

**AGENDA**  
**POCONO TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
**MAY 29<sup>th</sup> 2018 - 7:00 p.m.**

**A. CALL TO ORDER (followed by the Pledge of Allegiance)**

**B. ROLL CALL**

**C. NOTIFICATIONS OF COMMENTS**

**D. CORRESPONDENCE:**

1. GTRP Grant Application, request for letter of support.
2. Time extension until 12/31/2018 for Kopelson - Commercial Development (Lot 3).
3. Time extension until 07/31/2018 for Pocono Logistics LDP.

**E. MINUTES:** Minutes of the Pocono Township Planning Commission Meeting - 05/14/2018.

**F. NEW PLANS AND SUBMISSIONS FOR PLANNING COMMISSION REVIEW:**

**G. FINAL PLANS UNDER CONSIDERATION:**

**H. PRELIMINARY PLANS UNDER CONSIDERATION:**

1. Sheldon Kopelson, Commercial Development (Lot 3) - Plans were administratively accepted at the 8/13/2013 P.C. Mtg. The configuration of the minor subdivision is dependent on the Rt. 715 realignment. Tabled at the 03/26/2018 P.C. Mtg. A resubmission has not occurred. Deadline for P.C. consideration extended to 06/11/2018.
2. Spa Castle Land Development - Land Development on Birchwood Road. The plans were administratively accepted at the 12/14/2015 P.C. Mtg. Tabled at the 03/26/2018 P.C. Mtg. Time extension requested until 10/20/2018. Deadline for P.C. consideration is 10/08/2018.
3. Running Lane Land Development Plan and Minor Subdivision/Lot Combination Plan - The plans were administratively accepted at the 08/14/2017 P.C. Mtg. Plans were tabled at the 03/26/2018 P.C. Mtg. Time extension requested until 07/30/2018. Deadline for P.C. consideration is extended to 07/09/2018.

4. Pocono Logistics LDP - Plan fees paid. Plans were accepted at the 03/26/2018 P.C. Mtg. Deadline for P.C. consideration is 06/24/2018. Twp. Engineer's review letter dated 04/19/2018 was received.

**SKETCH PLANS:**

**PRESENTATION OF SPECIAL EXCEPTIONS, CONDITIONAL USE, ET AL, APPLICATIONS:**

**ORDINANCES:**

Medical Marijuana Ordinance

**UNFINISHED BUSINESS:**

Wagner Millwork, LLC (Brookdale Timber Harvest) - Roadway Repair Bond

**NEW BUSINESS:**

For Discussion:

Revised Draft - Yard Sales Ordinance (possible)

**COMMENTS BY AUDIENCE:**

**ADJOURNMENT:**

**POCONO TOWNSHIP PLAN STATUS**

Project Name (Acceptance Date)	Application Type	Prelim/Final	Review Period Expires	Last PC Mtg	Last BOC Mtg	Latest Comment Letter	Last Meeting Tabled	PC Recommendation Approve/Deny	BOC Approved/Rejected
Kopelson Lot 3 Land Development (8/13/13)	Commercial Land Dev	Prelim	12/31/2018	12/10/2018	12/17/2018	unknown date	4/23/2018		
Spa Castle Land Development (Prelim) (12/14/15)	Commercial Land Dev	Prelim	10/20/2018	10/8/2018	10/15/2018	Planning Rev 9/9/16 Technical Rev 11/9/16	4/23/2018		
Running Lane LDP (8/14/17) *Submitted one application	Land Dev	Prelim	7/30/2018	7/9/2018	7/16/2018	5/10/2018	4/23/2018		
Running Lane LDP (8/14/17)	Lot Combo	Prelim	7/30/2018	7/9/2018	7/16/2018	5/10/2018	4/23/2018		
Pocono Logistics (03/26/2018)	Land Dev	Prelim/Final	7/31/2018	7/9/2018	7/16/2018	4/19/2018	4/23/2018		

# POCONO TOWNSHIP



[www.poconopa.gov](http://www.poconopa.gov)

To: Pocono Township Planning Commission

From: Donna M. Asure  
Township Manager

Re: Township submittal of GTRP grant

Date: May 16, 2018

The Pocono Township Board of Commissioners intend to apply for a Greenways, Trails and Recreation Program grant to repair the pedestrian bridge at TLC Park.

Enclosed please find an inspection report done by Jon Tressler of Boucher & James, Township Engineer, on this bridge. As you will see the bridge, heavily used by township residents and visitors is in need of repair.

The Board of Commissioners have committed the required 15% match of \$18,646.00 from their general fund.

The grant application requires a letter from the Pocono Township Planning Commission certifying the proposal is in compliance with the Pocono Township Comprehensive Plan.

I am requesting that this grant application be discussed at your May 29, 2018 meeting for an approval of a letter to be written from the Planning Commission containing the required certification which will be included with the grant packet due May 31, 2018.

Should you have any questions I will be available to answer them.

Thank-you in advance for your consideration.



**Boucher & James, Inc.**  
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY

INNOVATIVE ENGINEERING

Fountainville Professional Building  
1456 Ferry Road, Building 500  
Doylestown, PA 18901  
215-345-9400  
Fax 215-345-9401

2738 Rimrock Drive  
Stroudsburg, PA 18360  
570-629-0300  
Fax 570-629-0306

559 Main Street, Suite 230  
Bethlehem, PA 18018  
610-419-9407  
Fax 610-419-9408

[www.bjengineers.com](http://www.bjengineers.com)

May 14, 2018

Ms. Donna Asure, Manager  
Pocono Township  
112 Township Drive  
Tannersville, PA 18372

**SUBJECT: TLC PEDESTRIAN BRIDGE INSPECTION  
POCONO TOWNSHIP, MONROE COUNTY, PA  
PROJECT NO. 1830069**

Dear Ms. Asure:

On February 28, 2018, I made an inspection of the TLC Park pedestrian bridge as requested by the Board. The purpose of the inspection was to one, determine if the bridge was still safe for unrestricted pedestrian use; and two, identify any needed repairs along with an opinion of cost for same.

### BACKGROUND

The bridge is located in the TLC Park which, in turn, is located just south of the Route 715/611 intersection in Tannersville. The bridge spans the Pocono Creek connecting playground facilities on the easterly side with ballfields on the westerly side.

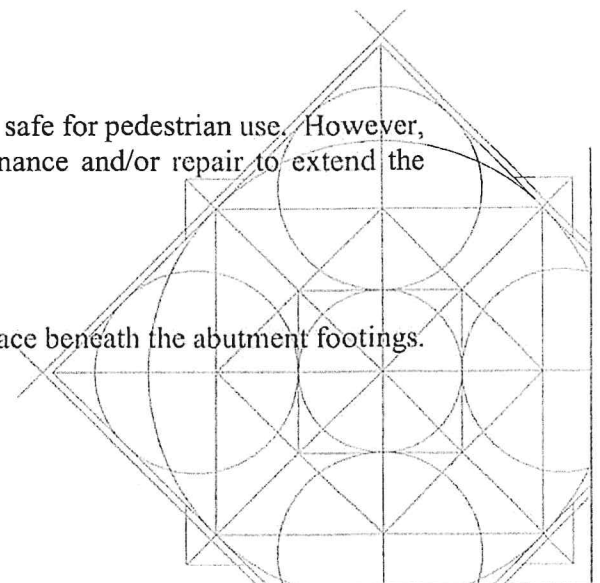
The bridge is a single span steel structure on concrete abutments with stone masonry wingwalls. The deck is concrete with steel handrails. The span is approximately seventy (70') feet and its width is approximately five (5') feet. It is approximately ten (10') feet above normal water flow. It was built in 1940.

### OBSERVATIONS

Overall the bridge appears to be structurally sound and remains safe for pedestrian use. However, as detailed below, all components of the bridge need maintenance and/or repair to extend the longevity of the bridge to insure it remains safe for use.

### ABUTMENT FOOTINGS

Stream flow was too high to observe if any erosion has taken place beneath the abutment footings.



The westerly abutment has suffered stress. Originally, there was a concrete apron encapsulating and protecting the abutment. A large portion of the center of that apron has broken off and was washed down stream. Right above the deck's original location, the concrete abutment has a large horizontal crack, which appears to go clear through. The easterly abutment is in better condition.

#### WINGWALLS

The wingwalls are constructed of mortared stone with concrete caps. Various stones are missing and there are cracks in the concrete caps.

#### STEEL SUPERSTRUCTURE

The steel superstructure is in relatively good condition. It is rusted but has not started to delaminate.

#### CONCRETE DECK

The concrete deck is in poor condition along its entire length. There are two locations where steel plates have been placed to cover holes. Elsewhere there are many areas of deterioration.

#### RAILINGS

There are steel railings constructed of angle iron attached to the exterior beams. Railings are covered with a wire mesh similar to chain link fencing, but of a light gauge. There are several holes in the fencing.

#### DISCUSSION

The bridge as designed and constructed is a very substantial structure. Because of that it has held up well over its 80-year lifespan. However, maintenance has been deferred and should be performed soon to prolong the life of the structure. Safety is not a concern yet although the poor condition of the deck and holes in the railing fabric should be remediated soon.

Our observations addressed five components; abutments (with footings), wingwalls, superstructure (steel beams), concrete deck and railings. Following are our recommended repairs for each component.

#### Abutments/Footings

Further inspection is required at time of low stream flow to determine if the westerly abutment footing has been undermined. Regardless, the center portion of the concrete deck offering protection to the footing has completely broken loose and washed away. Forces, resulting from either settlement or stream action, have caused a large horizontal crack to develop approximately midway up the abutment. Restoration of the concrete deck is important for the long-term protection of the westerly abutment. The horizontal crack in the abutment should be cleaned and

filled with a non-shrink grout. This will help retain structural integrity by protecting the internal steel reinforcement from damage from outside elements. This repair should be scheduled to be completed in the next two to three years.

#### Wingwalls

The wingwalls are in relatively good conditions. However, there are some missing stones and concrete caps have cracked. Stone should be replaced, and the caps could be replaced (for better aesthetics) or cracks filled with non-shrink grout. This work could be done at the same time the westerly abutment is repaired.

#### Superstructure

The steel beams and bracing are in good condition but require sandblasting and painting. This is a high priority and should be done concurrently with deck repairs.

#### Deck

The deck is the single most deteriorated component of the bridge. There are two holes covered with steel plates and large areas of spalled concrete. Structurally, it remains safe for pedestrian use, but the need to sandblast and paint the bridge superstructure argues for deck replacement at the same time. It is recommended the superstructure and deck be repaired within the next two years.

#### Railings

The wire mesh should be repaired on the railings. The steel framework should be painted at the same time the superstructure is sandblasted and painted. As stated above for the superstructure and deck, this should occur within the next two years.

In summary, regarding scheduling of repairs, the railings, deck and superstructure should be repaired as soon as practical and, ideally, within the next two years. The westerly abutment may not be as critical, although severe flooding could have negative impacts on the abutment.

### **COSTS**

Following is our estimated cost for repairs. Performing repairs will require the Township to first obtain a general permit (GP-11) from the PADEP. Once obtained, a GP-11 is good for the life of the structure. If other repairs are needed in the future a new permit will not be required.

#### **ABUTMENTS/FOOTINGS**

- |    |   |             |
|----|---|-------------|
| A  | Replace center portion of concrete apron to protect footing. Provide large riprap with concrete flowable fill | \$15,000.00 |
| B. | Clean horizontal crack and repair with non-shrink grout   | \$3,000.00  |

**WINGWALLS**

- |    |   |            |
|----|---|------------|
| A  | Replace missing stones in wingwalls and mortar in place | \$2,000.00 |
| B. | Replace concrete caps in-kind                           | \$1,200.00 |

**SUPERSTRUCTURE**

- |  |  |             |
|--|--|-------------|
|  | Sandblast and paint beams, braces, railings with an approved PennDOT three coat system | \$55,000.00 |
|--|--|-------------|

**DECK**

- |  |  |             |
|--|--|-------------|
|  | Remove and replace concrete deck in kind | \$10,000.00 |
|--|--|-------------|

**RAILINGS**

- |    |   |            |
|----|---|------------|
| A  | Sandblast and paint (included in superstructure cost) | \$0.00     |
| B. | Replace wire mesh with new vinyl coat chain link      | \$1,500.00 |

**EROSION AND SEDIMENTATION CONTROLS** \$5,000.00

**MOBILIZATION/DEMobilIZATION** \$5,000.00

**SUBTOTAL** \$97,700.00

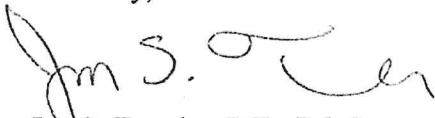
**GP-11 AND E&S PERMITTING** \$10,000.00

**DESIGN/SPECIFICATIONS/INSPECTION** \$10,000.00

The above estimate has been prepared without the benefit of permitting and design plans. Estimates could change when detailed information becomes available.

Attached to this report are photographs to help highlight the foregoing commentary.

Sincerely,



Jon S. Tresslar, P.E., P.L.S.  
Township Engineer

JST/cg

Enclosure



EXTENSION OF TIME PURSUANT TO SECTION 508(3) OF THE PENNSYLVANIA  
MUNICIPALITIES PLANNING CODE

TO: Board of Commissioners  
Pocono Township Municipal Building  
P.O. Box 197  
Tannersville, PA 18372

Planning Commission  
Pocono Township Municipal Building  
P.O. Box 197  
Tannersville, PA 18372

FROM: Sean F. Policelli, P.E.  
Gilmore & Associates, Inc.  
  
5100 Tilghman St., Suite 150  
  
Allentown, PA 18104

Pursuant to Section 508(3) of the Pennsylvania Municipalities Planning Code, 53 P.S. 10508(3), the undersigned applicant/attorney for applicant/engineer for applicant/other agent for applicant [circle applicable representative] hereby agrees to an extension of time for decision by the Pocono Township Planning Commission and the Pocono Township Board of Commissioners concerning the approval of the subdivision and/or land development and/or Conditional use application/plan entitled:

POCONO LOGISTICS (Land Development Plan)

This extension shall be valid to and including July 31, 2018. If an agent, the undersigned verifies that this extension agreement is executed with the authorization of the applicant.

Sean F. Policelli  
(Signature)

Sean F. Policelli, P.E.  
(Print Name)

Dated: May 23, 2018

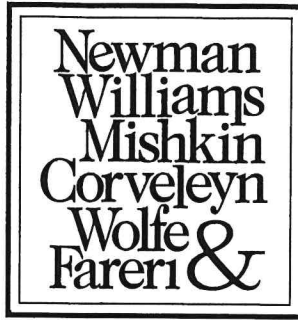
Daniel M. Corveleyn  
Marc R. Wolfe  
James V. Fareri  
Gerard J. Geiger  
Vincent Rubino  
David L. Horvath

Aaron M. DeAngelo  
J. Zac Christman\*  
Robert J. Kidwell

*Of Counsel:*  
Samuel W. Newman  
Todd R. Williams  
Ronald J. Mishkin

*\*Member of NJ and PA Bar*

ATTORNEYS AT LAW



A PROFESSIONAL CORPORATION

P. O. Box 511  
712 Monroe Street  
Stroudsburg, PA 18360-0511

May 21, 2018

Telephone  
570.421.9090

Fax 570.424.9739

www.newmanwilliams.com

MAY 23 '18 PM 3:17

Pocono Township Planning Commission  
P.O. Box 197  
Tannersville, PA 18372

Pocono Township Board of Commissioners  
P.O. Box 197  
Tannersville, PA 18372

**RE: Sheldon Kopelson - Commercial Development (Lot 3)  
Our File No. 46467**

Ladies and Gentlemen:

Mr. Kopelson hereby extends the time the Township has to review and act upon the Sheldon Kopelson Lot 3 Land Development Plan until December 31, 2018. Further engineering and Township review of this submission is dependent upon the final decision of PADOT with regard to the location and dimensions of the S.R. 0715 realignment project. PADOT has not provided Mr. Kopelson with a schedule when the final determination of the design of the S.R. 0715 realignment will be made.

The Developer hereby waives any applicable requirement in the Pennsylvania Municipalities Planning Code or the Township Zoning Ordinance that would require the Township to act earlier than the dates hereinabove set forth.

Thank you for your attention to these matters.

Very truly yours,

Marc R. Wolfe

MRW/aml

cc: Leo DeVito, Jr., Esq.  
Lisa A. Pereira, Esq.  
Gregg Schuster  
David S. Horton, P.E.  
Sheldon Kopelson

**POCONO TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MAY 14<sup>th</sup> 2018 - 7:00 p.m.**

The Pocono Township Planning Commission Regular meeting was held on May 14<sup>th</sup>, 2018 at the Pocono Township Municipal Building, Tannersville, PA and opened by Chairman Ron Swink at 7:00 p.m., followed by the Pledge of Allegiance.

**ROLL CALL:** Ron Swink, present; Scott Gilliland, present; Dennis Purcell, present; Bob DeYoung, absent; Marie Guidry, present; and Jeremy Sawicki, present; and Chad Kilby, present.

Lisa Pereira, Twp. Solicitor; Donna Asure, Twp. Manager; and Pamela Tripus, Twp. Secretary/Recording Secretary were present.

Chad Kilby gave a summary of the PATH workshop for the Duties of Planning Commission members held on 05/03/2018.

**PUBLIC COMMENT:** Jack Hollar, Civic Study student of Robert Yarnall, attended the meeting.

**CORRESPONDENCE:**

**MINUTES:** S. Gilliland made a motion, seconded by D. Purcell, to approve the minutes of the 04/23/2018 PC meeting. Marie Guidry abstained. All in favor. Motion carried.

**NEW PLANS AND SUBMISSIONS FOR PLANNING COMMISSION REVIEW:** None

**FINAL PLANS UNDER CONSIDERATION:**

**PRELIMINARY PLANS UNDER CONSIDERATION:**

Sheldon Kopelson, Commercial Development (Lot 3) - Plans were administratively accepted at the 8/13/2013 P.C. Mtg. The configuration of the minor subdivision is dependent on the Rt. 715 realignment. Tabled at the 04/23/2018 P.C. Mtg. A resubmission has not occurred. Deadline for P.C. consideration extended to 06/11/2018. D. Purcell made a motion, seconded by C. Kilby, to table the Sheldon Kopelson, Commercial Development (Lot 3). All in favor. Motion carried.

Spa Castle Land Development - Land Development on Birchwood Road. The plans were administratively accepted at the 12/14/2015 P.C. Mtg. Tabled at the 04/23/2018 P.C. Mtg. Time extension requested until 10/20/2018. Deadline for P.C. consideration is 10/08/2018. C. Kilby made a motion, seconded by D. Purcell, to table the Spa Castle Land Development Plan. All in favor. Motion carried.

**PRELIMINARY PLANS CONT:**

Running Lane Land Development Plan and Minor Subdivision/Lot Combination Plan - The plans were administratively accepted at the 08/14/2017 P.C. Mtg. Plans were tabled at the 04/23/2018 P.C. Mtg. Time extension requested until 07/30/2018. Deadline for P.C. consideration is extended to 07/09/2018. J. Sawicki made a motion, seconded by S. Gilliland, to table the Running Lane Land Development Plan and Minor Subdivision/Lot Combination. All in favor. Motion carried.

Pocono Logistics Prelim/Final LDP - Plan fees paid. Plans were accepted at the 03/26/2018 P.C. Mtg. Plans were tabled at the 04/23/2018 P.C. Mtg. Deadline for P.C. consideration is 06/24/2018. Twp. Engineer's review letter dated 04/19/2018 was received. M. Guidry made a motion, seconded by D. Purcell, to table the Pocono Logistics LDP. All in favor. Motion carried.

**SKETCH PLANS:**

**PRESENTATION OF SPECIAL EXCEPTIONS, CONDITIONAL USE, ET AL, APPLICATIONS:**

**ORDINANCES:**

- 1) Codification Ordinance and schedule - L. Pereira, Twp. Solicitor, explained the Township is in the process of codification of the Township Ordinance. She explained the minor changes were made to Pg. 18 and Pg. 25. C. Kilby made a motion, seconded by M. Guidry, to recommend approval of the Codification Ordinance and Schedule and moved to send it on to the Board of Commissioners. All in favor. Motion carried.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

For Discussion:

Draft Yard Sales Ordinance - Michael Tripus, Zoning Officer, presented a draft Yard Sales Ordinance to the board for discussion. R. Swink questioned the limit of 5 yard sales per year. D. Purcell questioned Church rummage sales and the Flea Markets. M. Tripus noted flea markets charge for spaces where a yard sale is the sale of personal items from the residence. L. Pereira suggested Flea Market be removed. J. Sawicki questioned if estate sales and auctions sales should be defined. Discussion followed if Sec. 3 (g) wording would exclude Auction/Estate Sales. C. Kilby suggested additional clarification to prevent businesses using "Yard Sale" on signage for business purposes, and suggested including "Violations for obstruction of Traffic is the

**DRAFT YARD SALE ORD CONT:**

Vehicle Owner's responsibility" under Sec. 3 (e). S. Gilliland recommended violations be clarified Sec. 5.

L. Pereira noted the Board should determine if the ordinance should be a stand-alone ordinance or as an amendment to the Zoning Ordinance. Discussion followed. M. Tripus will redraft the ordinance with the suggestions.

Medical Marijuana Ordinance -

L. Pereira, Twp. Solicitor, explained the state will soon issue licenses for the sale of medical marijuana. Under the current ordinances a dispensary can be in commercial zones. Discussion followed on the zoning districts where manufacturing and dispensaries may be located.

M. Tripus, ZO Officer, and D. Asure, Twp. Manager, requested the Board move forward on the Medical Marijuana Ordinance. The Board concurred to direct L. Pereira, Twp. Solicitor, to prepare a draft ordinance for the next meeting, 05/29/2019.

**COMMENTS BY AUDIENCE:** None

ADJOURNMENT: M. Guidry made a motion, seconded by S. Gilliland ,to adjourn the meeting at 8:15 p.m., until May 29<sup>th</sup>, 2018 (Tuesday), at the Pocono Township Municipal Building, Tannersville, PA. All in favor. Motion carried.



**Boucher & James, Inc.**  
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY  
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Fountainville Professional Building  
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215-345-9400  
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May 10, 2018

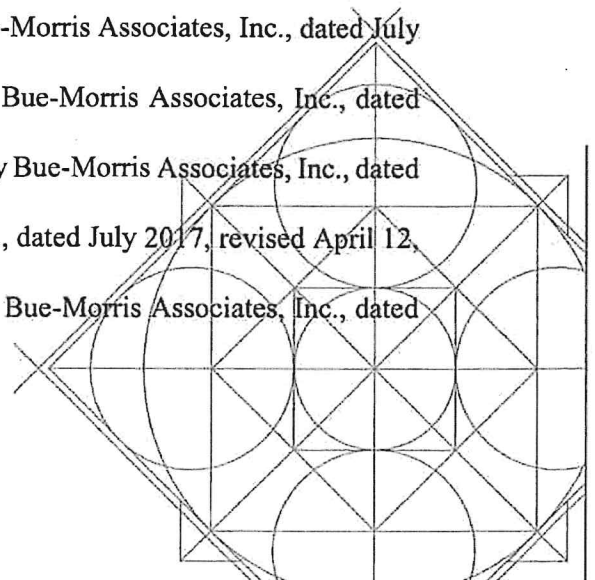
Pocono Township Planning Commission  
112 Township Drive  
P.O. Box 197  
Tannersville, PA 18372

**SUBJECT: RUNNING LANE, LLC PRELIMINARY LAND DEVELOPMENT PLAN REVIEW NO. 3  
POCONO TOWNSHIP, MONROE COUNTY, PENNSYLVANIA  
PROJECT NO. 1730051R**

Dear Planning Commission Members:

Pursuant to the Township's request, we have completed our third review of the Preliminary Land Development Plan Application for Running Lane, LLC. The submitted information consists of the following items.

- Response letter prepared by Bue-Morris Associates, Inc., dated April 18, 2018.
- Transmittal to Monroe County Conservation District prepared by Bue-Morris Associates, Inc., dated March 19, 2018.
- Response letter to Monroe County Conservation District prepared by Bue-Morris Associates, Inc., dated April 18, 2018.
- Sewage Facilities Planning Module Exemption Review prepared by Boucher & James, Inc., dated March 19, 2018.
- PNDI Receipt dated November 9, 2017 with U.S. Fish and Wildlife Service response dated December 2, 2017.
- Water usage letter prepared by Barry Isett & Associates, Inc., dated March 13, 2018.
- Community Impact Assessment prepared by Bue-Morris Associates, Inc., dated March 2018.
- Traffic Impact Assessment prepared by Benchmark Civil Engineering Services, Inc., revised March 14, 2016.
- Application for an Individual NPDES Permit prepared by Bue-Morris Associates, Inc., dated July 14, 2017, revised April 18, 2018.
- Erosion and Sediment Pollution Control Report prepared by Bue-Morris Associates, Inc., dated July 10, 2017, revised April 18, 2018.
- Post Construction Stormwater Management Report prepared by Bue-Morris Associates, Inc., dated July 10, 2017, revised April 18, 2018.
- Aerial Map (1 Sheet) prepared by Bue-Morris Associates, Inc., dated July 2017, revised April 12, 2018.
- Preliminary Land Development Plan (19 Sheets) prepared by Bue-Morris Associates, Inc., dated July 14, 2017, revised April 12, 2018.



### **BACKGROUND INFORMATION**

The Applicant, Running Lane, LLC, is proposing a land development and minor subdivision/lot combination on an existing property located along State Route (S.R.) 0611, approximately 0.7 miles south of the intersection with Lower Swiftwater Road (S.R. 0314) (PIN No. 12-6364-04-74-4153). The existing property (Tract 1) is located within the C, Commercial Zoning District and consists of the Pocono Brewing Company with associated parking, stormwater management and on-lot water and sewer services. The existing property is split by S.R. 0611, and has a total gross area of 5.47 acres, with 0.507 acres located on the eastern side of S.R. 0611. The Pocono Brewing Company is located on the remaining western portion of the property.

The proposed Minor Subdivision/Lot Combination includes the subdivision of two (2) tracts from the existing 21.9 acre property, split by S.R. 0611, and owned in half interest by Lorri Zimmerman and Jeffrey T. Butz, Executors of Butz Estate, and Robert Miller and Marilyn Butz. Tract 2 is located on the western side of S.R. 0611 and is proposed to have a gross area of 0.366 acres, including 0.199 acres of the S.R. 0611 Right-of-Way, creating a net area of 0.167 acres. Tract 3 is located on the western side of S.R. 0611 and is proposed to have a gross area of 0.877 acres, including 0.496 acres of the S.R. 0611 Right-of-Way and 0.175 acres of the Wiscasset Road Right-of-Way, creating a net area of 0.206 acres. Tracts 2 and 3 will be conveyed to and combined with Tract 1 to create a 6.713 acre property (5.023 acres net). The remaining Butz/Miller property will have a proposed area of 19.30 acres and will be entirely located on the eastern side of S.R. 0611.

The proposed land development which this review is prepared for will occur on proposed Tract 1 and will be located on the western side of S.R. 0611. The development will consist of a 4-story, 90 room hotel with a pool. The Pocono Brewing Company will remain, and the existing parking area is proposed to be expanded. An underground stormwater management system and several rain gardens are also proposed. The site will be serviced by public water and sewer. A Conservation Easement Area is now proposed on the eastern side of State Route 0611.

In accordance with Section 405.B.1.j, the existing restaurant, and proposed hotel are permitted uses within the C, Commercial Zoning District.

Based on our review of the above information, we offer the following comments and/or recommendations for your consideration.

### **ZONING ORDINANCE COMMENTS**

1. In accordance with Section 405.C.2.a, the minimum required front yard depth is 75 feet. *The existing front yard depth is 45-feet which is an existing non-conformity. The proposed land development will not affect the existing non-conformity. (Previous Comment) No action required.*
2. Comment satisfied.
3. Comment satisfied.
4. Comment satisfied.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS.**

5. Comment satisfied.
6. In accordance with Sections 306.2.6.C and 406.6.J, the Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Planning Commission, the Monroe County Conservation District, PennDOT, and all other governing agencies. *The proposed Land Development requires the following agency approvals.*
  - a. *Pocono Township –Land Development Plan approval*
  - b. *Pocono Township – Connection of proposed sanitary sewer*
  - c. *Pocono Township – Fire Company **Comments received, no approval to date.***
  - d. *Pennsylvania Department of Environmental Protection & Monroe County Conservation District – Letter of Adequacy and NPDES Permit for Stormwater Discharges from Construction Activities **Submission was made to the Monroe County Conservation District, under cover letter dated April 18, 2018, in response to their incompleteness letter. A completeness letter has not been received to date.***
  - e. *Pennsylvania Department of Environmental Protection – Sewage Facilities Planning Module Exemption*
  - f. *Pennsylvania Department of Transportation – Highway Occupancy Permit*
  - g. *Brodhead Creek Regional Authority – Water service connection*

*All submissions, and reviews and approvals must be provided to the Township. (Previous Comment) All submissions, reviews and approvals must be submitted to the Township.*

7. In accordance with Sections 306.6, 406.6.H.1, and 611.A, the Township shall concurrently make its decision on the Sewage Facilities Planning Module, and if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Land Development Plan approval shall be conditioned upon Department of Environmental Protection sewage planning approval. *The existing restaurant and proposed hotel will connect to public sewer, and are located within the Act 537 Service Boundary. General Note 7 on Sheet 1 indicates 9 EDUs exist and 23 EDUs are proposed for the new hotel. (1 EDU/4 rooms). A completed Sewage Facilities Planning Module Exemption must be submitted for review. (Previous Comment) The response indicates a Sewage Facilities Planning Module Exemption will be submitted. (Previous Comment) A Sewage Facilities Planning Module Exemption was submitted and reviewed by our office. Recommendation to sign and submit the Exemption was sent to the Township on March 19, 2018.*
8. In accordance with Section 306.13, “upon completion of all improvements, the Applicant shall provide to the Township two (2) paper sets of plans and one (1) compact disk with the plans in PDF format certified by the Applicant’s engineer showing all such improvements installed to document conformance with the Record Plan. Failure of the Applicant to provide as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance and may result in rescission of approval. (See Section 408 for As-Built requirements.)” An As-Built Plan deviating in any material respect from the Record Plan will require a revised Land Development Plan to be submitted for approval. *Upon completion of the proposed improvements, the required as-*



*built plan must be prepared and submitted for review. (Previous Comment) No action required at this time.*

9. In accordance with Section 406.2, Site Context Map, “a map compiled from existing information showing the location of the proposed land development within its neighborhood context shall be submitted. For sites under 100 acres in area, such maps shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site.” “The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.” *A Site Context Map must be submitted. (Previous Comment) A waiver from Section 406.2 is requested. An 11-inch by 17-inch aerial photograph has been submitted. We have no objection to this request provided the aerial photograph be resized and included within the 24-inch by 36-inch Land Development Plan set. (Previous Comment) A 24-inch by 36-inch aerial photo has been submitted. The requested waiver for a Site Context Map was recommended for approval by the Planning Commission at its meeting held on February 26, 2018.*
10. In accordance with Section 406.3, Existing Resources and Site Analysis, “for all land developments, an Existing Resources and Site Analysis shall be prepared to provide the Developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs. The Planning Commission shall review the Plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources of the property.” *An Existing Resource & Site Analysis Plan is provided, however it must be revised to include existing conditions within 500-feet of the property. (Previous Comment) A waiver from Section 406.3 is requested. An 11-inch by 17-inch aerial photograph has been submitted. We have no objection to this request provided the aerial photograph be resized and included within the 24-inch by 36-inch Land Development Plan set. (Previous Comment) A 24-inch by 36-inch aerial photo has been submitted. The requested waiver for an Existing Resources and Site Analysis within 500 feet of the project site was recommended for approval by the Planning Commission at its meeting held on February 26, 2018.*
11. Comment satisfied.
12. Comment satisfied.
13. Comment satisfied.
14. In accordance with Section 406.3.G, the Existing Resources and Site Analysis must include “a viewshed analysis using GIS or other suitable methodology showing the location and extent of views into the property and along ridge lines from critical points along adjoining public roads and how the views will be affected by the proposed development and what design elements will be used to minimize the visual effects”. *A viewshed analysis must be provided. (Previous Comment) A waiver from Section 406.3.G is requested. The request states the view onto the property will be the proposed hotel, and the property has no view that requires study or preservation. There may be some concern with the view from the residential properties located southwest of the site. All other adjacent properties contain*

*commercial uses or woodlands. The Township shall determine if they will require a viewshed analysis. (Previous Comment) The requested waiver for a viewshed was recommended for approval by the Planning Commission at its meeting held on March 12, 2018. The Township should note that a 20-foot wide buffer with 9 evergreen trees is now proposed on the southern neighboring property, which has the same property owner.*

15. In accordance with Section 406.4.A, “a Resource Impact and Conservation Analysis shall be prepared for all land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis (as required under Section 406.3). All proposed improvements, including but not necessarily limited to grading, fill, roads, buildings, utilities and stormwater detention facilities, as proposed in the other Proposed Land Development Plan documents, shall be taken into account in preparing the Preliminary Recourse Impact and Conservation Analysis, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.” *A waiver has been requested from Section 406.4.*

*The request states the existing property was previously developed and there are no resources of interest on the hotel site. It is noted that a Wetland Assessment/Delineation determined wetlands existing on the eastern portion of the property across State Route 0611 which is not being developed. In accordance with Section 406.4.D, “this requirement for a Resource Impact and Conservation Analysis may be waived by the Township if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Land Development Plan would be likely to cause no more than an insignificant impact upon the site’s resources”. With the exception to a small area of existing woodlands, no sensitive features exist on the portion of the property to be developed. (Previous Comment) We have no objection to the requested waiver from Section 406.4. (Previous Comment) The requested waiver for a Resource Impact and Conservation Analysis was recommended for approval by the Planning Commission at its meeting held on February 26, 2018.*

16. Comment satisfied.
17. Comment satisfied.
18. Comment satisfied.
19. Comment satisfied.
20. Comment satisfied.
21. Comment satisfied.
22. Comment satisfied.
23. In accordance with Sections 406.6.A.3 and 408.3.B, turning movement diagrams shall be provided to demonstrate that the largest truck or emergency vehicle servicing the development can safely and conveniently navigate the proposed roads, drives and parking and loading areas, but in any event for not less than a WB-50 truck. *The truck turning diagram for a WB-50 Truck provided on Sheet 15 must be revised to also show the access at S.R. 0611. In addition, a truck turning diagram for emergency vehicles must also be submitted to the Township and Fire Company for review. (Previous Comment) The submitted truck turning template for emergency vehicles shown on Sheet 15 must be submitted to the Fire Company for review. (Previous Comment) The plans have been revised per comments received by the Fire Company and resubmitted under a transmittal dated March 27, 2018. No acceptance of the revised plans from the Fire Company has*

*been received to date. It appears the plans must be further revised to specify a Storz hydrant connection.*

24. In accordance with Section 406.6.B, “exterior elevations of any proposed buildings including at least the front and side elevations” must be provided. *Exterior elevations of the proposed hotel must be submitted. (Previous Comment) An elevation and site plan of a similar hotel has been submitted for the Township’s review. The Township shall determine if this is acceptable. (Previous Comment) As discussed with the Planning Commission at its meeting held on March 12, 2018, exterior elevations must be provided with the Final Plan.*
25. Comment satisfied.
26. In accordance with Section 406.6.G.3, “a letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service” must be provided. *A letter dated October 2, 2006, from the Brodhead Creek Regional Authority has been submitted. The letter indicates capacity for a 116-seat restaurant and a 125-unit hotel is available. A 230-seat restaurant exists and a 90-unit hotel is now proposed. The increase in seats may increase the total required capacity. Confirmation of available capacity must be provided. (Previous Comment) The response indicates a letter from the Brodhead Creek Regional Authority dated October 20, 2015, was included with this submission, however it was not received and must be submitted. (Previous Comment) A letter prepared by Barry Isett & Associates, Inc. dated March 13, 2018, discussing the required water capacity was sent to the BCRA. No response has been received to date.*
27. In accordance with Section 406.6.O and 607.16.J, where access is to a State road, a valid State Highway Occupancy Permit shall be obtained prior to plan recording. *A Highway Occupancy Permit issued to The Spirit of Swiftwater, Inc. on April 20, 2005, and expired on April 20, 2006 has been submitted. A new Highway Occupancy Permit is required and must be submitted upon receipt. All correspondence, including plans, to and from the Pennsylvania Department of Transportation must also be provided to the Township. (Previous Comment) A previous response indicated the required documents will be provided.*
28. Comment satisfied.
29. Comment satisfied.
30. In accordance with Section 406.7.C, a Phase I Environmental Site Assessment is required to identify current and historical items associated with the property that may constitute a threat to the environment. The assessment “may be required by the Township Planning Commission and/or Board of Commissioners for all development regardless of the number of lots, size of the building or acreage disturbed, if the land proposed for development is known to contain or suspected of containing items which may constitute a threat to the environment”. *A waiver from Section 406.7.C is requested, however a waiver of this Section is not required. (Previous Comment) The requested waiver is not required and shall be removed from the Modifications Requested on Sheet 1. Instead, the Township Planning Commission and/or Board of Commissioners shall determine if this project will require a Phase I Assessment. It is noted that the site has been in a condition similar to the existing, as shown on the plan, for over 25 years. (Previous Comment) At its February 26, 2018 meeting the Planning Commission determined a Phase I assessment is not required.*
31. Comment satisfied.

32. Comment satisfied.
33. Comment satisfied.
34. Comment satisfied.
35. In accordance with Section 500, “No final plan shall be signed by the Board of Commissioners for recording in the office of the Monroe County Recorder of Deeds until:
  - A. All improvements required by this Ordinance are installed to the specifications contained in Article VI of this Ordinance and other Township requirements and such improvements are certified by the Applicant’s Engineer; or,
  - B. Proposed developer’s agreements and performance guarantee in accord with Section 503 and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, have been accepted by the Board of Commissioners.”

*A performance guarantee, per Section 503, must be provided prior to plan recordation. A construction cost estimate shall be submitted for review. (Previous Comment) This is a Final Plan requirement.*
36. Comment satisfied.
37. In accordance with Section 506.2.1, land development provisions for the private operation and maintenance of all development improvements “shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.” *Ownership and maintenance of the proposed improvements must be in the form of deed covenants and restrictions. (Previous Comment) This is a Final Plan Requirement. This comment has been acknowledged.*
38. In accordance with Section 506.2.3, “in the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with Section 503.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Board of Commissioners. The amount of said fund shall be fifteen (15) percent of the construction cost of the system as verified by the Township Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account, shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be subject to the approval of the Board of Commissioners.” *A maintenance fund shall be established for the continued maintenance of the proposed improvements. (Previous Comment) This is a Final Plan requirement.*
39. In accordance with Section 509, “all applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Ordinance shall, prior to final plan approval by the Board of Commissioners, and if so directed by the Board of Commissioners, enter into a legally binding development agreement with the Township whereby the developer guarantees the installation of the required improvements in accord with the approved plan and all Township requirements.” *A development agreement must be executed prior to plan recordation. (Previous Comment) This is a Final Plan requirement.*
40. Comment satisfied.
41. In accordance with Section 601.1.F.5.b.1, “no more than thirty-five (35) percent of the

original ground cover within any designated steep slope area on the property may be disturbed by grading, filling or other means. At least sixty-five (65) percent of the original ground cover must remain undisturbed during the establishment, alteration or maintenance of the property.” *The existing steep slopes are man-made and we would support a waiver from Section 601.1.F.5.b in its entirety. (Previous Comment) A waiver from Section 605.1.F.5.b.1 is requested. The request shall be revised to reference Section 601.1.F.5.b. The existing slopes are man-made; therefore, we have no objection to this request. (Previous Comment) The requested waiver for steep slope delineation and preservation was recommended by the Planning Commission at its meeting held on February 26, 2018.*

42. Comment satisfied.
43. Comment satisfied.
44. Comment satisfied.
45. In accordance with Section 607.16.M.2, “access drive entrances into all non-residential and non-agricultural use properties shall be no less than twenty-four (24’) feet in width, shall not exceed thirty-six (36’) feet in width at the road line, unless provided with a median divider, and shall be clearly defined by curbing. The curbs of these driveway entrances shall be rounded with a minimum radius of twenty (20’) feet from where they intersect a road.” *Curbing must be provided along the access drive from S.R. 0611. The driveway width at S.R. 0611 is approximately 70-feet wide, and the radii are 25-feet. A median divider is required as proposed. At a minimum, a double yellow line should be provided at the entrance. (Previous Comment) A Highway Occupancy Permit from the Pennsylvania Department of Transportation is required for the proposed driveway. Curbing shall still be provided on the southerly side of the proposed driveway.*
46. Comment satisfied.
47. In accordance with Section 610.A, “all soil erosion and sedimentation control plans shall meet the specifications of the Monroe County Conservation District and PADEP, and shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control”. *Submission to and approval from the Monroe County Conservation District, and NPDES approval shall be provided upon receipt. The following comments are based upon our review of the E&SPC Plan and Report, and associated notes and details. (Previous Comment)*
  - a. *Comment satisfied.*
  - b. *Comment satisfied.*
  - c. *Comment satisfied.*
  - d. *Comment satisfied.*
  - e. *Comment satisfied.*
  - f. *Comment satisfied.*
  - g. *The required erosion control netting referenced in the Construction Sequence must be delineated on the plan. (Previous Comment) The netting must still be shown in plan view.*
  - h. *Comment satisfied.*
  - i. *Comment satisfied.*

- j. *Comment satisfied.*
  - k. *Comment satisfied.*
  - l. *Comment satisfied.*
  - m. *Comment satisfied.*
  - n. *Comment satisfied.*
  - o. *Standard Construction Detail #9-2 on Sheet 12 does not reflect the riprap calculations in the Erosion and Sediment Pollution Control Report. The detail and/or calculations must be revised. (Previous Comment) The detail or calculation must still be revised. (Previous Comment) The detail and calculations are still inconsistent. The Length, Initial Width, and Terminal Width of RR-1, and the Swale No./Outlet No., Thickness, Length, Initial Width, and Terminal Width of RR-1/P-15 must be revised accordingly.*
  - p. *Comment satisfied.*
  - q. *Comment satisfied.*
  - r. *Comment satisfied.*
  - s. *Comment satisfied.*
48. *Comment satisfied.*
49. *In accordance with Section 615.3.B.5, "planting islands shall be a minimum of nine (9) feet by eighteen (18) feet in dimension, underlain by soil (not base course material); mounded at no more than a three-to-one (3:1) slope, nor less than a five-to-one (5:1) slope; and shall be protected by curbing or bollards. Each planting island shall contain a minimum of one (1) shade tree plus shrubs and/or ground cover sufficient to cover the entire area." Two (2) islands do not provide the required shade tree. A waiver from Section 615.3.B.1 has been requested for relief from this requirement and shall be revised per Comment 48. The request indicates the site is limited to planting due to the proposed underground basins. We agree shade trees may hinder the function of the proposed underground basins, however appropriate shrubs can still be planted within these islands. (Previous Comment) All islands are now proposed with shade trees, shrubs, or shade trees and shrubs. Upon review of the proposed landscaping, we have no objection to the requested waiver from Section 615.3.B.5. (Previous Comment) The requested waiver was recommended for approval by the Planning Commission at its meeting held on February 26, 2018.*
50. *Comment satisfied.*
51. *In accordance with Section 615.4.C.4, "trees shall be planted at a ratio of at least one (1) tree per fifty (50) linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced." Nine (9) street trees are required along S.R. 0611. Three (3) shade trees and 5 flowering trees are proposed. The flowering trees are not an approved shade tree in Appendix A, as required by Section 615.4.C.5, and are not counted toward the street tree requirement. Therefore, 6 additional street trees are required.*
- A waiver from Section 615.4 is requested. The request indicates the location of the street trees is limited to the underground basin. The basin is located under the paved area of the proposed Parking Lot #4B. Enough distance will exist between the underground basin and the S.R. 0611 Right-of-Way. We do not support this request and the required street trees*

*must be provided. (Previous Comment) Nine (9) shade trees are now provided and a waiver of this requirement is no longer required. However, 1 tree is located along the frontage of the neighboring property to the southwest. Per Section 615.4.C, the shade tree must be located between the Ultimate Right-of-Way and building setback line of the Applicant's property. The tree must be relocated accordingly. (Previous Comment) The revised plan now proposes only 8 shade trees; therefore 1 shade tree is still required.*

52. In accordance with Section 615.6.C and Table 615-1, Property Line and Road Right-of-Way Buffers, 10-foot wide, low intensity buffers are required along the northern and western property lines, and a 20-foot wide, high intensity buffer is required along the southern property line.

- a. *Nine (9) canopy and 5 ornamental trees are required along the northern property line. Four (4) canopy and 3 ornamental trees are proposed, therefore 5 canopy and 2 ornamental trees are still required.*

*In accordance with Section 615.6.C.7, "existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plants with the approval of the Township. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer as determined by the Township." It is noted woodlands exist along this property line.*

*A waiver from Section 615.6 is requested. The request indicates the storm sewer limits the placement of proposed trees. We agree this is a true statement along the northern property line. (Previous Comment) Six (6) canopy and 6 ornamental trees are now proposed, therefore 3 canopy trees are still required. Based upon the symbol in the Planting Schedule, it appears the "Ca" label should be revised to "Cf" for Flowering Dogwood trees, otherwise no ornamental trees are proposed. We have no objection to the requested waiver from Section 615.6 for the required buffer along the northern property line. It should be noted that if the Township determines that the existing trees along the northern property line are sufficient to satisfy the need for 3 additional canopy trees, then a waiver is not required. (Previous Comment) Six (6) canopy trees, 6 flowering trees, and 13 shrubs are now proposed. The requested waiver was recommended for approval by the Planning Commission at its meeting held on March 12, 2018, conditioned upon evergreen trees being provided. The revised plans propose 13 new rhododendrons and the required evergreen trees must still be provided.*

- b. *Comment satisfied.*
- c. *Eighteen (18) evergreen, 7 ornamental, and 7 canopy trees are required along the southern property line. No trees are proposed.*

*In accordance with Section 615.6.C.7, "existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plants with the approval of the Township. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer as determined by the Township". It is noted woodlands exist along this property line.*

*A waiver from Section 615.6 is requested. The request indicates the storm sewer limits the placement of proposed trees. We do not agree with this statement along the southern property line, however existing pavement abuts the property line which limits the number of proposed trees that can be placed.*

*The Township shall determine if the existing woodlands can act as the required buffer along the southern property line. As a result of the existing trees, a waiver may only be required along a portion of the southern property line, between it, and the existing restaurant. (Previous Comment) Two (2) canopy trees are now proposed along the southern property line, therefore 18 evergreen, 7 ornamental, and 5 canopy trees are still required. We have no objection to the requested waiver from Section 615.6 for the required buffer along the southern property line. (Previous Comment) The requested waiver was recommended for approval by the Planning Commission at its meeting held on March 12, 2018 conditioned upon evergreen trees being provided. Nine (9) evergreen trees are now proposed.*

53. In accordance with Section 615.6.C and Table 615-1, Parking Lot Buffers Along Road Rights-of-Way, a 30-foot wide, high intensity buffer is required between Parking Lot #4B and the S.R. 0611 Right-of-Way. Twelve (12) evergreen, 5 ornamental, and 5 canopy trees are required for 234-feet of parking along S.R. 0611. Zero (0) evergreen, 4 ornamental, and 2 canopy trees are proposed, therefore 12 evergreen, 1 ornamental and 3 canopy trees are still required.

*A waiver from Section 615.6 is requested. The request indicates the storm sewer limits the placement of proposed trees. No storm sewer exists or is proposed between Parking Lot #4B and the S.R. 0611 Right-of-Way, and additional trees can be proposed. As proposed, we do not support this request in relation to the Parking Lot Buffer, and the additional trees must be provided. (Previous Comment) Six (6) canopy trees are now proposed, therefore 12 evergreen and 5 ornamental trees are still required. The waiver request indicates no additional trees can be provided due to the limited space between S.R. 0611 Right-of-Way and Parking Lot #4B. Prior to action on the requested waiver, the Township shall determine if evergreen trees and/or shrubs shall be provided in addition to, or instead of, the proposed canopy trees. (Previous Comment) The requested waiver was recommended for approval by the Planning Commission at its meeting held on February 26, 2018. The Township should note that 53 shrubs are now proposed between the proposed parking lot and S.R. 0611.*

54. In accordance with Section 615.6.D and Table 615-2, Site Element Screens, Screen Type #2 or #5 is required to screen the proposed loading areas. Given the location of the proposed loading areas, Screen Type #2 is appropriate and shall consist of a double row of evergreen trees, placed 10-feet on center and offset 10-feet to provide a continuous screen at a minimum height of 12-feet at maturity.

*In accordance with Section 615.6.D.7, "existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plants with the approval of the Township. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer as determined by the Township." It is noted woodlands exist along this property line.*

*A waiver from Section 615.6 is requested. The request indicates the storm sewer limits the placement of proposed trees. We agree with this statement with respect to the two (2) loading areas adjacent to the northern property line, but not with respect to the loading area adjacent to the western property line. The Township shall determine if the existing trees can provide the required screen along the northern property line. Additional evergreen trees shall be provided along the western property line. (Previous Comment) A waiver is requested for the required screening at the loading areas along the northern and western property lines. The request now indicates the 5-foot high retaining wall and proposed landscaping can act as*



*the required screen at the proposed loading area. We have no objection to the requested waiver from Section 615.6 with respect to the required Site Element Screen at the loading areas. (Previous Comment) The requested waiver was recommended for approval by the Planning Commission at their meeting held on March 12, 2018.*

55. Comment satisfied.
56. Comment satisfied.
57. In accordance with Sections 615.7.D.2 and 615.9.B.11, landscaping shall be considered an improvement for the purposes of installation and the provision of a performance guarantee in accord with this Ordinance. In addition, the Developer or landowner shall provide to the Township a performance guarantee equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of 18 months following the installation and approval of the landscaping. *The proposed landscaping must be included in the construction cost estimate. (Previous Comment) This is a Final Plan requirement. The response indicates the estimate will be prepared and provided with the Final Plan.*
58. In accordance with Section 615.9.B.9, “planting details, including method of protecting existing vegetation, and landscape planting methods” must be provided on the plan. *Landscape planting details and associated notes must be provided on the plan. (Previous Comment) An evergreen tree planting detail must still be provided on the plan. In addition, the tree wrap referenced in the Deciduous Tree Planting Detail on Sheet 13 shall be removed at the time of planting to eliminate the potential for insect harvesting. The tree wrap shall be removed from the detail, or a note placed stating that the tree wrap is to be removed at the time of planting. (Previous Comment) As discussed above, the tree wrap must still be removed from the Deciduous Tree Planting Detail on Sheet 16, or a note must be provided stating the tree wrap is to be removed at the time of planting.*
59. Comment satisfied.
60. Comment satisfied.
61. Comment satisfied.
62. In accordance with Section 619.B, common open spaces, recreation areas, and/or in-lieu-of fees “shall apply to any subdivision for which a preliminary plan or a combined preliminary/final plan and any land development for which a plan is submitted after the effective date of this Section 619”. In addition, and in accordance with Section 619.E.5, “if a non-residential subdivision or land development is required to dedicate common open space, the following amounts of common open space shall be required, unless revised by resolution of the Board of Commissioners”. *Note 23 on Sheet 1 proposes a fee in-lieu-of open space. In accordance with Section 619.F, and if agreed upon by the Board of Commissioners and Applicant, a fee in-lieu-of dedicating open space as determined by the Township Fee Schedule may be provided. The calculated fee in-lieu-of for 3.68 acres of disturbance is \$5,152.00. The Township shall determine if open space and/or recreational facilities shall be provided, or if a fee in-lieu-off will be accepted. (Previous Comment) This comment has been acknowledged. It should be noted that the limit of disturbance is now 4.10 acres, therefore the calculated fee in-lieu-of is \$5,740.00. (Previous Comment) Due to future plan revisions, a final fee in-lieu-of will be determined prior to plan recordation.*
63. Comment satisfied.

64. In accordance with Section 620.H.1, “each off-street loading and unloading space shall be either (a) at least fourteen (14’) feet in width by forty (40’) feet in depth or (b) at least ten (10’) feet in width by sixty (60’) feet in depth.” *A waiver is requested from Section 620.H.1. The request states 12-foot by 30-foot loading spaces are adequate for the hotel use. However, Section 512.D.2 of the Zoning Ordinance requires loading spaces to be a minimum of 12-feet wide by 35-feet long. Therefore, the loading spaces must be revised to have a minimum length of 35-feet. We would support a waiver to permit 12-foot wide by 35-foot long loading spaces. (Previous Comment) A waiver from Section 620.H.1 is requested to permit five (5), 12-foot wide by 35-foot long loading spaces per the Township Zoning Ordinance. We have no objection to this request. (Previous Comment) The requested waiver was recommended by the Planning Commission at their meeting held on February 26, 2018.*
65. Comment satisfied.
66. In accordance with Section 622, a “Traffic Impact Study shall be submitted to the Township, as part of a Preliminary Plan and Final Plan for any subdivision or land development application expected to generate more than 250 new trips per day; for residential subdivisions or land developments containing fifteen (15) or more dwelling units or residential lots in aggregate; or all non-residential developments (with the exception of agricultural development) with buildings containing in excess of twenty (20,000) thousand square feet of floor space in the aggregate; development of any kind impacting thirty (30) acres of land or more in the aggregate”. *A Traffic Impact Assessment was submitted. The Assessment references Appendices B, C, and D which have not been included and must be submitted. Further review of the Assessment will be completed upon receipt of these appendices. (Previous Comment) The response indicates the missing Appendices will be submitted by Benchmark Civil Engineering Services, Inc. (Previous Comment)*
- In accordance with Section 622.C.4, “the Traffic Impact Study shall include, but not necessarily be limited to, an analysis of expected traffic generation to, from and upon surrounding roads within a radius of 2-miles from the proposed development site, particularly showing AM and PM peak hours of existing traffic flow during a normal business day, in comparison with what is anticipated after the proposed development is fully completed, and, if applicable, upon the completion of each stage. Estimated peak hour trip generation shall be based on procedures set forth in the most recent editions of the ITE Trip Generation Manual. Existing traffic flows shall be based on actual counts.”***
- a. ***Section VIII, Operation Analysis, projects levels of service for 2015 with the proposed development for northbound and southbound traffic along S.R. 0611 during the AM Peak Hour, PM Peak Hour, and Saturday Peak Hour. An analysis of the levels of service without the proposed development must also be provided to determine the impact of the proposed development. In addition, existing levels of service in 2012, and with and without development in 2016 must also be provided.***
  - b. ***No turning movements are shown for the 2012 Existing, 2015 without Development, or 2016 without Development in the Summaries chart in Appendix B, Page 10. The turning movements for the existing restaurant should be accounted for and shown in the summary.***
  - c. ***Only the site driveway is analyzed. Intersections within 2 miles must also be analyzed.***

**STORMWATER MANAGEMENT ORDINANCE COMMENTS**

The proposed development is located within the McMichaels Creek Watershed and the B-2 Management District. The project site discharges to Scot Run which has a Chapter 93 Classification of High Quality (HQ).

67. Comment satisfied.
68. In accordance with Section 301.J, “any stormwater management facilities regulated by this Ordinance that would be located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).” *Pipe P-17 connects to an existing storm sewer pipe within the S.R. 0611 Right-of-Way and grading is proposed at the proposed headwall within the S.R. 0611 Right-of-Way. A PennDOT Highway Occupancy Permit is required. (Previous Comment) Pipes P-17 and P-32 now connect to the existing storm sewer crossing State Route 0611. The response indicates Benchmark Civil Engineering Services, Inc. will obtain the required permit for the proposed storm sewer and grading. All submissions to, and correspondences and permits from PennDOT must be provided to the Township.*
69. Comment satisfied.
70. In accordance with Sections 301.M, 303.E, and 304.A.2.d, all stormwater runoff, other than rooftop runoff, shall be treated for water quality prior to discharge to surface or groundwater. *A Snout Insert Detail is provided on Sheet 13, however none are shown in plan or profile views. Proposed water quality devices must be provided prior to stormwater entering the underground basins or discharging from the site, and must be shown in plan and profile views. (Previous Comment) The Storm Sewer Structures chart on Sheet 10 must be revised to include snouts at inlets I-2 and I-24. The required sump elevation for each inlet with a snout must also be listed in the Storm Sewer Structures chart. (Previous Comment) The sump elevation listed for inlet I-24 in the Storm Sewer Structures chart on Sheet 10 does not provide the depth required in the Snout Insert Detail on Sheet 13 and must be revised accordingly.*
71. Comment satisfied.
72. Comment satisfied.
73. Comment satisfied.
74. Comment satisfied.
75. In accordance with Section 304.A.1.a, “regulated activities will be required to recharge (infiltrate), where practicable, a portion of the runoff created by the development as part of an overall Stormwater Management Plan designed for the site. The volume of runoff to be recharged shall be determined from Sections 304.A.3.a or 304.A.3.b, depending upon demonstrated site conditions.” *Calculations must be provided demonstrating the volume infiltrated meets the required recharge volume. (Previous Comment) Calculations in support of the required recharge volume, per Sections 304.A.3.a or 304.A.3.b, must still be provided. (Previous Comment) The Design Engineer acknowledges the calculations have not yet been prepared and indicate they will be completed.*
76. Comment satisfied.
77. Comment satisfied.
78. In accordance with Section 305.A and Table 305.1, the post development 2-, 5-, 25-, 50-,

and 100-year storm events must be reduced to below the predevelopment 1-, 2-, 5-, 10-, and 50-year storm events, respectively. *The Post Development Total North Pipe (Hydrograph 21L) Peak Flow during the 2-, 5-, 25-, 50-, and 100-year storm events exceeds the Predevelopment Peak Flows during the 1-, 2-, 5-, 10-, and 50-year storm events, respectively, and must be revised. It is noted that Drainage Area E Offsite was included in the Post Development Total North Pipe Peak Flow calculations and was not included in the Predevelopment Total North Pipe Peak Flow calculations. (Previous Comment) The following comments are based upon our review of the revised peak flow calculations, and Tables 3 and 4 as they related to each other and the Drainage Plans. Additional review will be performed upon receipt of correctly scaled 24-inch by 36-inch Drainage Plans. Refer to Comment 83.(Previous Comment)*

- a. *Comment satisfied.*
  - b. *Comment satisfied.*
  - c. *Comment satisfied.*
  - d. *Comment satisfied.*
  - e. *Comment satisfied.*
  - f. *Comment satisfied.*
  - g. *The drainage area lines provided on the Post-Development Drainage Plan for areas Onsite 5A, Onsite 5B, Onsite 5C, and Onsite 5D are unclear. There are several drainage areas and/or land uses shown on the plan and utilized in the peak flow calculations that appear to be inconsistent. The plan must be revised to clearly demonstrate the four (4) drainage areas. (New Comment)*
  - h. *The 1-year and 10-year post development hydrographs for Post 5C – On-Site and Prop On-Site Area 5d must be provided to support the peak flows listed in Table 3. (New Comment)*
79. Comment satisfied.
80. In accordance with Sections 307.C and 307.D, storm sewers must be able to convey the proposed conditions runoff from a 50-year design storm with a minimum of 1-foot of freeboard. *Calculations for the 100-year storm event were provided. Freeboard is less than 1-foot at pipes P-4 and P-6. Calculations for the 50-year storm event shall also be submitted to confirm the required 1-foot of freeboard will be provided. (Previous Comment) Calculations for the 2- and 25-year storms are provided. Inlet/outlet control calculations for each proposed storm pipe for the 50-year storm must be still be submitted for review. (Previous Comment) The Storm Sewer Tabulation provided with the first submission indicated freeboard less than the required 1-foot at P-4 and P-6. The pipe designs have not changed; therefore, our comment remains. Inlet/outlet calculations must still be provided to confirm adequate freeboard and that no surcharge occurs. It should be noted that not all proposed storm sewer pipes are included in the pipe capacity calculations that have been submitted.*
81. In accordance with Sections 308.A and 403.A.4, any earth disturbance must be conducted in conformance with PA Title 25, Chapter 102, "Erosion and Sediment Control", and all reviews and letters of adequacy from the County Conservation District must be submitted. *Submission to and approval from the Monroe County Conservation District, and NPDES approval shall be provided upon receipt. (Previous Comment) Refer to Comment 47 for*

*comments related to the E&SPC Plan and Report.*

82. Comment satisfied.
83. Comment satisfied.
84. Comment satisfied.
85. Comment satisfied.
86. Comment satisfied.
87. Comment satisfied.
88. Comment satisfied.
89. Comment satisfied.
90. Comment satisfied.
91. In accordance with Section 701.A, “for subdivisions and land developments the Applicant shall provide a performance guarantee to the Municipality for the timely installation and proper construction of all stormwater management controls as required by the approved Stormwater Management Site Plan in the amount and method of payment provided for in the Subdivision and Land Development Ordinance.” *The required performance guarantee must be provided prior to plan recording. (Previous Comment) This is a Final Plan requirement. This comment has been acknowledged.*
92. In accordance with Section 702.A, “the Stormwater Management Site Plan for the development shall contain an operation and maintenance plan prepared by the Applicant and approved by the Municipal Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the stormwater management facilities.” *The required operation and maintenance plan must be provided. (Previous Comment) This is a Final Plan requirement. This comment has been acknowledged.*
93. In accordance with Section 703.A, “prior to approval of the site’s Stormwater Management Site Plan, the Applicant shall sign and record a Maintenance Agreement in the form and substance satisfactory to the Board of Commissioners, covering all stormwater control facilities that are to be privately owned.” *The required maintenance agreement must be provided prior to plan recording. (Previous Comment) This comment has been acknowledged.*

**STORWMATER MANAGEMENT AND STORM SEWER DESIGN COMMENTS**

94. Comment satisfied.
95. Comment satisfied.
96. Comment satisfied.
97. Comment satisfied.
98. Comment satisfied.
99. Comment satisfied.
100. Comment satisfied.
101. Comment satisfied.

102. Comment satisfied.
103. Comment satisfied.
104. Comment satisfied.
105. Comment satisfied.
106. Comment satisfied.
107. Comment satisfied.
108. Comment satisfied.
109. It appears the area of lawn is high in the Rational 'C' calculation for inlet I-4 when compared to the Subdrainage Areas Plan, and should be revised. *(Previous Comment 108) This comment remains for further review upon receipt of correctly scaled 24-inch by 36-inch Drainage Plans. (Previous Comment) The Sub-Drainage Plan does not depict drainage areas to individual inlets. This comment remains for further review upon receipt of a revised Sub-Drainage Plan and inlet/outlet calculations for all storm sewer pipes, as discussed in Comment 80.*
110. The drainage area to inlet I-15 is not correct. An inlet is not proposed at this location. When compared to the Rational 'C' calculations it appears this drainage area is included in the drainage area for inlet I-1. The plan and/or calculations must be revised. *(Previous Comment) This comment remains for further review upon receipt of correctly scaled 24-inch by 36-inch Drainage Plans. (Previous Comment) The Sub-Drainage Plan does not depict drainage areas to individual inlets. This comment remains for further review upon receipt of a revised Sub-Drainage Plan and inlet/outlet calculations for all storm sewer pipes as discussed in Comment 80.*
111. The drainage areas to inlets I-16, I-17, I-25, and I-26 must be clearly labeled on the Subdrainage Areas Plan. *(Previous Comment 110) This comment remains for further review upon receipt of correctly scaled 24-inch by 36-inch Drainage Plans. It should be noted the submitted Sub-Drainage Plan does not depict drainage areas to individual inlets. An inlet drainage area plan must be provided. (Previous Comment) The Sub-Drainage Plan still does not depict drainage areas to individual inlets. This comment remains for further review upon receipt of a revised Sub-Drainage Plan.*
112. Comment satisfied.
113. Comment satisfied.
114. The lengths of pipes P-1, P-2, P-5, P-7, P-13, P-14, P-22, and PennDOT are inconsistent between the Storm Sewer Tabulation and the plan view. In addition, the lengths of pipes P-1, P-2, P-5, P-7, and P-14 listed in the Pipe Table on Sheet 6 are inconsistent with the Storm Sewer Tabulation. The plan and calculations must be revised. *(Previous Comment 113) This comment remains until inlet/outlet control calculations are submitted for each proposed storm sewer pipe for a 50-year storm. (Previous Comment) This comment remains for further review upon receipt of a revised Sub-Drainage Plan and inlet/outlet calculations for all storm sewer pipes as discussed in Comment 80.*
115. Comment satisfied.
116. All proposed utility crossings must be shown on the storm sewer profiles. *(Previous Comment)*

- a. *The proposed sanitary sewer lateral is labeled as being over 100-feet below storm sewer pipe P-6 in the Pipe Profile for P-10, P-9, P-6, P-4, & P-22 on Sheet 10, and must be revised accordingly. (Previous Comment) The sanitary sewer invert elevation must still be revised.*
  - b. *The sanitary sewer located 35-feet south of inlet I-17 must be shown in the Pipe Profile for P-3 & P-17 on Sheet 10. (Previous Comment) The sanitary sewer must still be shown in the profile.*
117. Comment satisfied.
  118. Comment satisfied.
  119. Comment satisfied.
  120. Comment satisfied.
  121. The inverts in and out at pipe P-19 and the invert out at pipe P-1 are inconsistent between the Storm Sewer Structures chart on Sheet 6 and the Storm Sewer Tabulation, and must be revised. *(Previous Comment 120) This comment remains until inlet/outlet control calculations are submitted for each proposed storm sewer pipe for a 50-year storm. This comment remains for further review upon receipt of a revised Sub-Drainage Plan and inlet/outlet calculations for all storm sewer pipes as discussed in Comment 80.*
  122. The diameters of pipes P-1 and P-2, listed in the Pipe Table on Sheet 6, are inconsistent with those in the Storm Sewer Tabulation and must be revised. *(Previous Comment 121) This comment remains until inlet/outlet control calculations are submitted for each proposed storm sewer pipe for a 50-year storm. This comment remains for further review upon receipt of a revised Sub-Drainage Plan and inlet/outlet calculations for all storm sewer pipes as discussed in Comment 80.*
  123. The calculation for the Exist North PennDOT Pipe utilizes a pipe slope of 0.4% while the Pipe Table on Sheet 10 indicates this pipe has a slope of 1%. The calculation must be revised accordingly. *(New Comment)*
  124. The drainage area/land use calculations to inlet I-17 utilized to determine the peak flow in Pipe P-17 must be provided. *(New Comment)*
  125. The pipe capacity calculations for pipes P-21 and P-22 must be revised to also include portions of the Sub 5a-3 drainage area. *(New Comment)*

#### **MISCELLANEOUS COMMENTS**

126. Previous comment 123 satisfied.
127. It appears temporary construction easements will be required along the northern, western, and southern property lines and shall be obtained prior to construction. *(Previous Comment 123) Proposed grading is shown to the existing property lines and temporary construction easements will be required, or the grading modified. (Previous Comment 124) Although the proposed grading is shown immediately adjacent to and touching the property lines, the response indicates the proposed grading will stop at least 1-foot from the property lines. No construction easements are proposed.*
128. Previous comment 125 satisfied.
129. Previous comment 126 satisfied.
130. Previous comment 127 satisfied.

131. Spot elevations must be provided at the proposed handicap ramps, handicap spaces, access aisles, and accessible routes to confirm slopes. *(Previous Comment 127) The easterly handicap spaces at the hotel have slopes greater than the permitted 2 percent and must be revised. Spot elevations must still be shown at the ramps to confirm slopes on the ramp and landing areas. (Previous Comment 128) Spot elevations must still be provided at the ramps and landing areas as previously requested.*
132. Previous comment 129 satisfied.
133. Previous comment 130 satisfied.
134. Previous comment 131 satisfied.
135. Previous comment 132 satisfied.
136. Previous comment 133 satisfied.
137. Previous comment 134 satisfied.
138. Previous comment 135 satisfied.
139. Previous comment 136 satisfied.
140. Previous comment 137 satisfied.
141. Previous comment 138 satisfied.
142. Our landscape counts indicate 31 rhododendrons and 128 liriopae are proposed for the hotel, and 2 dogwoods and 7 red bud are proposed for the restaurant. The landscape counts shall be confirmed and the Planting Schedules on Sheet 9 revised accordingly. *(Previous Comment 138) Our landscape count indicates 15 American Linden are now proposed. The landscape counts shall be confirmed, and the Planting Schedule on Sheet 9 revised accordingly. (Previous Comment 139) Our landscape counts indicate 56 Rhododendron are proposed while the Planting Schedule indicates 57 are proposed. The landscape counts shall be confirmed, and the Planting Schedule shall be revised accordingly.*
143. Previous comment 140 satisfied.
144. Previous comment 141 satisfied.
145. Previous comment 142 satisfied.
146. Previous comment 143 satisfied.
147. Previous comment 144 satisfied.
148. Previous comment 145 satisfied.
149. Previous comment 146 satisfied.
150. Previous comment 147 satisfied.

#### **PLAN REVISION COMMENTS**

151. Previous comment 148 satisfied.
152. Previous comment 149 satisfied.
153. Previous comment 150 satisfied.
154. The weirs shown in the Permanent Outlet Structure A & B detail, on Sheet 14, do not appear to be illustrated correctly, and the detail must be revised to clearly depict each individual



weir. ***(Previous Comment 151) Weir #5 must be shown with elevation in the I-3 Outlet Structure @ Basin-B detail on Sheet 14.***

155. On Sheet 1, the Last Date Revised in the Index of Sheets must be revised to reflect the most recent plan revision date. ***(Previous Comment 152) The Last Date Revised must be updated prior to plan recordation.***
156. Previous comment 153 satisfied.
157. On Sheet 8, a light post is shown over manhole MH-2 and must be relocated. In addition, light poles proposed along the northern property line are shown over the proposed storm sewer on Sheet 9 and must be relocated. ***(Previous Comment 154) Two (2) light poles along the northern property line are still shown over the proposed storm sewer, and two (2) light poles are shown over P-31. The proposed light poles must be relocated.***
158. Previous comment 155 satisfied.
159. Previous comment 156 satisfied.
160. Previous comment 157 satisfied.
161. Previous comment 158 satisfied.
162. Previous comment 159 satisfied.
163. Previous comment 160 satisfied.
164. Previous comment 161 satisfied.
165. Previous comment 162 satisfied.
166. On Sheet 5, the top of curb and bottom of curb elevations at the eastern handicap ramps in front of the proposed hotel must be clarified and revised accordingly. ***(New Comment)***
167. The following are comments related to inconsistencies between the Storm Sewer Structures chart and profiles on Sheet 10. ***(New Comment)***
  - a. The invert in from P-17 listed at inlet I-19 is inconsistent with that provided in Pipe Profile: P-31 & P-32.
  - b. The invert in from P-7 listed at inlet I-6 is inconsistent with that provided in Pipe Profile: P-10, P-9, P-6, P-4 & P-22 and in Pipe Profile: P-7 & P-5.
  - c. The rim elevation listed for MH-3 is inconsistent with that provided in Pipe Profile: P-24.
  - d. The invert in elevations for P-1 and P-2 at Basin B are inconsistent with those in Pipe Profile: P-1 and in Pipe Profile: P-2.
  - e. The pipe size listed for P-24 at SB-1 is inconsistent with that provided in Pipe Profile: P-25 thru P-29.
168. The location listed in the Pipe Table for P-8 must be revised to read I-14 to I-9 per Pipe Profile: P-14, P-8 & P-9.
169. A detail in support of the proposed speed bar must be provided on the plan. ***(New Comment)***

The above comments represent a thorough and comprehensive review of the information submitted with the intent of giving the Township the best direction possible. However, due to the nature of the comments, the receipt of a revised plan submission may generate new comments.

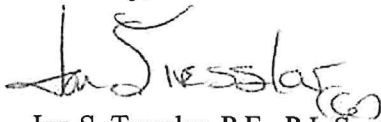
Pocono Township Planning Commission  
May 10, 2018  
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In order to facilitate an efficient re-review of revised plans, the Design Engineer shall provide a letter, addressing item by item, their action in response to each of our comments.

We recommend the above comments be addressed to the satisfaction of Pocono Township prior to approval of the proposed land development.

If you should have any questions regarding the above comments, please call me.

Sincerely,



Jon S. Tresslar, P.E., P.L.S.  
Township Engineer

JST/mep/cg

cc: DonnaASURE – Township Manager  
Pam Tripus – Township Secretary  
Michael Tripus – Township Zoning Officer  
Leo DeVito, Esquire – Township Solicitor  
Lisa Pereira, Broughal & DeVito, LLP  
Silvio Vitiello, Running Lane, LLC – Property Owner/Applicant  
Lorri Zimmerman & Jeffrey T. Butz, Executors of Butz Estate – Property Owners  
Robert Miller & Marilyn Butz – Property Owners  
Sarah Bue-Morris, Bue-Morris Associates, Inc. – Applicant's Engineer  
George Fetch, Jr., P.L.S. – Applicant's Surveyor  
Melissa E. Prugar, P.E. – Boucher & James, Inc.

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**POCONO TOWNSHIP  
MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2018 -**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF POCONO, COUNTY OF MONROE, COMMONWEALTH  
OF PENNSYLVANIA AMENDING ORDINANCE NO. 110, THE ZONING  
ORDINANCE, TO PROVIDE FOR THE ESTABLISHMENT AND  
REGULATION OF MEDICAL MARIJUANA FACILITIES AND  
REPEALING ALL ORDINANCES INCONSISTENT HEREWITH**

**WHEREAS**, the Commissioners of Pocono Township, Monroe County, Pennsylvania, under the powers vested in them by the “First Class Township Code” of Pennsylvania and the authority and procedures of the “Pennsylvania Municipalities Planning Code”, as amended, as well as other laws of the Commonwealth of Pennsylvania including the Pennsylvania Medical Marijuana Act (Act 16 of 2016), do hereby enact and ordain the following amendment to the text of the Pocono Township Zoning Ordinance; and

**WHEREAS**, the Board of Commissioners of Pocono Township desire to amend its Zoning Ordinance by providing for the establishment of Medical Marijuana Facility uses in certain Zoning Districts of the Township of Pocono and providing for the regulation of same.

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

**SECTION 1:** The Commissioners of Pocono Township, Monroe County, Pennsylvania, under the powers vested in them by the “First Class Township Code” and the “Pennsylvania Municipalities Planning Code”, as amended, as well as other laws of the Commonwealth of Pennsylvania, including the Pennsylvania Medical Marijuana Act (Act 16 of 2016) do hereby

ordain and enact the following amendment to the text of Ordinance No. 110, the Pocono Township Zoning Ordinance, as amended.

**SECTION 2: PURPOSE.** The Purpose of this Zoning Ordinance amendment is to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania “Medical Marijuana Act” (Act 16 of 2016) (the “Act”) and to allow for the integration of an allowed industry while providing for the protection for the public’s health, safety, morals, and general welfare.

**SECTION 3:** Article II, DEFINITIONS; Section 202, Definitions is hereby amended by adding the following definitions to read as follows:

- “A. ACADEMIC CLINICAL RESEARCH CENTER – An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth pursuant to the Act.
- B. CAREGIVER – The individual designated by a patient to deliver Medical Marijuana.
- C. CERTIFIED MEDICAL USE – The acquisition, possession, use or transportation of Medical Marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of Medical Marijuana by a caregiver, for use as part of the treatment of the patient’s serious medical condition, as authorized by certification by the Commonwealth pursuant to the Act.
- D. CLINICAL REGISTRANT – An entity that:
  - 1. Holds a permit both as a Grower/Processor and a Dispensary pursuant to the Act; and
  - 2. Has a contractual relationship with an Academic Clinical Research Center under which the Academic Clinical Research Center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

- E. COMMONWEALTH – shall mean the Commonwealth of Pennsylvania.
- F. DISPENSARY – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health (“DOH”) of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act.
- G. DISPENSARY FACILITY – any building or structure used to dispense Medical Marijuana by a licensed Dispensary.
- H. FORM OF MEDICAL MARIJUANA – The characteristics of the Medical Marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variant and quantity or percentage of Medical Marijuana or particular active ingredient.
- I. GROWER/PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit from the DOH to grow and process Medical Marijuana in the Commonwealth, pursuant to the provisions of the Act.
- J. GROWER/PROCESSOR FACILITY – Any building or structure used to grow Medical Marijuana by a licensed Grower/Processor that has a current and valid license from the DOH pursuant to the Act.
- K. MEDICAL MARIJUANA – Marijuana for certified medical use as legally permitted by the Commonwealth and the provisions of the Act.
- L. MEDICAL MARIJUANA FACILITY – A Dispensary Facility or a Grower/Processor Facility.
- M. MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE – Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more Grower/Processor Facilities and/or Dispensary Facilities.

- N. REGISTRY – The registry established by the DOH for all Medical Marijuana organizations and practitioners in the Commonwealth pursuant to the provisions of the Act.”

**SECTION 4:** Article IV, BASIC DISTRICT REGULATIONS; Section 405, C

Commercial District Regulations, Subsection B.3 Conditional Uses is hereby amended to add the following additional Conditional Uses and to renumber the subsequent uses:

- “j. Dispensary Facility.  
k. Medical Marijuana Delivery Vehicle Office.”

**SECTION 5:** Article IV, BASIC DISTRICT REGULATIONS; Section 406, I Industrial

District Regulations; Subsection B.3 Conditional Uses is hereby amended to add the following additional Conditional Uses and to renumber the subsequent uses:

- “c. Grower/Processor Facility.  
d. Medical Marijuana Delivery Vehicle Office.  
e. Academic Clinical Research Center.  
f. Dispensary Facility.”

**SECTION 6:** Article V, SUPPLEMENTARY REGULATIONS is hereby amended by

adding Section 566, Section 567, Section 568 and Section 569 as follows:

“ Section 566. Academic Clinical Research Centers.

- A. Parking requirements will follow the parking regulations found in Section 512 of the Township of Pocono Zoning Ordinance. Off-Street Parking Regulations shall utilize those listed for Educational institutions (colleges, universities, technical schools, and trade schools), as appropriate.
- B. An Academic Clinical Research Center may only grow Medical Marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The portions of the Academic Clinical Research Center where the Medical Marijuana is grown or processed shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

- C. All external lighting serving an Academic Clinical Research Center must be shielded in such a manner not to allow light to be emitted skyward or onto adjoining properties.
- D. A buffer planting is required where an Academic Clinical Research Center adjoins a residential use or district, pursuant to the Township of Pocono Subdivision and Land Development Ordinance.
- E. Any and all other provisions contained in the Act affecting the construction, use and operation of an Academic Clinical Research Center.
- F. The Academic Clinical Research Center shall require a site plan review and approval if it is utilizing an existing facility and land development review and approval if a new facility is being built and utilized.

Section 567. Grower/Processor Facility.

- A. Grower Processor Facility which grows Medical Marijuana must be owned or leased and operated by a Grower/Processor legally registered with the Commonwealth and possess a current and valid Medical Marijuana Permit from DOH pursuant to the Act.
- B. Grower/Processor Facility which grows Medical Marijuana can only do so in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The Grower/Processor Facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- C. The maximum floor area of Grower/Processor Facility shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.
- D. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any Grower/Processor Facility where Medical Marijuana growing, processing or testing occurs.

- E. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH policy or policies and shall not be placed within any unsecure exterior refuse containers.
- F. The Grower/Processor Facility shall provide only wholesale products to other Medical Marijuana Facilities. Retail sales and dispensing of Medical Marijuana and related products is specifically prohibited at Grower/Processor Facility.
- G. Grower/Processor Facility may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
- H. All external lighting serving a Grower/Processor Facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- I. Parking requirements will follow the parking regulations found in Section 512 of the Township of Pocono Zoning Ordinance.
- J. A buffer planting is required where Grower/Processor Facility adjoins a residential use or district in accordance with the Township of Pocono Subdivision and Land Development Ordinance.
- K. Entrances and driveways to a Grower/Processor Facility must be designed to accommodate the anticipated vehicles used to service the facility.
- L. The Grower/Processor Facility shall require a site plan review and approval if it is utilizing an existing facility and land development review and approval if a new facility is being built and utilized pursuant to the provisions of the Township of Pocono Ordinances.
- M. Any and all other provisions contained in the Act affecting the construction, use and operation of a Grower/processor Facility.



- N. Any Medical Marijuana Facility lawfully operating pursuant to the Act shall not be considered in violation of these provisions by the subsequent location of a public, private or parochial school or day care center.

Section 568. Medical Marijuana Delivery Vehicle Office

- A. A traffic impact study is required where the office is to be located and operated.
- B. Parking requirements will follow the parking schedule found in Section 512 of the Township of Pocono Zoning Ordinance.
- C. All external lighting serving a Medical Marijuana Delivery Vehicle Office must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- D. A buffer planting is required where Medical Marijuana Delivery Vehicle Office adjoins a residential use or district pursuant to the Township of Pocono Subdivision and Land Development Ordinance.
- E. Entrances and driveways to a Medical Marijuana Delivery Vehicle Office must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
- F. The Medical Marijuana Delivery Vehicle Office shall require a site plan review and approval if it is utilizing an existing facility and land development review and approval if a new facility is being built and utilized pursuant to the Township of Pocono Ordinances.
- G. If for some reason a Medical Marijuana product is to be temporarily stored at a Medical Marijuana Delivery Vehicle Office, the office must be secured to the same level as a Grower/Producer Facility and Dispensary Facility.
- H. Any and all other provisions contained in the Act affecting the construction, use and operation of a Medical Marijuana Delivery Vehicle Office.

Section 569. Dispensary Facility.

- A. A Dispensary Facility must be owned or leased and operated by a legally registered Dispensary in the Commonwealth and possess a current and valid Medical Marijuana permit from the DOH pursuant to the Act.
- B. A Dispensary Facility may only dispense Medical Marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- C. Dispensary Facility may not operate on the same site that a Grower/Processor Facility is located.
- D. Dispensary Facility shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of Medical Marijuana and unauthorized entrance into areas containing Medical Marijuana, all of which shall be in accordance with the Act.
- E. Permitted hours of operation of a Dispensary Facility shall be 8AM to 8PM [of the same calendar day].
- F. A Dispensary Facility shall be a maximum of 5,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of Medical Marijuana, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area of the Dispensary Facility.
- G. Dispensary Facility shall:
  - (1) Not have a drive-through service;
  - (2) Not have outdoor seating areas;
  - (3) Not have outdoor vending machines;
  - (4) Prohibit the administering of, or the consumption of Medical Marijuana on the premises; and
  - (5) Not offer direct or home delivery service.
- H. A Dispensary Facility may dispense only Medical Marijuana to certified patients and caregivers as set forth in the Act and shall comply with all lawful, applicable health regulations, including those of DOH.

- I. A Dispensary Facility may not be located within 1,000 feet of a property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- J. Dispensary Facility shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana Facility. This does not include complimenting or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the Grower/Processor Facility or Academic Clinical Research Centers and the specific Dispensary Facility they serve, or with which they partner.
- K. Any Medical Marijuana Facility lawfully operating pursuant to the Act shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or day-care center.
- L. All external lighting serving Dispensary Facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- M. Parking requirements will follow the parking schedule found in Section 512 of the Township of Pocono Zoning Ordinance. Off-Street Parking Regulations shall utilize those listed for medical and dental offices including outpatient clinics.
- N. A buffer planting is required where a Dispensary Facility adjoins a residential use or district pursuant to the Township of Pocono Subdivision and Land Development Ordinance.
- O. Entrances and driveways to a Dispensary Facility must be designed to accommodate the anticipated vehicles used to service the facility.

- P. The Dispensary Facility shall require a site plan review and approval if it is utilizing an existing facility and a land development review and approval if a new facility is being built and utilized pursuant to the Township of Pocono Ordinances.
- Q. Any and all other provisions contained in the Act affecting the construction, use and operation of a Dispensary Facility.”

**SECTION 7:** Ordinance No. 110, “Use Schedule” is hereby amended to add the following uses:

- “Academic Clinical Research Center” as a conditional use in the I zoning district;
- “Dispensary Facility” as a conditional use in the C and I zoning districts;
- “Grower/Processor Facility” as a conditional use in the I zoning district; and
- “Medical Marijuana Delivery Vehicle Office” as conditional use in the C and I zoning districts.”

**SECTION 8: SEVERABILITY.** If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of the Zoning Ordinance shall continue to be separately and fully effective.

**SECTION 9: REPEALER.** All provisions of Township ordinances and resolutions or parts thereof that are in conflict with the provisions of this Ordinance, are hereby repealed.

**SECTION 10: ENACTMENT.** This Ordinance shall be effective five (5) days after the date of passage.

**ENACTED AND ADOPTED** by the Board of Commissioners this \_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST: POCONO TOWNSHIP BOARD OF COMMISSIONERS**

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**PAMELA TRIPUS**  
**Township Secretary**

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**GERALD LASTOWSKI**  
**President, Board of Commissioners**

12/11/132



**Boucher & James, Inc.**  
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Stroudsburg, PA 18360  
570-629-0300  
Fax 570-629-0306

559 Main Street, Suite 230  
Bethlehem, PA 18018  
610-419-9407  
Fax 610-419-9408  
www.bjengineers.com

April 12, 2018

Mike Tripus  
Pocono Township Zoning Officer  
112 Township Drive  
P.O. Box 197  
Tannersville, PA 18372

**SUBJECT: WAGNER MILLWORK, LLC – ROADWAY REPAIR BOND  
BROOKDALE ENTERPRISES LLC PROPERTY  
POCONO TOWNSHIP, MONROE COUNTY, PENNSYLVANIA  
PROJECT NO. 1730058B**

Dear Mr. Tripus:

As requested by the Pocono Township Planning Commission we have researched the need for the Applicant to post a bond for roadway repairs along Back Mountain Road should damage occur during hauling.

Back Mountain Road is not on the list to be overlaid or paved and is in relatively good condition. Therefore, the Township may wish to consider a bond in the amount of \$100,000 to cover any roadway damage that occurs during hauling.

It should be noted access to Timber Sale Areas in Blocks 1, 2, and 3 may also require hauling on Summit Road and Brookdale Road. The Township may also wish to consider the bond cover any damage to those roadways during hauling.

In addition, we recommend the condition of all roadways be videotaped prior to the start of hauling activities.

If you have any questions, please contact me.

Sincerely,

Jon S. Tresslar, P.E., P.L.S.  
Township Engineer

JST/mep/cg

- cc: Pocono Township Planning Commission
- Donna Asure – Township Manager
- Pam Tripus – Township Secretary
- Leo DeVito, Esquire – Township Solicitor
- Lisa Pereira, Broughal & DeVito, LLP
- Melissa E. Prugar, P.E. – Boucher & James, Inc.

