ March _____, 2023 __, intending thereby to be legally bound.

Property Owner's Name(s): _____ Dmitriy Baronov _____ 3/22/23 _____

*If Owner is a corporation, print also the name of the person signing this waiver.

Signature of Property Owner/Authorized Partner: _____  _____, _____  _____

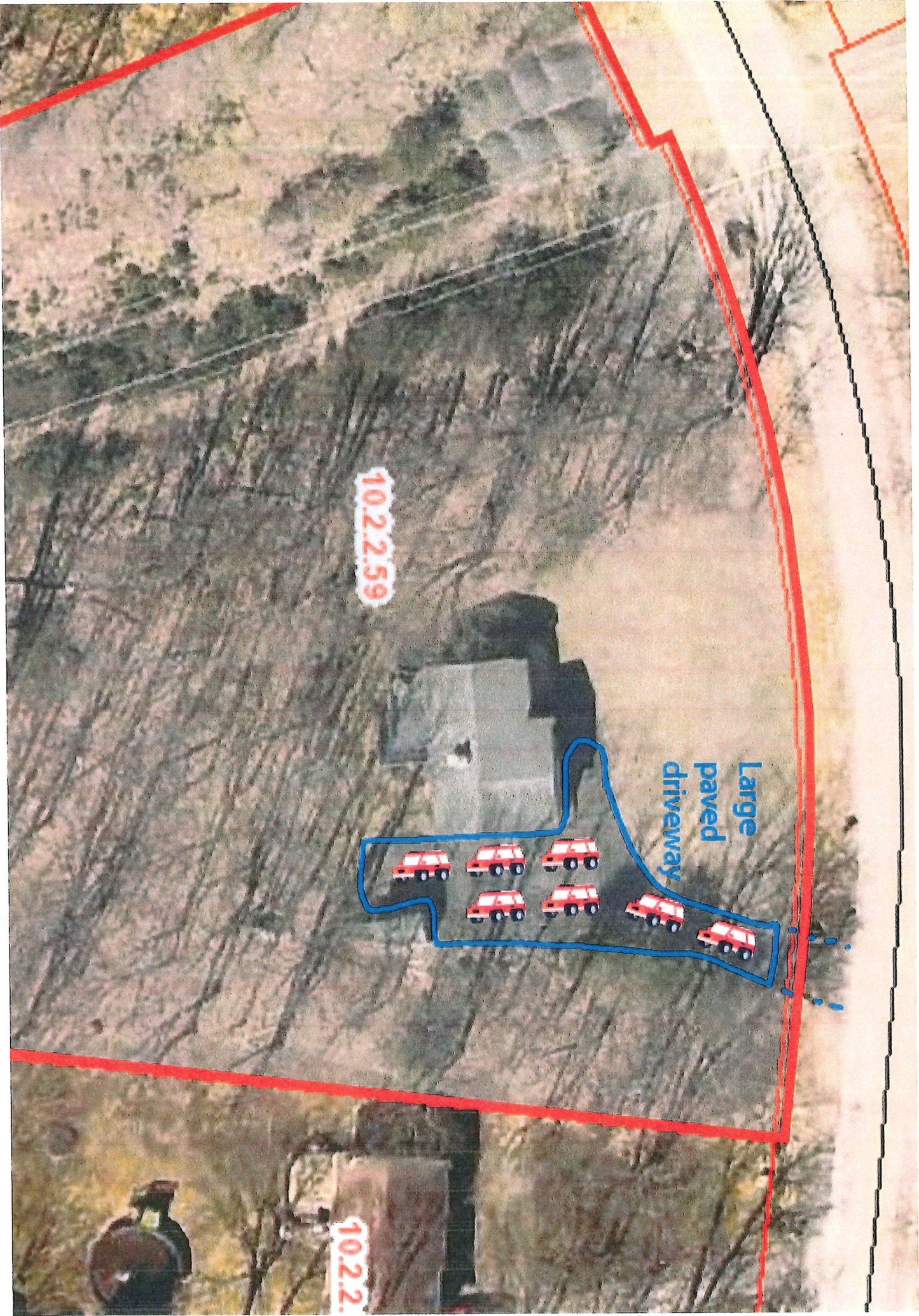




BEDROOM
19'1" x 19'1"

GARAGE
20'10" x 28'5"

GROSS INTERNAL AREA
TOTAL: 1,427 sq ft
FLOOR 1: 412 sq ft FLOOR 2: 1,020 sq ft
INCLUDING AREA: 44 sq ft GARAGE: 500 sq ft
ENCL: 103 sq ft



10.2.2.59

Large paved driveway

10.2.2.

**Commonwealth of Pennsylvania
Department of Revenue**

SALES TAX LICENSE

HOUSE ON A TRAIL
31 SENECA RD MOUNT POCONO PA 18344-1125

Sales License ID: 67788171

License Type: Retail
Expiration Date: 03/31/2028



pennsylvania
DEPARTMENT OF REVENUE

This license authorizes the holder to collect state and/or local sales, use and hotel occupancy tax. Licenses are issued for tax collection purposes and shall remain in force as specified herein unless sooner surrendered, suspended or revoked.

THIS LICENSE MUST BE PROMINENTLY DISPLAYED.
This license is not assignable or transferable.

Hotel Room Rental Excise Tax # 45-3554

County of Monroe

CERTIFICATE OF AUTHORIZATION

This is to certify that

DMITRIY BARONOV *OF* 31 SENECA RD, MOUNT POCONO, PA 18344
has been duly licensed to collect

Hotel Room Rental Excise Tax

In the County of Monroe, Commonwealth of Pennsylvania as specified in the resolution adopted by the Monroe County Board of Commissioners on April 1st, 2005.

The Treasurer of Monroe County has caused this certificate to be issued and this seal to be affixed this 17th day March 2023.

Monroe County Seal


Theresa Johnson, County Treasurer

THIS LICENSE SHALL BE PUBLICLY DISPLAYED

RECEIVED

MAY 05 2023

MT. POCONO BOROUGH

INTEROFFICE MEMORANDUM

TO: MOUNT POCONO BOROUGH PLANNING COMMISSION
FROM: SHAWN MCGLYNN, ZONING OFFICER
SUBJECT: CONDITIONAL USE HEARING – 31 SENECA ROAD
DATE: MAY 5, 2023
CC: JOSHUA WALKER, BOROUGH MANAGER

In accordance with §215-111, D, the following is a report from the Zoning Office regarding the **Conditional Use Hearing** for the property situated at **31 Seneca Road**.

Specifically, this is an application for the conversion of a three-bedroom, single-family detached dwelling to a transient Short-term Rental. The provisions of §215-111, D, for the purpose of the Planning Commission's review, are as follows (Zoning Officer Comments are in bold and italics):

Standards and criteria.

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives, and standards of this chapter and other ordinances of the Borough. In addition to the applicable general provisions of this chapter and to the standards and criteria provided in this chapter for specific conditional uses and specific special exceptions, **the following standards and criteria shall be applied in the review of applications for conditional uses:**

- 1). The proposed use shall be in harmony with the purposes, goals, objectives, and standards of the Borough's Comprehensive Plan, this chapter, and all other ordinances of the Borough. ***The proposed use is a residential use of land, albeit commercial, and is generally harmonious for the Zoning District.***
- 2). The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site. ***The existing home/property is compliant with this requirement.***
- 3). The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this chapter, or any other plan, program, map or ordinance of the Borough or other government agency having jurisdiction to guide growth and development. ***The proposed use is compliant with this requirement provided the potential for nuisance issues which may arise from parties and unruly guests are addressed under the enforcement provisions of Chapter 154.***
- 4). The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Borough, whether such services are provided by the Borough or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As

part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other ordinances of the Borough. The permit approval shall be so conditioned. ***The use is generally compliant with this provision. They have provided eight (8) parking spaces, the building is a three-bedroom home with a maximum occupancy of eight (8) people. The home is served by public sewer and water.***

5. The following additional factors shall be considered:

- Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs.
- Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
- Location, arrangement, appearance and sufficiency of off-street parking and loading.
- Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- Adequacy of stormwater and drainage facilities.
- Adequacy of water supply and sewage disposal facilities.
- Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

No changes to the exterior of the property are proposed and therefore the proposal complies with this provision.

6). No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria enumerated above, all of the applicable standards contained in this chapter shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary by the Council or Zoning Hearing Board to protect the general health, safety, and welfare as well as to implement the purposes of this chapter and the MPC shall be imposed as conditions of approval in accord with Section 912.1 or Section 913.2 of the MPC,¹⁵¹ as the case may be. ***The specific standards for a short-term rental are included in Chapter 154 of the Borough Code. The Zoning Office has reviewed the application for compliance, and the only issue that will need to be addressed is that the managing agent of this property is based out of Dingmans Ferry, PA. Our opinion is that the local managing agent of this property should be located no further than 20 minutes away from the property.***

The application demonstrates compliance with the Zoning Ordinance and the Zoning Office recommends approval conditioned on compliance with Chapter 154 and our recommendation regarding the local managing agent.

BEYOND HELLO CANNABIS DISPENSARY

3192 SR 940

CONDITIONAL USE

BOROUGH OF MOUNT POCONO

1361 POCONO BOULEVARD, SUITE 100
MONROE COUNTY, PENNSYLVANIA

PLANNING COMMISSION SUBMISSION APPLICATION FORM CONDITIONAL USE APPLICATION

Name of Proposed Development: Beyond Hello Cannabis Dispensary

Proposed Number of lots: N/A Location/Street: 3194 SR 940, Suite 101, Mt. Pocono, PA

Pin #: 10635510367217 3192

Applicant/Owner: Franklin Bioscience-NE, LLC

Address: 301 Yamato Road, Suite 3250, Boca Raton, FL 33431

Telephone: 215-444-3209 Fax #: _____

Email: jcarey@jushico.com

Engineer/Contact: Frederick J. Goglia

Address: 1950 Craig Road, Suite 300, St. Louis, MO 63196

Telephone: 314-415-2400 Fax #: 314-415-2300

Email: _____

Borough Application Fee: \$ 1,000 - ~~2,700-00~~ Date Fee Paid: 5/11/23 CR # 00020036

Deposit (if applicable): \$ _____ Date Paid: _____

Narrative of Project (attached sheet can be used): _____

Conditional use approval pursuant to Section 215-16(A)(2) and Attachment 1

to operate a medical marijuana dispensary within Suites A1-A3 of the Mt. Pocono

Crossing Center located at 3194 SR 940, Suite 101, Mt. Pocono, PA.

HOURIGAN, KLUGER & QUINN

A PROFESSIONAL CORPORATION

ALLAN M. KLUGER
RICHARD M. GOLDBERG
JOSEPH E. KLUGER*
DONALD C. LIGORIO
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MICHAEL A. LOMBARDO III
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NICOLE M. SANTO**
KATHLEEN QUINN DEPILLIS
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1948-1978

* ALSO MEMBER NY BAR
** ALSO MEMBER NJ BAR

ARTHUR L. PICCONE
1958-2019

Ext. 1175

direct email: rwilliams@hkqlaw.com

March 13, 2023

VIA OVERNIGHT DELIVERY

Mt. Pocono Borough Council
Attn: Shawn McGlynn, Zoning Officer
1361 Pocono Blvd, Suite 100
Mount Pocono, PA 18344

RECEIVED

MAR 15 2023

MT. POCONO BOROUGH

RE: Conditional Use Application of Franklin Bioscience-NE, LLC
Property located at 3194 SR 940; Suite 101, Mt. Pocono, Pennsylvania
Our File No.: F0274-002

Dear Members of Council:

I represent Franklin Bioscience-NE, LLC ("Bioscience") with respect to the above referenced matter. In that regard, Bioscience is proposing to operate a Medical Marijuana Dispensary within Suites A1-A3 of the Mt. Pocono Crossing complex, located at 3194 SR 940; Suite 101, Mt. Pocono, Monroe, County, Pennsylvania. The proposed facility is located in the Borough's C-2 (Commercial, General) Zoning District.

Based upon the provisions of the Mt. Pocono Borough Zoning Ordinance, this application will require conditional use approval from Borough Council. Specifically, it will be necessary for Bioscience to obtain conditional use approval pursuant to Section 215-16(A)(2), *District Regulations*, and Attachment 1, *Schedule of Uses*, of the Ordinance to operate the proposed Medical Marijuana Dispensary within the Mt. Pocono Crossing complex.

I am therefore enclosing herewith for filing ten (10) copies of the following documents:

- 1) Application for Zoning Permit;
- 2) Planning Commission Submission Application Form;
- 3) Pre-Hearing Statement;
- 4) Notice of Appearance and Demand for Service; and
- 5) Floor Plans.

Mt. Pocono Borough Council
Attn: Shawn McGlynn, Zoning Office
March 13, 2023
Page 2

I am also enclosing a check in the amount of \$4,404.15 representing the zoning permit and conditional use application fees.

At your earliest opportunity, kindly file the enclosed on behalf of Franklin Bioscience-NE, LLC and thereafter schedule the matter before the next available agendas of the Borough Planning Commission and Borough Council.

Thank you, in advance, for your assistance and consideration in this matter. Upon your review of the enclosed, please feel free to contact me should you have any questions or should you require additional information and/or documentation.

Very truly yours,

/s Richard M. Williams

Richard M. Williams

RMW/sh
encls.

cc: Justin Carey, w/enc via electronic mail
Matt Leeth, Esq., w/enc via electronic mail

HOURIGAN, KLUGER & QUINN
A PROFESSIONAL CORPORATION

BY: RICHARD M. WILLIAMS, ESQ.
IDENTIFICATION NO. 72945

ATTORNEY FOR APPLICANT

LAW OFFICES
600 THIRD AVENUE
KINGSTON, PA 18704
(570) 287-3000 (telephone)
(570) 287-8005(facsimile)

IN RE: :
 :
 : Mt. Pocono Borough Council
 :
 APPLICATION OF :
 :
 FRANKLIN BIOSCIENCE-NE, LLC :
 :
 :
 :
 : No.:

**NOTICE OF APPEARANCE AND DEMAND FOR
SERVICE ON BEHALF OF FRANKLIN BIOSCIENCE-NE, LLC**

PLEASE TAKE NOTICE that the undersigned, Richard M. Williams, of the law firm of Hourigan, Kluger & Quinn, P.C., as attorney for the applicant, and pursuant to Sections 10908(1) and 10913.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10908(1), 10913.2, demands that all notices that are required to be given in this case be also given to and served upon the undersigned, at the office address and telephone number set forth below:

Richard M. Williams, Esquire
Hourigan, Kluger & Quinn, P.C.
600 Third Avenue
Kingston, PA 18704-5815
Telephone: (570) 287-3000
Facsimile: (570) 287-8005

HOURIGAN, KLUGER & QUINN, P.C.

By: 
RICHARD M. WILLIAMS, ESQUIRE

Dated: March 10, 2023



Lindsay Scerbo <lindsay@sfmconsultingllc.org>

Parcel Number 10.13.2.2-1 - Medical Marijuana Dispensary Mount Pocono Borough

1 message

Lindsay Scerbo <lindsay@sfmconsultingllc.org>
To: jcarey@jushico.com
Cc: Shawn McGlynn <smcglynn@sfmconsultingllc.org>

Wed, Mar 22, 2023 at 10:27 AM

Dear applicant,

Mount Pocono Borough has received an application for Conditional Use approval to operate a medical marijuana dispensary at the above-referenced parcel. We are asking that you supply us with the following documents:

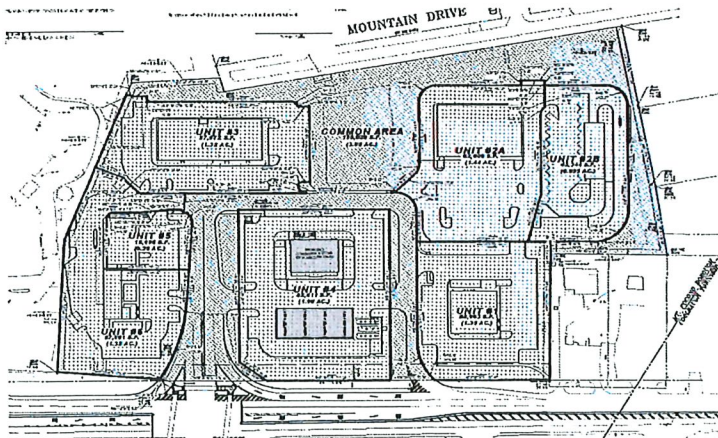
- Proof of authorization from the property owner indicating that they are permitting this use on their property.
- A site plan of the property showing the exact location of the proposed use with proof of adequate parking.
- The application that you provided listed the address of the property as 3194 Route 940. However, the Property Identification number that you provided is linked to another address. Please confirm the correct address and PIN number for this application.

Please let me know if you have any questions or concerns.

Kind regards,

Lindsay Scerbo, CZO
Zoning Administrator
Mount Pocono Borough (570) 664-2023
<https://www.sfmconsultingllc.org>

CONDO UNIT	TENANT	STREET ADDRESS	CITY	STATE	ZIP
#1	VERIZON	3184 ROUTE 940, STE 101	MOUNT POCONO	PA	18344
#1	MATTRESS WAREHOUSE	3184 ROUTE 940, STE 102	MOUNT POCONO	PA	18344
#2A	AVAILABLE	3186 ROUTE 940	MOUNT POCONO	PA	18344
#2B	SPARKLE	3188 ROUTE 940	MOUNT POCONO </td <td>PA</td> <td>18344</td>	PA	18344
#3	AVAILABLE	3192 ROUTE 940, STE 101	MOUNT POCONO	PA	18344
#3	AVAILABLE	3192 ROUTE 940, STE 102	MOUNT POCONO	PA	18344
#3	AVAILABLE	3192 ROUTE 940, STE 103	MOUNT POCONO	PA	18344
#3	AVAILABLE	3192 ROUTE 940, STE 104	MOUNT POCONO	PA	18344
#3	AVAILABLE	3192 ROUTE 940, STE 105	MOUNT POCONO	PA	18344
#3	ADVANCE AUTO PARTS	3192 ROUTE 940, STE 106	MOUNT POCONO	PA	18344
#4	WAWA	3190 ROUTE 940	MOUNT POCONO	PA	18344
#5	AVAILABLE	3194 ROUTE 940	MOUNT POCONO	PA	18344
#6	TACO BELL	3196 ROUTE 940	MOUNT POCONO	PA	18344





Lindsay Scerbo <lindsay@sfmconsultingllc.org>

Parcel Number 10.13.2.2-1 - Medical Marijuana Dispensary Mount Pocono Borough

Justin Carey <jcarey@jushico.com>
To: Lindsay Scerbo <lindsay@sfmconsultingllc.org>
Cc: Richard Williams <rwilliams@hkqlaw.com>

Wed, Mar 29, 2023 at 9:33 AM

Lindsay Please see attached siteplan and overall plan which shows the parking. Franklin BioScience-NE, LLC will be Suites A1 – A3. The address is:

3192 Route 940, Suite 101 – 103
Mount Pocono, PA 18344

PIN # is 10.13.2.2-3. (Attaching an address plan and overall plan as well for context. However, please disregard the PIN # on the overall plan as that is incorrect)

UNIT DESCRIPTION	PARCEL #
COMMON AREA	10.13.2.2
UNIT 1 (VERIZON/MW)	10.13.2.2-1
UNIT 2 (RETAIL B)	10.13.2.2-2
UNIT 2 (CAR WASH)	10.13.2.2-2.1
UNIT 3 (RETAIL A)	10.13.2.2-3
UNIT 4 (WAWA)	10.13.2.2-4
UNIT 5 (VACANT)	10.13.2.2-5
UNIT 6 (TACO BELL)	10.13.2.2-6

Also, please see attached the Executed Lease confirming that Landlord has approved our Use at this property.

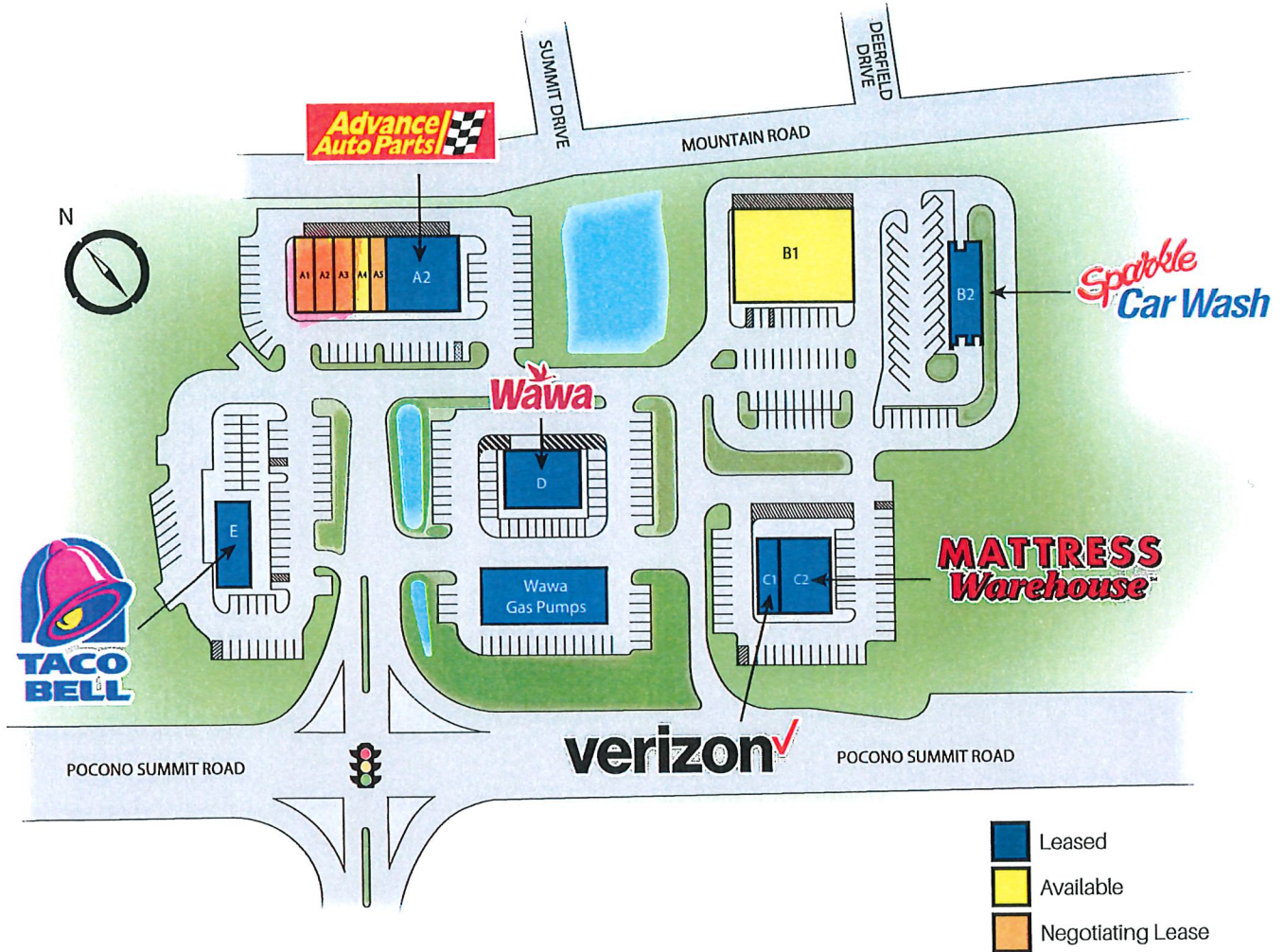


Justin Carey

Vice President of Real Estate & Risk Management
301 Yamato Road, Suite 3250
Boca Raton, FL 33431
D: 215-444-3209
www.jushico.com

MT. POCONO CROSSING

3184 - 3196 Route 940 | Mount Pocono, PA



SUITE	TENANT	SQ. FEET
A1	AVAILABLE - Can Be Demised	1,669
A2	AVAILABLE - Can Be Demised	1,600
A3	AVAILABLE - Can Be Demised	1,600
A4	AVAILABLE - Can Be Demised	1,233
A5	Negotiating Lease	1,233
A6	Advance Auto Parts	7,000

SUITE	TENANT	SQ. FEET
B1	AVAILABLE - Can Be Demised	13,200
B2	Sparkle Car Wash	3,675
C1	Verizon Wireless	1,586
C2	Mattress Warehouse	4,739
D	Wawa Gas Station	5,051
E	Taco Bell	2,775

TOTAL 45,426



200 Old Forge Lane, Suite 201
Kennett Square, PA 19348
610.388.6600 tel | 610.388.6605 fax

Visit watersretailgroup.com for leasing opportunities.



HOURIGAN, KLUGER & QUINN
A PROFESSIONAL CORPORATION

BY: RICHARD M. WILLIAMS, ESQ.

ATTORNEY FOR APPLICANT

IDENTIFICATION NO.: 72945

LAW OFFICES
600 THIRD AVENUE
KINGSTON, PA 18704
(570) 287-3000
(570) 287-8005(facsimile)

IN RE: :
 : Mt. Pocono Borough Council
APPLICATION OF :
FRANKLIN BIOSCIENCE-NE, LLC :
 : No.:

PRE-HEARING STATEMENT OF FRANKLIN BIOSCIENCE-NE, LLC

This Application is submitted pursuant to the provisions of the Mt. Pocono Borough Zoning Ordinance (the “Ordinance”). The Applicant, Franklin Bioscience-NE, LLC (“Bioscience”) seeks conditional use approval pursuant to Section 215-16(A)(2), *District Regulations*, and Attachment 1, *Schedule of Uses*, of the Ordinance to operate a Medical Marijuana Dispensary within Suites A1-A3 of the Mt. Pocono Crossing complex, located at 3194 SR 940; Suite 101, Mt. Pocono, Monroe, County, Pennsylvania. The property is located in the Borough’s C-2 (Commercial, General) Zoning District.

I. PROJECT SUMMARY

As the plans submitted in conjunction with Bioscience’s Application demonstrate, the company is proposing to operate a new Medical Marijuana Dispensary within Suites A1-A3 of the Mt. Pocono Crossing complex, located at 3194 SR 940; Suite 101, Mt. Pocono, Monroe, County, Pennsylvania. The property in question (the “Property”) contains Tax Parcel Identification No.: 1063551036712 and Tax Code No.: 10.13.2.2-1.

The Property is currently owned by Pocono Summit Realty, LLC. Bioscience has entered into an agreement for the lease of the Property with Pocono Summit Realty, LLC.

The plans depict a suite of approximately 4,869 sq. ft. Included within the suite, Bioscience proposes: (i) check-in lobby; (ii) sales floor; (iii) vault space; (iv) restrooms; (v) break room; (vi) office; (vii) secure vestibule; and (viii) secure garage.

In connection with operations on the Property, sufficient off-street parking exists within the Mt. Pocono Crossing complex. Access to and from the proposed facility primarily will be off of SR 940.

Notably, Bioscience maintains a valid Cannabis Dispensary License with the Commonwealth of Pennsylvania (the "License"). The License will be transferred from Bioscience's current location at 1000 W. 15th Street, Hazleton, Pennsylvania to the Property. Bioscience will operate the facility in full compliance with the License and applicable law.

II. RELIEF REQUESTED

Section 215-16(A)(2), *District Regulations*, and Attachment 1, *Schedule of Uses*, of the Ordinance classify a medical marijuana dispensary as a conditional use in the C-2 (Commercial, General) Zoning District. The Property is located within the C-2 (Commercial, General) Zoning District. Accordingly, conditional use approval in accordance with Section 215-16(A)(2) and Attachment 1 of the Ordinance is requested.

III. LEGAL STANDARDS

In Pennsylvania, a conditional use is a use "which the governing authority has determined is not adverse in and of itself to the public interest." Westinghouse Elec. Corp. v. Council of Twp. of Hampton, 686 A.2d 905, 907 (Pa. Cmwlth. 1996), citing Susquehanna Twp. Bd. of Commissioners v. Hardee's Food Systems, 59 Pa. Cmwlth. 479, 430 A.2d 367 (1981). A conditional use has been defined as nothing more than a special exception which falls within the jurisdiction of the municipal legislative

body, rather than zoning hearing board. Bailey v. Upper Southampton Twp., 690 A.2d 1324, 1326 (Pa. Cmwlth. 1997). A conditional use is actually a permitted use absent proof that adverse impact on the public interest is greater than might be expected under normal circumstances. Robinson Twp. v. Westinghouse Broadcasting Co., 63 Pa. Cmwlth. 510, 440 A.2d 642, 644 (1981).

Once the applicant has demonstrated compliance with the standards set out in the zoning ordinance, a permit must be granted, unless objectors prove with competent evidence that the proposed use will have a detrimental effect on the health, safety or welfare or will conflict with the expressions of general policy contained in the ordinance. Westinghouse Elec. Corp. v. Council of Twp. of Hampton, 686 A.2d at 907 citing Foster Grading Co. v. Venango Twp. Zoning Hearing Bd., 49 Pa. Cmwlth. 1, 412 A.2d 647 (1980). Thus, the applicant for a conditional use permit has initial burden of proving compliance with the specific requirements in the zoning ordinance. After the applicant meets the initial burden, the burden is then on any objectors to show a high degree of probability that the use will adversely impact on the public interest; and a mere possibility of adverse impact is not enough. Levin v. Bd. of Supervisors of Benner Twp., Centre County, 669 A.2d 1063, 1069 (Pa. Cmwlth. 1995).

The Ordinance does not contain any specific criteria to be evaluated by Borough Council in conjunction with a request for use as a “medical marijuana dispensary”. However, Section 215-11(D) establishes general criteria applicable to all conditional uses and special exceptions within the Borough. The following is an itemization of the general criteria followed by a discussion of Bioscience’s compliance:

Standards and criteria. The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this chapter and other ordinances of the Borough. In addition to the applicable

general provisions of this chapter and to the standards and criteria provided in this chapter for specific conditional uses and specific special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions:

(1) The proposed use shall be in harmony with the purposes, goals, objectives and standards of the Borough's Comprehensive Plan, this chapter, and all other ordinances of the Borough. ***The proposed use of the Property as a medical marijuana dispensary is permitted in the C-2 Zoning District. The proposed retail facility is adjacent to other, similar uses within a shopping complex. Sufficient off-street parking and water and sewer capacity are provided. The facility will not create any noise, odor or other unsuitable conditions.***

(2) The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site. ***The proposed retail facility is adjacent to other, similar uses within a shopping complex. The facility will be located in a highly commercial corridor adjacent to SR 940.***

(3) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this chapter, or any other plan, program, map or ordinance of the Borough or other government agency having jurisdiction to guide growth and development. ***The proposed retail facility is adjacent to other, similar uses within a shopping complex. Sufficient off-street parking and water and sewer capacity are provided. The facility will not create any noise, odor or other unsuitable conditions. Significant traffic is not anticipated.***

(4) The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Borough, whether such services are provided by the Borough or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible

for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other ordinances of the Borough. The permit approval shall be so conditioned. ***Sufficient off-street parking and water and sewer capacity are provided. The facility will not create any noise, odor or other unsuitable conditions. Significant traffic is not anticipated.***

(5) The following additional factors shall be considered:

(a) Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs. ***The proposed retail facility is adjacent to other, similar uses within a shopping complex.***

(b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls. ***The proposed retail facility is adjacent to other, similar uses within a shopping complex. The facility will be located in a highly commercial corridor adjacent to SR 940.***

(c) Location, arrangement, appearance and sufficiency of off-street parking and loading. ***Sufficient off-street parking is provided within the shopping complex.***

(d) Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. ***The proposed retail facility is located within an existing shopping complex.***

(e) Adequacy of stormwater and drainage facilities. ***The proposed facility will be located within a building in an existing shopping complex. No additional stormwater from the proposed use is anticipated.***

(f) Adequacy of water supply and sewage disposal facilities. ***The proposed facility will be located within a building in an existing shopping complex. Sufficient water and sewer capacity are provided.***

(g) Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation. ***The proposed retail facility is adjacent to other, similar uses within an existing shopping complex. The facility will not create any noise, odor or other unsuitable conditions.***

(h) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants. ***Adequate emergency and fire protection measures are provided within the existing shopping complex.***

(i) Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion. ***The proposed facility will be located within a building in an existing shopping complex. No ponding, flooding or erosion from the proposed use is anticipated.***

(6) No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria enumerated above, all of the applicable standards contained in this chapter shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary by the Council or Zoning Hearing Board to protect the general health, safety, and welfare as well as to implement the purposes of this chapter and the MPC shall be imposed as conditions of approval in accord with Section 912.1 or Section 913.2 of the MPC, as the case may be. ***The proposed Application and use will comply with all applicable provisions of the Ordinance.***

IV. CONCLUSION

At hearing, Bioscience will demonstrate compliance with all applicable standards as outlined in the Pennsylvania Municipalities Planning Code and the Ordinance for the granting of the proposed conditional use. Moreover, Bioscience believes that no evidence can be presented showing a high degree of probability that the proposed use by Bioscience will adversely impact upon the public interest.

In summary, Bioscience requests that Borough Council grant a conditional use permit pursuant to Section 215-16(A)(2), *District Regulations*, and Attachment 1, *Schedule of Uses*, of the Ordinance to permit the operation of a Medical Marijuana Dispensary within Suites A1-A3 of the Mt. Pocono Crossing center, located at 3194 SR 940; Suite 101, Mt. Pocono, Monroe, County, Pennsylvania.

Thank you, in advance, for your consideration in this matter.

Respectfully submitted,

HOURIGAN, KLUGER & QUINN, P.C.

BY: 

RICHARD M. WILLIAMS, ESQUIRE
Attorney for the Applicant,
Franklin Bioscience-NE, LLC

600 Third Avenue
Kingston, PA 18704
(570) 287-3000 (Telephone)
(570) 287-8005 (Facsimile)

Dated: March 10, 2023

HOURIGAN, KLUGER & QUINN

A PROFESSIONAL CORPORATION

ALLAN M. KLUGER
RICHARD M. GOLDBERG
JOSEPH E. KLUGER*
DONALD C. LIGORIO
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MICHAEL A. LOMBARDO III.
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ANDREW HOURIGAN, JR.
1948-1978

* ALSO MEMBER NY BAR
** ALSO MEMBER NJ BAR

ARTHUR L. PICCONE
1958-2019

Ext. 1175

direct email: rwilliams@hkqlaw.com

April 21, 2023

RECEIVED
APR 24 2023
MT. POCONO BOROUGH

Lindsay Scerbo, CZO
Zoning Administrator
Mt. Pocono Borough
1361 Pocono Boulevard, Suite 100
Mt. Pocono, PA 18340

RE: Conditional Use Application of Franklin Bioscience-NE, LLC
Property located at 3194 SR 940; Suite 101, Mt. Pocono, Pennsylvania
Our File No.: F0274-002

Dear Ms. Scerbo:

Pursuant to your request, I am enclosing herewith eight (8) 11 x 17 copies of the proposed floor plan for the facility proposed by Franklin Bioscience-NE, LLC at the Mt. Pocono Crossing Complex. Upon your review of the enclosed, please feel free to contact me should you have any questions or should you require additional information and/or documentation.

Very truly yours,

Richard M. Williams

RMW/sh
Enclosures

RECEIVED

MAY 05 2023

INTEROFFICE MEMORANDUM

MT. POCONO BOROUGH

TO: MOUNT POCONO BOROUGH PLANNING COMMISSION
FROM: SHAWN MCGLYNN, ZONING OFFICER
SUBJECT: CONDITIONAL USE HEARING – 3192 ROUTE 940
DATE: MAY 5, 2023
CC: JOSHUA WALKER, BOROUGH MANAGER

In accordance with §215-111, D, the following is a report from the Zoning Office regarding the **Conditional Use Hearing** for the property situated at **3192 Route 940**.

Specifically, this is an application for the establishment of a medical marijuana dispensary in an existing commercial building. The provisions of §215-111, D, for the purpose of the Planning Commission's review, are as follows (Zoning Officer Comments are in bold and italics):

Standards and criteria.

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives, and standards of this chapter and other ordinances of the Borough. In addition to the applicable general provisions of this chapter and to the standards and criteria provided in this chapter for specific conditional uses and specific special exceptions, **the following standards and criteria shall be applied in the review of applications for conditional uses:**

- 1). The proposed use shall be in harmony with the purposes, goals, objectives, and standards of the Borough's Comprehensive Plan, this chapter, and all other ordinances of the Borough. ***The proposed use is a commercial use of land and is generally harmonious for the Zoning District.***
- 2). The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site. ***The existing home/property is compliant with this requirement.***
- 3). The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this chapter, or any other plan, program, map or ordinance of the Borough or other government agency having jurisdiction to guide growth and development. ***The proposed use is compliant with this requirement provided the potential for nuisance issues which may arise from parties and unruly guests are addressed under the enforcement provisions of Chapter 154.***
- 4). The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Borough, whether such services are provided by the Borough or some other entity. The

applicant shall be wholly responsible for providing such improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing the ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other ordinances of the Borough. The permit approval shall be so conditioned. ***The use is generally compliant with this provision. The approved Land Development Plan has provided sufficient off-street parking for this Use. This existing commercial space is served by public sewer and water.***

5. The following additional factors shall be considered:

- Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs.
- Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
- Location, arrangement, appearance and sufficiency of off-street parking and loading.
- Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- Adequacy of stormwater and drainage facilities.
- Adequacy of water supply and sewage disposal facilities.
- Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

The approved Land Development Plan accounted for the number of off-street parking spaces required for this commercial use.

6). No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria enumerated above, all of the applicable standards contained in this chapter shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary by the Council or Zoning Hearing Board to protect the general health, safety, and welfare as well as to implement the purposes of this chapter and the MPC shall be imposed as conditions of approval in accord with Section 912.1 or Section 913.2 of the MPC,¹⁹¹ as the case may be. ***The Borough Ordinance does not have any specific standards for a Medical Marijuana Dispensary. However, the Use shall comply with the standards set forth in the Medical Marijuana Act.***

The application demonstrates compliance with the Zoning Ordinance and the Zoning Office recommends approval conditioned on compliance with the Medical Marijuana Act.