

MOUNT POCONO BOROUGH PLANNING COMMISSION  
REGULAR MEETING AGENDA  
Wednesday, September 20, 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  
\_\_\_\_ Chair A. M. Harris, \_\_\_\_ Vice Chair E. Melbert, \_\_\_\_ R. Dorkoski, \_\_\_\_ S. Speno,  
\_\_\_\_ K. Hart, \_\_\_\_ C. Connor, \_\_\_\_ C. Niclaus, \_\_\_\_ D. Jackowski
4. Preliminary Announcements
5. Consider Approval of Minutes – Regular Meeting Minutes
  - a. June 21, 2023
6. Unfinished Business - None
7. New Business
  - a. Harvest Properties – Pine Hill Road, Sketch Plan Review
  - b. 111 Prospect Avenue, Joinder Deed Request
8. Project Updates
9. Liaison Reports
  - a. Borough Council
  - b. Zoning Hearing Board
10. Public Participation
11. Adjournment

**MOUNT POCONO PLANNING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, JUNE 21, 2023  
6:59 P.M.**

Chair A. Harris opened the Planning Commission meeting at 6:59 P.M.

**Pledge of Allegiance** – was said by all.

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

**PRELIMINARY ANNOUNCEMENTS** – Chair A. Harris introduced the new Borough Manager Marissa Duffy who was in attendance. Everyone welcomed her.

**APPROVAL OF MINUTES** – Commissioner M. Penn moved to accept the Regular Meeting minutes of Wednesday, May 17, 2023, as presented. Vice Chair E. Melbert seconded. Motion carried unanimously.

**UNFINISHED BUSINESS** – Chair A. Harris updated everyone the following:

- Shivers – 130 View Court Short-Term Rental Conditional Use: Did not attend the last Planning Commission and did not respond to anyone prior to Borough Council's Public Hearing which again did not attend.
- Baronov – 31 Seneca Road Short-Term Conditional Use: Attended the last Planning Commission and Borough Council's Public Hearing where he is being given conditions that he would abide by.
- Beyond Hello Cannabis Dispensary Conditional Use: Attended the last Planning Commission and Borough Council's Public Hearing where conditions are being presented by legal.

**NEW BUSINESS**

**Pocono Pride – Sketch Plan Review** – Applicant's Engineer Charles Unangst was present and explained that the Pocono Pride project will encompass the installation of a six thousand (6,000) square foot accessory structure for the purpose of indoor sports practice with associated stormwater, drainage, and erosion and sedimentation controls. He stated that he has come before the Planning Commission with a sketch plan to determine if needs to be considered a land development plan. He also asked for a waiver of the Borough SALDO Chapter 179, Stormwater management, Article IV, Drainage Plan Requirements. He noted that the plans include the stormwater design for the proposed accessory structure and the area of disturbance associated with the project.

Borough Engineer C. Niclaus presented his review letter and he explained that the project meets the Borough Ordinances as an accessory use or structure to the primary use of the lot as a ballfield and that this project should not be considered as a land development. However, there are Zoning Ordinances that must be met and would be under the Borough Zoning Officer's jurisdiction. He also advised that the Planning Commission recommend to Borough Council accept the Applicant's waiver request of the Borough SALDO Chapter 179, Stormwater Management, as he agreed with Applicant's Engineer that there wouldn't be any disturbance from the structure.

At this time Commissioner M. Penn noted his concern that there may be runoff into Forest Hills Run and requested that he present this plan to the Brodhead Watershed Association for its comment.

After a discussion and the Borough's Engineer and advise, Vice Chair Melbert moved the recommend to Borough Council that this project should not be considered as a land development and that it would be under the Zoning Officer's jurisdiction. Commissioner S. Speno seconded. Motion carried unanimously.

Commissioner S. Speno moved to recommend to Borough Council the Applicant's waiver request of the Borough SALDO Chapter 179, Stormwater Management, Article IV, structure and the area of disturbance associated with this project be accepted. Vice Chair E. Melbert seconded. Commissioner M. Penn commented that he again would like to have the Brodhead Watershed Association review the plan and receive comments prior recommending the waiver request. The

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motion stood with it going to a roll call vote: Commissioner S. Speno, "Yes"; Vice Chair E. Melbert, "Yes"; Commissioner M. Penn, "No"; and, Chair A. Harris, "Yes". Motion carried 3 – 1.

**PROJECT UPDATES** – None

**LIAISON REPORTS**

**Borough Council** – No report.

**Zoning Hearing Board** – It was reported that the Zoning Hearing Board will meet on June 27, 2023, at 6:00 P.M. to review two (2) applications.

**PUBLIC PARTICIPATION** – None

**Adjournment** – The Planning Commission adjourned at 8:05 P.M.

Submitted by,

Diana Jackowski  
Recording Secretary

DRAFT



525 Main Street, Suite 200, Stroudsburg, PA 18360  
272.200.2050 272.200.2051  
barryisett.com

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SEP 18 2023

MT. POCONO BOROUGH

September 15, 2023  
Project #313623.008

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

Dear Planning Commission Members:

**RE: 1221 & 1228 PINE HILL ROAD HARVEST PROPERTIES SKETCH PLAN**  
Mount Pocono Borough, Monroe County, Pennsylvania  
Sketch Plan Review

**Materials Submitted for Review**

1. Sketch Plan 1, sheet 1 of 1, dated 7/12/23, prepared by Lehigh Engineering Associates, Inc.
2. Sketch Plan 2, sheet 1 of 1, dated 7/12/23, prepared by Lehigh Engineering Associates, Inc.
3. Borough Submission application form stamped received 8/23/23.

The project proposes a new 4,996 SF Sheetz Convenience Store with Fuel service on Pine Hill Road on a side of the property adjacent to Route 611. Two different sketch plans were submitted that add an option of 20 apartments in two buildings or 30 apartments in one building on the other side of the property bordering Route 196, both with the same Sheetz Store layout. There are two lots currently there with the parcel IDs 10.6.1.18 and 10.6.1.18-1. The applicant proposes to remove existing structures with new parking and landscaping improvements added to the proposed buildings. The subject lots include 3.65 acres (ac.) in area from a previous application on these subject parcels and it is not clear if they are subdividing the lots for the two uses separately or this will be proposed as one project. The lots are within the C-2 Commercial - General zoning district.

Based upon our review, the following comments are offered for the purpose of a Sketch Plan review by the Planning Commission:

**Zoning Ordinance Review**

1. Multifamily dwellings are a principal permitted use. Density will be based on net lot acreage.
2. Convenience Stores with fuel sales are a Conditional Use.
3. Drive-thru Uses fall under Special Exception criteria.
4. A principal permitted use with more than 40,000 square feet (sf.) of impervious area is a Special Exception Use in the C-2 zone. A principal permitted use with more than 100,000 sf of impervious area is a Conditional Use. The Scheetz Store appears to be over well over

40,000 sf of impervious surface and the apartments may also exceed 40,000 although the tabulated impervious coverage is only 28,000 sf. The common area driveways are considered impervious. It should be clarified whether the combined project is counted toward the above criteria.

5. The two tax map parcels are not shown on the plan. It is not known if a subdivision is being proposed or an easement line is proposed for a lot combination.
6. Side and rear yard setbacks are based on the height of the building per Attachment 2 (215) and should be designated or revised on the drawings. Right-of-way (r.o.w.) information should be plotted accurately to check the net acreage of the lot. Setbacks should be taken from the r.o.w.
7. The lot acreage and dimensions cannot be checked as the plan has no field survey or right-of-way information.
8. All new uses shall be required to obtain a Highway Occupancy Permit (HOP) from the Borough or PennDOT, as the case may be. In the case of a change in use or the expansion of an existing use, the Borough shall require the applicant to obtain a HOP or a revised HOP (215-22.H(3)). Sidewalk improvements in a PennDOT right-of-way also require permitting.
9. Landscaping and buffers will be required per SALDO Chapter 187 (215-35C).
10. The number of parking spaces required should be calculated per Attachment 4 (215).
11. Loading areas and dumpsters must be shown for the Apartments (215-22).
12. Parking areas for more than 50 cars require details for snow removal and storage (215-22 N.).
13. Trash dumpsters should be 15' from the property line and screened.
14. A Traffic Impact Study (TIS) is required for 50 trip ends peak hour or 500 trip ends per day (215-41).
15. The fire department should be consulted on the suitability of circulation for the site, and the sizing of the fire truck. A truck turn plan should be provided when submitting Land Development Plans.

The above comments are informational only. The Zoning Officer shall be the jurisdictional entity on Zoning requirements.

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

1. The sketch plan does not meet all requirements of Section 187-28, A, D, E, H, I, J, K & M. As a substantially disturbed site, these are not all needed at this time.
2. Impervious coverage should be noted for all uses and utilize net lot areas.
3. Highway Occupancy permits are necessary for all driveways (187-24.J). It is recommended to have a scoping meeting with PennDOT before Land Development Plan submittal.
4. Any utility service needs requiring construction within the r.o.w. would require PennDOT permitting.
5. More detailed Plan and Survey information may impact the layout (187-30C.1.a,b,c, f, l, m and o).
6. Easements will be required (187-48.L).
7. Adequate street rights-of-way are required to permit further subdivision (187-48.F). Pine Hill Road needs to be provided to the standards of Table VI-1 and VI-2 and/or the findings of the

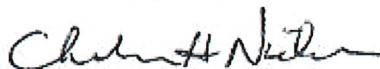
Traffic Impact Study (187-48.K). The right-of-way width of Pine Hill Road, along the frontage of the property, was identified as 30-feet (ft.) wide on a prior plan for the property. In accordance with the Borough of Mount Pocono's Code of Ordinances Chapter 187 – Subdivision and Land Development, Attachment 1 – Table VI-1 Design Standard for Streets, Pine Hill Road would be considered a Local roadway and therefore the street right-of-way width should be a minimum of 50-ft. However, the future improvements to the western leg of Pine Hill Road in a Route 611 Signalization Plan currently under consideration are proposed to require a 60-foot-wide right-of-way. According to Chapter 187, Section 48.2 “all streets shall be continuous and in alignment with existing streets. We recommend PennDOT and the Borough coordinate the future right-of-way width of Pine Hill Road.

8. Driveways must conform to the standards of 187-48.Q). The driveway to Route 196 must meet the recommendations of the Traffic Impact Study and PennDOT permitting.
9. Curbs and gutters may be required (187-48.W). The Planning Commission should discuss the need for curbs and gutters on the existing road frontages. The applicant should advise recommendations by PennDOT for the Route 611 and Route 196 intersections.
10. The provision of sidewalks should be discussed (187-48 X).
11. Water needs should be coordinated with the PAWC (187-52).
12. Sewage needs should be coordinated with the MPMA (187-53).
13. Landscaping will be required per 187-56. Buffer areas do not include right-of-way areas. Parking islands must be paved in front of the apartments.
14. A recreation facility fee will be applicable for this project (187-61, Res #8 2017).
15. A stormwater and possible traffic signal maintenance agreement will be applicable for this project.
16. Stormwater will be regulated under the Stormwater Ordinance (179). A NPDES permit from PaDEP will be required for Stormwater.

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. This is not a comprehensive list under Sketch Plan review and other comments may be added as review proceeds, additional information becomes available or should changes occur.

Please do not hesitate to contact me at our office (272-200-2012) if you should have any questions regarding this letter.

Sincerely yours,



Charles Niclaus, PE  
Borough Engineer  
Barry Isett & Associates, Inc.

## INTEROFFICE MEMORANDUM

**TO:** MOUNT POCONO BOROUGH PLANNING COMMISSION  
**FROM:** SHAWN MCGLYNN, ZONING OFFICER  
**SUBJECT:** SKETCH PLAN - PINE HILL ROAD  
**DATE:** SEPTEMBER 12, 2023  
**CC:** MARISSA DUFFY, BOROUGH MANAGER  
DIANA JACKOWSKI, ADMINISTRATIVE ASSISTANT  
CHARLES NICLAUS, BOROUGH ENGINEER  
LINDSAY SCERBO, ZONING ADMINISTRATOR  
BOROUGH COUNCIL

RECEIVED  
SEP 13 2023  
MT. POCONO BOROUGH

The following is a report from the Zoning Office regarding the Sketch Plan submitted for a proposed development project consisting of a Sheetz convenience store with gasoline pumps and a multi-family dwelling project on Pine Hill Road.

Two different plans were submitted for the proposed development project. Both of the plans submitted consist of both the Sheetz convenience store and multi-family dwelling use. However, the number of multi-family units and buildings differs on the plans that were submitted. The first plan describes a singular building with 30 multi-family dwelling units. The second plan shows two separate buildings, one with 12 dwelling units and the other with 8 dwelling units.

The following comments are based on the Mount Pocono Borough Zoning Ordinance:

### GENERAL

1. The intention of the developer is unclear in regard to the orientation of the parcels and potential plans of subdivision. It appears that the intention is to subdivide the parcels in a way that does not match the current parcel orientation on record.
2. In accordance with the Schedule of Development Standards, §215 Attachment 2 of the Borough Zoning Ordinance, this proposal may require variance approval from the Borough Zoning Hearing Board due to the amount of impervious surface coverage created by the development. The impervious surface coverage amount was not explicitly stated on either of the plans submitted to the Borough.
3. The plans provided do not clearly indicate what all of the symbols shown on the plans represent.
4. The setbacks of all proposed structures to all property lines and rights-of-way must be clearly indicated on the plans provided.

## SHEETZ

1. In accordance with §215 Attachment 3 of the Borough Zoning Ordinance, convenience store and gas station uses in the C-2 Zoning District require Conditional Use approval.
2. The heights of the proposed convenience store building and gas station canopy were not shown on the plans provided to the Borough. In accordance with Part 7 of the Schedule of Development Standards (§215 Attachment 2 of the Borough Zoning Ordinance), nonresidential structures may not exceed 40 feet in height.
3. In accordance with §215-22(F)(1)(b)(2) of the Borough Zoning Ordinance, parking space must be reserved to allow for expansion to the 85<sup>th</sup> percentile, as listed in the Parking Demand Table. There is no clear indication of th on the provided plans.
4. The plans submitted propose a Drive-In Use. Drive-in Uses are defined as “an establishment that, by design, physical facilities, service, or packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.”
  - a. In accordance with §215 Attachment 3 of the Borough Zoning Ordinance, Table of Uses Permitted by District, Drive-in Uses require special exception approval from the Borough.
  - b. In accordance with §215-22(F)(3) of the Borough Zoning Ordinance, the number of reservoir spaces required is to be decided during the Conditional Use process.
5. The dimensions and details of the use of the unloading zone were not shown on the plan provided.
6. In accordance with §215-36(B) of the Borough Zoning Ordinance, if the capacity of a trash dumpster exceeds 15 cubic feet, it must be a minimum distance of 15 feet from any property lines. The capacities of the trash dumpsters shown on the plan were not provided.
7. In accordance with Part 4 of the Schedule of Development Standards (§215 Attachment 2), required side yard setbacks must be greater than or equal to the height of the building, but in no case less than 20 feet. The height of the building was not provided, therefore it is unclear whether the building is in compliance with this regulation.

## APARTMENTS

1. In accordance with §215-23(D)(2)(a) of the Borough Zoning Ordinance, 12,000 square feet of usable land area is required per dwelling unit for multi-family dwellings. The subject parcel does not appear to have adequate square footage to satisfy this



requirement, and the plans provided do not clearly indicate which areas are considered usable.

2. The dimensions of any proposed multi-family dwelling must be provided.
3. In reference to the plan submitted for two separate multi-family buildings, the distance between each proposed building must be provided on the plans. In accordance with §215-23(D)(2)(f) of the Borough Zoning Ordinance, the distance between the buildings must comply with any applicable building code, but in no case can it be less than 20 feet.
4. In accordance with §215-23(D)(2)(b) of the Borough Zoning Ordinance, a minimum of 25% conservation open space is required for this proposal. There is no indication of common open space on either of the provided plans.
5. In accordance with §215-23(F)(10) of the Borough Zoning Ordinance, refuse and recycling stations to serve residential and recreational areas shall be conveniently located for trash removal and shall be screened from, and not be offensive to, nearby residential areas). This area is not indicated on the provided plans.
6. In accordance with §215-23(D)(2)(i) of the Borough Zoning Ordinance, preliminary architectural renderings, drawings or models for multi-family dwelling projects of more than 10 units must be provided at the time of submission of the application.
7. In accordance with §215-23(F)(8)(a)[1] of the Borough Zoning Ordinance, all residential parking areas must be screened from any adjacent structures, access roads or traffic arteries.
8. In accordance with §215-23(F)(8)(a)[2] of the Borough Zoning Ordinance, all parking areas must be a minimum distance of 20 feet from structures, access roads, and rights-of-way. The parking area shown on the plans provided do not appear to meet this setback requirement.
9. In accordance with §215-23(F)(9) of the Borough Zoning Ordinance, off-street parking areas and areas of intensive pedestrian use must be adequately lighted. There is no indication of lighting on the provided plans.

# POWLETTE & FIELD, LLC

ATTORNEYS AT LAW

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508 Park Avenue, Stroudsburg, Pennsylvania 18360

Elizabeth M. Field, Esq.

Phone (570) 424-8037 x 1

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Louis D. Powlette, Esq., Of Counsel

Fax (570) 227-2230

LPOWL2@PTD.NET

August 18, 2023

Mount Pocono Borough  
Zoning Office  
1361 Pocono Blvd.  
Suite 100  
Mount Pocono, PA 18344

RECEIVED

AUG 24 2023

MT. POCONO BOROUGH

RE: Joinder Deed Request

Whom it may concern,

Please accept this letter as a request to join two (2) parcels in Mount Pocono Borough. The parcels are identified as 10/4/1/38 (improved lot at 111 Prospect Avenue) and 10/4/1/40 (vacant land along Knob Court), owned by 111 Prospect Avenue, LLC. The purpose for the joinder is resale. The property owner is under contract to sell the properties and the buyer's lender is requiring that the properties be joined to approve the financing. We appreciate this matter being addressed as soon as possible.

Enclosed is a copy of the joinder deed and the \$500.00 application fee payable to Mt. Pocono Borough. Thank you for your time and if we can be of any further assistance, please do not hesitate to contact our office.

Very truly yours,

POWLETTE & FIELD, LLC



Elizabeth M. Field, Esq.

EMF:sac

Enclosure

Prepared by and Return to: Powlette & Field, LLC  
508 Park Avenue Stroudsburg, Pennsylvania 18360  
Phone: (570) 424-8037

**JOINDER DEED**

**Parcel ID # 10/4/1/38 and 10/4/1/40**

**THIS INDENTURE** made the \_\_\_\_\_ day of August in the year of Two Thousand Twenty-Three (2023).

**BETWEEN**

**111 PROSPECT AVENUE, LLC, A NEW YORK LIMITED LIABILITY COMPANY,**  
(hereinafter called the Grantor), of the one part, and

**111 PROSPECT AVENUE, LLC, A NEW YORK LIMITED LIABILITY COMPANY,**  
(hereinafter called the Grantee), of the other part

**WITNESSETH** that the said Grantor for and in consideration of the sum of One and 00/100 Dollar (\$1.00) lawful money of the United States of America, unto him well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, its successors and assigns, described herein, in wit;

**Parcel ID # 10/4/1/38**

**ALL THAT CERTAIN** parcel of property located in the Borough of Mount Pocono, Monroe County, Pennsylvania and more particularly described as follows:

**BEGINNING** at a found iron pipe marking the intersection of the Southerly right of way line of Knob Road (50' wide) and the Easterly right of way line of Prospect Avenue (50' wide), thence; 1) North 81 degrees 10 minutes 30 minutes second East, along the Southerly right of way of said Knob Road, a distance of 95.48 feet to a point, at said point the right of way of said Knob Road narrows to 33 feet, thence; 2) North 44 degrees 15 minutes 00 seconds East, along the Southerly right of way line of said Knob Road, a distance of 662.57 feet to a found iron pipe at the Westerly most corner of lands now or formerly of Bruce H. and Mary R. Lifvergren, thence; 3) South 45 degrees 35 minutes 00 seconds East, partially along said lands now or formerly of Bruce H. and Mary R. Lifvergren and partially of along lands now or formerly of Peter Sucharyz, a distance of 1023.91 to a found iron pipe, thence; 4) South 27 degrees 12 minutes 55 seconds West, along said lands now or formerly of Peter Sucharyz, a distance of 89.40 feet to a found iron pipe, thence; 5) South 18 degrees 57 minutes 55 seconds West, along said lands now or formerly of Peter Sucharyz, a distance of 177.16 feet to a found iron pipe in line of lands now or formerly of Conrail, formerly of Erie-Lackawanna Railway Company, thence 6) on a curve to the left having a radius of 1141.70 feet, along said lands now or formerly

of Conrail, an arc length of 354.68 feet to a point of compound curvature, thence; 7) on a curve to the left having a radius of 931.95 feet, along the said lands now or formerly of Conrail, an arc length of 82.25 feet to a found iron pipe in the line of lands now or formerly of Alexander Saab, thence; 8) North 45 degrees 23 minutes 25 seconds West, along said lands now or formerly of Alexander Saab, a distance of 448.02 feet to a found iron pipe, thence; 9) South 81 degrees 6 minutes 50 seconds West, partially along said lands of Alexander Saab and partially along the Northerly right of way line of Ridge Alley (25' wide), a distance of 401.70 feet to a found iron pipe in the Easterly right of way line of said Prospect Avenue, thence; 10) North 8 degrees 53 minutes 10 seconds West, along the right of way line of said Prospect Avenue, a distance of 274.29 feet to the point and place of beginning.

**BEING THE SAME PREMISES** which June Sabah, by deed dated August 9, 2023, and recorded in the Office for Recording of Deeds, Monroe County Pennsylvania on August 15, 2023, in Deed Book 2636, Page 481, granted and conveyed unto 111 Prospect Avenue, LLC, grantor hereof, in fee.

**Parcel ID # 10/4/1/40**

ALL OF THE FOLLOWING described tracts, pieces or parcels of land, situate in the County of Monroe, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pipe driven in the ground for a corner at the Southeast corner of Prospect Avenue and Ridge Alley; thence, along the Easterly side of said Prospect Avenue, South nine degrees East four hundred seventy five feet, more or less, to the North side of a street called Railroad Street; thence, along the Northerly side of said Railroad Street, North sixty eight degrees forty five minutes East one hundred two and seven-tenths feet, more or less, to a stake, a corner of other lands of the parties of the hundred fifty two and three-tenths feet, more or less, to a stake on the Southerly side of Ridge Alley; thence, along the Southerly side of said Ridge Alley, South eighty one degrees West one hundred feet to the place of BEGINNING.

BEGINNING at a corner on the Southerly side of Ridge Alley, and being also a corner of lots 265 and 266 as shown on map of Town lots of L.T. Smith, Mt. Pocono, Pa., said map being filed in the Office for the Recording of Deeds, etc., at Stroudsburg, Pennsylvania, in and for the County of Monroe, in Plat Book, Vol. 1, page 47; thence, along the Southerly side of Ridge Alley, North eighty-one degrees East one hundred feet to a corner; thence, along the Westerly side of Ridge Alley South nine degrees East four hundred thirty and six-tenths feet to a corner; thence, along the Northerly side of Railroad Street, South sixty eight degrees forty five minutes West one hundred two and three-tenths feet to a corner; thence, by Lot No. 265, on said map, North nine degrees West four hundred fifty two and three-tenths feet to the place BEGINNING.

CONTAINING one acre, more or less.

BEGINNING at a corner on line of William Barnett warranty, and being at a corner of Lots Nos. 244 and 267, as shown on Map of Town Lots of L. T. Smith, Mt. Pocono, Penna., said map being on file in Plat Book, Vol. 1, page 47; thence, by the William Barnett warranty

and land now or formerly of Knox and Mason, South forty five degrees thirty minutes East four hundred sixty three feet, more or less, to a corner; thence South sixty eight degrees West four hundred sixty four feet, more or less, to a corner at the intersection of the Easterly side of Ridge Alley with the Southerly side of Railroad Street; thence, along the Easterly side of Ridge Alley, North nine degrees West four hundred seventy five and two-tenths feet to a corner in line of Lot No. 244; thence, by Lot No. 244, North eighty one degrees East one hundred seventy four feet to the place of BEGINNING.

CONTAINING 3.2 acres, more or less.

**BEING THE SAME PREMISES** which June Sabah, by deed dated October 9, 2020, and recorded in the Office for Recording of Deeds, Monroe County Pennsylvania on October 13, 2020, in Deed Book 2558, Page 6077, granted and conveyed unto 111 Prospect Avenue, LLC, grantor hereof, in fee.

THE ABOVE TWO PARCELS ARE HEREBY CONSOLIDATED, MERGED, AND JOINED INTO ONE INSEPARABLE LOT FOR ALL PURPOSES AND SHALL NOT BE SUBDIVIDED OR SEPARATELY CONVEYED EXCEPT IN COMPLIANCE WITH THE REQUIREMENTS OF THE BOROUGH OF MOUNT POCONO SUDIVISION AND LAND DEVELOPMENT ORDINANCE AND THE MOUNT POCONO BOROUGH ZONING ORDINANCE.

THIS CONVEYANCE IS EXEMPT FROM THE PAYMENT OF REALTY TRANSFER TAX IN THAT THE GRANTOR AND THE GRANTEE ARE THE SAME COMPANY.

THE PARTIES HEREIN CONFIRM AND AGREE BY THEIR SIGNATURES ABOVE AND/OR ACCEPTANCE OF THIS DOCUMENT THAT THE PREPARER OF THIS DOCUMENT HAS NOT ADVISED THE PARTIES ON THE PROPRIETY OR SUITABILITY OF THE CONVEYANCE; HAS BEEN ENGAGED SOLELY FOR THE PURPOSE OF PREPARING THIS INSTRUMENT; HAS PREPARED THE INSTRUMENT ONLY FROM INFORMATION GIVEN TO PREPARER BY THE PARTIES AND/OR THEIR REPRESENTATIVES; HAS NOT VERIFIED THE ACCURACY OF THE CONSIDERATION STATED TO HAVE BEEN PAID OR UPON WHICH ANY TAX MAY HAVE BEEN CALCULATED; HAS NOT VERIFIED THE LEGAL EXISTENCE OR AUTHORITY OF ANY PARTY OR PERSON EXECUTING THE DOCUMENT; HAS NOT BEEN REQUESTED TO PROVIDE NOR HAS PREPARER PROVIDED A TITLE SEARCH, AN EXAMINATION OF TITLE OR LEGAL DESCRIPTION, AN OPINION ON TITLE, LEGAL REVIEW OR ADVICE OF ANY SORT, OR ADVICE ON PROPERTY TAXES, REASSESSMENTS, OTHER TAXES OR THE TAX, LEGAL OR NON-LEGAL CONSEQUENCES THAT MAY ARISE FROM THE CONVEYANCE; AND THAT THEY AGREE TO HOLD HARMLESS, INDEMNIFY AND DEFEND THE PREPARER FROM AND AGAINST ANY AND ALL LOSSES, LIABILITIES, CLAIMS, DEMANDS, ACTIONS, SUITS, PROCEEDINGS, AND COSTS OF EVERY NATURE ARISING THEREFROM. THE PARTIES HEREIN FURTHER AGREE AT ANY TIME, AND FROM TIME TO TIME, TO COOPERATE, ADJUST, INITIAL, EXECUTE, RE-EXECUTE AND REDELIVER SUCH FURTHER DEEDS AND DOCUMENTS, CORRECT ANY DEFECT, ERROR OR OMISSION AND DO ANY AND ALL SUCH FURTHER THINGS AS MAYBE NECESSARY TO IMPLEMENT AND CARRY OUT THE INTENT OF THE PARTIES IN MAKING THIS CONVEYANCE. PREPARER SHALL NOT BE LIABLE FOR ANY CONSEQUENCES ARISING FROM MODIFICATIONS TO THIS DOCUMENT NOT MADE OR APPROVED BY THE PREPARER.

**UNDER AND SUBJECT TO** Covenants, Conditions and Restrictions as appear in the chain of title in the Recorder of Deeds of Monroe County.

**TOGETHER WITH** all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the

estate, right, title, interest, property, claim and demand whatsoever of it, the said Grantor, as well at law as in equity, of, in and to the same.

**TO HAVE** and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

**AND** the said Grantor, for itself and its successors and assigns do hereby covenant and agree to and with the Grantee, its successors and assigns, that the said Grantor will **SPECIALLY** warrant title to the property herein conveyed.

**IN WITNESS WHEREOF**, the party of the first part have hereunto set its hand and seal. Dated the day and year first above written.

111 Prospect Avenue, LLC

\_\_\_\_\_  
June Sabah {SEAL}

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss

On this, the \_\_\_\_\_ day of \_\_\_\_\_ 2023, before me, a Notary Public, the undersigned officer, personally appeared June Sabah who acknowledged herself to be Authorized Member of 111 Prospect Avenue, LLC and that she as such Authorized Member, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of 111 Prospect Avenue, LLC by herself as Authorized Member.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

The precise residence and the complete post office address of the above-named Grantee is:

969 Park Avenue, Apartment 3E, New York, NY 10028

\_\_\_\_\_  
On behalf of the Grantee



# REALTY TRANSFER TAX STATEMENT OF VALUE

**RECORDER'S USE ONLY**

State Tax Paid
Book Number
Page Number
Date Recorded

See reverse for instructions.

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

**A. CORRESPONDENT** – All inquiries may be directed to the following person:

Name Elizabeth M. Field, Esq.		Telephone Number: (570) 424-8037	
Mailing Address 508 Park Avenue	City Stroudsburg	State PA	ZIP Code 18360

**B. TRANSFER DATA**

Date of Acceptance of Document 08 / / 2023			
Grantor(s)/Lessor(s) 111 Prospect Avenue, LLC	Telephone Number:	Grantee(s)/Lessee(s) 111 Prospect Avenue, LLC	Telephone Number:
Mailing Address 969 Park Avenue, Apartment 3E		Mailing Address 969 Park Avenue, Apartment 3E	
City New York	State NY	ZIP Code 10028	City New York
			State NY
			ZIP Code 10028

**C. REAL ESTATE LOCATION**

Street Address 111 Prospect Avenue & Land on Knob Road		City, Township, Borough Mount Pocono Borough	
County Monroe County	School District Pocono Mountain	Tax Parcel Number 10/4/1/38 and 10/4/1/40	

**D. VALUATION DATA**

Was transaction part of an assignment or relocation?  Y  N

1. Actual Cash Consideration 1.00	2. Other Consideration +0.00	3. Total Consideration = 1.00
4. County Assessed Value 430,460.00	5. Common Level Ratio Factor X 1.78	6. Computed Value = 766,218.80

**E. EXEMPTION DATA** - Refer to instructions for exemption status.

1a. Amount of Exemption Claimed \$ 766,218.80	1b. Percentage of Grantor's Interest in Real Estate 100.00 %	1c. Percentage of Grantor's Interest Conveyed 100.00 %
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**2. Check Appropriate Box Below for Exemption Claimed.**

- Will or intestate succession. \_\_\_\_\_  
(Name of Decedent) (Estate File Number)
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer from a trust. Date of transfer into the trust \_\_\_\_\_  
If trust was amended attach a copy of original and amended trust.
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed.) Grantor and Grantee are the same company

**Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.**

Signature of Correspondent or Responsible Party	Date
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**FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.**

RECEIVED

SEP 18 2023

MT. POCONO BOROUGH

William Barnett  
Warrentice

Town Lots  
of

L.T. Smith

Mount Pocono Petrop.  
Scale 100 Feet to the Inch



24



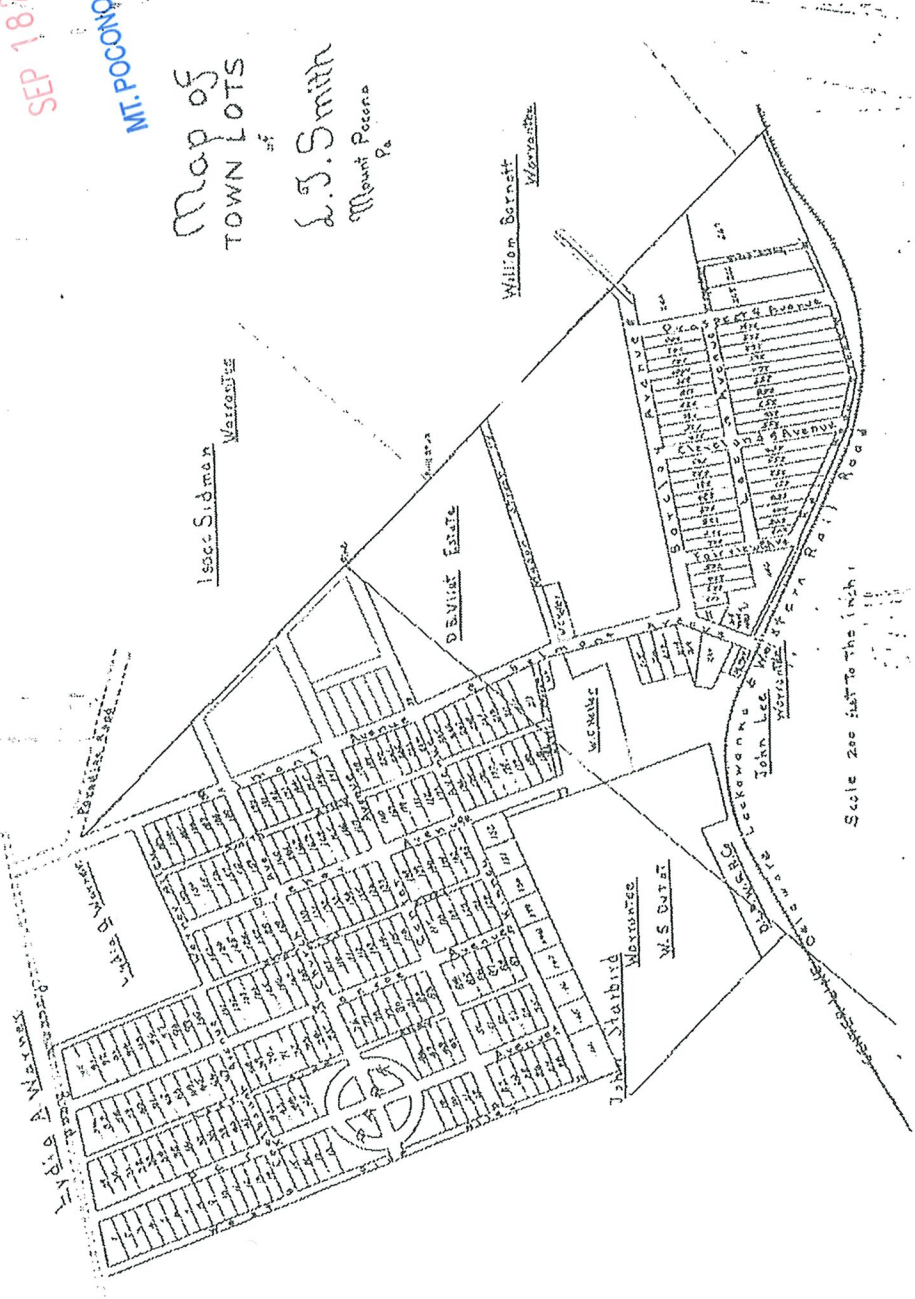
RECEIVED

SEP 18 2023

MT. POCOMO BOROUGH

Map of  
TOWN LOTS

L.S. Smith  
Mount Pocono  
Pa



Scale 200 feet to the inch

24

*Borough of Mount Pocono, PA  
Monday, August 28, 2023*

## Chapter 187. Subdivision and Land Development

### Article III. Plan Processing

#### § 187-25. Lot improvement subdivisions.

- A. Lot improvement subdivisions (also known as "add-on subdivisions") which involve the combination of lots of record which are shown on a map on file at the office of the Monroe County Recorder of Deeds (the applicant shall certify to the Council that the subject map is, in fact, on record) and which do not involve the creation of any new lot lines may be submitted directly to the Planning Commission. A new map for such lot improvements shall not be required; however, the combination shall be effected by the execution of an owner's affidavit for same, which shall be recorded with the Monroe County Recorder of Deeds upon the signature of the applicant and the Council. The owner's affidavit shall be in such form as required by the Council upon the recommendation of the Borough Solicitor, and it shall include a reference to the lot numbers of the subject lots and the plat book and page number where the map is recorded.
- B. Lot improvement subdivisions which involve the creation of new lot lines shall require a new subdivision map and shall be processed in the manner set forth in § **187-23**; however, sewage planning modules may not be required unless additional new sewage disposal areas are proposed. The applicable notes listed in § **187-31C(2)** shall be included on the map, and the combination language shall also be included in the deed from the grantor to the grantee and made binding on the combined parcel(s) of the grantee via articles of restrictive covenants.
- C. All documents to be recorded to effect any lot improvement subdivision shall be in such form as approved by the Council with the recommendation of the Borough Solicitor, and said documents shall be turned over to the Borough Solicitor who shall record same. The fee for lot improvement subdivisions shall be established by resolution of the Council and shall include the costs of recording.