



POCONO TOWNSHIP COMMISSIONERS  
AGENDA

November 18, 2019 7:00 p.m.

**Open Meeting**

**Pledge of Allegiance**

**Roll Call**

**Public Comments**

*Comments are for any issue. Please limit individual comments to 5 minutes to allow time for others wishing to speak and direct all questions and comments to the President.*

**Announcements –**

Please remember to sign in as you enter the meeting room.

Holiday Tree lighting – Friday, December 6<sup>th</sup> – 6:00pm

Executive Session held – Tuesday, November 12<sup>th</sup> – personnel

Executive Session held – Wednesday, November 13<sup>th</sup> – personnel

Township Offices are closed on November 28<sup>th</sup>, 29<sup>th</sup> and December 2<sup>nd</sup>

Board of Commissioners and sewer committee meetings normally held on first Monday are moved to Tuesday, December 3<sup>rd</sup> beginning at 6pm.

**Hearings –**

Ordinance 2019-09 - Motion to adopt Ordinance 2019-09 an ordinance amending code of the township of Pocono by adopting a new Chapter 220 Grading; Erosion and Sedimentation Control (action item\*)

Ordinance 2019-10 – Motion to adopt Ordinance 2019-10 closing a portion of Learn Road (T-537) to through traffic (action item\*)

**Presentations –**

**Resolutions**

**OLD BUSINESS**

1. Motion to approve the minutes of the November 4, 2019 meeting of the Board of Commissioners (action item\*)
2. Motion to approve the minutes of the November 13, 2019 work session of the Board of Commissioners (action item\*)

**NEW BUSINESS****1. Personnel**

- a. For record purposes only - last day of work for – Michael Kresge – November 15, 2019 and Jonathan Miller – November 16, 2019

**2. Financial Transactions**

- a. Motion to ratify vouchers payable received through November 14, 2019 in the amount of \$ 3,278.59 (action item\*)
- b. Ratify gross payroll for pay period ending November 3, 2019 in the amount of \$ 100,814.09. (action item\*)
- c. Motion to approve vouchers payable received through November 14, 2019 in the amount of \$ 264,439.67. (action item\*)
- d. Motion to approve capital expenditures received through November 14, 2019 in the amount of \$ 19,006.00 (action item\*)
- e. Motion to approve Payment #1 to Mar-Allen Concrete Products for the TLC Park Pedestrian Bridge repair project in the amount of \$42,344.69 as recommended by Boucher & James (action item)
- f. CD – matured on November 6<sup>th</sup> – reinvested at Wayne Bank at 1.89% rate 1.90 APY.
- g. Motion to approve the contract with JDM Consulting to continue the community planning and grant writing services for Pocono Township at \$2500/month (no increase) through November 30, 2020 (action item\*)
- h. Motion to authorize the township manager to solicit sealed bids for Anti-Skid for 2020 to be let at the December 16, 2019 meeting (action item\*)
- i. Motion to authorize the purchase of an extended warranty from Watch Guard for the body and car cameras at an annual cost of \$3,150.00

**3. Travel/Training Authorizations (Approve/Ratify)****Report of the President**

Gerald Lastowski

Pocono Township has received a \$500,000 grant from the DCED Multi-modal grant program for the Rimrock Road/Bartonsville Avenue Turning Lane Project. Discussion on next steps for this project

**Commissioners Comments**

Richard Wielebinski – Vice President

- a. LED Speed signs (possible action item\*)
- b. Learn Road traffic study and bridge weight study (possible action item\*)

Keith Meeker - Commissioner

Chad Kilby – Commissioner

Jerrod Belvin – Commissioner

- a. Motion to purchase a Hikvision DS-7616 Camera kit with wire and connectors for approximately \$1,529.03 to be installed in the township municipal building (action item\*)

### **Reports**

#### **1. Emergency Services –**

- Police
- EMS
- Fire

#### **2. Zoning –**

- a.

#### **3. Public Works Report**

- a. Update - road crew projects
- b. Update – Park operations
- c. Discussion and possible action item on repair to lighting issue outside of the Heritage Center

#### **4. Administration – Manager's Report**

- a. Update – Regional Comprehensive Plan
- b. Update - Traffic Task Force
- c. Update - Business Association – Wednesday, November 20<sup>th</sup> – 7pm
- d. Update – Green Light Go – 2015
- e. Update – Green Light Go – 2017
- f. Motion to approve the Pocono Township Incident Investigation Policy (action item\*)
- g. First reading of the 2020 Proposed Budget as required by the First-Class Township Code
- h. Motion to authorize the township manager to make available for public inspection the proposed 2020 Pocono Township budget, as required by the First-Class Township Code, as of Wednesday, November 20, 2019, both in hard copy available in township office and posted on township website. (action item\*)
- i. Motion to authorize the township manager to have advertised the 2020 proposed budget as required by the First-Class Township Code, at least ten days prior to date for tentative adoption which is scheduled for December 16, 2019 and to advertise for a hearing on December 16, 2019 to consider the adoption of the budget. (action item\*)

#### **5. Township Engineer Report**

- a. Update - White Oak Culvert replacement project
- b. Update - Right hand turn lanes from Rt. 611 onto Rimrock and Bartonsville Avenue

- c. Update - TLC Bridge
- d. TLC Dam – submitted for LSA grant
- e. Update - Culvert cleaning maintenance
- f. Update - Master sidewalk plan – multi-modal grant
- g. Update – Learn Road Bridge Inspection
- h. Update – Well at MVP
- i. Update – generator

**6. Township Solicitor Report**

- a. Update - Exxon Monitoring wells
- b. Update - easements for White Oak culvert and emergency access
- c. Update – easements – Breezewood Drive
- d. Update – ZHB dates
  - Abrams/LTS – signs – to be rescheduled
  - Feeling Good, LLC – STR – Thursday, December 19 - 5pm
  - J.W. Penney – gas station use – Tuesday, December 10<sup>th</sup> - 5pm
- f. Update – Reassessment appeals filed at county

**Public Comment**

*Please limit individual comments to 5 minutes to allow time for others wishing to speak and direct all questions and comments to the President.*

Executive Session – if necessary

**Adjournment**

## ORDINANCE NO. 2019-09

AN ORDINANCE OF POCONO TOWNSHIP AMENDING CODE OF THE TOWNSHIP OF POCONO BY ADOPTING A NEW "CHAPTER 220 GRADING; EROSION AND SEDIMENTATION CONTROL", CONTROLLING SOIL EROSION, SEDIMENTATION, AND GRADING; DETERMINING THE SCOPE, PURPOSE, AND DEFINITIONS THEREOF; ESTABLISHING GENERAL AND SPECIAL REQUIREMENTS THEREFORE; ESTABLISHING REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL PLANS, GRADING PLANS, PLAN REVIEW, FIRST FLOOR CERTIFICATION, AND GENERAL GRADING REQUIREMENTS; PROVIDING FOR PERMIT REQUIREMENTS AND EXEMPTIONS THEREFROM; MANDATING APPLICATION PROCEDURES AND PLAN SUBMISSIONS; ESTABLISHING STANDARDS FOR APPROVAL AND ISSUANCE OF PERMITS; REQUIRING INSPECTIONS AND ALLOCATING THE COST THEREOF; AUTHORIZING PERMIT FEES; PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

**IT IS HEREBY ORDAINED AND ENACTED** by the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, as follows:

**SECTION I**      **SHORT TITLE.**

This Ordinance shall be known and may be cited as the "Pocono Township Soil Erosion, Sedimentation, and Grading Control Ordinance," implementing Act 167 - Stormwater Management Act and under the authority of the First Class Township Code and the Municipalities Planning Code, Articles V and VI.

A. Findings. In Pocono Township excessive quantities of soil are eroding from areas undergoing development for nonagricultural uses, such as housing developments, industrial sites, roads, and recreation areas. The washing, blowing and deposition of eroded soil across and upon roadways decreases visibility and reduces the traction of automobiles. This soil erosion necessitates the costly repair of gullies, washed out fills, roads, and embankments and causes the undermining of trees. The resulting sediment clogs storm sewers and muddies, pollutes, and silts streams, rivers, ponds, and lakes. The sediment is expensive to remove and limits the use of water for most beneficial purposes;

promotes the growth of undesirable aquatic weeds; and destroys fish and other desirable aquatic life. The sediment reduces the channel capacity of drainage ditches, streams, and rivers and thus, increases the likelihood of flooding and associated damages. It negatively impacts the quality of wetlands. All of these effects of soil erosion threaten the public health, safety, and welfare of the citizens of Pocono Township, as well as the general ecology of the Township.

B. Purposes. The purpose of this Ordinance is to regulate the modification of the natural terrain, the alteration of drainage, and to provide for certain erosion and sediment control measures within Pocono Township to assure and safeguard health, safety, ecology and the general welfare in the Township.

### **SECTION III                    SCOPE AND APPLICABILITY**

From and after the effective date of this Ordinance, any subdivision and/or land development approved under the Township's Subdivision and Land Development Ordinance and Zoning Ordinance, or any activity requiring a permit under Section V. herein, shall be in conformity with this Ordinance. In the event of a conflict between this Ordinance and any other statute, or regulation, the strictest statute, or regulation shall take precedence. No nonexempt grading not complying with this Ordinance shall be performed.

### **SECTION IV                    DEFINITIONS.**

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted to have common English usage, to give effect to the purposes set forth in Section 11.B. above, and to provide reasonable application of this Ordinance. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**ALLUVIAL SOILS:** Soils, developed from transported and relatively recently deposited material (alluvium), characterized by a weak modification (or none) of the original material by soil-forming processes.

**BEDROCK:** The solid, undisturbed rock in place either at the ground surface or beneath surface soil deposits.

**BEST MANAGEMENT PRACTICES:** Procedures and measures pertaining to earth disturbances/construction activities that are intended to minimize water pollution; increase water quality; retain valuable topsoil; prevent erosion and sedimentation; and control rate of runoff from storm events.

**BORROW PIT:** An open pit from which soil is excavated as a single incident for use at a single construction site.

**CUT:** The removal of soil or rock from its natural or predevelopment location.

**DEVELOPMENT:** Any subdivision or land development or any alteration of land not for agricultural or conservation (as defined by the Monroe County Conservation District) purposes that includes earthmoving, cutting, filling or stripping, including but not limited to road construction, utility installation - public or private, residential, commercial or industrial facility construction, mining and quarrying and water resource management.

**EARTHMOVING:** Any activity by which soil or bedrock is cut into, quarried, displaced, relocated, or used as fill, but not including garden raking, hoeing, or routine plowing.

**EROSION:**

1. The wearing away of the soil, bedrock, and/or land surface by running water, wind, ice, chemical or other geological agents.
2. Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**EROSION AND SEDIMENT CONTROL PLAN:** A plan prepared by a Pennsylvania licensed engineer, surveyor or registered landscape architect indicating the specific measures and sequencing to be used in controlling sediment and erosion on a development site both during and after construction.

**EXISTING GRADE:** The vertical elevation of the ground surface prior to earthmoving.

**FILL:** A deposit of soil or other materials placed by people.

**FINISHED GRADE:** The final vertical elevation of the ground after development.

**GRADE:**

1. The slope of a road, channel, or natural ground.
2. The finished surface of a roadbed, top of embankment, or bottom of excavation; any surface prepared for the support of construction like paving or laying a conduit.
3. To finish the surface of a roadbed, top of embankment, or bottom of excavation.

**GRADING PERMIT:** The permit required to be issued prior to the disturbance of the topography and vegetation of land in connection with the conduct of activities regulated by this Ordinance.

**NATURAL GROUND SURFACE:** The ground surface in its original state before any earthmoving or stripping of vegetation.

**OPEN PIT MINING:** The continuing or recurring removal of material from below the ground surface by open excavation.

**PARCEL:** All contiguous land under single and separate ownership.

**PERMANENT VEGETATION:** Ground cover establishing a 90% vegetated cover to control soil erosion satisfactorily and to survive severe weather conditions.

**PERMIT:** A Grading Permit.

**PERMITTEE:** Any person to whom a Grading Permit is issued or to whom a site plan approval is granted.

**PERSON:** Any individual, corporation, partnership, joint venture, unincorporated association, municipal corporation or agency within the Commonwealth of Pennsylvania or any combination thereof.

**RUNOFF (HYDRAULICS):** That portion of irrigation water, rainfall, snowmelt, or other precipitation upon a drainage area or watershed that is discharged from the area in watercourses, sheet flows, absorption, etc. Types of runoff include surface runoff, groundwater runoff, and seepage.

**SEDIMENT:** Solid material, both mineral and organic, that is in suspension in; is being transported by; or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

**SEDIMENTATION:** The process by which sediment is deposited.

**SITE:** Any lot, parcel, or combination of contiguous lots or parcels of land under single and separate ownership where earthmoving, filling or stripping is, was, or will be performed.

**SLOPE:** Degree of deviation of a surface from the horizontal usually expressed in percent or degrees.

**SOIL:** All earth material of whatever origin that overlies bedrock.

**SOIL DRAINAGE:** A condition of the soil, referring to the frequency and duration of periods when the soil is free of saturation.

**STRIPPING:** Any activity which removes the vegetative surface cover, including tree removal; and the clearing and storage or removal of topsoil.

**TEMPORARY STREAM CROSSING:** A temporary structural span installed across a flowing watercourse for use by construction traffic. Such structures include, but are not limited to, bridges, round pipes and pipe arches and must meet all local, county, state, and federal requirements.

**TOPOGRAPHY:** The physical features of a site, place or region.

**TOPSOIL:** The top six to ten inches of soil or the depth to which the soil is plowed or cultivated. Topsoil quality may be determined by soil testing, and soil composition shall be within the following ranges: Sand - 40% to 60%, Silt - 25% to 60%, Clay - 5% to 20%.

TOWNSHIP: The Township of Pocono.

**TOWNSHIP CODE OFFICIAL:** The person designated by the Township to administer and enforce this Ordinance.

VEGETATION: The plants located on a site or in an area or region.

**WATERCOURSE:** Any natural or artificial river, stream, swale, channel, gully, ravine, drain or culvert in which waters flow continuously or intermittently after a rain event, having a defined bed and banks.

A. The following activities or conditions require a Grading Permit:

1. Modifying, disturbing, blocking, diverting or otherwise adversely affecting the natural overland or subsurface flow of water.
2. Construction, erection, or installation of any drainage dam, ditch, culvert, drainpipe, bridge or any other structure or obstruction affecting the drainage of any parcel.
3. Paving, cutting, filling, stripping, excavating, grading or regrading of any parcel unless specifically exempted by Subsection B. below.
4. Disturbing the natural ground surface, soil, or vegetation upon any parcel in excess of the following limits:

As determined by the owner, disturbance in excess of each of the following three areas on each site, 0%-3% sloped areas, 3%-8% sloped areas, and areas of 8% slope or greater.

A	B	C	D	
Area of parcel (slopes)	Maximum exempt disturbance (s.f.)	Proposed area of disturbance (s.f.)	Is Column "C" more than Column 'B'?	
0% to 3%	5,000			
3% to 8%	2,500			If the answer for any block of Column "D" is "Yes", then a grading permit is required. <sup>1</sup>
8% or more	1,000			

5. Any existing, man-made condition as identified by the Township Code Official, which allows or causes uncontrolled/or unmanaged stormwater runoff creating erosion and deposit of sediment onto adjacent properties, or into downstream stormwater conveyance facilities, watercourses, or bodies of water.

B. Notwithstanding Section V (A), the following activities require no Grading Permit<sup>[1]</sup>; however, the Applicant should inquire with the Monroe County Conservation District as to whether they require a permit:

1. Minor improvements, such as the erection of fencing; driveway paving; and minor regrading.
2. Gardening for home consumption or personal use on any parcel, or lawn restoration up to one (1) acre on any parcel.
3. Agricultural operations operated in accordance with a conservation plan or erosion and sedimentation control plan found adequate and approved in writing by the Monroe County Conservation District.
4. Forest Management operations that (1) follow guidelines established by the Department of Environmental Protection in "Soil Erosion and Sedimentation Control Guidelines for Forestry"; that (2) are operating under an erosion and sedimentation control plan approved by the Monroe County Conservation District; and (3) that comply with the Township Zoning Ordinance and Subdivision and Land Development Ordinance.
5. Earthmoving or stripping activities incident to construction of individual wells or sewage disposal systems and less than 1,000 square feet in extent.

<sup>1</sup> The implementation and maintenance of E&S BMPs are required to minimize the potential for accelerated erosion and sedimentation, including those activities which disturb less than 5,000 sqft regardless of the need for a grading permit from the Township.

6. Any emergency activity immediately necessary for the protection of life, property, or natural resources.

C. Application for Grading Permit.

1. Any person proposing to engage in an activity requiring a Grading Permit shall apply by submitting a prepared Grading Permit Application. See Appendix "A" for form.
2. The Grading Permit Application shall be accompanied by a fee established in the Township's Schedule of Fees.
3. All Applications must be accompanied by an Erosion and Sediment Control Plan as described in Section VI below.
4. All Applications filed regarding any grading activities on any commercial, industrial, and/or institutional lot; on any residential lot where earthmoving activities in excess of 1,000 square feet are proposed; or where, in the opinion of the Township Code Official, the lot features such as slope, soils, or other natural resources require special consideration of the earthmoving activities shall be accompanied by a Grading Plan as provided in Section VII below.
5. A separate Application shall be required for each grading project.

D. Issuance of Permits.

Upon the approval of all of the required plans and/or applications by the appropriate Township official/employee, receipt of permits and approvals from the PADEP and or the Monroe County Conservation District, the Township Code Official shall issue the necessary Grading Permit(s). No Grading Permit shall be issued until all the plans and applications, permits and approvals from the PADEP and or the Monroe County Conservation District, required to be submitted by this Ordinance for all the proposed grading activities have been reviewed and approved by the appropriate Township official/employee as set forth in this Ordinance.

E. Standards for Issuance of Grading Permit.

1. Notwithstanding any provision of this Ordinance or any condition of the Grading Permit, the Permittee is responsible for the prevention of damage to other people or property that may be affected by the earthmoving or stripping activity.
2. No Permittee shall modify, cut, fill, excavate, pave, strip, grade, or regrade land in any manner that endangers or damages any adjoining

street, alley, or any other public or private property. Any earthmoving activity conducted adjacent to a property or street line shall support and protect the adjoining property from settling, cracking, erosion, sediment, flooding, or any other physical damage or personal injury that might result.

3. No Permittee shall deposit, place, throw, or cause to be deposited, placed or thrown any debris or other material in any drainage structure or watercourse so as to obstruct the free flow of water without the appropriate permits from the PADEP.
4. No person, firm, or corporation shall fail to adequately maintain, in good operating order, any drainage facility on the site. All drainage ditches, culverts, drainpipes, drainage structures, and watercourses shall be kept open and free flowing at all times.
5. The owner of any property upon which any work has been done pursuant to a Grading Permit granted under this Ordinance shall continuously maintain and repair all graded surfaces, anti-erosion devices, retaining walls, drainage structures, and other protective devices, plantings and ground cover, installed or completed
6. All graded surfaces shall be permanently seeded, sodded, planted, and/or otherwise protected from erosion immediately upon completion of the earthmoving activities upon that surface, weather permitting, and shall be tended and/or maintained until growth is well established. The disturbed area and duration of exposure shall be kept to a minimum using temporary erosion and sediment control measures immediately, as outlined in the Pennsylvania Department of Environmental Protection "Erosion and Sediment Pollution Control Program Manual", and "Pennsylvania Stormwater Best Management Practices Manual", each as amended. All disturbance should be immediately stabilized (temporarily or permanently) if those areas are not be disturbed for 4 days.
7. All trees in an area of extreme grade change, as determined by the Township, shall be protected with suitable tree wells, unless the necessity for removal is established. Precautions shall be taken to prevent the unnecessary removal of trees. Any grading around trees or any removal of trees must comply with the Township's Zoning Ordinance and Subdivision and Land Development Ordinance.
8. The Permittee shall provide adequate provisions for dust control measures. Any such measures must be deemed acceptable by the Township Engineer.

9. All plans and specifications submitted for a Grading Permit shall include adequate provisions for both interim (temporary) and ultimate (permanent) erosion and sediment control. The design, installation and maintenance of erosion and sediment control measures shall be accomplished in accordance with standards and specifications established by PA Chapter 102 and the PA E&S BMP Manual, as revised.
10. In connection with site grading for roads, driveways, building areas or other site improvements, the lateral extent of cut or fill areas shall not be a) more than 30 feet beyond the top of slope in fills or the toe of slope in cuts or b) extend closer than 50 feet to the bank of any watercourse, lake, pond, or wetland, or as permitted within any Riparian Buffer, as defined in the Township's Stormwater Management Ordinance, or Chapter 102 regulations.
11. Wherever fill material is to be used, the person, firm, or corporation using such fill shall be responsible for testing to determine its dry density as per ASTM D1556. The density of each layer shall be not less than 95% of maximum density as determined by ASTM D1557.
  - a. Inspection procedure shall follow the general procedure as stated in Section X below.
  - b. Compaction test reports shall be kept on file at the site and be subject to review at all times.
  - c. Degree of compaction required shall be determined by the Township Engineer following the guidelines listed in this Section.

Any person placing clean fill that has been affected by a spill or release of a regulated substance must use Department of Environmental Protection's Form FP-011 (Certification of Clean Fill) that can be found at <http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=3410> to certify the origin of the fill material and the results of the analytical testing to qualify the materials as clean fill.

12. If load-bearing fill is proposed to show that stable soil condition and groundwater flow can be maintained, a soils investigation report shall be submitted which shall consist of test borings, laboratory testing and engineering analysis to correlate surface and subsurface conditions with the proposed Grading Plan. The report shall include data regarding the nature, distribution and supporting ability of existing soils and rocks on

the site, conclusions and recommendations to ensure stable soil conditions and groundwater control, as applicable. The Township may require such supplemental reports and data as is deemed necessary by the Township Engineer.

F. All Permits shall require the Permittee to:

1. Notify the Township Code Official at least 48 hours prior to commencing any earthmoving or stripping activity;
2. Notify the Township Code Official of completion of any control measures within three (3) days after their installation;
3. Obtain approval from the Township in accordance with Section XIV of this Ordinance prior to modifying the Erosion and Sedimentation Control Plan;
4. Install all control measures as identified in the approved Erosion and Sedimentation Control Plan prior to starting any earthmoving activities;
5. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the Erosion and Sedimentation Control Plan;
6. Repair any siltation or erosion damage to adjoining properties, surfaces, and drainage ways resulting from earthmoving or stripping;
7. Inspect the erosion and sedimentation control measures immediately after each rain of 0.5 inches or more and at least once each week and make needed repairs;
8. Allow the Township Code Official or Engineer to enter the site for the purpose of inspecting compliance with the Erosion and Sedimentation Control Plan or for performing any work necessary to bring the site into compliance with the Erosion and Sedimentation Control Plan;
9. Keep a copy of the Erosion and Sedimentation Control Plan on the site;
10. If any problem (s) occurs, provide, until the problem is corrected, additional stabilizing measures to slopes that, in the judgment of the Township Engineer, are found to be eroding excessively within one (1) year of construction. Once such slopes are stabilized by the additional measures, the Permittee is responsible for providing further additional stabilizing measures if the slopes continue to erode.

## **SECTION VI            EROSION AND SEDIMENTATION CONTROL PLAN**

An Erosion and Sedimentation Control Plan shall be submitted with all Grading Permit Applications. The Erosion and Sedimentation Control Plan shall contain plans which show that the erosion and sediment resulting from the earthmoving and stripping activities will be controlled. Any proposed erosion and sedimentation control measures to be used during construction shall strictly conform to the standards and specifications of 25 PA Code Chapter 102 and the PA E&S BMP Manual and Township Ordinances.

- A. An Erosion and Sedimentation Control Plan shall include the following:
  1. The extent of site alteration proposed and all proposed erosion and sedimentation control measures.
  2. A construction schedule indicating the anticipated starting and completion dates of the development sequence; the expected date of completion of construction of each protective measure provided for in the Erosion and Sediment Control Plan and the Stormwater Management Plan; the sequence of earthmoving activities; and the time of exposure of each area prior to completion of such measures.
  3. Provisions for maintenance of control facilities, including operation and maintenance agreements, easements, and estimates of the cost of maintenance.
  4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  5. Identification of the person(s) or entity(ies) which have legal and/or bonded responsibility (as may be required by Sections XI and/or XII of this Ordinance) for maintenance of the erosion and sedimentation control structures and measures after development is completed.
- B. Any Erosion and Sedimentation Control Plan shall incorporate the following erosion and sediment control practices and principles:
  1. Development shall reflect the topography and soils of the site so as to create the least potential for erosion. The smallest practical area of land shall be exposed for the shortest practical time during development.
  2. Stripping of vegetation, regrading, or other earthmoving activities shall be completed in a way that will minimize erosion and resulting sedimentation. Wherever feasible, natural vegetation shall be retained, protected, and supplemented.

3. Cut and fill operations shall be kept to a minimum. In the design of cut and fill slopes, consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible. Where unavoidable, cuts and fills on steep slopes must be immediately seeded, and natural contours must be followed as closely as possible
4. The disturbed earthen area and the duration of exposure shall be kept to a practical minimum. All disturbed soils and topsoil stockpile areas shall be stabilized as quickly as possible and, if necessary, seeded and mulched immediately. Any stockpile areas located on sloping ground or near Waters of the Commonwealth shall be enclosed with silt fencing.
5. Procedures for protecting soils or geologic structures with water supply potential from contamination by surface water or other disruption by earthmoving activity must be established to the satisfaction of the Township.
6. The sale of topsoil and/or removal of topsoil from a project is prohibited unless the Applicant demonstrates sufficient suitable topsoil will remain to cover all disturbed areas to a depth of 6 inches at the conclusion of the project. All plans required under this ordinance shall specify a designated area to receive topsoil for temporary storage which is removed from a project area and which will be returned to site and used to final grade the project area.
7. Sediment basins, debris basins, desilting basins, silt traps or filters shall be installed and maintained to remove sediment from runoff waters from land undergoing development. All runoff from the site shall be collected and diverted to these facilities for the removal of sediment. Sedimentation in the runoff water shall be trapped and filtered by these facilities until the disturbed area is stabilized to the satisfaction of the Township.
8. All plans, wherein a sump pump or basement drain is proposed to be installed, shall provide for discharge of the sump pump/drain to a natural watercourse, drainage swale, stormwater easement, storm sewer system, or open space area. No sump pump or basement drain discharge shall be permitted to a grassed lawn area of residential or non-residential buildings, where such discharge would cause erosion or runoff issues on adjacent properties.
9. Provisions shall be made to minimize any runoff caused by changed soil and surface conditions during and after development. All

drainage facilities shall be designed to carry surface water in such a manner as to prevent erosion or overflow. Drainage facilities shall be designed and constructed to withstand the expected velocity of flow from a ten-year frequency storm without erosion. Stabilization adequate to prevent erosion must also be provided at the outlets of all pipes and paved channels.

10. Natural vegetation shall be retained, protected, and supplemented wherever possible. Permanent vegetation shall be established on denuded areas not otherwise permanently stabilized. All disturbance should be immediately stabilized (temporarily or permanently) if the area is not to be disturbed for 4 days. Permanent vegetation and related structures shall be installed as soon as practical. Permanent vegetation shall not be considered established until a ground cover is achieved that is mature enough to control the soil erosion satisfactorily and to survive severe weather conditions to the Township Engineer's satisfaction.
11. Permanent or temporary soil stabilization must be applied to stripped areas within one day after final grade is reached on any portion of the site. All disturbance should be immediately stabilized (temporarily or permanently) if the area is not to be disturbed for 4 days.
12. Properties adjacent to the site of a land-disturbing activity shall be protected from sediment disposition by preserving a well-vegetated buffer strip around the lower perimeter of the land-disturbing activity; by installing perimeter controls such as sediment barriers; filters, dikes, interceptor drains or sediment basins; or by a combination of such measures.
  - a. Vegetated buffer strips may not be used except where runoff in a sheet flow condition is expected.
  - b. Buffer strips shall be at least 20 feet in width and shall contain pre-existing, permanent vegetation, excluding trees and shrubs, that covers 95% of the ground within the buffer strip.
  - c. If at any time, the Township Engineer finds that a vegetated buffer strip alone is ineffective in preventing sediment movement onto adjacent property, additional perimeter controls must be provided by the Permittee, or then owner of the property, within a time period specified by the Township Engineer.
13. In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance shall be considered.

C. The selection of erosion and sedimentation control measures shall be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, on an evaluation of the risks, costs and benefits involved and in accordance with Best Management Practices.

All applications filed for permits involving earthmoving and/or stripping activities on any commercial, industrial, and/or institutional lot; or on any residential lot where earthmoving and/or stripping activities in excess of 1,000 square feet are proposed; or where, determined by of the Township Code Official, the lot features such as slope, soils, or other natural resources require special consideration of the on-lot earthmoving and/or stripping activities shall be accompanied by a Grading Plan providing the following information:

A. A Site Plan (plot plan) drawn at a suitable scale of not less than 1 inch equals 50 feet and contour intervals of no more than one (1) foot prepared by a Registered Professional Land Surveyor, Engineer, or Registered Landscape Architect licensed in the Commonwealth of Pennsylvania showing all of the following:

1. A valid boundary line survey of the site including lot lines, monuments/pins/markers, and setback lines; existing and proposed contours; existing vegetation; soil types and conditions; watercourses; affected watersheds; wetlands and other natural features.
2. Erosion and sedimentation control measures, high points, drainage arrows, drainage swales, and the limits of disturbance.
3. Existing and proposed stormwater BMPs and features surrounding the site that are of importance to the proposed development.
4. First floor and garage elevations.
5. Existing and proposed building/structure locations, wells, wastewater treatment systems, sanitary laterals, water supply pipes, storm sewers, inlets, manholes, basement drains, sump pump drains, utility boxes, walls, fences, berms, underground utilities, and all other man-made structures/features.
6. Elevations at lot corners, and exterior grade at each corner of each building.
7. All earthmoving and stripping changes to the site, including cuts, fills,

structures, paving, utilities, vegetation and topsoil proposed to be stripped, and cut/fill balance.

8. North arrow.
9. Street trees and existing trees to be removed.
10. Driveway openings and slopes, driveway turnarounds and parking areas, depressed curb length, and driveway configurations from garage or parking area to street.
11. Sidewalk and bikeway locations.
12. Easements, covenants, equitable servitudes, and deed restrictions.

B. A Stormwater Management Plan prepared in accordance with Pocono Township Stormwater Management Ordinance.

C. A statement, signed and sealed by a Registered Professional Land Surveyor or Engineer, or Registered Landscape Architect, licensed in the Commonwealth of Pennsylvania indicating that, to the best of his/her knowledge and belief, the proposed grading activities shall not significantly increase stormwater runoff to, and/or otherwise adversely impact, downstream properties except as may be part of an approved stormwater runoff collection and management plan.

## **SECTION VIII        GENERAL GRADING REQUIREMENTS.**

All earthmoving and/or stripping activities and/or building construction wherein stripping, excavation, placement of fill, and/or grading activities are performed shall conform to the following general requirements:

A. All erosion and sedimentation control measures shall be installed per the approved plan prior to any earthmoving and/or stripping activities.

1. Earthen structures such as dams, dikes and diversions must be seeded and mulched immediately after installation.
2. All stormwater management basins shall be constructed, functional, and stabilized prior to any additional site activity. Construction of infiltration BMPs should be placed towards the end of construction to prevent the potential for sedimentation and clogging of the infiltration surface.

An as-built plan of the facility prepared by a Registered Professional Land Surveyor, Engineer, or Registered Landscape Architect, licensed in the Commonwealth of Pennsylvania, shall be

submitted to the Township for review to verify adequate stage/storage capacity prior to commencement of other site activity.

3. All temporary and permanent erosion and sedimentation control measures must be maintained and repaired as needed to assure continued performance of their intended functions.
4. Each and every person, corporation, or other entity performing grading and/or building activities shall be responsible for installing and maintaining erosion and sedimentation control measures until the site is stabilized to the satisfaction of the Township.

B. Slopes greater than 3:1 are allowed but require stabilization with vegetated E&S matting, appropriately size stone, or other approved stabilization method. Design calculations prepared by a Registered Professional Land Surveyor, Engineer, or Registered Landscape Architect demonstrating the stability of the stabilization method should be provided along with all applicable details.

C. Edges of newly created slopes shall be a minimum of five (5) feet from property lines; ultimate/future right-of-way lines of streets; and easements to permit the normal rounding of the edge without encroachment on the abutting property, right-of-way, or easement.

D. All lots, tracts, or parcels shall be graded to provide positive drainage away from buildings and dispose of it without ponding, except where ponding (detention basins, swales, etc.) is part of the stormwater management plan for the site.

E. In no case shall grading be completed in such a manner as to divert water onto the property of another landowner unless part of a stormwater management plan.

F. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or perform any work that will affect the normal or flood flow in any watercourse without having obtained prior approval from the Township, FEMA and/or Department of Environmental Protection, whichever is applicable.

G. Each person, corporation, or other entity that makes any surface changes to the site shall be required to:

1. Collect on-site surface runoff and control it to a point of

discharge into the natural drainage area watercourse, stormwater easement, or storm sewer system.

2. Control existing off-site runoff draining through the property by designing it to discharge to the watercourse of the drainage area, stormwater easement, or storm sewer system.
3. Ensure that all on-site and off-site runoff which is substantially altered is collected and diverted to sediment basins, debris basins, desilting basins, silt traps, filters, silt sock, or silt fence, as appropriate for the removal of sediment, until all disturbed areas are stabilized to the satisfaction of the Township.

H. Adequate provision shall be made to prevent surface water from damaging the cut face of excavation and the sloping surfaces of fills.

I. Concentration of surface water runoff shall be permitted only in watercourses or detention basins. All drainage facilities shall be constructed to carry surface water in such a manner as to prevent erosion or overflow. All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

J. Construction vehicles are to be kept out of watercourses, wetlands, and other bodies of water. Where in-channel work is necessary, permits from regulatory agencies must be secured and provided to the Township prior to the Township issuing a grading permit. Precautions must be taken to stabilize the work area during construction to minimize erosion. The channel, including bed and banks, must be restabilized immediately after in-channel work is completed.

K. Where a watercourse or wetlands must be crossed by construction vehicles during construction, a temporary stream crossing shall be provided.

L. Sediment barriers shall be properly installed with silt fencing trenched and hay bales staked.

M. During all earthmoving and/or stripping operations, necessary measures for dust control shall be exercised.

N. Wherever construction vehicle access routes intersect paved public streets, provisions shall be made to minimize the transport of sediment (mud) onto the paved surfaces by runoff or vehicle tracking, including but not limited to, the installation of tire cleaning areas at each point of access to the site. These tire cleaning areas shall be constructed of AASHTO #1 stone, and each shall be at least

50 feet in length. Where sediment is transported onto a public street, the responsible person shall clean the street immediately. Sediment shall be removed from roads by shoveling or sweeping and then transported to a sediment control area.

- O. With the exception of necessary steps required for initial site access to commence work, no grading equipment shall be permitted to be loaded, unloaded, or stored on a public street. No grading equipment shall be permitted to travel on or across a public street unless licensed for operation on public thoroughfares.
- P. The construction of underground utility lines involving installation, maintenance or repair that disturbs more than 1,000 square feet shall be subject to the following criteria:
  1. No more than 500 continuous feet of trench is to be opened at one time.
  2. Where consistent with safety and space considerations, excavated material is to be placed on the uphill side of trenches.
  3. Trench dewatering devices shall discharge in a manner that will not adversely affect flowing streams, drainage systems or off-site property.
- Individual service connections, telephone and electric lines and underground public utility lines under existing hard-surfaced roads, streets or sidewalks are exempt from the above requirements, provided that such land-disturbing activity is confined to the area which is hard-surfaced.
- Q. All temporary erosion and sediment control measures shall be disposed of within 30 days after final site stabilization is achieved, unless otherwise authorized by the Township Engineer. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
- R. Before granting occupancy permits for buildings, building lots shall be finish graded so that drainage will not be concentrated onto adjacent lots. Building lots must also be seeded or mulched, unless it is not possible to establish lawns due to the season of the year. If so, or if exposed areas will result in accelerated erosion because of the lack of ground cover, the Township may require additional E&S BMPs to control runoff, in addition to a vegetation escrow to secure establishment of ground cover.
- S. First Floor Certifications. Construction of any structure requiring a Grading Plan under this Ordinance shall not continue past the foundation stage until the owner/builder has submitted certification that the first floor and garage floor elevations of the proposed structure conforms to the Plans submitted with the

Grading Permit Application. The certification shall be submitted to the Township Code Official on a form approved by the Township and shall be signed and sealed by the responsible Registered Professional Land Surveyor, Engineer, or Registered Landscape Architect licensed in the Commonwealth of Pennsylvania. See Appendix "B".

## **SECTION IX PLAN REVIEW.**

- A. All Plans prepared in conjunction with a Grading Permit Application shall conform to the approved subdivision and/or land development plan for the site.
- B. The Plans prepared in conjunction with an application for a Grading Permit for a parcel greater than 100,000 square feet in area; and all commercial, institutional, and industrial applications shall be referred to the Township Engineer for review. For all other applications, the Plans shall be reviewed by the Township Code Official and/or Township Engineer.
- C. If after reviewing an application should the Township Code Official find the proposed grading activities do not conform to previously approved subdivision and/or land development plans, the revised application and Plans shall be referred to the Township Engineer for review.

## **SECTION X INSPECTIONS.**

- A. The Township Engineer or Code Official shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the Permittee in what manner or manners, if any, the work fails to comply with the Grading Plan or the Erosion and Sedimentation Control Plan, as approved. All plans, reports, and schedules required by and approved under this Ordinance shall be maintained at the site during progress of the work.
  - 1. To obtain inspections, the Permittee shall notify the Township Engineer or Code Official at least three (3) working days before completion of:
    - a. Stripping and clearing.
    - b. Rough grading.
    - c. Final grading.
    - d. Final landscaping.
  - 2. If stripping, clearing, grading and/or landscaping are to be done in

phases or areas, the Permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area.

- B. The Permittee shall make regular inspections of all erosion and sedimentation control measures in accordance with the inspection schedule outlined on the approved Erosion and Sedimentation Control Plan. The purpose of such inspection will be to determine the condition and need for replacement or repair of in-place control measures; the overall effectiveness of the Plan; and the need for additional control measures.
  - 1. All inspections shall be documented in written form and submitted to the Township Engineer at the time interval specified in the Erosion and Sedimentation Control Plan.
- C. All applications which are required to prepare a Grading Plan in accordance with Section VII., shall prepare a complete set of "as-built" plans prepared by a licensed surveyor or engineer and submitted to the Township for review and approval prior to issuance of any use or occupancy permits. In the event that site grading does not conform to the approved site plans, no use and occupancy permits for the structure constructed pursuant to the building permit shall be permitted until the final grading is approved by the Township.
- D. A final inspection shall be conducted by the Township Engineer to certify compliance with this Ordinance. Satisfactory compliance with this Ordinance shall be necessary before issuance of a Use and Occupancy Permit.
- E. The Permittee shall bear all costs of inspections required or permitted hereunder and shall deposit with the Township such sum as the Board of Commissioners shall determine, to guarantee payment of the costs of such inspections. The costs of inspections shall be in accordance with the established schedule of fees and collection procedure for matters pertaining to this Ordinance.

## **SECTION XI                    RESPONSIBILITY.**

The Permittee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the Township or its officials will not be made liable for this damage, by:

- A. The issuance of a Grading Permit in accordance with this Ordinance or other applicable laws;
- B. Compliance with the provisions of a Permit or with conditions attached to it;

- C. Failure of Township officials to observe or recognize hazardous or unsightly conditions;
- D. Failure of Township officials to deny or to recommend denial of a Permit; or
- E. Exceptions from the requirements of this Ordinance.

## **SECTION XII        FINANCIAL SECURITY.**

Before the issuance of a Grading Permit for a project that exceeds one (1) acre in area of disturbance, the Applicant shall deposit with the Township financial security in an amount sufficient to cover the cost of all erosion and sedimentation control measures and other conditions specified in the Permit within the time specified by this Ordinance, or within any extension thereof granted by the Township Engineer. The amount of such financial security shall be equal to 110% of the cost of the work for which the security has been provided. The form of financial security, the method of cost calculation and the release of the posted security shall be in conformity with those provisions set forth in the Township Subdivision and Land Development Ordinance with respect to public improvement financial security.

## **SECTION XIII        PERMIT EXPIRATION AND RENEWAL.**

Grading Permits issued hereunder for areas disturbing less than one acre shall expire at the end of six (6) months from the date of issuance. Grading Permits for areas of disturbance in excess of one acre shall expire at the Notice of Termination for the NPDES Permit. The Permittee shall fully perform and complete all of the work required to be done within the time limit specified in the Permit. If the Permittee shall be unable to complete the work within the specified time, he shall, within 30 days prior to expiration of the Permit, present in writing to the Township, a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the discretion of the Township Engineer, such an extension is warranted, the Engineer may grant additional time for the completion of the work. Where the Township Engineer determines that the extension of time will require a substantial modification of the Erosion and Sedimentation Control Plan and/or Grading Plan, any extension of a Permit shall be subject to approval of such revised plans in accordance with the applicable procedure of this Ordinance.

## **SECTION XIV        AMENDMENT OF PLANS AND ADDITIONAL CONDITIONS.**

- A. Amendments to the Erosion and Sedimentation Control Plan or Grading Plan shall be submitted to the Township and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the Township Engineer and/or Code Official by written authorization to the Permittee.
- B. If at any stage of the earthmoving and/or stripping activities, the Township

determines by inspection that the nature of the site is such that further work authorized by an existing Grading Permit is likely to imperil any property, public way, watercourse or drainage structure, the Township Engineer may require, as a condition of allowing the work to continue, reasonable special precautions be taken to avoid the likelihood of such peril. Special precautions may include, but shall not be limited to, a more level exposed slope; construction of additional drainage facilities; berms; terracing; compaction; cribbing; installation of plant materials for erosion control; and/or recommendations of a registered soils engineer and/or engineering geologist regarding requirements for further work.

- C. Where it appears that storm damage may result from incomplete grading of any site, work may be stopped, and the Permittee required to install temporary structures or take such other measures as may be necessary to protect adjoining property or public safety. On a site of at least one (1) acre or where unusual site conditions prevail, and on all stream crossing projects, the Township Engineer may specify the time of start of grading and time of completion or may require that the operations be conducted in specific stages to ensure completion of protective measures prior to the advent of seasonal rains.

## **SECTION XV                    VIOLATIONS.**

- A. **Penalties.** Any person, firm or corporation who shall violate any provision of this Ordinance shall be issued an enforcement notice and fined Fifty Dollars (\$50.00) for the first offense, and One Hundred and Fifty Dollars (\$150.00) for each offense thereafter. If said fine is not paid and the project is not brought in compliance within ten (10) days after the issuance of the enforcement notice, then, upon commencement of an action before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, and conviction thereof, the person, firm or corporation violating any provision of this Ordinance shall be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), nor less than Five Hundred Dollars (\$500.00) per violation, plus all court costs, including reasonable attorneys' fees incurred as a result of the prosecution, and in default of payment, be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day that a violation of this Ordinance continues, shall constitute a separate offense.
- B. **Remedy of Violation.** In addition to the penalties as set forth in Subsection A. above, any property subjected to earthmoving or stripping activities performed in violation of this Ordinance shall be restored to its previous condition, including replacement of excavated earth, removal of illegally placed fill, and restoration of grades and planting. In order to enforce this Section, the Township Solicitor may seek injunctive relief in accordance with the rules of civil procedure.

C. Revocation or Suspension of Permit. Any Permit issued under this Ordinance, including those issued through approval of subdivision and land development plans, may be revoked or suspended by the Board of Commissioners, after notice to the Permittee for:

1. Failure to carry out the erosion and sedimentation control measures described in the Application and/or accompanying plans at the times specified in the Erosion and Sedimentation Control Plan's construction schedule or within any extension that may be granted by the Township.
2. Violation of any other condition of the Grading Permit.
3. Failure to carry out the erosion and sedimentation control measures described in the application and/or accompanying plans in a reasonable and workmanlike manner.
4. Violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the earthmoving and/or stripping activities.
5. The existence of any condition or the doing of any acts constituting or creating a nuisance, hazard or endangering human life or the property of others, including, without limitation, the discharge of sediments from the site or the failure of the control to prevent accelerated erosion or waterborne sediment from leaving the site of construction.

D. Nonconforming Work. If at any stage of construction, the earthmoving and/or stripping activities do not conform to the Grading Permit; to the attached conditions; to the accompanying plans and specifications, including modifications thereof; or for any violation of this Ordinance, a written Notice to Comply shall be given to the Permittee. Such notice shall set forth the nature of corrections required and the time within which corrections shall be made.

1. Upon failure to comply within the time specified, the Permittee shall be considered in violation of this Ordinance and shall be subject to the following penalties and sanctions:
  - a. The Township, upon recommendation of the Township Engineer, may revoke or suspend the subdivision and land development approval pursuant to which the work is being done, thereby prohibiting the conveyance of any lot in the subdivision.
  - b. The revocation of any building permit issued to the offending Permittee that has been issued pursuant to the Grading Permit and accompanying plans.

- c. A prohibition on the issuance of any further building permits for any lots.
- d. The financial security, if any, shall be forfeited and penalties shall be imposed under Subsection A. above.

2. The above-referenced sanctions shall be specified in the Notice to Comply provided above. Any and all remedies are cumulative, and the exercise of one shall not prohibit the exercise of any other remedies contained in either this Subsection, this Ordinance, or other applicable ordinances.
3. In the case of any paving, filling, stripping, grading or regrading; any disturbing, modifying, blocking or diverting the natural overland subsurface flow of stormwater; or any construction, erection and installation of any dam, ditch, culvert, drainpipe, bridge or any other structure or obstruction affecting the drainage of any parcel in violation of this Ordinance or any regulations made pursuant thereto, the proper Township authorities, in addition to other remedies provided by law, may institute any appropriate action or proceedings to prevent such unlawful activity; to restrain, correct or abate such violation; to prevent the use of the applicable premises; or to prevent any illegal act, conduct, business or use in or about such premises. In addition, upon the failure of any Permittee to complete the control measures specified in the Application, the Township may, after revoking such permit, proceed to complete such measures itself and recover the cost thereof from the Permittee or its surety.

## **SECTION XVI                    EXCEPTIONS TO REQUIREMENTS.**

If compliance with this Ordinance imposes severe hardship upon the applicant (i.e., the applicant cannot develop the property as zoned), he may apply to the Township for relief, which if granted, shall be the minimum necessary to permit reasonable use of the site. Endeavoring to obtain approval for as many units as possible shall not be considered a determining factor in the Township's evaluation of whether there is a severe hardship. The Board of Commissioners may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Ordinance:

- A. Application for any exception shall be made by a verified petition of the applicant, stating fully the grounds of the petition and the facts relied upon the applicant. Such petition shall be filed with the Grading Permit Application. In order for the petition to be granted, it shall be necessary that the Board of Commissioners find all the following facts with respect to the land referred to

in the petition:

1. That the site is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record that is impossible or impractical for the applicant to comply with all the requirements of this Ordinance;
2. That the exception is necessary to prevent unreasonable and unnecessary hardship;
3. That such unnecessary hardship was not created by applicant;
4. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property; and
5. That the exception, if granted, will represent the minimum exception necessary to afford relief to the applicant.

## **SECTION XVII REPEALER.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

## **SECTION XVIII SEVERABILITY.**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Pocono Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION XIX      EFFECTIVE DATE.**

This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED by the Pocono Township Board of Commissioners this day of \_\_\_\_\_, 2019.

Pocono Township Board of Commissioners

ATTEST:

## Appendix B

### Certification

I hereby certify that the first-floor elevation of the structure (and garage if relevant) as shown on the foundation as-built plan was determined by field survey performed under my direct supervision.

Signature \_\_\_\_\_

Professional Engineer, Professional Land Surveyor, Registered Landscape Architect

Seal \_\_\_\_\_

## Appendix A

### GRADING PERMIT APPLICATION

POCONO TOWNSHIP  
112 TOWNSHIP DRIVE  
TANNERSVILLE, PA 18372  
(570) 629-1922  
FAX: (570) 629-7325  
[WWW.POCONOPA.GOV](http://WWW.POCONOPA.GOV)

Permit#:	Grading Permit Fee:	
Property Address/Grading Location:	App Review Fee Rcvd:	-
Parcel #	Total Fee Due:	

#### Part 1: GENERAL INFORMATION

Property Owner	Name		Primary Contact <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Address			
	City	State		Zip
	Contact Phone#	Email		
Applicant (If other than owner)	Name		Primary Contact <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Address			
	City	State		Zip
	Contact Phone#	Email		
Engineer/ Surveyor	Name		Primary Contact <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Address			
	City	State		Zip
	Contact Phone#	Email		
Contractor	Name		Primary Contact <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Address			
	City	State		Zip
	Contact Phone#	Email		

#### Part 2: DESCRIPTION OF PROPERTY

Purpose of Grading Permit (Building, septic, etc.):

Total Acreage of Site:	Total Disturbed Acreage:
Estimated Start Date:	Estimated Completion Date:
<p>Does this property contain: (check all overlays &amp; restrictions that apply)</p> <input type="checkbox"/> Flood Plain <input type="checkbox"/> Steep Slopes <input type="checkbox"/> Wetlands <input type="checkbox"/> Woodlands <input type="checkbox"/> Watershed <input type="checkbox"/> Riparian Buffer <input type="checkbox"/> Conservation Easements <input type="checkbox"/> Deed Restrictions	
<p>Zoning Classifications:</p> <input type="checkbox"/> Commercial (C) <input type="checkbox"/> Conservation District (CD) <input type="checkbox"/> Industrial (I) <input type="checkbox"/> Planned Residential Development (PRD) <input type="checkbox"/> Recreation District (RD) <input type="checkbox"/> Residential (R-1) <input type="checkbox"/> Residential (R-2)	

### Part 3: PLOT PLAN (Attach 3 copies to application)

D A statement noting that: "All proposed locations or all proposed features including, but not limited to, buildings, impervious areas including stone, easements, trees, and stormwater management facilities, will be examined and verified in the field, before issuance of occupancy or use permits."

D (2) copies of the site plans drawn to scale (not to exceed 1" = 50') must be provided with this application. Site plans must contain all of the following information:

- Proposed building location
- Erosion and sediment control measures
- Details and location of drainage, structures, and pipes
- Existing and proposed inlets, manholes, utility boxes
- Existing and proposed wells, wastewater treatment systems, sanitary laterals, and water supply pipes, storm sewers, sump pump drains
- First floor and garage elevations
- Existing and proposed contours
- Elevation at lot corners and exterior grade at corner of each building
- Lot lines, including monuments, pins, markers, and setback lines
- North arrow
- Street trees and existing trees to be removed
- Driveway opening, slope, turnaround, and parking areas, depressed curb length and exact driveway configuration from garage to street
- Sidewalk and bikeway location
- Easements with restrictive covenants, monuments/markers, and underground utility
- High points, drainage arrows, drainage swales
- Limits of disturbance

### Part 4: Applicant/Owner Acknowledgement

I certify that all statements herein and in attachments to this application are, to the best of my knowledge, true and accurate. I agree to abide by all rules and regulations contained in the Pocono Township Zoning Ordinance and understand that my permit may be revoked if any false statements are made herein.

I certify that I am authorized to make this application on behalf of the property owner.

Signature of Applicant

Date

Signature of Owner

Date

### FOR OFFICE USE ONLY:

Monroe County Conservation District Approval Date:

DEP Earth Disturbance Permit:  Yes  No

Escrow Required:  Yes  No

Escrow Amount:

Date Escrow Received:

Check Number:

### CONDITIONS:

APPROVED:

Date:

**POCONO TOWNSHIP, MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2019 – 10**

**AN ORDINANCE OF THE TOWNSHIP OF POCONO, MONROE COUNTY,  
COMMONWEALTH OF PENNSYLVANIA CLOSING A PORTION OF  
LEARN ROAD (T-537) TO THROUGH TRAFFIC**

**WHEREAS**, the Board of Commissioners of the Township of Pocono, Monroe County, Pennsylvania, after due investigation, including a report of the Township Engineer, have determined that public use and public safety warrant the closure of a certain portion of Learn Road (T-537) to through traffic.

**NOW, THEREFORE**, be it enacted and ordained by the Board of Commissioners of the Township of Pocono, Monroe County, Pennsylvania, and the same is hereby ordained an enacted as follows, to wit:

**SECTION 1.** The Board of Commissioners of the Township of Pocono, Monroe County, Pennsylvania (“Township), under the powers vested in them by the “First Class Township Code” as amended, as well as other laws of the Commonwealth of Pennsylvania, do hereby close a portion of Learn Road (T-537) to through traffic, said portion being more fully described on Exhibit “A” and depicted on Exhibit “B”, attached hereto and made a part hereof.

**SECTION 2.** A prior notice of intent to adopt this Ordinance was given to those property owners abutting or adjoining the portion of the Learn Road proposed to be closed; the hearing was held on the same on the 18<sup>th</sup> day of November, 2019, prior to adoption; and a copy of this Ordinance shall be filed in the Office of the Clerk of the Courts of Monroe County, Pennsylvania, after passage of the within Ordinance.

**SECTION 3.** The Township shall continue to maintain that section of Learn Road necessary to provide access to those properties with driveways entrances on the closed portion of Learn Road.

**SECTION 4.** If any section, clause, provision or portion of this Ordinance or regulation incorporated herein shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance or regulation.

**SECTION 5.** All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.

**SECTION 6.** This Ordinance shall be effective five (5) days after the enactment hereof.

**ENACTED AND ORDAINED** at a regular meeting of the Board of Commissioners of the Township of Pocono, Monroe County, Pennsylvania on this 18<sup>th</sup> day of November 2019.

**ATTEST:**

**TOWNSHIP OF POCONO  
MONROE COUNTY**

By: \_\_\_\_\_

By: \_\_\_\_\_

Gerald J. Lastowski  
President, Board of Commissioners

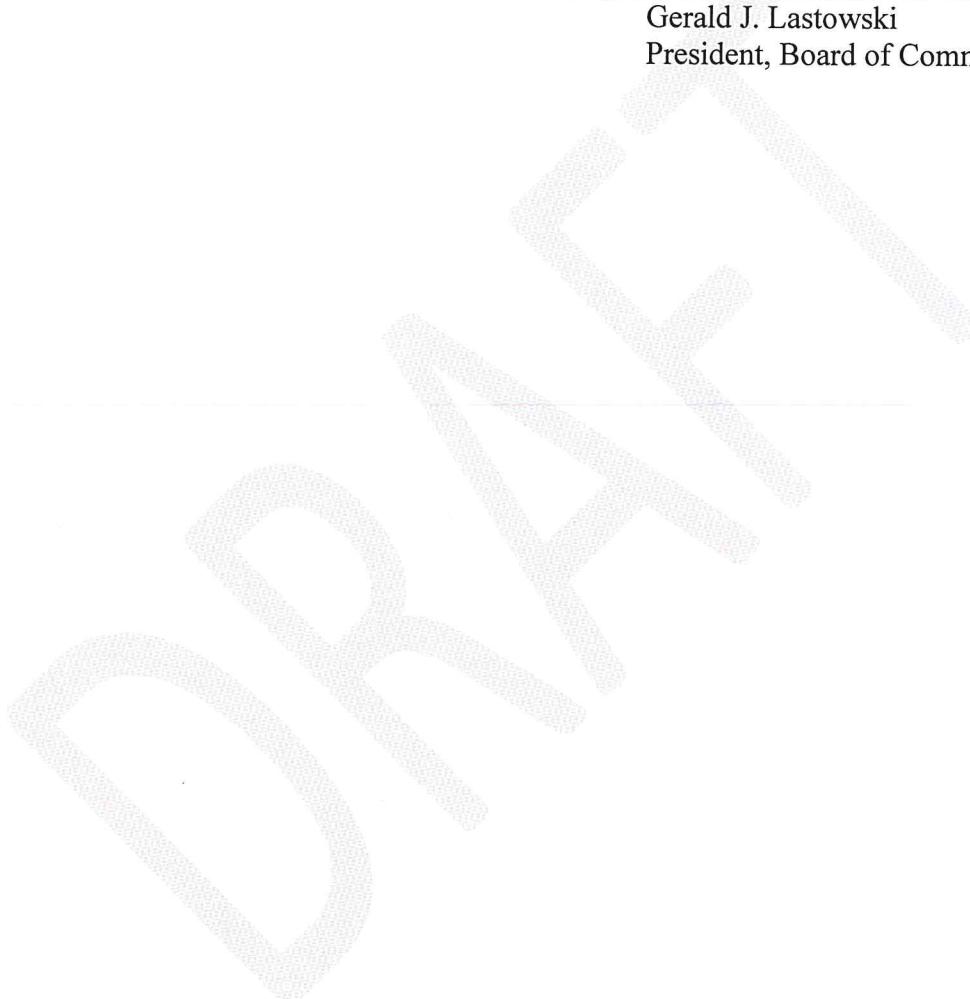


EXHIBIT "A"



EXHIBIT "B"



## REGULAR MEETING MINUTES

November 4, 2019 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on Monday, November 4, 2019 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Gerald Lastowski at 7:00 p.m., followed by the Pledge of Allegiance.

**ROLL CALL:** Keith Meeker, present; Rich Wielebinski, present; Gerald Lastowski, present; Chad Kilby, present; Jerrod Belvin, present;

### IN ATTENDANCE:

Leo DeVito, Twp. Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, Boucher & James, Inc.; Donna M. Asure, Township Manager; and Dee Ackerman, Administrative Assistant.

### PUBLIC COMMENT:

Ellen Gnandt, Twp. Resident, questioned the closing of "To Fish Hill Road" and if an engineer was involved. She also questioned what more the township was going to do to stop the runoff issue with the property on Alger Avenue. The Board reported that the MCCD had recently been out to investigate a complaint and that the MCCD reported there are no violations. The spillway is slightly higher than it should be and will be lowered.

### ANNOUNCEMENTS:

J. Lastowski announced the following –

- Please remember to sign in as you enter the meeting room
- Township Offices are closed on Monday, November 11<sup>th</sup> in honor of Veteran's Day

### HEARINGS:

#### PRESENTATIONS:

Mark Love, representing residents of Eagles Landing presented a petition to the Board, signed by the homeowners of this development asking to begin the process to consider a zoning change from commercial to residential. Mr. Love stated the homes are subject to deed restrictions which does not allow commercial and they are surrounded by developments that are already zoned residential. The process was discussed by the Board.

J. Belvin made a motion, seconded by K. Meeker to pass this request for rezoning onto both the Pocono Township and the Monroe County Planning Commissioners for their review, comments and recommendations. Under discussion it was asked if this would set a precedence for others to request the same. Solicitor DeVito reported that this should be considered on a case by case basis as it is a zoning matter. The Board will need information on the tax implication to the township. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried. The petition presented to the Board of Commissioners is attached to the minutes.

### RESOLUTIONS:

R. Wielebinski made a motion, seconded by C. Kilby, to adopt Resolution 2019-23, approving the submission of a Multimodal grant in the amount of \$1,400,000.00 from the Pennsylvania Department of Transportation to be used to complete the PA SR 611/Rimrock Road and Bartonsville Avenue intersection, Turning Lane Project.

Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Belvin made a motion, seconded by R. Wielebinski, to adopt Resolution 2019-24, approving the submission of a Multimodal transportation grant in the amount of \$1,800,000.00 from the Pennsylvania Department of Transportation to be used for the PA SR 611 Tannersville Safety Enhancement Plan.

Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

C. Kilby made a motion, seconded by K. Meeker, to adopt Resolution 2019-25, granting an extension of time to satisfy conditions of the plan approval of the Pocono Logistics Land Development Plan for eight months from the date of resolution which is July 4, 2020. Sean Policelli, engineer for the project updated the Board on the outstanding issues. He

reported that the swale has been completed, they have connected to PJJWA, done some paving in the rear, heavy rains have caused the delay in some of the project which is why the extension is requested.

Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**MINUTES:**

J. Lastowski made a motion, seconded by K. Meeker, to approve the minutes of the 10/21/19 regular meeting of the Board of Commissioners. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**OLD BUSINESS:****NEW BUSINESS:**Personnel –

It was noted for the record that the following park staff will be ending their seasonal employment with Pocono Township – Derek McMaster – last date of work – October 25, 2019 and Kevin Dahir – last day of work – November 9, 2019.

Financial Transactions –Ratify vouchers payable

J. Lastowski a motion, seconded by C. Kilby, to ratify vouchers payable for a period ending October 31, 2019 in the amount of \$ 919.83. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; yes; J. Belvin, yes. Motion carried.

Ratify gross payroll –

J. Lastowski made a motion, seconded by J. Belvin, to ratify the gross payroll for the pay period ending October 20, 2019 in the amount of \$ 99,364.93. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Vouchers Payable

J. Lastowski made a motion, seconded by R. Wielebinski, to approve vouchers payable received through October 31, 2019 in the mount of \$ 80,318.98. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Capital Expenditures

J. Lastowski made a motion, seconded by K. Meeker, to approve the capital expenditures received through October 31, 2019 in the amount of \$ 4,589.47. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

2019 Audit –

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the quote from Zelenkofske Axelrod, LLC to conduct the audit for fiscal year 2019 in the amount of \$16,500.00 and authorize the President of the Board of Commissioners to execute the agreement. Under discussion the Board asked if this was the same price as the 2018 audit. D. Asure reported that there was a \$500.00 increase. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

GASB 75 Audit –

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the quote from Beyer-Barber Company to conduct the GASB 75 audit necessary for the 2019 township audit at a cost of \$3,800.00. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

CBH20 Letter of Credit –

D. Asure reported that this motion needed to be rescinded as the money that was to be released was a cash escrow for the Basin 3 project and not the letter of credit that is to be kept by the township for the ongoing maintenance set forth by the stormwater agreement.

J. Lastowski made a motion, seconded by R. Wielebinski, to rescind the motion to authorizing the release of the Letter of Credit with CBH20 in the amount of \$31,325.00. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Purchase of Servers –

D. Asure reported that due to the added technology at the police department the current server is getting bogged down and additional servers are recommended to allow the equipment to run quickly and properly. She reported that there is capital money left over from road paving to pay for this purchase.

J. Lastowski made a motion, seconded by C. Kilby, to purchase two DELL servers as recommended by Chief Werkheiser. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Act 44 Disclosure –

D. Asure reported that by law the Act 44 disclosure received by the township from our actuary, Beyer-Barber must be posted to the website and it has been.

Travel/Training Authorizations – none**REPORT OF THE PRESIDENT:**

Gerald Lastowski, President - none

**COMMISSIONERS COMMENTS**Rich Wielebinski - Vice President –

Commissioner Wielebinski discussed the different speed limits on Learn Road. He presented to the board information concerning LED speed limit signs for their consideration at the next board meeting.

The bridge over Bulger Run was also discussed. J. Tresslar will review and write an engineering letter that the township can use to consider a weight limit for that bridge which would need to be done by ordinance. If the bridge needs to be replaced the township could apply for grant money.

Keith Meeker – Commissioner - noneChad Kilby – Commissioner - noneJerrod Belvin – Commissioner –

J. Belvin made a motion, seconded by R. Wielebinski, to approve the quote from Signal Service, Inc. to install a video detection system to replace the accuwave detector and loop detector that has failed at Route 715 and 611 in the amount of \$6,116.00. The manager was asked if there was money in the budget to do this and the board was told that the money that was left from the paving project would be used. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**REPORTS:**Zoning –

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the zoning officer to file a Notice of Violation for 2477 Club House Road for dangerous structure violations as found during the inspection of the property. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

R. Wielebinski, seconded by K. Meeker, to authorize the zoning officer to file a Notice of Violation for 1923 Route 611 for dangerous structure violations as found during the inspection of the property. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the zoning officer to file a Notice of Violation for 2162 Deerfield Way for dangerous structure violations as found during the inspection of the property. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**Public Works**

Road Crew Projects - R. Sargent reported they have been working on the Moss Drive drainage issue.

Park Operations - R. Sargent reported the split rail fence at TLC is going up. MVP closed on November 3, 2019 for the season and staff will be working until November 15, 2019.

Resident Concern on Beehler Road – R. Sargent reported that he had been requested to place a mirror at Beehler Road and Bartonsville Avenue in an attempt to make site visibility better for those traveling those roads. Solicitor DeVito stated there may be liability issues with that solution. Discussion followed on the steps needed to consider the placement of a stop sign in this area.

J. Lastowski made a motion, seconded by C. Kilby, to have the township engineer conduct a traffic study at Beehler Road. As this was not on the agenda, public comment was requested with none received. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

R. Sargent was asked if he had been contacted by the owner of Billy's Diner concerning a pot hole causing an issue. Discussion followed as to whether this was in the area of the manhole on Learn Road. R. Sargent stated he had received pictures of a pothole on Joanne Road. The Board asked that this be looked into.

Drainage Issue on Robin Lane – R. Sargent was asked about the status of the drainage issue on Robin Lane. R. Sargent reported that some work has been done but it has not repair the issue. There is an open ditch in front of several homes. This issue involved three homes. R. Wielebinski stated that there is a drainage issue in this area that may have been created years ago by not holding developers accountable for drainage. Township residents should not have to be held responsible for the township sins of the past. The Commissioners requested that R. Sargent have a report on this issue on the next agenda.

R. Sargent was asked what date the ice rink would be installed. He stated he hoped to have it brought down by the end of the week.

The Commissioners discussed the need to have the paving done in front of the library to avoid the puddling. Discussion on the lip was had. The board instructed R. Sargent to have the paving done and to seal the edge and paint it yellow to alert people to the lip.

**Administration - Manager's Report**

Regional Comprehensive Plan – It was reported that Stroud Township has taken the lead on signing the contract with the consultant. We should be notified in the near future about the meeting schedule for the group to get together.

Traffic Task Force – no report

Pocono Business Association – The next meeting is set for November 20, 2019 here at the township building at 7pm.

Green Light Go 2015 – It is anticipated that we will see the work in our area within the next week or so.

Green Light Go 2017 – An email was received late this afternoon stating that within a week or two the consultants will have the technical specifications ready for review by the townships.

R. Wielebinski made a motion, seconded by J. Lastowski, to authorize the President of the Board of Commissioners to sign the amended agreement with Site 2 (IT backup) changing the address under Section 19 of the agreement. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**TOWNSHIP ENGINEER REPORT:**

White Oak Culvert replacement project – J. Tresslar reported the ads will run on November 7<sup>th</sup> and 11<sup>th</sup>, with a pre-bid meeting required and the bids to be reported to the Board at the December 2, 2019 meeting.

Right Hand Turn Lanes - Discussed earlier under Resolutions.

TLC Bridge- J. Tresslar reported that good progress is being made, the steel is in and two coats of paint have been applied. Discussion followed on the wing walls. J. Tresslar was asked to get a quote for repairing and replacing. Mr. Peechatka was asked by the board what he thought and he commented that there could be several different things going on. He asked the board if he could stop by the park and take a look. The first change order had been signed which did not include the work on the wing walls.

TLC Dam – information has been provided to grant writer

Culvert Cleaning Maintenance - No report

Master Sidewalk Plan - Discussed earlier under resolutions

Erosion and Sedimentation Ordinance – J. Tresslar stated he has incorporated the MCCD comments into a revised ordinance and the hearing will be set for November 18, 2019.

Well at Mountain View Park - J. Tresslar reported that DEP has not yet issued the permit.

Generator – J. Tresslar reported that the contract was at the township over a week ago to take measurements but has not been back. He is attempting to find out why.

#### **TOWNSHIP SOLICITOR REPORT**

Exxon Monitoring Wells - no report

White Oak Culvert easements - As reported earlier this will be part of the White Oak bid package.

Breezewood Drive Easements – Solicitor DeVito will revisit this issue with the property owner.

123 Windy Hill – Solicitor DeVito reported that the hearing took place on October 31, 2019. The owner was presented and signed the stipulation and a permanent injunction was agreed to and ordered by the court. It can never be rented as a STR but may only be used as a single-family home.

ZHB Updates -

Solicitor DeVito informed the Board that there are currently three upcoming Zoning Hearing Board appeals.

- Abrams/LTS – signs – was to be rescheduled to November 19<sup>th</sup> but that date will no longer work. Waiting for a new date to be chosen
- Feeling Good, LLC – STR – Tuesday, November 12<sup>th</sup> – 5pm
- J. W. Penney – gas station use – Tuesday, November 26<sup>th</sup> – 5pm

Assessment Appeals – L. DeVito reported that more and more assessment appeals, filed in Monroe County Courts are being sent each day. He will keep the board informed as to what is going to be the process.

#### **PUBLIC COMMENT:**

Jon Vandeventer , 116 Robin Lane spoke to the board about the drainage issue that was discussed earlier. He also expressed his concern about the agreement he was asked to sign to pay for the installation a driveway pipe

Don Halker, 105 Robin Lane spoke to the board concerning the water that was flooding his property and the need for a swale to be installed.

#### **ADJOURNMENT:**

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 8:28pm. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

**PETITION TO BOARD OF COMMISSIONERS OF  
POCONO TOWNSHIP TO AMEND  
ZONING ORDINANCE TO  
REVISE ZONING MAP BOUNDARIES**

TO THE COMMISSIONERS OF POCONO TOWNSHIP:

Now comes Petitioners, and pursuant to the provisions of Sec. 470-125 of the Pocono Township Codified Zoning Ordinance respectfully requests your honorable Board to amend the Zoning Map to rezone the Eagles Landing Development from Commercial to R-1, and in support thereof, states:

1. Petitioners are residents of Eagles Landing Development in Pocono Township.
2. The Subdivision consists of 6 properties, all of which contain single family residences, as follows:

12/116701 Li Guang Yang et ux 107 Talon Drive DB 2427/224

12/116702 Richard Wielebinski et ux 111 Talon Dr. DB 2038/8064

12/117703 John Jones et al 125 Talon Drive DB 2467/2363

12/116704 Mark Love et Ux 127 Talon Drive. DB 1660/675

12/116705 Lovener Walcott Wightman et al 126 Talon Dr. DB 2486/1116

12/116706 Sabrina Schultz et al 122 Talon Drive DB 2512/3156

3. All of the lots in the subdivision are subject to recorded deed restrictions which limit the use to single family residences, and prohibit commercial activities, except certain in home occupations.
4. The subdivision is adjacent to Oakwood Acres which is zoned R-1 as per Exhibit "A" attached hereto.
5. There is essentially no difference between the character of the Oakwood Acres development and Eagles Landing.
6. Petitioners desire the zoning district of Oakwood Acres to be expanded into Eagles Landing Development so as to afford the protections given R-1 properties under the Township Zoning Ordinance.

WHEREFORE, Petitioners respectfully request your Honorable Board to refer this matter to the Township Planning Commission and the Monroe County Planning

Commission pursuant to the procedures for amending the Zoning District Map as set forth by law.

Respectfully submitted:

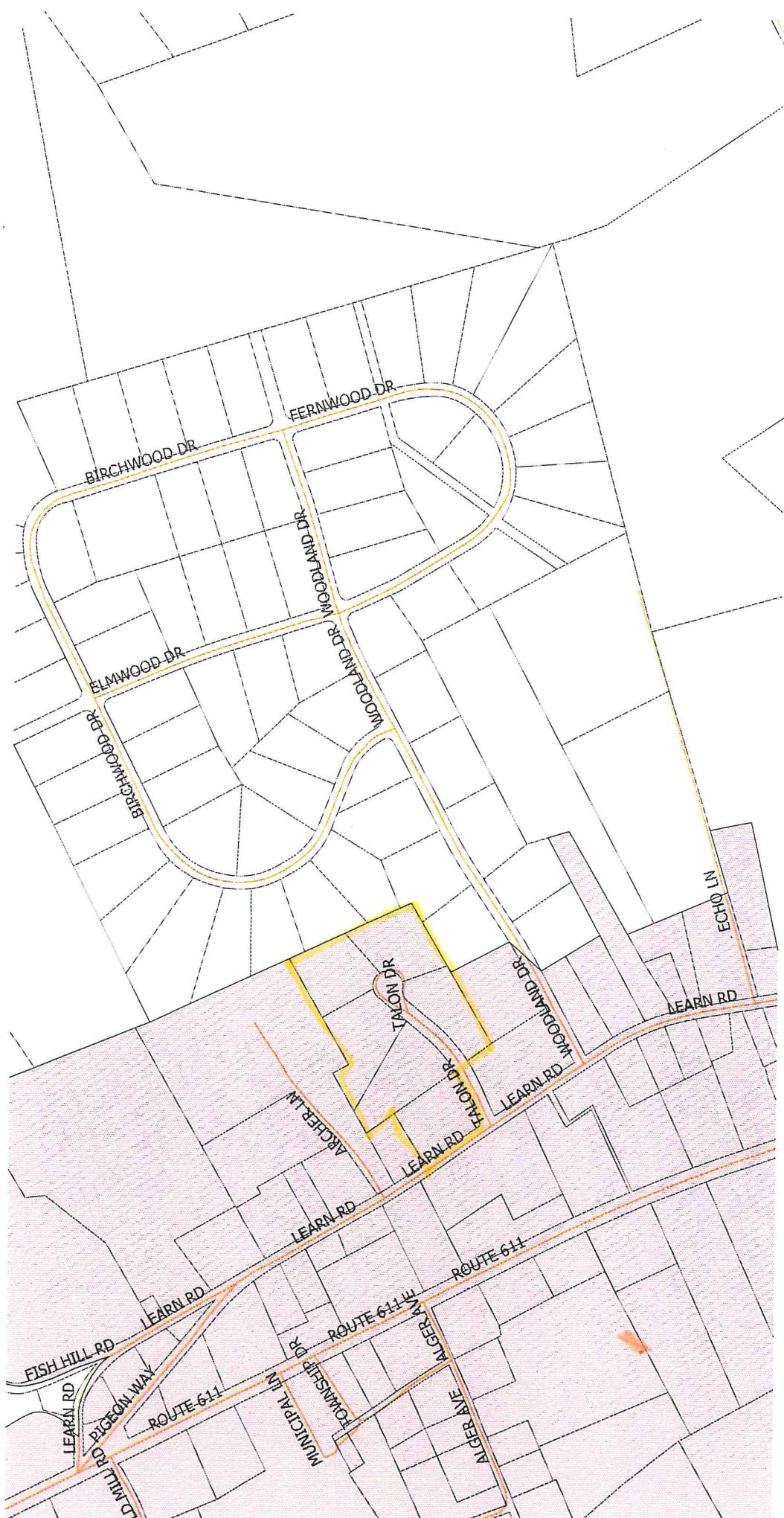
Maura Fane

Richard F. Dieblash

Guang Zang Li

John Jones

Kevin Wolff-Wright



**POCONO TOWNSHIP BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**November 13, 2019, 5:30 p.m.**

Commissioner Lastowski, President opened the work session with the Pledge of Allegiance at 5:45pm.

**ATTENDANCE:**

Jerry Lastowski, President  
Rich Wielebinski – Vice President  
Jerrod Belvin  
Chad Kilby – by phone  
Keith Meeker

There was no public comment.

Commissioner Lastowski adjourned the work session into executive session for personnel issues at 5:50pm.

Joining the executive session were – Chief Kent Werkheiser, John Harrison, attorney – by phone, and Donna M. Asure, Twp. Manager

Commissioner Kilby arrived at 6:30pm and joined the executive session.

The work session was reconvened at 7:25pm. No decisions were made in the executive session.  
Chief Werkheiser did not remain for the balance of the work session.

Frank Cefali-Township Treasurer and Paola Razzaq- Township Fiscal Administrator joined the work session.

There was no public comment.

F. Cefali recommended to the board that money be cut from the list of items requested by department heads under capital. It does not appear that a tax increase will be necessary for 2020. The uncertainty of what the county reassessment will do to each taxpayer in Pocono Township is causing great concern so keeping the budget as tight as possible will be a relief to the residents.

The following was discussed –

- The Board reviewed the 2020 budget by going through the general fund, capital reserve, liquid fuels, sewer operating and sewer construction funds.
- The Board discussed the funding for various projects.
- Discussion occurred on the sharing of equipment between the sewer and the township. D. Asure was instructed to contact the auditor and ask if this is possible and what would be needed to see in place such as policies or tracking to make sure the audit was correct. D. Asure was also to contact Stroud Township as to how they are reimbursed from the sewer fund for office space, etc.
- It was noted that the township must make sure that we are being reimbursed by the sewer fund for all possible monies
- The Board will continue to monitor the budget and look for new funding sources to supplement the revenues.
- Grants will continue to be applied for

**Public Comment** – none

**ADJOURNMENT:**

The work session was adjourned at 9:00 p.m.

POCONO TOWNSHIP  
Monday, November 18, 2019

## SUMMARY

Ratify

General Fund	\$	102,304.10
Sewer Operating	\$	1,788.58
Sewer Construction	\$	-
Capital Reserve	\$	-

Bill List

TOTAL General Fund	\$	148,708.78
TOTAL Sewer <u>OPERATING</u> Fund	\$	115,730.89
TOTAL Sewer <u>CONSTRUCTION</u> Fund	\$	-
TOTAL Capital Reserve Fund	\$	19,006.00
Liquid Fuels	\$	-

Budget Adjustments

Budget Appropriations

Interfund Transfer

Notes:

**POCONO TOWNSHIP CHECK LISTING**  
**RATIFY**

		<u>Date</u>	<u>Check</u>	<u>Memo</u>	<u>Amount</u>
		<u>Monday, November 18, 2019</u>		<u>Vendor</u>	
<b>General Fund</b>					
Payroll	11/08/2019			Pay 22 2019 ending 11/03/19	\$ 100,814.09
					<b>TOTAL PAYROLL</b> <u><u>\$100,814.09</u></u>
<b>General Expenditures</b>					
	10/31/2019	59019	District Court 43-3-03	Court filing fee	\$ 192.75
	11/07/2019	59065	Staples	Two office supplies	\$ 213.61
	11/07/2019	59063	Cramer's	PW supplies	\$ 435.56
	11/07/2019	59064	Mittel	Police Phones	\$ 648.09
					<b>TOTAL General Fund Bills</b> <u><u>\$ 1,490.01</u></u>
<b>Sewer Operating Fund</b>					
	11/08/2019	1426	BIROS SEPTIC & DRAIN CLEANING	Contracted services	\$ 1,665.00
	11/08/2019	1427	BLUE RIDGE	PUMP STATIONS INTERNET	\$ 123.58
					<b>\$ 1,788.58</b>
<b>Sewer Construction Fund</b>					
<b>Capital Reserve Fund</b>					
<b>TOTAL General Fund</b>				102,304.10	
<b>TOTAL Sewer Operating</b>				1,788.58	Authorized by:
<b>TOTAL Sewer Construction</b>				-	
<b>Total Capital Reserve</b>				-	Transferred by:
					<b>\$ 104,092.68</b>

**POCONO TOWNSHIP CHECK LISTING**  
**Monday, November 18, 2019**

<u>General Fund</u>	<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
	11/14/2019	59066	American Arbitration Association	Contracted services	\$ 325.00
	11/14/2019	59067	Anglemeyer, Aaron	Reimbursement	\$ 2,312.02
	11/14/2019	59068	ARGS Technology, LLC	IT contracted services	\$ 2,375.00
	11/14/2019	59069	BIU of PA, Inc.	Permit Fees	\$ 7,702.80
	11/14/2019	59070	Blue Ridge Communications	Phone lines police & township	\$ 692.02
	11/14/2019	59071	Boucher & James, Inc.	Engineering services	\$ 1,442.70
	11/14/2019	59072	Brodhead Creek Regional Authority	TWP Sewer	\$ 177.08
	11/14/2019	59073	Broughal & DeVito, L.L.P.	Legal services	\$ 8,464.97
	11/14/2019	59075	Eureka Stone Quarry, Inc.	Screenings	\$ 48.44
	11/14/2019	59076	Focus Community Newspaper	Veterans Day Advertisement	\$ 150.00
	11/14/2019	59077	Francis Smith & Sons Inc	PA A/B UST Operator Fee	\$ 250.00
	11/14/2019	59078	Fry's Plastic	Pipe/Couplers	\$ 1,047.35
	11/14/2019	59079	Gotta Go Potties, Inc	Park contracted services	\$ 1,270.69
	11/14/2019	59080	H. M. Beers, Inc.	10/1-10/30/19 SEO Services	\$ 3,775.00
	11/14/2019	59081	Hanson Aggregates Pennsylvania LLC	ROAD MATERIALS	\$ 1,369.78
	11/14/2019	59082	Hartshorn, Dean	Workboot Allowance	\$ 149.99
	11/14/2019	59083	Highmark Inc.	HRA fees	\$ 275.00
	11/14/2019	59084	Huey, Ryan M	Workboot Allowance	\$ 150.00
	11/14/2019	59085	HUNTER KEYSTONE PETERBILT	Truck maintenance	\$ 559.70
	11/14/2019	59086	J & B Auto	Police vehicle maintenance	\$ 128.59
	11/14/2019	59087	J & Z Professional Services LLC	November Cleaning Services	\$ 947.50
	11/14/2019	59088	Jack Williams Tire Company, Inc.	Unit #97 Service	\$ 147.72
	11/14/2019	59089	JDM Consultants, LLC	November 2019 Grant Consulting & Advocacy	\$ 2,600.00
	11/14/2019	59090	JESSICA SMITH	Contracted services	\$ 45.00
	11/14/2019	59091	L K Diesel, LLC	Part for Sweeper Repair	\$ 243.08
	11/14/2019	59092	Monroe County Conservation District	5/18; 6/15; 7/20; 8/24 Programs	\$ 300.00
	11/14/2019	59093	Motorola Solutions	Police minor equipment	\$ 4,830.20
	11/14/2019	59094	Motts Radiator & Auto Repair	Repair & Clean Radiator on Sweeper	\$ 538.10
	11/14/2019	59095	Mountainhouse Machine & Hydraulics, Inc.	Hydraulic Cylinder Truck #3 Rebuild	\$ 542.63
	11/14/2019	59096	MRM Worker's Compensation Pooled Trust	Installment 3 of 12	\$ 11,724.32

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>
11/14/2019	59097	Network Fleet	Police communication
11/14/2019	59098	P & D Emergency Services	Unit #99 Repair
11/14/2019	59099	PAPOCO, Inc.	Vehicle fuel
11/14/2019	59100	PMHIC	Health insurance premium
11/14/2019	59101	Pocono Record	Twp advertising
11/14/2019	59102	PPL Electric Utilities	Electric service
11/14/2019	59103	Praxair Dist Mid-Atlantic	PW OPS SUPPLIES
11/14/2019	59104	Reliable Sign and Striping	Traffic signs supplies
11/14/2019	59105	Road Runner Food Mart	Oct 16, 17 & 18 TWP Gasoline Fillups
11/14/2019	59106	Scott's Signs and Printing	Traffic signs supplies
11/14/2019	59107	Shinetime Auto Wash & Lube	Police vehicle maintenance
11/14/2019	59108	Signal Service, Inc.	Traffic light contracted services
11/14/2019	59109	STTC Service Tire Truck Centers, INC.	PW truck parts
11/14/2019	59110	UNIFIRST Corporation	PW uniforms & mats
11/14/2019	59111	Vector Security, Inc.	Contracted services
11/14/2019	59112	Wagner, James	Cell Phone Tech Training
11/14/2019	59113	Wilson Products Compressed Gas Co.	PW OPS SUPPLIES
11/14/2019	59114	Witmer Public Safety Group	Police minor equipment
11/14/2019	59115	D.G. Nicholas Co.	PW OPS SUPPLIES
11/14/2019	59116	Hanson Aggregates Pennsylvania LLC	ROAD MATERIALS
11/14/2019	59117	Teamster Local 773 - Non-Uniform	NOV 2019 UNION DUES
11/14/2019	59118	Teamster Local 773 - Police	NOVEMBER UNION DUES
11/14/2019	59119	Zip's AW Direct	OPS SUPPLIES
11/14/2019	59120	Nationwide - 457	PAY 22 EE & ER CONTRIBUTION
11/14/2019	59121	Bartholomew, Mitchell O	WORKBOOT ALLOWANCE

<u>Amount</u>	<u>\$ 148,708.78</u>
\$ 325.45	
\$ 511.00	
\$ 3,429.78	
\$ 71,088.60	
\$ 505.48	
\$ 1,425.77	
\$ 27.90	
\$ 912.50	
\$ 396.06	
\$ 90.00	
\$ 22.00	
\$ 4,350.00	
\$ 58.00	
\$ 168.36	
\$ 126.00	
\$ 992.67	
\$ 7.25	
\$ 3,260.34	
\$ 185.70	
\$ 87.89	
\$ 754.00	
\$ 1,496.00	
\$ 53.99	
\$ 3,699.36	
\$ 150.00	

**Sewer Operating Fund**

11/14/2019	1429	BLUE RIDGE COMMUNICATIONS	INTERNET PUMP STATION
11/14/2019	1430	BRODHEAD CREEK REGIONAL AUTHORITY	DECEMBER 2019 SEWER TREATMENT
11/14/2019	1431	BROUGHAL & DEVITO, L.L.P.	LEGAL SERVICES
11/14/2019	1432	Evoqua Water Technologies LLC	BIOXIDE

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
11/14/2019	1433	Grainger	OPERATING SUPPLIES	\$ 184.68
11/14/2019	1434	KEYSTONE ENGINEERING GROUP	ENGINEERING SERVICES	\$ 486.50
11/14/2019	1435	METROPOLITAN TELECOMMUNICATIONS	PHONE SERVICE PUMP STATION	\$ 73.07
11/14/2019	1436	PA One Call System, Inc	SEWER MAPPING	\$ 60.69
11/14/2019	1437	Pocono Management Associates LLC	CONTRACTED SERVICES 10/28 -11/10/2019	\$ 3,526.88
11/14/2019	1438	Pocono Township	SEWER ADMIN SERVICES	\$ 1,231.38
11/14/2019	1439	PPL Electric Utilities	ELECTRIC SERVICE PUMP STATIONS	\$ 1,727.03
11/14/2019	1440	Utility Locator LLC	SEWER MARKING	\$ 2,025.00
11/14/2019	1441	Verizon	SCADA LINE	\$ 38.05
11/14/2019	1442	PUMPING SERVICES INC	RENTAL OF PUMP, LABOR AND PARTS	\$ 2,028.55

### **Sewer Construction Fund**

### **Capital Reserve Fund**

11/14/2019	1087	CREATIVE WORKS	2ND INSTALLMENT TWP WEBSITE	\$ 2,940.00
11/14/2019	1088	MESKO GLASS COMPANY, INC	GLASS	\$ 9,950.00
11/14/2019	1090	SIGNAL SERVICES	TRAFFIC LIGHT SYSTEM REPAIR	\$ 6,116.00

### **LIQUID FUELS**

### **ESSA**

TOTAL General Fund	\$ 148,708.78	
TOTAL Sewer Construction Fund	\$ -	Authorized by: _____
Sewer Operating	\$ 115,730.89	
Capital Reserve	\$ 19,006.00	
Liquid Fuels	\$ -	
TOTAL ESSA TRANSFER	\$ 283,445.67	Transferred by: _____

**POCONO TOWNSHIP SPECIAL APPROVAL**  
**Monday, November 18, 2019**

<u>CAPITAL RESERVE</u>	<u>Date</u>	<u>Check</u>	<u>Memo</u>	<u>Amount</u>
<u>Vendor</u>				
	11/14/2019	1089	MAR-ALLEN CONCRETE PRODUCTS INC	TLC BRIDGE REPAIR PAY APP 1
				\$ 42,344.69
			<b>TOTAL Capital Reserve Fund</b>	<b>\$ 42,344.69</b>

**ESSA**

General Fund	\$	\$
Sewer Construction Fund	\$	\$
Sewer Operating	\$	\$
Capital Reserve	\$	\$
Liquid Fuels	\$	\$
<b>TOTAL ESSA TRANSFER</b>	<b>\$</b>	<b>\$</b>

- Authorized by: \_\_\_\_\_

- Transferred by: \_\_\_\_\_



This contract would formalize an agreement between **Pocono Township (client)** and **JDM Consultants, LLC (contractor)** for community planning and grant writing services.

**Term:** This agreement shall be effective from December 1, 2019 thru December 1, 2020. This agreement may be terminated by either party with a 15-day notice.

**Services:** The **contractor** shall provide the professional services listed in Exhibit A.

**Fees:** The **contractor** shall invoice the **client** for \$2,500 monthly.

**Assumptions and Restrictions:** The following is a list of assumptions and restrictions that apply to this proposal:

- The client will provide the Penn Strategies Team with access to all relevant background information.
- The client will assist in assuring that their representatives attend relevant and necessary meetings in Pennsylvania.
- The client will respond with timely delivery of reports, data, meeting coordination, and other project assistance that will allow Penn Strategies to meet any deadlines set forth during the performance of this contract.
- Additional compensation for the specified scope of work will be allowed if justified and approved by the client.

**Compliance with Laws:** Both parties shall comply with all applicable federal, state, and local statutes, rules, regulations or ordinances regarding the performance of its activities under this agreement.

**Confidential Nature of this Relationship:** This relationship will create and exchange of information, written and oral, between the parties, including but not limited to data, documents, surveys, concepts, drafts, other relationships, strategies and tactics; no disclosure of any such information by either party, without express consent of the other, shall be permitted, except as required by the Pennsylvania Right-To-Know Law. The relationship between the **client** and the **contractor** outlined in this agreement is confidential between the parties and will not be disclosed by either party, either presently or in the future, except as required by the Pennsylvania Right-To-Know Law. This provision, in particular, shall survive the term of this agreement.

Independent Contractor: During the term of this agreement, the **contractor** shall be an independent contractor and not an agent of the **client**.

Governing Law: This agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

Entire Agreement: This is the entire agreement of the parties. There are no other representations, understandings, or agreements, oral or written or implied, which are not contained herein.

#### ADDITIONAL SERVICES

Services not included in the scope and fee described herein may be provided by the Penn Strategies Team upon your request. Proper written authorization must be given prior to initiating any additional services. Additional services would be considered anything not directly mentioned in the scope.

#### DURATION OF CONTRACT

Penn Strategies is prepared to provide these on-going services to the client as part of a 12 month agreement.

#### BILLING SCHEDULE

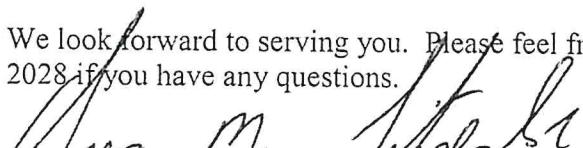
Penn Strategies will invoice you at the end of each four (4) week billing period for work performed during this period. Invoices are payable within thirty (30) days.

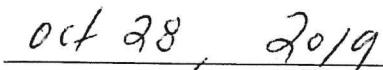
#### PAYMENT SCHEDULE

Payment is due upon presentation of invoice and is past due thirty (30) calendar days from the invoice date. Unpaid invoices in excess of thirty (30) calendar days will be cause to discontinue services until all outstanding invoices are paid. Work stoppages may result in missed deadlines and/or increased project fees including remobilization.

If these terms are acceptable, please print and sign two copies of this document. We will sign both and return one to you for your files. This agreement will then be appropriately executed.

We look forward to serving you. Please feel free to contact Jason Fitzgerald at 570-337-2028 if you have any questions.

  
\_\_\_\_\_  
Jason M. Fitzgerald  
President; JDM Consultants, LLC

  
\_\_\_\_\_  
10/28, 2019

DATE

AGREED TO

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DATE



## Exhibit A

### SCOPE OF SERVICES POCONO TOWNSHIP

#### Understood Goals

- Develop a Comprehensive Economic Development Plan.
- Work with your grants team to identify state, federal, and private grants to assist with projects or regular Borough programs.
- Provide advocacy services on behalf of Pocono Township with the state government, federal government and private foundations.
- Help to write all grant applications.
- Help to administer all awarded grant applications.

#### Economic Development Focus

- Organize and facilitate meetings with key local and state officials to advocate on behalf of Pocono Township and its economic priorities.
- Prepare briefing materials for key meetings with state government officials and attend these meetings to inform them about the effects of particular policy/grant decisions on Pocono Township.
- Work with local private businesses to encourage development by using various county, state, and federal programs as incentives where applicable.
- Promote Pocono Township as a development opportunity to our national contact base.

#### Funding Assistance Focus

- Monitor state grant opportunities and inform the Township Manager and Commissioners about these opportunities.
- Assist in writing these grants and directing lobby efforts with the pertinent members of the General Assembly and Executive Branch to ensure their approval.