



POCONO TOWNSHIP COMMISSIONERS
AGENDA

September 19, 2022 | 6:00 p.m.

112 Township Drive, Tannersville, PA

Dial-In Option: 646 558 8656

Meeting ID: 892 102 5946

Passcode: 18372

Zoom Link:

<https://us06web.zoom.us/j/8921025946?pwd=Q1VtaFVkVEpRWtUvdIFrSHJ1cE1Td09>

Open Meeting

Pledge of Allegiance

Roll Call

Public Comment

For any individuals wishing to make public comment tonight, including those dialed in by phone, please state the spelling of your name and identify whether you are a taxpayer of Pocono Township.

Please limit individual comments to five (5) minutes and direct all comments to the President. Public comment is not for debate or answering questions, rather it is for "comment on matters of concern, official action or deliberation...prior to taking official action" [PA Sunshine Act, Section 710.1].

Announcements

- The Pocono Township Fall Cleanup will be held Friday & Saturday, September 30 – October 1 from 7:30 AM to 3:00 PM each day. This service is offered for Township residents only and a fee schedule will be available on the Township website and Facebook. Please call the Township Office with any questions.

Hearings

- Ordinance 2022-06 – Motion to open a public hearing for consideration of Ordinance 2022-06 amending the Pocono Township Codified Ordinance, Chapter 365, Stormwater Management, to establish a program for stormwater management; fixing penalties for violation of this ordinance; and repealing all ordinances inconsistent herewith. **(Action Item)**
- Motion to close public hearing. **(Action Item)**
- Motion to approve Ordinance 2022-06 amending the Pocono Township Codified Ordinance, Chapter 365, Stormwater Management, to establish a program for stormwater management;

fixing penalties for violation of this ordinance; and repealing all ordinances inconsistent herewith.
(Action Item)

Presentations – None

Resolutions

- Resolution 2022-31 – Discussion and action to approve Resolution 2022-31 to confirm the declaration of the municipal curative amendment as required by Section 609.2 of the PA Municipalities Planning Code. (Action Item)

Consent Agenda

- Motion to approve a consent agenda of the following items:
 - Old business consisting of the minutes of the September 6, 2022 regular meeting of the Board of Commissioners.
 - Financial transactions through September 15, 2022 including:
 - Ratification of general fund expenditures in the amount of \$32,005.23 and sewer operating expenditures of \$126.94.
 - Ratification of gross payroll for pay period ending August 21, 2022 in the amount of \$119,799.67.
 - Vouchers payable in the amount of \$226,659.03.
 - Sewer operating fund expenditures in the amount of \$23,996.95.
 - Sewer construction fund expenditures in the amount of \$46,596.57.
 - Capital reserve fund expenditures in the amount of \$73,444.68.
 - Fire Tax disbursement of \$1,129.36.
- (Action Items)

NEW BUSINESS

1. Personnel

2. Travel/Training Authorizations

- PSATS Northeast Regional Forum at Camelback on September 22, 2022.

Report of the President

Richard Wielebinski

- Thank you to those who attended the TLC Park ribbon cutting for the new playground equipment installation.

Commissioner Comments

Jerrod Belvin – Vice President

- Emergency Management Update
- Update – PPL utility lines and possible drainage issues on Barton Court.
- Update – Installation of security cameras at TLC Park.

Ellen Gandt – Commissioner

- Zoning ordinance changes.

Jerry Lastowski – Commissioner

- Discussion regarding basketball programs and/or leagues at TLC Park.

Keith Meeker – Commissioner

Reports

Zoning

Police Report

- Update – New Officer Hiring Process
- Update – PTPD Grant Applications

Ambulance Report

Public Works Report

- Current Public Works projects.
- Mountain View Park updates.
 - Coordinating installation of new slide at Mountain View Park.
- TLC Park updates.
 - Update – Dog park installation.
 - Update – Fencing around basketball court and along parking lot border.

Administration – Manager’s Report

- Proposed scope of services from Nanci Scarcinello, regarding full-scale revisions to the Zoning Ordinance.
- 2022 Budget Work Sessions
 - October 11, 2022 @ 4:30 p.m.
 - October 24, 2022 @ 4:30 p.m.
- LSA grant application being submitted for P-25 radios for the PTPD.
- Evaluation ongoing regarding electric supplier rates.
- 2022 Township Events
 - Fall Cleanup – September 30 & October 1, 7:30 a.m. to 3:00 p.m.
 - Trunk-or-Treat – Sunday, October 30, 2022, 3 p.m. to 6:00 p.m.
 - Christmas Tree Lighting – December 3, 2022

Township Engineer Report

- Quotes for TLC Park spillway wingwalls.
- Sidewalk installation for Wendy's and Turkey Hill.
- Engineering study for identified stormwater projects – Laurel Lake Road and Oakwood Acres.
- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement.
- Update – TASA SR 611 sidewalk project.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue.

Township Solicitor Report

- Zoning Hearing Board updates.
 - 9/20 – Heinzee LLC Public Hearing (continued).
 - 9/27 – 245 Cherry Lane Road (Schlier variance request).
 - 9/27 – 386 Camelback Road (Mashriqi STR appeal of denial of application).
 - TBD – 391 Laurel Lake Road (Crawford STR appeal of enforcement action).
- Local Agency Hearing
 - 249 Camelback Road (Grossi STR appeal) – 10/3

- Update – Closing date for sale of Bartonsville Avenue parcel.
- Update – Tobyhanna Act 537 Sewage Capacity Request
- Update – Kelly Trust Property
- Update – Johnson Appeal Commonwealth Court argument.
- Update – PJJWA transfer agreement.

Public Comment

For any individuals wishing to make public comment tonight, including those dialed in by phone, please state the spelling of your name and identify whether you are a taxpayer of Pocono Township. Please limit individual comments to five (5) minutes and direct all comments to the President.

Adjournment

POCONO TOWNSHIP, MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-06

AN ORDINANCE AMENDING THE POCONO TOWNSHIP CODIFIED ORDINANCE, CHAPTER 365, STORMWATER MANAGEMENT, TO ESTABLISH A PROGRAM FOR STORMWATER MANAGEMENT; FIXING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES INCONSISTENT HERewith.

WHEREAS, the Board of Commissioners of the Township of Pocono has deemed it necessary to amend Chapter 365 of the Code of the Township of Pocono as herein set forth.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Pocono, Monroe County, Pennsylvania, as follows:

SECTION 1. Chapter 365, Stormwater Management, of the Code of the Township of Pocono, is hereby repealed in its entirety and replaced as follows:

“Article 1

General Provisions

§ 365-1 Statement of findings.

The governing body of the municipality finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, increases the thermal impacts to receiving waters, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of the municipality and all the people of the commonwealth, their resources, and the environment.
- C. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed poses a threat to surface and groundwater quality.
- D. Through project design, impacts from stormwater runoff can be minimized to maintain the natural hydrologic regime, and sustain high water quality, groundwater recharge, stream

baseflow and aquatic ecosystems. The most cost-effective and environmentally advantageous way to manage stormwater runoff is through nonstructural project design, minimizing impervious surfaces and sprawl, avoiding sensitive areas (i.e., buffers, floodplains, steep slopes), and designing to topography and soils to maintain the natural hydrologic regime.

- E. To effectively monitor the maintenance of base flow within the watershed, a tracking of consumptive use including stormwater discharges and groundwater withdrawals is critical to complying with anti-degradation, the Act's goals and policies, and the regulatory requirement to maintain base flow and stream health.
- F. Stormwater is an important water resource that provides groundwater recharge for water supplies and supports the base flow of streams.
- G. The use of green infrastructure and low impact development (LID) are intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire, and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices and LID contribute to the restoration or maintenance of pre-development hydrology.
- H. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES) program.

§ 365-2 Purpose.

The purpose of this chapter is to promote the public health, safety, and welfare within the Broadhead/McMichael Creek Watersheds by maintaining the natural hydrologic regime by minimizing the impacts described in § 365-1 of this chapter through provisions designed to:

- A. Promote alternative project designs and layout that minimizes impacts to surface water and groundwater.
- B. Promote nonstructural BMPs.
- C. Minimize increases in stormwater volume.
- D. Minimize impervious surfaces.
- E. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems during construction.
- F. Utilize and preserve the existing natural drainage systems.
- G. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.
- H. Address the quality and quantity of stormwater discharges from the development site.

- I. Maintain existing baseflow and quality of streams and watercourses in the municipality and the commonwealth.
- J. Preserve and restore the flood-carrying capacity of streams.
- K. Provide proper operation and maintenance of all stormwater best management practices (BMPs) that are implemented within the municipality.
- L. Provide performance standards and design criteria for watershed-wide stormwater management and planning.
- M. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.
- N. Prevent scour and erosion of stream banks and streambeds.
- O. Provide standards to meet NPDES permit requirements.

§ 365-3 Legislative authority.

The municipality is empowered to regulate land use activities that affect runoff, surface and groundwater quality and quantity by the authority of the Act of October 4, 1978, P.L. 864, No. 167, known as the "Storm Water Management Act" (hereinafter referred to as "the Act") found at 32 P.S. § 680.1 et seq., as amended; the Act of December 16, 2002, P.L. 1776, No. 220, pertaining to water resources planning, found at 27 Pa.C.S.A. § 3101 et seq., and the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, <https://ecode360.com/print/PO1721?guid=30102901&children=true> - [ft30102922-2](#) all as amended.

§ 365-4 Applicability; regulated activities.

- A. This chapter shall apply to those areas of the municipality that are located within the Brodhead/McMichael Creek Watershed, as delineated in Appendix B, which is hereby adopted as part of this chapter.¹

¹ *Editor's Note: Appendix B, the map of the watershed, is on file in the Township offices.*

- B. This chapter shall only apply to permanent nonstructural and structural stormwater management best management practices (BMPs) constructed as part of any of the regulated activities listed in this section. The Pennsylvania Department of Environmental Protection, Bureau of Watershed Management Document Number 363-0300-002, entitled "Pennsylvania Stormwater Best Management Practices Manual" (BMP Manual), effective as of December 30, 2006 (as amended), is incorporated herein by reference.
- C. This chapter contains only the stormwater management performance standards and design criteria that are necessary, or desirable, from a watershed-wide perspective. Local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system

design and details, outlet structure design, etc.) shall continue to be regulated by the applicable municipal ordinances and applicable state regulations.

- D. The municipality may, after consultation with DEP, approve alternative methods for meeting the state water quality requirements other than those in this chapter, provided that they meet the minimum requirements of, and do not conflict with state law, including but not limited to the Clean Streams Law and the BMP Manual as revised.
- E. The following activities are defined as "regulated activities" and shall be regulated by this chapter:
 - (1) Land development.
 - (2) Subdivisions.
 - (3) Alteration of the natural hydrologic regime.
 - (4) Construction of/or additional impervious or semipervious surfaces (driveways, parking lots, roads).
 - (5) Construction of new buildings or additions to existing buildings.
<https://ecode360.com/print/30102934 - 30102934>
 - (6) Redevelopment of a site which will increase runoff or change a discharge point. Any redevelopment that does not increase the runoff must still comply with § 365-10, Water quality and stream-bank erosion, and § 365-11, Groundwater recharge, infiltration and bioretention.
 - (7) Diversion piping or encroachments in any natural or man-made channel.
 - (8) Nonstructural and structural stormwater management BMPs or appurtenances thereto.
 - (9) Stream enhancement or restoration projects.

§ 365-5 Compatibility with other provisions.

Permits and approvals issued pursuant to this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. If more stringent requirements concerning regulation of stormwater or erosion and sediment pollution control or activities in wetlands, lakes, ponds or streams are contained in any other code, rule, act or ordinance, the more stringent regulation shall apply.

Article II

Terminology

§ 365-6 Word usage.

For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.
- C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, unit of government, or any other similar entity.
- D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained."

§ 365-7 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCELERATED EROSION

The removal of the surface of the land through the combined action of man's activity and the natural processes at a rate greater than would occur because of the natural process alone.

AGRICULTURAL ACTIVITIES

The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. For purposes of regulation by this chapter, construction of new buildings or impervious area is not considered an agricultural activity.

ALTERATION

As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

APPLICANT

A person who has filed an application for approval to engage in any regulated activities as defined in § 365-4 of this chapter.

ARTIFICIAL WATERCOURSE

A man-made watercourse which was constructed to convey water as part of a stormwater conveyance/management facility, including but not limited to drainage swales, detention/retention basins, property line swales, BMPs, and other stormwater conveyance/management facilities as identified by the Township Board of Commissioners after consultation with the Township Engineer.

AS-BUILT DRAWINGS

Those prepared and maintained by the contractor(s), as the contractor(s) constructs the project and upon which the contractor documents the actual locations of the constructed components and changes to the original contract documents. These, or a copy of same, signed by the contractor and notarized as a ". . . true, correct and accurate representation of the constructed components. . ." are turned over to the Township's Engineer at the completion of the project.

BANKFULL

The channel at the top-of-bank or point where water begins to overflow onto a floodplain.

BASE FLOW

The portion of stream flow that is sustained by groundwater discharge.

BIORETENTION

A stormwater retention area which utilizes woody and herbaceous plants and soils to remove pollutants before infiltration occurs.

BMP (BEST MANAGEMENT PRACTICE)

Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from Regulated Earth Disturbance activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "non-structural." In this Ordinance, non-structural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

BOARD OF COMMISSIONERS

The Pocono Township Board of Commissioners.

BUFFER

The area of land immediately adjacent to any wetland, lake, pond, or stream, measured perpendicular to and horizontally from the delineated edge of the wetland, lake, pond, or the top-of-bank on both sides of a stream.

CHANNEL EROSION

The widening, deepening, and headward cutting of small channels and waterways caused by stormwater runoff or bankfull flows.

CISTERN

An underground reservoir or tank for storing rainwater.

CONSERVATION DISTRICT

The Monroe County Conservation District. A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.

CONSUMPTIVE WATER USE

That part of water removed from the immediate water environment not available for other purposes such as water supply, maintenance of stream flows, water quality, fisheries and recreation, as opposed to water that is used nonconsumptively, which is returned to surface water, where practicable, and groundwater.

CULVERT

A structure with appurtenant works, which carries water under or through an embankment or fill.

DAM

An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

DEPARTMENT

The Pennsylvania Department of Environmental Protection (PADEP).

DESIGNEE

The agent of the Monroe County Planning Commission, Monroe County Conservation District and/or agent of the municipality involved with the administration, review or

enforcement of any provisions of this chapter by contract or memorandum of understanding.

DESIGN PROFESSIONAL (QUALIFIED)

A Pennsylvania-registered professional engineer, Pennsylvania-registered landscape architect or a Pennsylvania-registered professional land surveyor trained to develop stormwater management plans.

DESIGN STORM

The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a five-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems.

DETENTION BASIN

An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DETENTION DISTRICT

Those subareas in which some type of detention is required to meet the Stormwater Management Plan requirements and the goals of Act 167.

DEVELOPMENT SITE

The specific tract of land for which a regulated activity is proposed. See Project Site.

DIFFUSED DRAINAGE DISCHARGE

Drainage discharge not confined to a single-point location or channel, such as sheet flow or shallow concentrated flow.

DISTURBED AREAS

Land area where an earth disturbance activity is occurring or has occurred.

DOWNSLOPE PROPERTY LINE

That portion of the property line of the lot, tract, or parcel of land being developed located such that overland or pipe flow from the site would be directed towards it.

DRAINAGE CONVEYANCE FACILITY

A stormwater management facility designed to transmit stormwater runoff and shall include channels, swales, pipes, conduits, culverts, storm sewers, etc.

DRAINAGE EASEMENT

A right granted by a grantor to a grantee, allowing the use of private land for stormwater management purposes.

DRAINAGE PERMIT

A permit issued by the municipality after the drainage plan has been approved.

DRAINAGE PLAN

See "stormwater management site plan."

EARTH DISTURBANCE

A construction or other human activity which disturbs the surface of land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EMERGENCY SPILLWAY

A conveyance area that is used to pass peak discharge greater than the maximum design storm controlled by the stormwater facility.

ENCROACHMENT

A structure or activity that changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water.

EROSION

The movement of soil particles by the action of water, wind, ice, or other natural forces.

EROSION AND SEDIMENT CONTROL PLAN

A site-specific plan that is designed to minimize accelerated erosion and sedimentation during construction.

EXCEPTIONAL VALUE WATERS

Surface waters of exceptionally high quality which satisfy Pennsylvania Code, Title 25, Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(b) (relating to anti-degradation), as amended.

EXISTING CONDITIONS

The dominant land cover during the 5-year period immediately preceding a proposed regulated activity. If the dominant land cover on the site is undeveloped land, the land use shall be considered as "meadow" unless the natural land cover is proven to generate lower curve numbers or Rational "C" value.

EXISTING RESOURCE AND SITE ANALYSIS MAP (ERSAM)

A map of the subject parcel showing environmentally sensitive areas, including, but not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, floodplains, buffer areas, hydrologic soil groups A and B (areas conducive to infiltration), any existing recharge areas, existing structures, property boundary line, areas of impervious surface, soils lines and descriptions from the most recent Monroe County Soil Survey, existing well locations, existing septic systems, existing contours, soil testing locations keyed to testing results, existing drainage structures, photograph location (if available), and the ratio of disturbed area to the entire site area and measures taken to minimize earth disturbance.

FEMA

Federal Emergency Management Agency.

FLOOD

A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers, and other waters of this commonwealth.

FLOODPLAIN

Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area. Also includes areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania DEP Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP).

FLOODWAY

The channel of the watercourse and those portions of the adjoining floodplains, which are reasonably required to carry and discharge the one-hundred-year-frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one-hundred-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream, or as determined by a detailed floodplain analysis study prepared by a Pennsylvania-registered professional engineer.

FOREST MANAGEMENT/TIMBER OPERATIONS

Planning and activities necessary for the management of forestland with no change of land use proposed. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting and reforestation.

FREEBOARD

A vertical distance between the elevation of the design high-water and the top of a dam, levee, tank, basin, swale, or diversion berm. The space is required as a safety margin in a pond or basin.

GRADE

A. [https://www.ecode360.com/30897262 - 30897262](https://www.ecode360.com/30897262-30897262) A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein.

B. **GRADE**

DE — To finish the surface of a roadbed, top of embankment or bottom of excavation to the elevation noted on the plan.

GRASSED WATERWAY

A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to convey surface water.

GREEN INFRASTRUCTURE

Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

GROUNDWATER RECHARGE

Replenishment of existing natural underground water supplies without degrading groundwater quality.

HEC-HMS

The United States Army Corps of Engineers, Hydrologic Engineering Center (HEC) – Hydrologic Modeling System (HMS) computer program.

HIGH QUALITY WATERS

Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code, Title 25, Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(a), as amended.

HYDROLOGIC REGIME (NATURAL)

The hydrologic cycle or balance that sustains quality and quantity of stormwater, baseflow, storage and groundwater supplies under natural conditions.

HYDROLOGIC SOIL GROUP

A classification of soils by the Natural Resources Conservation Service, formerly the Soil Conservation Service, into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce more runoff.

IMPERVIOUS SURFACE

A surface that prevents the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, and compacted fill, earth or turf to be used as such.^[2]

IMPOUNDMENT

A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate, either to the groundwater (retention basin) or surface discharge (detention basin).

INFILL

Development that occurs on smaller parcels that are undeveloped but are within or in very close proximity to urban areas. The development relies on existing infrastructure and does not require an extension of water, sewer or other public utilities.

INFILTRATION

For stormwater to pass through the soil from the surface.

INFILTRATION STRUCTURES

A structure designed to direct runoff into the underground water (e.g., French drains, seepage pits, seepage trench).

INLET

The upstream end of any structure through which water may flow.

KARST

A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.

LAND DEVELOPMENT

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed

initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;
- B. A subdivision of land;
- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code, as amended.

LIMITING ZONE

A soil horizon or condition in the soil profile or underlying strata which includes one of the following:

- A. A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling;
- B. A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments; or
- C. A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of water.

LOT

A unit into which land is divided, or other parcel of land intended, whether immediate or future, for transfer of ownership, lease, rent, improvement or development. Whenever a lot is used for a multiple-family dwelling or for commercial, institutional or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single family residential lots as determined by estimated sewage flows.

LOW IMPACT DEVELOPMENT

Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site.

MAIN STEM (MAIN CHANNEL)

Any stream segment or other runoff conveyance facility used as a reach in the Brodhead/McMichael hydrologic model.

MANNING EQUATION (MANNING FORMULA)

A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

MUNICIPALITY

Pocono Township, Monroe County, Pennsylvania.

NATURAL HYDROLOGIC REGIME

(See "hydrologic regime.")

NONPOINT SOURCE POLLUTION

Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

NONSTRUCTURAL BMPs

Methods of controlling stormwater runoff quantity and quality, such as innovative site planning, impervious area and grading reduction, protection of natural depression areas, temporary ponding on site and other techniques.

NRCS

Natural Resource Conservation Service (previously SCS).

OPEN CHANNEL

A drainage element in which stormwater flows within an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

ORDINANCE

Pocono Township Act 167 Stormwater Management Ordinance (this chapter).

OUTFALL

Point where water flows from a conduit, stream, or drain.

OUTLET

Points of water disposal from a stream, river, lake, tidewater or artificial drain.

PARENT TRACT

The parcel of land from which a land development or subdivision originates existing as of November 21, 1994, the date of municipal adoption of the original McMichael and Brodhead Creeks Stormwater Management and Earth Disturbance Ordinance.

PARKING LOT STORAGE

Involves the use of parking areas as temporary impoundments with controlled release rates during rainstorms.

PEAK DISCHARGE

The maximum rate of stormwater runoff from a specific storm event.

PENN STATE RUNOFF MODEL (CALIBRATED)

The computer-based hydrologic modeling technique adapted to the Brodhead/McMichael watershed for the Act 167 Plan. The model has been "calibrated" to reflect actual recorded flow values by adjoining key model input parameters.

PERFORMANCE GUARANTEE

Any security which may be accepted by the Township in lieu of a requirement that certain improvements be made by the developer before the plan is approved, including corporate bonds, escrow or trust agreement, and other similar collateral or surety agreements.

PERVIOUS AREA SURFACE

Any area not defined as an impervious surface.

PIPE

A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

PLANNING COMMISSION

The Pocono Township Planning Commission.

PMF (PROBABLE MAXIMUM FLOOD)

The flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined based on data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

PRACTICABLE ALTERNATIVE

An alternative that is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes.

PREDEVELOPMENT

Undeveloped/natural condition.

PRETREATMENT

Techniques employed in structural and nonstructural stormwater BMPs to provide storage or filtering to help trap coarse materials and other pollutants before they enter the system, but not necessarily meet the water quality volume requirements of § 365-10.

PROJECT SITE

The specific area of land where any regulated activities in the municipality are planned, conducted, or maintained.

RATIONAL FORMULA

A rainfall-runoff relation used to estimate peak flow.

RECHARGE AREA

Undisturbed or reconditioned surface area or depression where stormwater collects, and a portion of which infiltrates and replenishes the underground and groundwater.

RECORD DRAWINGS

Original documents revised by the contractor(s) to suit the as-built conditions and subsequently provided to the engineer. The engineer takes the contractor's as-builts; reviews them in detail with his/her own records for completeness; transfers the information to a set of reproducible Mylars; and then turns these over to the applicant and the municipality, for the applicant's and the municipality's permanent records. The contractor must sign, certify and have notarized these plans as a ". . . true, correct and accurate representation of the constructed components. . ."

REDEVELOPMENT

Any construction, alteration, or improvement exceeding 5,000 square feet of impervious surface on sites where existing land use is commercial, industrial, institutional, or multifamily residential.

REGULATED ACTIVITIES

Actions or proposed actions that have an impact on stormwater runoff quality and quantity and that are specified in § 365-4 of this chapter.

REGULATED EARTH DISTURBANCE ACTIVITIES

Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.

RELEASE RATE

The percentage of existing conditions peak rate of runoff from a site or subarea to which the post-development peak rate of runoff must be reduced to protect downstream areas.

RETENTION BASIN

A structure in which stormwater is stored and not released during the storm event. Retention basins do not have an outlet other than recharge and must infiltrate stored water in no more than four days.

RETENTION VOLUME/REMOVED RUNOFF

The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.

RETURN PERIOD

The average interval, in years, within which a storm event of a given magnitude can be expected to recur.

RIPARIAN BUFFER

A permanent area of trees and shrubs located adjacent to streams, lakes, ponds and wetlands.

RISER

A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

ROOFTOP DETENTION

Temporary ponding and gradual release of stormwater falling directly onto roof surfaces by incorporating controlled-flow roof drains into building designs.

RUNOFF

Any part of precipitation that flows over the land surface.

SALDO

Chapter 390, Subdivision and Land Development, of the Code of the Township of Pocono.

SEDIMENTATION

The process by which mineral or organic matter is accumulated or deposited by the movement of water or air.

SEDIMENT BASIN

A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water during construction.

SEDIMENT POLLUTION

The placement, discharge or any other introduction of sediment into the waters of the commonwealth.

SEEPAGE PIT/SEEPAGE TRENCH

An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the groundwater.

SHEET FLOW

Runoff that flows over the ground surface as a thin, even layer.

SOIL-COVER COMPLEX METHOD

A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called "curve number (CN)."

SOURCE WATER PROTECTION AREAS (SWPA)

The zone through which contaminants, if present, are likely to migrate and reach a drinking water well or surface water intake.

SPECIAL PROTECTION SUBWATERSHEDS

Watersheds for which the receiving waters are exceptional value (EV) or high quality (HQ) waters.

SPILLWAY

A conveyance that is used to pass the peak discharge of the maximum design storm controlled by the stormwater facility.

STATE WATER QUALITY REQUIREMENTS

The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

STORAGE INDICATION METHOD

A reservoir routing procedure based on solution of the Continuity Equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

STORM FREQUENCY

The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "return period."

STORM SEWER

A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

STORMWATER

Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

STORMWATER MANAGEMENT FACILITY

Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality or quantity. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

STORMWATER MANAGEMENT PLAN

The plan for managing those land use activities that will influence stormwater runoff quality and quantity and that would impact the Brodhead/McMichael Watershed, adopted by Monroe County and Pike County as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the "Brodhead/McMichael Watershed Act 167 Stormwater Management Plan."

STORMWATER MANAGEMENT SITE PLAN

The plans and documentation prepared by the applicant, or his representative, indicating how stormwater runoff will be managed at the particular site of interest according to this chapter.

STREAM

A natural watercourse.

STREAM ENCLOSURE

A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

SUBAREA (SUBWATERSHED)

The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan.

SUBDIVISION

The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SWALE

A low-lying stretch of land which gathers or carries surface water runoff.

TIMBER OPERATIONS

See "forest management."

TIME-OF-CONCENTRATION (T_c)

The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

WATERCOURSE

A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERS OF THE COMMONWEALTH

Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

WELLHEAD

The point at which a groundwater well bore hole meets the surface of the ground.

WELLHEAD PROTECTION AREA

The surface and subsurface area surrounding a water supply well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source.

WETLAND

Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.

Article III

Stormwater Management

§ 365-8 General requirements.

- A. Applicants proposing regulated activities in the Brodhead/McMichael Creek Watershed which do not fall under the exemption criteria shown in § 365-18 shall submit a drainage plan consistent with the Brodhead/McMichaels Creek Watershed Stormwater Management Plan to the municipality for review. These criteria shall apply to the total proposed development even if development is to take place in stages.
- B. The applicant is required to perform an alternatives analysis to find practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces and the degradation of waters of the commonwealth, and must maintain as much as possible the natural hydrologic regime.
- C. The stormwater management site plan must be designed through an alternatives analysis and a site analysis performed as shown in Chapter 4 of the Pennsylvania Stormwater Best Management Practices Manual, as amended, consistent with the sequencing provisions of § 365-9, to ensure maintenance of the natural hydrologic regime and to promote groundwater recharge and protect groundwater and surface water quality and quantity. The stormwater management site plan designer must proceed sequentially in accordance with Article III of this chapter.
- D. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this chapter.
- E. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered in any manner which could cause property damage without permission of the affected property owner(s) and shall be subject to any applicable discharge criteria specified in this chapter.
- F. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated

or maintained as diffused drainage areas, except as otherwise provided by this chapter. If diffused drainage discharge is proposed to be concentrated and discharged onto adjacent property, the applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other impacts will result from the concentrated discharge.

- G. Where a development site is traversed by existing watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall conform to the stream buffer requirements contained in § 365-10I(7) of this chapter.
- H. All stormwater management site plans shall include a consumptive use tracking report.
- I. Any stormwater management facilities regulated by this chapter that would be located in or adjacent to waters of the commonwealth or wetlands shall be subject to approval by PA DEP through the joint permit application process, or, where deemed appropriate by PA DEP, the general permit process. When there is a question whether wetlands may be involved, it is the responsibility of the applicant or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from PA DEP.
- J. Any stormwater management facilities regulated by this chapter that would be located on state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- K. Infiltration of runoff through seepage beds, infiltration trenches, etc., where soil conditions permit, and minimization of impervious surfaces to the extent permitted by the Chapter 470, Zoning, are encouraged to reduce the size or eliminate the need for detention facilities or other structural BMPs.
- L. Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs wherever feasible. Roof drains should not be connected to streets, sanitary or storm sewers or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater. Considering potential pollutant loading, roof drain runoff in most cases will not require pretreatment.
- M. All stormwater runoff, other than rooftop runoff discussed in Subsection L above, shall be treated for water quality prior to discharge to surface or groundwater.
- N. The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.

§ 365-9 Nonstructural project design sequencing to minimize stormwater impacts.

- A. The design of all regulated activities shall include the following steps, in sequence, to minimize stormwater impacts.
 - (1) The applicant is required to find practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces and the degradation of waters of the commonwealth, and must maintain the natural hydrologic regime of the site.

- (2) An alternative is practicable if it is available and capable of being done after taking into consideration existing technology and logistics in light of overall project purposes.
- (3) All practicable alternatives to the discharge of stormwater are presumed to have less adverse impact on quantity and quality of waters of the commonwealth unless otherwise demonstrated.

B. Applicants shall demonstrate that they designed the regulated activities in the following sequence to minimize the increases in stormwater runoff and impacts to water quality.

- (1) Prepare an existing resource and site analysis map (ERSAM), showing environmentally sensitive areas, including, but not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, floodplains, buffer areas, hydrologic soil groups A and B (areas conducive to infiltration), any existing recharge areas, existing structures, property boundary line, areas of impervious surface, soils lines and descriptions from the most recent Monroe County Soil Survey, existing well locations, existing septic systems, existing contours, soil testing locations keyed to testing results, existing drainage structures, photograph location (if available), and the ratio of disturbed area to the entire site area and measures taken to minimize earth disturbance.
- (2) Establish buffers according to § 365-10.
- (3) Prepare a draft project layout avoiding earth disturbance in sensitive areas identified in § 365-9B(1) and minimizing total site earth disturbance.
- (4) Identify site-specific predevelopment drainage areas, discharge points, recharge areas to be preserved and hydrologic soil groups A and B to be utilized for recharge.
- (5) Evaluate nonstructural stormwater management alternatives to:
 - (a) Minimize earth disturbance;
 - (b) Minimize impervious surfaces; and
 - (c) Break up large impervious surfaces.
 - (d) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
- (6) Satisfy water quality and stream-bank erosion protection objective (§ 365-10).
- (7) Satisfy groundwater recharge (infiltration) objective (§ 365-11) and provide for stormwater treatment prior to infiltration.
- (8) Determine what management district the site falls into (Ordinance Appendix B^[1]) and conduct a predevelopment runoff analysis.

[1] *Editor's Note: Appendix B, the map of the watershed, is on file in the Township offices.*

- (9) Prepare final project design to maintain predevelopment drainage areas and discharge points; minimize earth disturbance and impervious surfaces; and reduce runoff to the maximum extent possible.
- (10) Conduct a post-development runoff analysis based on the final design to meet the required release rate and, in turn, the over-bank flow and extreme event requirements.
- (11) Manage any remaining runoff through treatment prior to discharge, as part of detention, bioretention, direct discharge or other structural control.

§ 365-10 Water quality and stream-bank erosion.

In addition to the performance standards and design criteria requirements of this chapter, the applicant shall comply with the following water quality requirements of this section.

A. Objective for design; BMPs; release of water.

- (1) For water quality and stream-bank erosion, the objective is to design a water quality BMP to detain the proposed conditions' two-year, twenty-four-hour design storm flow to the existing conditions' one-year, twenty-four-hour design storm flow using the NRCS Type II distribution. Additionally, provisions shall be made (such as adding a small orifice at the bottom of the outlet structure) so that the proposed conditions' one-year, twenty-four-hour design storm flow takes a minimum of 24 hours to drain from the facility, from a point where the maximum volume of water from the one-year, twenty-four-hour design storm is captured (i.e., the maximum water surface elevation is achieved in the facility).
- (2) Wet basins and other BMPs shall be utilized for water quality control in accordance with the requirements found in the Pennsylvania Stormwater BMP Manual, as revised, and incorporated herein by reference.
- (3) Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall consider and minimize the chances of clogging and sedimentation. Orifices smaller than four inches diameter shall not be used unless the design professional can provide proof that the smaller orifices are protected from clogging by use of trash racks, etc.

B. In selecting the appropriate BMPs, or combinations thereof, the applicant shall consider the following:

- (1) Total contributing area.
- (2) Permeability and infiltration rate of the site soils.
- (3) Slope and depth to bedrock.
- (4) Seasonal high water table.

- (5) Proximity to building foundations and wellheads.
 - (6) Erodibility of soils.
 - (7) Land availability and configuration of the topography
 - (8) Peak discharge and required volume control.
 - (9) Stream-bank erosion.
 - (10) Efficiency of the BMPs to mitigate potential water quality problems.
 - (11) The volume of runoff that will be effectively treated.
 - (12) The nature of the pollutant being removed.
 - (13) Maintenance requirements.
 - (14) Creation/protection of aquatic and wildlife habitat.
 - (15) Recreational value.
- C. For areas within defined special protection subwatersheds which includes exceptional value (EV) and high quality (HQ) waters, the temperature and quality of water and streams shall be maintained through the use of temperature-sensitive BMPs and stormwater conveyance systems.
- D. The applicant shall consider the guidelines found in the references specified in the Pennsylvania Stormwater BMP Manual, as amended, for constructed wetlands, where proposed.
- E. Pretreatment in accordance with § 365-8L and M shall be provided prior to infiltration.
- F. Stream-bank restoration projects shall include the following:
- (1) No restoration or stabilization projects may be undertaken without examining the fluvial geomorphology of stable reaches above and below the unstable reach.
 - (2) Restoration project design must then consider maintenance of stability in the adjacent stable reaches of the stream channel.
 - (3) An erosion and sediment control plan approved by the Conservation District must be provided by the applicant.
 - (4) All applicable state and federal permits must be obtained.
- G. Biology shall be incorporated into the design of all wet basins in accordance with the West Nile Virus Guidance.

H. To accomplish the above, the applicant shall submit original and innovative designs to the Municipal Engineer for review and approval. Such designs may achieve the water quality objectives through a combination of BMPs (best management practices).

I. Buffers.

- (1) In addition to the other restrictions of this section, buffers shall be provided in accordance with this Subsection I.
- (2) Where resource buffers overlap, the more restrictive requirements shall apply.
- (3) Preexisting lots or parcels/development in buffers. In the case of legally preexisting lots or parcels (approved prior to the effective date of this chapter) where the usable area of a lot or parcel lies within a buffer area, rendering the lot or parcel unable to be developed in accordance with the allowable use per municipal zoning, the development may only be permitted if a modification is granted by the Board of Commissioners.
- (4) Improvements to existing structures in buffers. The provisions of this Subsection I do not require any changes or improvements to be made to lawfully existing structures in buffers. However, when any improvement to a structure is proposed which results in a horizontal expansion of that structure within the buffer or which would result in the percentage impervious area to exceed that allowed by this chapter, the improvement will only be permitted if a modification is first granted by the Board of Commissioners.
- (5) Where the applicant proposes to determine a site-specific buffer, a detailed analysis of site conditions, may be substituted for the standard buffer in Subsection I(6)(b), (7)(a) and (8)(a) of this section.

(6) Wetlands.

- (a) Wetland identification. Wetlands shall be identified in accord with the 1987 United States Army Corps of Engineers Manual for Identifying and Delineating Wetlands, as amended, and properly flagged and surveyed on site to ensure they are protected.

[1] Wetlands in an artificial watercourse. Wetlands contained within the banks of an artificial watercourse shall not be considered for buffer delineation purposes.

[2] Wetlands in a natural watercourse. For wetlands contained within the banks of a natural watercourse, only the stream buffer shall apply.

- (b) Wetland buffer delineation. A fifty-foot buffer, measured perpendicular to and horizontally from the edge of the delineated wetland, shall be maintained for all wetlands, with the exception of the Cranberry Bog, where the buffer shall be 75 feet measured perpendicular to and horizontally from

the edge of the Cranberry Bog. In addition, where the 300 feet of land adjacent to the edge of a delineated wetland has an average upland slope greater than 5%, the minimum buffer width shall be increased by four feet for each percent of slope at or above 5%, subject to a maximum cumulative buffer of 100 feet.

[1] Permitted activities/development. Stormwater conveyance required by the municipality or other body or agency having jurisdiction; buffer maintenance and restoration; the correction of hazardous conditions; stream crossings permitted by DEP and passive unpaved stable trails shall be permitted within the wetland buffer. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted within the wetland buffer.

[2] The area of the wetland buffer altered by activities permitted in accordance with Subsection I(6)(b)[1] above shall be minimized to the greatest extent practicable, as determined by the municipality. In no case shall more than 20% of the cumulative wetland buffer on the subject parcel be altered by the activities permitted in accordance with Subsection I(6)(b)[1]. This twenty-percent disturbance shall include both the disturbance created by the applicant and any subsequent owner of the parcel or a portion of the parcel developed by the applicant (i.e., lot owner).

(7) Lakes and ponds.

(a) Lake and pond buffer delineation. A fifty-foot buffer measured perpendicular to and horizontally from the edge of any lake or pond, shall be maintained around any lake or pond. In addition, where the 300 feet of land adjacent to the edge of a lake or pond has an upland slope greater than 5%, the minimum buffer width shall be increased by four feet for each percent of slope at or above 5%, subject to a maximum cumulative buffer of 100 feet.

(b) Permitted activities/development. Stormwater conveyance required by the municipality or other body or agency having jurisdiction, buffer maintenance and restoration, the correction of hazardous conditions, boat docks and unpaved trails shall be permitted, provided no buildings are involved.

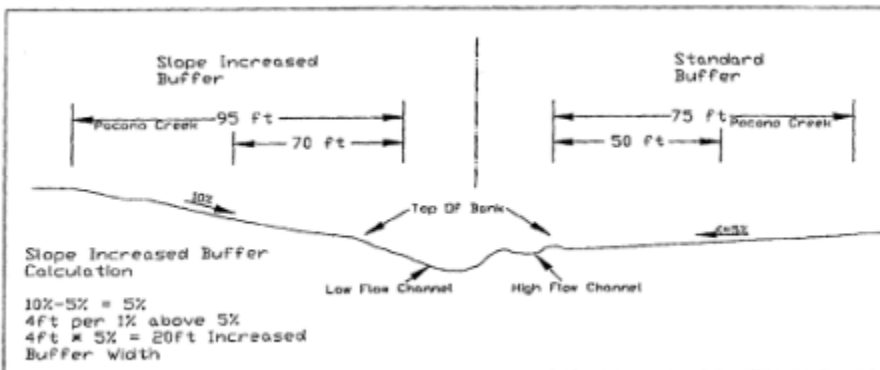
(c) The area of the buffer altered by activities permitted in accordance with Subsection I(7)(b) above shall be minimized to the greatest extent practicable, as determined by the municipality. In no case shall more than 35% of the cumulative lake and pond buffer on the subject parcel be altered by the activities permitted in accordance with Subsection I(7)(b). This thirty-five-percent disturbance shall include both the disturbance created by

the applicant and any subsequent owner of the parcel or a portion of the parcel developed by the applicant (i.e., lot owner).

(8) Streams.

- (a) Stream buffer delineation. A fifty-foot buffer, measured perpendicular to and horizontally from the top-of-bank on all sides of any stream, shall be maintained on all sides of any stream, with the exception of the Pocono Creek, where the buffer shall be 75 feet, measured perpendicular to and horizontally from the top-of-bank on all sides of the Pocono Creek. In addition, where the 100 feet of land adjacent to the edge of a stream has an average upland slope greater than 5%, the minimum buffer width shall be increased by four feet for each percent of slope at or above 5%, subject to a maximum cumulative buffer of 100 feet. See Figure 365-10I, below.
- (b) Permitted activities/development. Stormwater conveyance required by the municipality or other body or agency having jurisdiction, buffer maintenance and restoration, the correction of hazardous conditions, stream crossings permitted by DEP, fish hatcheries, wildlife sanctuaries and boat launch sites constructed so as not to increase the floodplain elevation, and unpaved trails, shall be permitted, providing no buildings are involved. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
- (c) The area of the buffer altered by activities permitted in accordance with § 365-10I(8)(b) shall be minimized to the greatest extent practicable, as determined by the municipality. In no case shall more than 20% of the cumulative stream buffer on the subject parcel be altered by the activities permitted in accordance with § 365-10I(8)(b). This twenty-percent disturbance shall include both the disturbance created by the applicant and any subsequent owner of the parcel or a portion of the parcel developed by the applicant (i.e., lot owner).

Figure 365-10I Stream Buffer



- J. The municipality may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.

§ 365-11 Groundwater recharge, infiltration and bioretention.

Maximizing the groundwater recharge capacity of the area being developed is required. Design of the infiltration/recharge stormwater management facilities shall give consideration to providing groundwater recharge to compensate for the reduction in the percolation that occurs when the ground surface is disturbed or impervious surface is created. It is recommended that roof runoff be directed to infiltration BMPs which may be designed to compensate for the runoff from parking areas. These measures are required to be consistent with § 365-2 and take advantage of utilizing any existing recharge areas.

- A. Infiltration BMPs shall meet the following minimum requirements:

(1) Maximum infiltration requirements.

- (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 Subsection A(3)(a) or (b), depending upon demonstrated site conditions.

(2) Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

- (a) A minimum depth of 24 inches between the bottom of the BMP and the limiting zone.
- (b) An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the applicant's design professional.
- (c) The recharge facility shall be capable of completely infiltrating the recharge volume within three days.
- (d) Pretreatment in accordance with § 365-8L and M shall be provided prior to infiltration.

(3) The size of the recharge facility shall be based upon the following volume criteria:

- (a) NRCS Curve Number Equation.

[1] The NRCS runoff shall be utilized to calculate infiltration requirements (P) in inches.

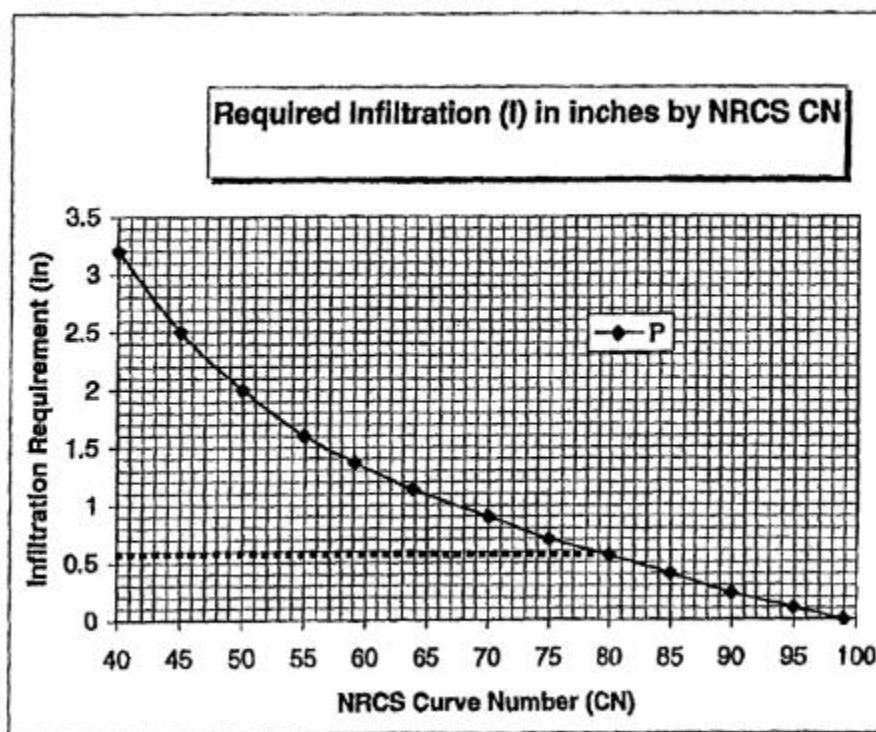
For zero runoff: $P = I$ (Infiltration) (in.) = $(200/CN) - 2$ - Equation 365-11.1

Where: CN=SCS (NRCS) curve number of existing conditions contributing to the recharge facility.

- [2] This equation is displayed graphically in, and the infiltration requirement can be determined from Figure 365-11.
- [3] The recharge volume (Re_v) required would therefore be computed as:

$Re_v = I * \% \text{ impervious area}$	Equation 365-11.2
Where: I = infiltration requirements (in.)	

Figure 365-11. Infiltration Requirement Based Upon NRCS Curve Number.



(b) Annual recharge. Water budget approach

- [1] It has been determined that infiltrating 0.6 inch of runoff from the impervious areas will aid in maintaining the hydrologic regime of the watershed. If the goals of § 365-11A(2) cannot be achieved, then

0.6 inch of rainfall shall be infiltrated from all impervious areas, up to an existing site condition curve number of 77. Above a curve number of 77, Equation 365-11.1 or the curve in Figure 365-11 shall be used to determine the infiltration requirement.

- [2] The recharge volume (Re_v) required would therefore be computed as:

$Re_v = 0.6 \text{ or } I$, whichever is less, times the percent impervious area (* % impervious area).

B. Soils. A detailed soils evaluation of the project site shall be required to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified design professional, and, at a minimum, address soil permeability, depth to bedrock and subgrade stability. The general process for designing the infiltration BMP shall be:

- (1) Analyze hydrologic soil groups as well as natural and man-made features within the watershed to determine general areas of suitability for infiltration practices.
- (2) Provide site-specific infiltration test results (at the level of the proposed infiltration surface) in accordance with the BMP Manual and/or ASTM Guide No. D5126 to determine the appropriate hydraulic conductivity rate.
- (3) Design the infiltration structure for the required storm volume based on field-determined capacity with the appropriate safety factors applied (as noted in the Pennsylvania Stormwater Best Management Practices Manual) at the level of the proposed infiltration surface.
- (4) If on-lot infiltration structures are proposed by the applicant's design professional, it must be demonstrated to the municipality that the soils are conducive to infiltrate on the lots identified with site-specific testing identified in Subsection B(2) above.

C. Stormwater hotspots.

- (1) A stormwater hotspot is defined as a land use activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies. Table 365-11 provides samples of designated hotspots. If a site is designated as a hotspot, it has important implications for how stormwater is managed. First and foremost, untreated stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater where it may contaminate water supplies. Therefore, the Re_v requirement is NOT applied to development sites that fit into the hotspot category (and the entire WQ_v must still be treated). Second, a greater level of stormwater treatment may be needed at hotspot sites to prevent pollutant wash off after construction. EPA's NPDES stormwater program requires some industrial sites to prepare and implement a stormwater pollution prevention plan.

Table 365-11 - Classification of Stormwater Hotspots

The following land uses and activities are samples of stormwater hotspots:

- Vehicle salvage yards and recycling facilities
 - Fleet storage areas (bus, truck, etc.)
 - Public works storage areas
 - Facilities that generate or store hazardous materials
- (2) Extreme caution shall be exercised where salt or chloride would be a pollutant since soils do little to filter this pollutant and it may contaminate the groundwater. The qualified design professional shall evaluate the possibility of groundwater contamination from the proposed infiltration/recharge facility and perform a hydrogeologic justification study, if necessary. The infiltration requirement in high quality/exceptional value waters shall be subject to the Department's Chapter 93 Antidegradation Regulations. The municipality may require the installation of an impermeable liner in detention basins where the possibility of groundwater contamination exists. A detailed hydrogeologic investigation may be required by the municipality.
- (3) The municipality shall require the applicant to provide safeguards against groundwater contamination for uses which may cause groundwater contamination should there be a mishap or spill.
- D. Extreme caution shall be exercised where infiltration is proposed in source water protection areas or that may affect a wellhead or surface water intake.
- E. Recharge/infiltration facilities shall be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management alternatives.

§ 365-12 Stormwater management districts.

- A. The Brodhead/McMichael Watershed has been divided into stormwater management districts as shown on the Watershed Map in Appendix B.[11](#)
- (1) Standards for managing runoff from each subarea in the Brodhead/McMichael Watershed for design storms are shown in Table 365-12. Development sites located in each of the A, B or C Districts must control proposed conditions runoff rates to existing conditions runoff rates for the design storms in accordance with Table 365-12.

- (2) In addition to the requirements specified in Table 365-12 below, the water quality and stream-bank erosion (§ 365-10), groundwater recharge (§ 365-11), and erosion control (§ 365-15) requirements shall be implemented.

Table 365-12, Water Quantity Requirements

District	Proposed Conditions (reduce to)	Existing Conditions
A	2-year	1-year
Subareas: 240-243, 19,23, and 5	5-year	5-year
	10-year	10-year
	25-year	25-year
	50-year	50-year
	100-year	100-year
B-1	2-year	1-year
Subareas: 7-9, and 15	5-year	2-year
	10-year	5-year
	25-year	10-year
	50-year	25-year
	100-year	100-year
B-2	2-year	1-year
Subareas: 4, 10, 11	5-year	2-year
12, 18, 21, 24, 26,	25-year	5-year
27, 28, 29, 30, 32,	50-year	10-year
36, 44, 225, 226,	100-year	50-year
B-3	50-year	10-year
No subareas in Pocono Township	100-year	50-year
C	Provisional Direct Discharge District – Development sites which can discharge directly to the main channel or major tributaries or indirectly to the main channel through an existing stormwater drainage system (i.e., storm sewer or tributary) which meets the “downstream hydraulic capacity analysis” in § 365-12H and is shown by the design professional to not cause a downstream problem, may allow an increase in flow as long as no downstream harm is demonstrated. However, sites in District C shall comply with the criteria for water quality and stream-bank erosion (§ 365-10); and groundwater	
Subareas: 39, 55, 57, 56		

recharge (§ 365-11). If the proposed conditions runoff is intended to be conveyed by an existing stormwater drainage system to the main channel, assurance must be provided that such system has adequate capacity to convey the increased peak flows or will be provided with improvements to furnish the required capacity. When adequate capacity of the downstream system does not exist and will not be provided through improvements, the proposed conditions peak rate of runoff must be controlled to the existing conditions peak rate as required in District A provisions (i.e., 10-year proposed conditions flows to 10-year existing conditions flows) for the specified design storms.

[1] *Editor's Note: Appendix B, the map of the watershed , is on file in the Township offices.*

- B. General. Proposed condition rates of runoff from any regulated activity shall not exceed the peak release rates of runoff prior to development for the design storms specified on the Stormwater Management District Watershed Map (Ordinance Appendix B^[2]) and § 365-12, of this chapter.

[2] *Editor's Note: Appendix B, the map of the watershed, is on file in the Township offices.*

- C. District boundaries. The boundaries of the Stormwater Management Districts, as indicated on maps approved and adopted on June 11, 1991, by Monroe County as part of the Brodhead Creek Watershed Act 167 Watershed Pocono Township Stormwater Management Ordinance, and incorporated herein by reference, are shown on a map that is available for observation at the municipal office. The exact location of the stormwater management district boundaries as they apply to a given development site shall be determined by mapping the boundaries using the two-foot topographic contours (or most accurate data required) provided as part of the stormwater management site plan.
- D. Sites located in more than one district. For a proposed development site located within two or more stormwater management district category subareas, the peak discharge rate from any subarea shall be the existing conditions peak discharge for that subarea as indicated in § 365-12. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea. An exception to the above may be granted by the municipality if discharges from multiple subareas recombine in proximity to the site. In this case, peak discharge in any direction may be a one-hundred-percent release rate, provided that the overall site discharge meets the weighted average release rate.
- E. Off-site areas. Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.
- F. Site areas. Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area utilizing stormwater management measures shall be subject to the management district criteria. In other words, unimpacted areas bypassing the stormwater management facilities would not be subject to the management district criteria.

G. "No harm" option. For any proposed development site not located in a provisional direct discharge district (District C), the applicant has the option of using a less-restrictive runoff control (including no detention) if the applicant can prove that "no harm" would be caused by discharging at a higher runoff rate than that specified by this chapter. The "no harm" option is used when an applicant can prove that the proposed hydrographs can match existing hydrographs, or if it can be proved that the proposed conditions will not cause increases in peaks at all points downstream. Proof of "no harm" must be shown based upon the following "downstream impact evaluation" which shall include a "downstream hydraulic capacity analysis" consistent with § **365-12H** to determine if adequate hydraulic capacity exists. The applicant shall submit to the municipality this evaluation of the impacts due to increased downstream stormwater flows in the watershed.

- (1) The hydrologic regime of the site must be maintained.
- (2) The "downstream impact evaluation" shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications due to the proposed development upon a dam, highway, structure, natural point of restricted streamflow or any stream channel section, established with the concurrence of the municipality.
- (3) The evaluation shall continue downstream until the increase in flow diminishes due to additional flow from tributaries and/or stream attenuation.
- (4) The peak flow values to be used for downstream areas for the design return period storms (two-, five-, ten-, twenty-five-, fifty-, and one-hundred-year) shall be the values from the calibrated model for the Brodhead/McMichael Watershed. These flow values can be obtained from the original Act 167 watershed stormwater management plan adopted on June 11, 1991, by Monroe County and entitled the "Brodhead Creek Watershed Act 167 Watershed Stormwater Management Plan," which flow values are incorporated herein by reference.
- (5) Applicant-proposed conditions runoff controls which would generate increased peak flow rates at storm drainage problem areas would, by definition, be precluded from successful attempts to prove "no-harm," except in conjunction with proposed capacity improvements for the problem areas consistent with § **365-12H**.
- (6) A financial distress shall not constitute grounds for the municipality to approve the use of the "no-harm" option.
- (7) Downstream capacity improvements may be provided as necessary to achieve the "no harm" option.
- (8) Any "no harm" justifications shall be submitted by the applicant as part of the stormwater management site plan submission per Article IV.

H. "Downstream hydraulic capacity analysis." Any downstream hydraulic capacity analysis conducted in accordance with this chapter shall use the following criteria for determining adequacy for accepting increased peak flow rates:

- (1) Existing natural or man-made channels or swales must be able to convey the increased runoff associated with a two-year and a fifty-year return period event

within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the DEP Erosion and Sediment Pollution Control Program Manual, as amended and included herein by reference.

- (2) Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP Chapter 105 regulations (if applicable) and, at minimum, pass the increased fifty-year return period runoff.

§ 365-13 Calculation methodology.

- A. Stormwater runoff from all development sites with a drainage area of greater than 200 acres shall be calculated using a generally accepted calculation technique that is based on the NRCS Soil Cover Complex Method. Table 365-13 summarizes acceptable computation methods, and the method selected by the design professional shall be based on the individual limitations and suitability of each method for a particular site. The municipality may allow the use of the Rational Method to estimate peak discharges from drainage areas that contain less than 200 acres.

Table 365-13

Acceptable Computation Methodologies for Stormwater Management Plans

Method	Method Developed by	Applicability
TR-20 (or commercial computer package based on TR-20)	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary
TR-55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans within limitations described in TR-55
HEC-1/HEC-HMS	United States Army Corps of Engineers	Applicable where use of full hydrologic computer model is desirable or necessary
PSRM	Penn State University	Applicable where use of a hydrologic computer model is desirable or necessary; simpler than TR-20 or HEC-1
Rational Method (or commercial computer package based on Rational Method)	Emil Kuichling (1889)	For sites less than 200 acres, or as approved by the municipality and/or Municipal Engineer

Table 365-13

Acceptable Computation Methodologies for Stormwater Management Plans

Method	Method Developed by	Applicability
Other methods	Varies	Oth3er computation methodologies approved by the municipality and/or Municipal Engineer

- B. All calculations consistent with this chapter using the Soil Cover Complex Method shall use the appropriate design rainfall depths for the various return period storms according to the region in which they are located as presented in Table B-1 in Appendix A^[1] of this chapter. If a hydrologic computer model such as PSRM or HEC-1 is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The NRCS "S" curve shown in Figure B-1, Appendix A of this chapter, shall be used for the rainfall distribution.

[1] *Editor's Note: Appendix A, Stormwater Management Design Criteria, is attached to this chapter.*

- C. For the purposes of existing conditions flow rate determination, undeveloped land shall be considered as "meadow" in good condition, unless the natural ground cover generates a lower curve number or Rational "C" value, as listed in Table B-2 or B-3 in Appendix A^[2] of this chapter.

[2] *Editor's Note: Appendix A, Stormwater Management Design Criteria, is attached to this chapter.*

- D. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times-of-concentration for overland flow and return periods from the design storm curves from Pennsylvania Department of Transportation Design Rainfall Curves (1986) (Figures B-2 to B-4). Times-of-concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times-of-concentration for channel and pipe flow shall be computed using Manning's Equation.

- E. Runoff curve numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex Method shall be obtained from Table B-2 in Appendix A^[3] of this chapter.

[3] *Editor's Note: Appendix A, Stormwater Management Design Criteria, is attached to this chapter.*

- F. Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table B-3 in Appendix A^[4] of this chapter.

[4] *Editor's Note: Appendix A, Stormwater Management Design Criteria, is attached to this chapter.*

- G. The designer shall consider that the runoff from proposed sites graded to the subsoil will not have the same runoff conditions as the site under existing conditions, even after topsoiling or seeding. The designer shall increase his proposed condition "CN" or "c" to better reflect proposed soil conditions.
- H. Where uniform flow is anticipated, the Manning Equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table B-4 in Appendix A^[5] of this chapter.

[5] *Editor's Note: Appendix A, Stormwater Management Design Criteria, is attached to this chapter.*

- I. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this chapter using any generally accepted hydraulic analysis technique or method.
- J. The design of any stormwater detention facilities intended to meet the performance standards of this chapter shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. For drainage areas greater than 200 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. The municipality may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
- K. The design storm volumes to be used in the analysis of peak rates of discharge should be obtained from the latest version of the Precipitation-Frequency Atlas of the United States, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland.

NOAA's Atlas 145 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

- L. Volume control. The green infrastructure and low impact development practices provided in the BMP Manual shall be utilized for all regulated activities wherever possible. Water volume controls shall be implemented using the Design Storm Method in Subsection (1) or the Simplified Method in Subsection (2) below. For regulated activity areas equal or less than one acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology and other factors.

(1) The Design Storm Method (CG-1 in the BMP Manual) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.

- (a) Do not increase the post-development total runoff volume for all storms equal to or less than the 2-year 24-hour duration precipitation.

- (b) For modeling purposes:
 - [1] Existing (predevelopment) non-forested pervious areas must be considered meadow in good condition.
 - [2] Twenty percent (20%) of existing impervious area, when present, shall be considered meadow in good condition in the model for existing conditions.
- (2) The Simplified Method (CG-2 in the BMP Manual) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated activities greater than one acre or for projects that require design of stormwater storage facilities. For new impervious surfaces:
 - (a) Stormwater facilities shall capture at least the first two (2) inches of runoff from all new impervious surfaces.
 - (b) At least the first one inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into the surface waters of this Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
 - (c) Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.

§ 365-14 Additional requirements.

- A. Any stormwater management facility (i.e., BMP, detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this chapter shall be designed to provide an emergency spillway to handle flow up to and including the one-hundred-year proposed conditions. The height of embankment must provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facility functions for the one-hundred-year proposed conditions inflow. Should any stormwater management facility require a dam safety permit under PA DEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than the one-hundred-year event.
- B. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands governed by PA DEP Chapter 105 regulations (as amended or replaced from time to time by PA DEP), shall be designed in accordance with Chapter 105 and will require a permit from PA DEP.
- C. Any other stormwater conveyance facility and/or channel that does not fall under Chapter 105 regulations must be able to convey, without damage to the stormwater structure or

roadway, runoff from the fifty-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Any facility that constitutes a dam as defined in PA DEP Chapter 105 regulations may require a permit under dam safety regulations. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from that structure. Roadway crossings located within designated floodplain areas must be able to convey runoff from a one-hundred-year design storm. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.

- D. Storm sewers must be able to convey proposed conditions runoff from a fifty-year design storm without surcharging inlets, where appropriate and as supplemented by Subsection C above.
- E. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.
- F. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The municipality reserves the right to disapprove any design that would result in the construction of or continuation of a stormwater problem area.

§ 365-15 Erosion and sediment control requirements.

- A. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual3), No. 363-2134-008, as amended and updated.
- B. Additional erosion and sediment control design standards and criteria that must be or are recommended to be applied where infiltration BMPs are proposed shall include the following:
 - (1) Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity.
 - (2) Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has achieved final stabilization.

§ 365-16 Consumptive use tracking report.

- A. Submissions. All regulated activities shall submit a "Consumptive Use Tracking Report" (CUTR), which shall be developed in accordance with the forms available at the Township and submitted as follows:

- (1) Residential development and/or redevelopment. The CUTR shall be submitted to the municipality during the preliminary plan approval process or building permit approval process, whichever occurs first, and the Monroe County Conservation District along with the erosion and sedimentation control plan.
- (2) Commercial/industrial development and/or redevelopment. The CUTR shall be submitted to the municipality during the preliminary plan approval process or building permit approval process, whichever occurs first. The CUTR shall also be submitted to the Monroe County Conservation District along with the erosion and sedimentation control plan.

Article IV

Stormwater Management Site Plans

§ 365-17 General requirements.

For any of the activities regulated by this chapter, the preliminary or final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any earth disturbance may not proceed until the applicant or his/her agent has received written approval of a stormwater management site plan from the municipality, an adequate erosion and sediment control plan review by the Conservation District and an NPDES permit from the DEP, if required. SWM Site Plans approved by the municipality, shall be on site throughout the duration of the regulated activity.

§ 365-18 Exemptions.

A. Exemptions. The following land use activities are exempt from the stormwater management site plan submission requirements of this chapter:

- (1) Use of land for gardening for home consumption.
- (2) Agriculture when operated in accordance with a conservation plan or erosion and sediment control plan (E&S) found adequate by the Conservation District.
- (3) Forest management operations which are following the Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation (E&S) Control Guidelines for Forestry" and are operating under an approved E&S plan and must comply with stream buffer requirements in § **365-10** and floodplain management requirements.^[1]

[1] *Editor's Note: See also Ch. 205, Floodplain Management.*

- (4) Impervious surface. Any regulated activity that has less than 5,000 square feet of impervious surface subject to the additional exemption criteria set forth in

Subsection B is exempt from the plan submittal provisions of this chapter. These criteria shall apply to the total development even if development is to take place in phases. The date of the original McMichael's and Brodhead Creeks Stormwater Management Act 167 Plan adoption by the Township (November 21, 1994) shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered. Impervious areas existing on the parent tract prior to November 21, 1994, shall not be considered in cumulative impervious area calculations for exemption purposes.

B. Additional exemption criteria include:

- (1) Exemption responsibilities. An exemption shall not relieve the applicant from implementing such measures as are necessary to protect the public health, safety, and property. An exemption shall not relieve the applicant from providing adequate stormwater management for regulated activities to meet the purpose of this chapter; however, stormwater management site plans will not have to be submitted to the municipality.

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- (2) This exemption shall not relieve the applicant from meeting the special requirements for watersheds draining to exceptional value (EV) waters and source water protection areas (SWPA): requirements for nonstructural project design sequencing (§ 365-9), water quality and stream-bank erosion (§ 365-10), and groundwater recharge (§ 365-11).
- (3) Drainage problems. If a drainage problem is documented or known to exist downstream of, or expected from, the proposed activity, then the municipality may require a stormwater management site plan submittal.

§ 365-19 Stormwater management site plan contents.

The stormwater management site plan shall consist of a general description of the project, including sequencing items described in § 365-10, calculations, maps, plans and a consumptive use tracking report. A note on the maps shall refer to the associated computations and erosion and sediment control plan by title and date. The cover sheet of the computations and erosion and sediment control plan shall refer to the associated maps by title and date. All stormwater management site plan materials shall be submitted to the municipality in a format that is clear, concise, legible, neat, and well organized, in the opinion of the municipality; otherwise, the stormwater management site plan shall not be accepted for review and shall be returned to the applicant. The following items shall be included in the stormwater management site plan:

A. General.

- (1) General description of the project including those areas described in § 365-9.

- (2) General description of permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.
- (3) Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
- (4) An Erosion and sediment control plan, including all reviews and letters of adequacy obtained by the Conservation District.
- (5) A general description of nonpoint source pollution controls.
- (6) A consumptive use tracking report.

B. Maps. Map(s) of the project area shall be submitted on twenty-four-inch by thirty-six-inch sheets and/or shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Monroe County. If the Chapter 390, Subdivision and Land Development (SALDO), has more stringent criteria, then the more stringent criteria shall apply. The contents of the map(s) shall include, but not be limited to:

- (1) The location of the project relative to highways, municipalities or other identifiable landmarks.
- (2) Existing and final contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.
- (3) Existing streams, lakes, ponds or other waters of the commonwealth within the project area.
- (4) Other physical features including flood hazard boundaries, buffers, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site. The upstream area draining through the site can be located on a portion of a USGS topographic map if more detailed topographic information is not available.
- (5) The locations of all existing and proposed utilities, sanitary sewers, and waterlines within 50 feet of property lines.
- (6) The location(s) of public water supply wells and surface water intakes as well as their source water protection areas.
- (7) Soil names and boundaries; along with any limitations associated with the soil type and the proposed resolution of the listed limitations.
- (8) Limits of earth disturbance, including the type and amount of impervious area that would be added.
- (9) Proposed structures, roads, paved areas, and buildings. The proposed buildings would also include proposed residential structures in a subdivision.

- (10) The name of the development, the name and address of the applicant of the property, and the name of the individual or firm preparing the plan.
- (11) The date of submission.
- (12) A graphic and written scale of one inch equals no more than 50 feet; for tracts of 200 acres or more, the scale shall be one inch equals no more than 100 feet.
- (13) A North arrow.
- (14) The total tract boundary and size with accurate distances to hundreds of a foot and bearings to the nearest second.
- (15) Existing and proposed land use(s).
- (16) A key map showing all existing man-made features beyond the property boundary that would be affected by the project.
- (17) Location of all open channels.
- (18) Overland drainage patterns and swales.
- (19) A fifteen-foot-wide access easement to and around all stormwater management facilities that would provide ingress to and egress from a public right-of-way.
- (20) The location of all erosion and sediment control facilities.
- (21) A covenant on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off site. All off-site facilities shall meet the performance standards and design criteria specified in this chapter.
- (22) A statement, signed by the applicant, acknowledging that any revision to the approved stormwater management site plan must be approved by the municipality and that a revised E&S plan must be submitted to the Conservation District for a determination of adequacy.
- (23) The following signature block for the design engineer (Pennsylvania-licensed professional engineer):

"I, (Design Engineer), on this date (date of signature), hereby certify that the Stormwater Management Site Plan meets all design standards and criteria of the Pocono Township Stormwater Management Ordinance. The word 'certify' is an expression of professional opinion by the undersigned and does not constitute a guarantee or warranty."
- (24) (Municipal official or designee), on this date (Signature date), has reviewed and hereby certifies that the SWM Site Plan meets all design standards and criteria of the Municipal Ordinance No. (number assigned to ordinance).

C. Supplemental information.

- (1) A written description of the following information shall be submitted.
 - (a) The overall stormwater management concept for the project designed in accordance with **§ 365-9**.
 - (b) Stormwater runoff computations as specified in this chapter.
 - (c) Stormwater management techniques to be applied both during and after development.
 - (d) Expected project time schedule.
 - (e) Development stages (project phases) if so proposed.
 - (f) An operation and maintenance plan in accordance with **§ 365-28** of this chapter.
- (2) An erosion and sediment control plan (i.e., plans, narrative, calculations and any required applications.)
- (3) Completed consumptive use tracking report as specified in **§ 365-16**.
- (4) The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.
- (5) A declaration of adequacy and highway occupancy permit from the PennDOT District Office when utilization of a PennDOT storm drainage system is proposed.

D. Stormwater management facilities.

- (1) All stormwater management facilities must be located on a plan and described in detail. Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
- (2) When groundwater recharge methods such as seepage pits, beds or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown on the plan.
- (3) All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.

§ 365-20 Plan submission.

The municipality shall require receipt of a complete plan, as specified in this chapter. For any activities that require an NPDES Permit for Stormwater Discharges from Construction Activities, or a PA DEP Joint Permit Application, or a PennDOT Highway Occupancy Permit, or any other permit under applicable state or federal regulations, or are regulated under Chapter 105 (Dam

Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PA DEP's Rules and Regulations, the proof of application for said permit(s) or approvals shall be part of the plan. The plan shall be coordinated with the state and federal permit process and the municipal SALDO review process.

- A. For those regulated activities which require subdivision and land development approval, the stormwater management site plan and ERSAM shall be submitted by the applicant as part of the preliminary plan submission.
- B. For those regulated activities that do not require subdivision and land development approval (See § 365-17, General requirements.), the stormwater management site plan and ERSAM shall be submitted 30 days prior to permit issuance or commencement of earth disturbance.
- C. Six copies of the stormwater management site plan and ERSAM shall be submitted and distributed as follows:
 - (1) Two copies to the municipality accompanied by the requisite municipal review fee, as specified in this chapter (§ 365-25).
 - (2) Two copies to the Conservation District.
 - (3) One copy to the Municipal Engineer.
 - (4) One copy to the County Planning Commission.
- D. Any submissions found incomplete shall not be accepted for review and shall be returned to the applicant with a notification in writing of the specific manner in which the submission is incomplete.

§ 365-21 Stormwater management site plan review.

- A. The Municipal Engineer shall review the stormwater management site plan for consistency with the adopted Pocono Township Act 167 Stormwater Management Ordinance.
- B. The Municipal Engineer shall review the stormwater management site plan for any subdivision or land development against the municipal SALDO provisions not superseded by this chapter.
- C. The E&S plan shall be reviewed by the County Conservation District and found adequate to meet the requirements of PA DEP's Chapter 102 regulations prior to municipal approval of the stormwater management site plan. The Conservation District shall also review the consumptive use tracking report consistent with § 365-16 of this chapter. The Conservation District will track consumptive use. The Conservation District will notify the municipality when the threshold for consumptive use within a watershed has been met, because subsequent stormwater management site plan approvals will affect base flow, water quality and aquatic habitats. Where thresholds for consumptive use have not

yet been established, tracking reports must still be submitted to the Conservation District for use when future studies have established consumptive use thresholds.

- D. For regulated activities specified in § 365-4 of this chapter, the Municipal Engineer shall notify the municipality in writing, within 30 calendar days, whether the stormwater management site plan is consistent with this chapter.
 - (1) Should the stormwater management site plan be determined to be consistent with this chapter, the Municipal Engineer will forward a letter of consistency to the Municipal Secretary, who will then notify the developer.
 - (2) Should the stormwater management site plan be determined to be inconsistent or noncompliant with this chapter, the Municipal Engineer shall forward a letter to the Municipal Secretary with a copy to the applicant citing the reason(s) and specific chapter sections for the inconsistency or noncompliance. Inconsistency or noncompliance may be due to inadequate information to make a reasonable judgment as to compliance with this chapter. Any stormwater management site plans that are inconsistent or noncompliant may be revised by the applicant and resubmitted consistent with this chapter. The Municipal Secretary shall then notify the developer of the Municipal Engineer's findings. Any disapproved stormwater management site plans may be revised by the developer and resubmitted consistent with this chapter.
- E. For regulated activities specified in § 365-4 of this chapter, which require a zoning and/or building permit, the Municipal Engineer shall notify the applicable Zoning Officer in writing, whether the stormwater management site plan is consistent with this chapter and forward a copy of the approval/disapproval letter to the applicant. Any disapproved stormwater management site plan may be revised by the applicant and resubmitted consistent with this chapter.
- F. For regulated activities specified in § 365-4 of this chapter that require an NPDES Permit application, the applicant shall forward a copy of the Municipal Engineer's letter stating that the stormwater management site plan is consistent with the Pocono Township Stormwater Management Ordinance to the Conservation District. PA DEP and the Conservation District may consider the Municipal Engineer's review comments in determining whether to issue a permit.
- G. The municipality shall not grant unconditional approval or grant preliminary approval to any subdivision or land development for regulated activities specified in § 365-4 of this chapter if the stormwater management site plan has been found to be inconsistent with this chapter, as determined by the Municipal Engineer. All required permits from PA DEP must be obtained prior to any unconditional preliminary approval of any subdivision or land development.
- H. No municipal permits shall be issued for any regulated activity specified in § 365-4 of this chapter if the stormwater management site plan has been found to be inconsistent with this chapter, as determined by the Municipal Engineer. All required permits from PA DEP must be obtained prior to issuance of a building permit.
- I. The applicant shall be responsible for completing record drawings of all stormwater management facilities included in the approved stormwater management site plan. The

record drawings and an explanation of any discrepancies with the design plans shall be submitted to the Municipal Engineer for final approval prior to the issuance of any occupancy permits. In no case shall the municipality approve the record drawings until the municipality receives a copy of an approved declaration of adequacy and/or highway occupancy permit from the PennDOT District Office (if required), NPDES Permit, consumptive use tracking report, and any other applicable permits or approvals from PA DEP or the Conservation District. The above permits and approvals must be based on the record drawings. This means that if there are changes during construction, the record drawings must be submitted to the PA DEP and the Conservation District for an updated approval if this was not done previously.

- J. The municipality's approval of a stormwater management site plan shall be valid for a period not to exceed five years. Commencing on the date that the municipality signs the approved stormwater management site plan. If stormwater management facilities included in the approved stormwater management site plan have not been constructed, or if constructed, record drawings of these facilities have not been submitted for approval, within this five-year time period, then the municipality may consider the stormwater management site plan disapproved and may revoke any and all permits. Stormwater management site plans that are considered disapproved by the municipality must be resubmitted in accordance with § 365-23 of this chapter.

§ 365-22 Modification of plans.

- A. A modification to a stormwater management site plan under review by the municipality for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the stormwater management site plan as determined by the Municipal Engineer, shall require a resubmission of the modified stormwater management site plan consistent with § 365-20 of this chapter and be subject to review as specified in § 365-21 of this chapter.
- B. A modification to an already approved or disapproved stormwater management site plan shall be submitted to the municipality, accompanied by the applicable municipal review and observation fee. A modification to a stormwater management site plan for which a formal action has not been taken by the municipality shall be submitted to the municipality, accompanied by the applicable municipal review and observation fee.

§ 365-23 Resubmission of disapproved drainage plans.

A disapproved stormwater management site plan may be resubmitted, with the revisions addressing the Municipal Engineer's concerns documented in writing and addressed to the Municipal Secretary in accordance with § 365-20 of this chapter and distributed accordingly and be subject to review as specified in § 365-21 of this chapter. The applicable municipal review and observation fee must accompany a resubmission of a disapproved stormwater management site plan.

Article V

Inspection and Observation

§ 365-24 Schedule of observations.

- A. The Municipal Engineer or his municipal designee shall inspect all phases of the installation of the permanent stormwater management facilities as deemed appropriate by the Municipal Engineer.
- B. During any stage of the work, if the Municipal Engineer or his municipal designee determines that the permanent stormwater management facilities are not being installed in accordance with the approved stormwater management site plan, the municipality shall revoke any existing permits or other approvals and issue a cease and desist order until a revised stormwater management site plan is submitted and approved, as specified in this chapter.
- C. A final observation of all stormwater management facilities shall be conducted by the Municipal Engineer or his municipal designee to confirm compliance with the approved stormwater management site plan prior to the issuance of any occupancy permit(s).

Article VI

Fees and Expenses

§ 365-25 Drainage plan review and observation fee.

Fees shall be established by the municipality to defray plan administration, review and construction observation costs incurred by the municipality. All estimated fees shall be paid by the applicant at the time of stormwater management site plan submission, with any additional fees actually incurred to be paid within 14 days of the issuance of an invoice for the same by the municipality. A Review and Observation Fee Schedule shall be established by resolution of the Board of Commissioners based on the size of the regulated activity and based on the municipality's costs for administering and reviewing stormwater management site plans and conducting observations pursuant to § 365-24. The municipality will periodically update the Review and Observation Fee Schedule, by resolution, to ensure that review costs are adequately reimbursed.

§ 365-26 Expenses covered by fees.

The fees required by this chapter shall at a minimum cover:

- A. Administrative costs.
- B. The review of the stormwater management site plan by the municipality and the Municipal Engineer.

- C. A preconstruction site observation.
- D. The observation of stormwater management facilities and drainage improvements during construction.
- E. The final observation upon completion of the stormwater management facilities and drainage improvements presented in the stormwater management site plan. This shall include a review of the record drawings required by § 365-21I.
- F. Any additional work required to enforce any permit provisions regulated by this chapter, correct violations, and assure proper completion of stipulated remedial actions.
- G. Other professional fees.

Article VII

Construction and Maintenance Responsibilities

§ 365-27. Performance guarantee.

- 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 Chapter 390, Subdivision and Land Development.
- B. For other regulated activities, the municipality will require a performance guarantee from the applicant in an amount equal to 110% of the full construction cost of the stormwater management controls as required by the approved stormwater management site plan estimated as of 90 days following the date scheduled for the completion of the construction of the same.
- C. At the completion of the project, and as a prerequisite for the release of the performance guarantee, the applicant or his representatives shall:
 - (1) Provide a certification of completion from a Pennsylvania-licensed professional engineer, verifying that all required stormwater management facilities have been constructed according to the plans and specifications and approved revisions thereto as follows:

"I (Design Engineer), on this date (date of signature) hereby certify that the stormwater management facilities have all been installed in accordance with the approved Stormwater Management Site Plan for (name of project) and in compliance with the design standards and requirements of the Ordinance."
 - (2) Provide a set of record drawings with a certification from the contractor on the record drawings that states:

"I, (insert signer's name), state that I am the (insert position) of (insert name of contractor) on this date (date of signature), hereby certify (1) that I am duly authorized to make this certification of behalf of (insert name of contractor), and (2) that all stormwater management facilities have been constructed according to the approved plans and specifications and approved revisions thereto."

The signer shall either be the owner, partner, officer of the corporation, managing member of the limited liability company, or person in control of any other legal entity, duly authorized by the contractor to sign the certification.

- D. After the municipality receives the certifications and record drawings, a final observation shall be conducted by the Municipal Engineer or his municipal designee to verify compliance with the approved stormwater management site plan and approved revisions thereto.

§ 365-28 Maintenance responsibilities.

- A. The stormwater management site plan for the development site 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.
- B. The stormwater management site plan for the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater management facilities, consistent with the following principles:
- (1) Both the owner and developer of the development site shall be responsible for maintenance of the stormwater management facilities, unless the Board of Commissioners shall otherwise agree.
 - (2) If a development site consists of structures or lots which are to be separately owned and in which streets, sewers or other public improvements are to be offered for dedication to the municipality, stormwater control facilities may also be offered for dedication to the municipality, however the municipality is not obligated to accept ownership.
 - (3) If a development site is to be maintained in a single ownership or if streets, sewers or other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities shall be the responsibility of the applicant, owner or private management entity, as approved by the municipality.
 - (4) If, with the permission of the Board of Commissioners, the ownership of and/or maintenance responsibility for the stormwater management facilities is assigned/delegated to a homeowners' association, condominium unit owners' association, or similar entity (a "transferee"), such transferee shall enter into an agreement with the municipality, which shall be in form and substance acceptable

to the municipality, acknowledging its duties and the municipality's rights, and agreeing to perform all maintenance responsibilities, contained in the stormwater maintenance agreement referenced in § 365-17 of this chapter entered into with respect to the property or project. If such transferee fails to properly maintain the stormwater management facilities, the municipality shall have the same rights granted to municipalities under Section 705 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247,^[1] as amended, with reference to maintenance of common open space, to maintain the stormwater management facilities.

- (5) Facilities, areas, or structures used as SWM BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- (6) The O&M Plan shall be recorded as a restrictive deed covenant that runs with the land.
- (7) The owner shall keep on file with the Municipality the name, address, and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the Municipality within ten (10) working days of the change.
- (8) The owner is responsible for operation and maintenance (O&M) of the SWM BMPs. If the owner fails to adhere to the O&M Agreement, the Municipality may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

[1] Editor's Note: See 53 P.S. § 10705.

- C. The Board of Commissioners, upon recommendation of the Municipal Engineer, shall make the final determination on the continuing maintenance responsibilities prior to approval of the stormwater management site plan. The Board of Commissioners reserves the right, but not the obligation or requirement, to accept the ownership and operating responsibility for any or all of the stormwater management controls.

§ 365-29 Maintenance agreement for privately owned facilities.

- A. Prior to approval of the site's stormwater management site plan, the applicant shall sign and record a maintenance agreement in form and substance satisfactory to the Board of Commissioners, covering all stormwater control facilities that are to be privately owned.
- B. Other items may be included in the maintenance agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the municipal solicitor and Board of Commissioners.
- C. The landowner or the owner's designee (including the Municipality for dedicated and owned facilities) shall inspect SWM BMPs, facilities and/or structures installed under this

Ordinance according to the following frequencies, at a minimum, to ensure the BMPs, facilities and/or structures continue to function as intended:

- (1) Annually for the first 5 years.
 - (2) Once every 3 years thereafter.
 - (3) During or immediately after the cessation of a 10-year or greater storm.
- D. Inspections should be conducted during or immediately following precipitation events. A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the individual(s) who completed the inspection, the location of the BMP, facility or structure inspected, observations on performance, and recommendations for improving performance, if applicable. Inspection reports shall be submitted to the Municipality within 30 days following completion of the inspection.

Article VIII

Prohibitions

§ 365-30 Prohibited discharges and connections.

- A. Any drain or conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter a regulated small MS4 or to enter the surface waters of this Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into a regulated small MS4, or discharges into waters of this Commonwealth, which are not composed entirely of stormwater, except (1) as provided in paragraph C below and (2) discharges authorized under a state or federal permit.
- C. The following discharges are authorized unless they are determined to be significant contributors to pollution a regulated small MS4 or to the waters of this Commonwealth:
 - (1) Discharges or flows from firefighting activities.
 - (2) Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
 - (3) Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
 - (4) Diverted stream flows and springs.
 - (5) Non-contaminated pumped ground water and water from foundation and footing

drains and crawl space pumps.

- (6) Non-contaminated HVAC condensation and water from geothermal systems.
 - (7) Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
 - (8) Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.
- D. In the event that the municipality or DEP determines that any of the discharges identified in Subsection C significantly contribute pollutants to a regulated small MS4 or to the waters of this Commonwealth, the municipality or DEP will notify the responsible person(s) to cease the discharge.

Article IX

Enforcement and Penalties

§ 365-31 Right of entry.

Upon presentation of proper credentials, duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this chapter.

§ 365-32 Notification.

In the event that a person fails to comply with the requirements of this chapter, or fails to conform to the requirements of any permit issued hereunder, the municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of such violation(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the municipality from pursuing any and all remedies, including but not limited to injunctive relief. It shall be the responsibility of the applicant of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this chapter.

§ 365-33 Enforcement.

The Zoning Officer is hereby authorized and directed to enforce all of the provisions of this chapter. All observations regarding compliance with the stormwater management site plan shall be the responsibility of the Municipal Engineer or other qualified persons designated by the municipality.

- A. Design plans. A copy of the stormwater management site plan approved by the municipality shall be on file at the site throughout the duration of the construction activity. Periodic observations may be made by the municipality or designee during construction.
- B. Adherence to approved plan. It shall be unlawful for any person to undertake any regulated

activity under § 365-4 on any property except as provided for in the approved stormwater management site plan and pursuant to the requirements of this chapter. It shall be unlawful to alter or remove any control structure required by the stormwater management site plan pursuant to this chapter or to allow the property to remain in a condition which does not conform to the approved stormwater management site plan.

- C. Hearing. Prior to revocation or suspension of a permit and at the request of the applicant, the Board of Commissioners will schedule a hearing to discuss the non-compliance if there is no immediate danger to life, public health or property. The expense of a hearing shall be the applicant's responsibility.
- D. Suspension and revocation of permits.
 - (1) Any permit issued by the municipality may be suspended or revoked for:
 - (a) Noncompliance with or failure to implement any provision of the permit.
 - (b) A violation of any provision of this chapter or any other applicable law, ordinance, rule or regulation relating to the project.
 - (c) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
 - (2) A suspended permit shall be reinstated by the Board of Commissioners if and when:
 - (a) The Municipal Engineer or his municipal designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s), or the elimination of the hazard or nuisance; and/or
 - (b) The Board of Commissioners is satisfied that the violation of the permit, ordinance, law, or rule and regulation has been corrected.
 - (3) A permit that has been revoked cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this chapter.
 - (4) Erroneous Permit. Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Municipality purporting to validate such a violation.
- E. Occupancy permit. An occupancy permit shall not be issued unless the requirements of this chapter have been fully complied with. An occupancy permit shall be required for each lot owner and/or applicant for all regulated activities, subdivisions and land developments in the municipality.

§ 365-34 Public nuisance.

- A. The violation of any provision of this chapter is hereby deemed a public nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

§ 365-35 Violations and penalties.

- A. This chapter shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this chapter shall, upon conviction in a summary proceeding, pay a fine of not more than \$1,000, plus the costs of prosecution, and, in default of the payment of the fine and costs of prosecution, shall be imprisoned for a period not exceeding 30 days. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid to Pocono Township for its general use.
- B. In addition, the municipality may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

§ 365-36 Appeals.

- A. Appeals from any determination of the Zoning Officer or Municipal Engineer in the administration or enforcement of this chapter insofar as the same relates to applications for land development under Articles V or VII of the Pennsylvania Municipalities Planning Code shall be to the Board of Commissioners.
- B. Appeals from any determination of the Zoning Officer or Municipal Engineer in the administration or enforcement of this chapter insofar as the same relates only to development not involving an application for land development under Articles V or VII of the Pennsylvania Municipalities Planning Code shall be to the Pocono Township Zoning Hearing Board.

Article X

Modifications

§ 365-37 Modifications of requirements.

- A. In order to permit the reasonable utilization of property, the Board of Commissioners may grant a modification of the requirements of one or more provisions of this chapter if literal

compliance will result in undue hardship or be unreasonable as it is applied to a particular property, or if the applicant establishes to the satisfaction of the Board of Commissioners that an alternative proposal will allow for equal or better results, provided that such modification will not be contrary to the public interest and fulfills the purpose and intent of this chapter.

- B. In granting any requested modification, the Board of Commissioners may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter.
- C. All requests for modification shall be made in writing, shall be signed by the applicant, shall accompany the submission of the stormwater management site plan, and shall include:
 - (1) The specific provision of this chapter with respect to which a modification is desired.
 - (2) The specific modification desired and the proposed alternative.
 - (3) The applicant's justification for the modification, including the full basis and facts of the alleged unreasonableness or undue hardship, and an explanation of how the requested modification is the minimum modification necessary to permit the reasonable utilization of the property but still achieves the purposes and objectives of this chapter.
- D. The Board of Commissioners shall maintain a written record of the action taken on all requests for modification. Any modifications which are granted or approved shall be set forth on the approved stormwater management site plan and on the record plan.”

SECTION 2. REPEALER

Any ordinance of the Municipality inconsistent with any of the provisions of the Ordinance is hereby repealed to the extent of the inconsistencies only.

SECTION 3. SEVERABILITY

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be effective five (5) days after its enactment.

ENACTED AND ADOPTED by the Board of Commissioners this ____ day of _____, 2022.

ATTEST:

**TOWNSHIP OF POCONO,
MONROE COUNTY**

By: _____
TAYLOR MUNOZ
Township Manager

By: _____
RICHARD WIELEBINSKI
President, Board of Commissioners

**Pocono Township Board of Commissioners
Regular Meeting Minutes
September 6, 2022 | 6:16p.m.**

The regular meeting of the Pocono Township Board of Commissioners was held on September 6, 2022 and was opened by President Rich Wielebinski at 6:16 p.m. followed by the Pledge of Allegiance.

Roll Call: Jerrod Belvin, present; Ellen Gnandt, present; Jerry Lastowski, present; Keith Meeker, present; and Rich Wielebinski, present.

In Attendance: Leo DeVito, Township Solicitor, Broughal & DeVito; Jon Tresslar, Township Engineer, LVL Engineering; Taylor Muñoz, Township Manager; Shawn Goucher, Acting Chief of Police; Judy Acosta, Zoning Officer; Robert Sargent, Public Works Supervisor; and Krisann MacDougall, Administrative Assistant.

Public Comment

Lisa Buchholz (Jackson Resident) – Comments regarding proposed warehouse on Stadden Road. Expressed concerns about proposed warehouse interest in the area and urged reference to the Regional Impact Development provisions of the Pocono Township zoning ordinance. Stated there will be regional impacts from proposed developments. Stated there is a difference between “commercial” and “industrial” uses. Expressed concerns about impact to property values.

Kevin Schlier (Pocono Resident) – Thanked the Pocono Township Police Department for attending the last Planning Commission meeting and helping ensure everyone’s safety.

Joshua Knapp (258 Wellington Road & owns home on Stadden Road) – Stated he appreciates the Township’s work and stated concerns about the impact of proposed warehouse development on the Township.

Guy Doleiden (Township Resident) – Expressed concerns about the impact of the proposed warehouse and its construction impacting their home on Ruby Lane.

Anna Lopez (Coolbaugh Resident & PMSD School Director) – Working to gather information regarding concerns of the public. Concerned about proximity of the proposed warehouse off Stadden Road and expressed concerns about any survey work done on the adjoining properties.

Tracy Tannahill (Township Resident) – Concerns regarding her son who lives adjacent to the proposed warehouse facility. Shared concerns regarding traffic patterns, particularly as it pertains to school bus traffic and impact on water quality.

Neil Walsh (Kevin’s Lane) – Had water running through property last year down onto I-80. Expressed concerns about additional development accentuating the stormwater issues.

Michelle Milan (Foxborough Court) – Area had major flooding issues in 2021 during month of August and she experienced significant issues accessing her home because of flooding. Expressed concerns about infrastructure limitations.

Sate Representative Maureen Madden – Has been contacted by numerous concerned citizens regarding the proposed warehouse project and is particularly concerned about the PEC property. Concerned about the quality of life implications. Expressed that the region should not become a focal point for warehouse development.

Vitaliy Braverman (Township Resident) – Thanked Board for their role with the Township. Highlighted the Regional Impact Development provisions of the Pocono Township zoning ordinance.

Announcements

- Pocono Township Community Day is this Saturday, September 10, 2022 from 10 a.m. to 2 p.m. at the Township municipal complex. All area residents are invited to bring their families for a day of fun, food, community exhibitors and activities for the family. All proceeds from food concessions and raffle prizes will benefit the Pocono Township Volunteer Fire Department.
- The Pocono Township Fall Cleanup will be held Friday & Saturday, September 30 – October 1 from 7:30 AM to 3:00 PM each day. This service is offered for Township residents only and a fee schedule will be available on the Township website and Facebook. Please call the Township Office with any questions.

Consent Agenda

- Motion to approve a consent agenda of the following items:
 - Old business consisting of the minutes of the August 15, 2022 regular meeting of the Board of Commissioners.
 - Financial transactions through September 1, 2022 including:
 - Ratification of general fund expenditures in the amount of \$9,458.24 and sewer operating expenditures of \$1,023.05.
 - Ratification of gross payroll for pay period ending August 21, 2022 in the amount of \$137,339.89.
 - Vouchers payable in the amount of \$97,430.74.
 - Sewer operating fund expenditures in the amount of \$113,931.64.
 - Capital reserve fund expenditures in the amount of \$177,414.33.
 - Fire Tax disbursement of \$6,286.80.
 - Transfer of \$1,033.33 from the ARPA fund to the General Fund for the purpose of covering the Township's TRAISR e-permitting system.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the consent agenda. All in favor. Motion carried.

NEW BUSINESS

1. Personnel - None

2. Travel/Training Authorizations

PSATS Northeast Regional Forum at Camelback on September 22, 2022.

Report of the President

Richard Wielebinski

R. Wielebinski thanked Rep. Madden for her attendance and her support of DCED grant funds for the Township's proposed splash pad.

- Opening and award of public bids for the Mountain View Park fencing project – J. Tresslar presented four bids:
 - Patel Construction - \$84,060.00
 - Promax Fence Systems, LLC - \$86,052.00
 - Minichi, Inc. – \$125,000
 - Rutkoski Fencing - \$164,998.50

J. Tresslar confirmed Patel is the low bidder but is a recently formed company and does not have the required five years minimum experience.

J. Lastowski made a motion, seconded by K. Meeker, to award the bid to Promax. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the updated Public Works Collective Bargaining Agreement with Teamster Local Union No. 773 effective January 1, 2023 through December 31, 2027. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to advertise police interceptor Unit 93 on Municibid for public bid. E. Gnadtd asked for clarification. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to authorize the Pocono Township zoning officer to review all land development plans submitted to Pocono Township as part of the standard review process. E. Gnadtd asked whether this has to be established by ordinance. L. DeVito stated this can be established by policy. All in favor. Motion carried.

- Discussion and possible action regarding amendments to the Pocono Township zoning ordinance

R. Wielebinski made a motion, seconded by E. Gnadtd, to declare the Township zoning ordinance defective as it pertains to distribution centers, truck terminals, warehouses and other similar uses. The defects include, but are not limited to, the lack of definitions for each of these uses; contradictions between the text of uses permitted in Commercial Districts and the zoning code's table of uses; de facto exclusionary concerns pertaining to the Industrial District; and the provisions of a "regional impact development" and whether it applies to these types of uses. All in favor. Motion carried.

L. DeVito explained that under the PA Municipalities Planning Code there is a provision that permits a municipality to declare its zoning ordinance legally defective. The Township now has 30 days to prepare a formal resolution setting forth the deficiencies. The Township also has 180 days in which to provide, draft and properly pass an amendment to the zoning ordinance to clear up these deficiencies. This is not necessarily a prohibition or moratorium, but a recognition that the current ordinance is deficient. The Board will have to re-evaluate the zoning ordinance and better provide for such uses. Regarding the Warner Road project, this has received conditional approval. Regarding Stadden Road, will have to verify whether this action applies.

- Discussion and possible action regarding potential property acquisition – R. Wielebinski detailed how Pocono Township previously approached Pocono Mountain School District about the purchase of PEC because of limitations with the Township's current property. The current facility was constructed at a time when the Township had few employees and limited services. R. Wielebinski stated if the school district is open for negotiations, the Township would be interested.

R. Wielebinski made a motion, seconded by J. Lastowski, to approach PMSD to negotiate a sale price for Pocono Township to purchase PEC for a future complex to house municipal activities. Discussed further details regarding community center, library and other potential uses. All in favor. Motion carried.

Commissioner Comments

Jerrod Belvin – Vice President

- Emergency Management Update

J. Belvin made a motion, seconded by K. Meeker, to donate police fleet vehicle Unit #87 to the Pocono Township Volunteer Fire Company. All in favor. Motion carried.

J. Belvin made a motion, seconded by E. Gnadtd, to re-open the TLC Park Basketball Court. J. Lastowski inquired about police presence at the park. T. Muñoz shared cameras are installed in various locations. All in favor. Motion carried.

J. Belvin made a motion, seconded by E. Gnadtd, to set Pocono Township's 2022 Trick-or-Treat hours for Monday, October 31 from 5 p.m. to 8 p.m. All in favor. Motion carried.

- Update – PPL utility lines and possible drainage issues on Barton Court – Have an appointment next week to visit the MCTI property to investigate whether there are any drainage stemming from the existing retention basin.
- Update – Installation of security cameras at TLC Park – Discussed previously.

Ellen Grandt – Commissioner – None

Jerry Lastowski – Commissioner – None

Keith Meeker – Commissioner – None

Reports

Zoning

J. Acosta provided a detailed zoning report. R. Wielebinski expressed concerns about weeds and signage on SR 611. J. Belvin shared concerns about STR activity on Laurel Lake Road.

Police Report

- PTPD Monthly Report – Hopeful for feedback and positive award of grant funding for the PTPD. Looking at another grant for updating Township's body and dash cams and purchase of truck scales. 1,119 incidents for the month of August with 2022 total incidents being 10,094. E. Grandt asked about status of ballistic shields. S. Goucher confirmed they are on order and Sanofi has donated.
- Update – New Officer Hiring Process – Completing background check with new hire. Already completed other testing.

Ambulance Report – Shared with Commissioners previously.

Public Works Report

- Current Public Works projects – Road Crew finishing up major projects in next two weeks. Moving on to maintenance issues that cropped up during summer.
- Mountain View Park updates
 - Coordinating installation of new slide at Mountain View Park – Waiting to hear from company doing installation.
- TLC Park updates
 - Installation of TLC Park Playground structures – Installation complete and mulch installed. Much positive feedback from community.
 - Update – Dog park installation – Installation has begun but some limitations due to weather. Will be proceeding with purchase of features and equipment for the dog park.
 - Update – Fencing around basketball court and along parking lot border – Will confirm with company regarding timing.
- Update – Replacement of rims on Township basketball courts – Completed two weeks ago.
- Update – Purchase of Park Truck – Made offer to Jackson Township, Northumberland County, of \$4,000 for a 2002 Ford Ranger truck.

J. Belvin thanked Bob and the Road Crew for their work taking on big projects in the Township.

Administration – Manager's Report

- \$500,000 economic development grant received from the Commonwealth, with the support of Senator Mario Scavella, for the remainder of the Learn Road/SR 611 Safety Enhancement Project – Discussed various locations grant monies would be applied.
- Ribbon cutting for new TLC Park playground equipment – Thursday, September 15, 2022 – Discussed future plans for TLC Park to provide play opportunities for children of all ability levels.
- 2022 Budget Work Sessions

- October 11, 2022 @ 4:30 p.m.
- October 24, 2022 @ 4:30 p.m.
- LSA grant application being submitted for P-25 radios for the PTPD – Actively underway for submission this month.
- 2022 Township Events
 - Community Day – Saturday, September 10, 2022
 - TLC Park Playground Structures Ribbon Cutting – Thursday, September 15, 2022 at 4 p.m.
 - Trunk-or-Treat – Sunday, October 30, 2022
 - Christmas Tree Lighting – December 3, 2022

R. Wielebinski stated that over 100 individuals attended Stargazing at Mountain View Park.

Township Engineer Report

- Public bid for TLC Park spillway wingwalls – Drawings are complete as of today and specs almost finished. Intent to try to secure three telephonic quotes on the project to come under the bid threshold. Finalizing last details. Hopeful to get plans circulated among potential contractors by the end of the week.
- Sidewalk installation for Wendy's and Turkey Hill – Sent plans to Turkey Hill and will keep in communication with their engineer. For Wendy's, reached out to PennDOT regarding their 611/715 improvements. PennDOT has not finalized the exact improvements in front of Wendy's, so he would advise they keep the sidewalk completely on their property.
- Engineering study for identified stormwater projects – Laurel Lake Road and Oakwood Acres – Working to submit a GP5 permit to DEP. The Army Corps and DEP stated they want the HOA on Laurel Lake to change the outlet structure on their dam. Need to ensure the Township is compliant with what the HOA is asked to change.
- Parking area design for Old Learn Farm open space parcel adjacent to PPL easement – PPL is reviewing the Township's proposed plan.
- Update – TASA SR 611 sidewalk project – Survey complete and design beginning on project.
- Update – Righthand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Avenue – Project on hold until more direction from PennDOT.

Township Solicitor Report

- Zoning Hearing Board Updates
 - Update – Camelback public hearing – Camelback withdrew their appeal and indicated they will come into compliance promptly. Enforcement notice becomes firm, as it was not appealed, and Camelback agrees not to use units within the subject HOA as employee housing.
 - 9/7/22 Cherry Lane Development Partners (Wawa) – Zoning hearing tomorrow regarding proposed Wawa. They are seeking two forms of variances – one for their sign package, and a dimensional variance. Zoning ordinance requires all structures be set back 75 feet. Requesting variance to allow canopy to be 65 feet from property line rather than 75 feet. E. Gndt asked for clarification of signage variance and expressed concerns about sign waivers.

J. Lastowski made a motion, seconded by E. Gndt, to send Township Solicitor and Engineer to object to the sign variance. R. Wielebinski asked for clarification. E. Gndt asked for clarification. Further discussion regarding nature of the variance request. Roll call vote: J. Belvin, no; E. Gndt, yes; K. Meeker, no; J. Lastowski, no; R. Wielebinski, no. Motion failed.

- 9/20 – Heinzee LLC Public Hearing (continued) - Sunset Hill will present their case at the next hearing.
- TBD – 249 Camelback Road (Grossi STR appeal) – Appeal has been filed. Need to schedule a local agency hearing before the BOC. Board will advertise hearing for October 3, 2022.
- TBD – 245 Cherry Lane Road (Schlier variance request) – Requesting variance for a bed and breakfast use on the property in an R-1 district. Hearing will be tentatively held on September 27, 2022.

R. Wielebinski made a motion, seconded by E. Gmandt, to have L. DeVito attend the Schlier variance request hearing for 245 Cherry Lane Road. All in favor. Motion carried.

- TBD – 391 Laurel Lake Road (Crawford STR appeal of enforcement action) – Appeal of enforcement action under zoning to change to a STR.

E. Gmandt made a motion, seconded by R. Wielebinski, to have L. DeVito attend the 391 Laurel Lake Road STR appeal. All in favor. Motion carried.

- TBD – 386 Camelback Road (Mashriqi STR appeal of denial of application) – Denied change of use under zoning. Property in an R1 district. Property has a small section of commercial zone at the road. J. Acosta believes the commercial zone was there to establish the billboard use, and the rest of the property is residential. Property owner is challenging the denial because the property is in residential and commercial. Seeking a variance.

E. Gmandt made a motion, seconded by R. Wielebinski, to have L. DeVito attend the 386 Camelback Road STR appeal to oppose the request. Meeting tentatively scheduled for 9/27/22. All in favor. Motion carried.

- Update – Advertising of Park Rules Ordinance & Stormwater Management Ordinance – Park rules have been circulated. Both ordinances will be acted upon at hearing next meeting.
- Update – Closing date for sale of Bartonville Avenue parcel – Coordinating closing date.
- Update – Kelly Trust Property – Will verify whether any change in condition on property.
- Update – Johnson Appeal September Commonwealth Court argument – Argue case next week.
- Update – PJJWA transfer agreement – Revised agreement sent last week and will recirculate among commissioners.

J. Belvin asked where Township sits on White Oak property. L. DeVito in process of addressing.

Public Comment

Cynthia Anglemeyer (Township Resident) – Asked that prior to any approvals to Stadden Road project, to kindly drive back Ruby Lane to see what the neighborhood looks like and the impact to their properties. Stated Ruby Lane is a one-lane dirt road and area is threatened by proximity of a neighboring warehouse.

Joshua Knapp (258 Wellington Road & owns home on Stadden Road) – Asked whether the Township is offering any remedy to stop existing project work prior to any work being completed in the area. Asked if there is a way to take a pause on the proposed Stadden project. L. DeVito provided clarification.

State Representative Maureen Madden – Asked for information regarding Camelback STR units being used as housing for employees. T. Muñoz will provide information.

Karen Delion (Township Resident) – Asked BOC to take a visit to Ruby Lane as well to see impact of proposed warehouse development.

Carmen T. (Foxborough Court) – Expressed concerns about flooding at intersection where proposed Wawa is looking. Expressed concerns regarding impact to Warner Road flooding with any Warner Road development.

Guy Doleiden (Township Resident) – Will be at PMSD meeting to advocate for Township to get purchase of PEC.

Anna Lopez (Coolbaugh Resident & PMSD School Director) – Asked that when Pocono revamps zoning, not to let fear of litigation change the Township's approach.

Abby Jones (PennFuture) – Thanked Board for continuing to allow broadcast of public meetings. PennFuture has been looking into appropriate zoning for municipalities and would appreciate opportunity to review with the Township.

Adjournment

R. Wielebinski made a motion, seconded by E. Gndt, to adjourn the meeting at 8:30 p.m. All in favor. Motion carried.

DRAFT

POCONO TOWNSHIP
Monday, September 19, 2022
SUMMARY

Ratify

General Fund	\$	32,005.23
Payroll	\$	119,799.67
Sewer Operating	\$	126.94
Sewer Construction	\$	-
Capital Reserve	\$	-

Bill List

TOTAL General Fund	\$	226,659.03
TOTAL Sewer <u>OPERATING</u> Fund	\$	23,996.95
TOTAL Sewer <u>CONSTRUCTION</u> Fund	\$	46,596.57
TOTAL Capital Reserve Fund	\$	73,444.68
Liquid Fuels	\$	-

TOTAL EXPENDITURES	\$	522,629.07
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Fire Tax Disbursement	\$	1,129.36
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Budget Adjustments

Budget Appropriations

Budgetary Interfund Transfer

Use of Grant Funds

ARPA FUNDS TO CAPITAL RESERVE

ARPA FUNDS TO GENERAL FUND

Total Transfers	\$	-
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Notes:

POCONO TOWNSHIP CHECK LISTING

RATIFY

Monday, September 19, 2022

General Fund

	Date	Check	Vendor	Memo	Amount
Payroll	09/09/2022			PAYROLL ENDING 09/06/2022	\$ 119,799.67
TOTAL PAYROLL					\$ 119,799.67

General Expenditures

	Date	Check	Vendor	Memo	Amount
	09/06/2022	62488	Teamster Local 773 - Non-Uniform	UNION DUES	\$ 2,649.00
	09/06/2022	62489	Teamster Local 773 - Police	UNION DUES	\$ 4,059.00
	09/07/2022	62490	US BANK - Lockbox CM9722	MIGNOSI MILITARY BUY BACK	\$ 22,077.16
	09/08/2022	62491	JAR Entertainment LLC	Optimus Prime Community Day 9/10/22	\$ 415.00
	09/12/2022	62492	FIRSTNET	PW IPADS	\$ 37.73
	09/12/2022	62493	FIRSTNET	PW IPADS	\$ 1,469.44
	09/12/2022	62494	Blue Ridge Communications	PHONE SERVICE	\$ 398.46
	09/14/2022	62495	Pocono Record	TWP ADVERTISEMENT	\$ 899.44
TOTAL General Fund Bills					\$32,005.23

Sewer Operating Fund

	Date	Check	Vendor	Memo	Amount
	09/12/2022	2275	BLUE RIDGE COMMUNICATION	PUMP STATION 1 & 2 PHONE SERVICE	\$ 126.94
					\$ 126.94

Sewer Construction Fund

	Date	Check	Vendor	Memo	Amount
TOTAL Sewer Construction Fund					\$ -

Capital Reserve Fund

	Date	Check	Vendor	Memo	Amount
TOTAL Capital Reserve Fund					\$ -

TOTAL General Fund	\$	151,804.90	
TOTAL Sewer Operating	\$	126.94	Authorized by:
TOTAL Sewer Construction	\$	-	
Total Capital Reserve	\$	-	Transferred by:
	\$	151,931.84	

POCONO TOWNSHIP CHECK LISTING

Monday, September 19, 2022

General Fund

Date	Check	Vendor	Memo	Amount
9/15/2022	62496	Access Office Technologies	Sept 2022 Phone Support	\$ 98.00
9/15/2022	62497	ALTRONICS	2022 & 2023 ALARM SERVICES MV PARK	\$ 384.00
9/15/2022	62498	ALTRONICS	Professional services	\$ 170.00
9/15/2022	62499	American Heritage Life Insurance Company	Supplemental Insurance	\$ 940.16
9/15/2022	62500	ARGS Technology, LLC	Police Remote IT Services Aug 2022	\$ 1,464.50
9/15/2022	62501	Best Auto Service Center	Truck 15 Ram Dump	\$ 94.95
9/15/2022	62502	Brodhead Creek Regional Authority	TWP Sewer 2 EDUs	\$ 171.08
9/15/2022	62503	Broughal & DeVito, L.L.P.	Legal services	\$ 8,672.00
9/15/2022	62504	Cardmember Service	Police supplies & ATT First Net	\$ 1,099.69
9/15/2022	62505	Cardmember Service	PW Supplies	\$ 99.99
9/15/2022	62506	Cardmember Service	TWP supplies and software licenses	\$ 2,643.95
9/15/2022	62507	Commonwealth of PA-Clean Water	MS4 Individual Permit	\$ 2,500.00
9/15/2022	62508	Crime Watch Technologies, Inc.	Police software subscription	\$ 2,103.24
9/15/2022	62509	Cyphers Truck Parts	PW truck parts	\$ 205.54
9/15/2022	62510	DES	Document disposal	\$ 120.00
9/15/2022	62511	Eckert, Seamans, Cherin & Mellott, LLC	Legal services	\$ 4,500.00
9/15/2022	62512	HealthWorks	Police new hire	\$ 295.00
9/15/2022	62513	HUNTER KEYSTONE PETERBILT	PW truck parts	\$ 1,221.56
9/15/2022	62514	Integra One Business Center	TWP IT equipment	\$ 1,581.64
9/15/2022	62515	JDM Consultants, LLC	Sep 2022 Services	\$ 2,500.00
9/15/2022	62516	Kimball Midwest	PW Supplies	\$ 162.88
9/15/2022	62517	Locust Ridge Quarry	Road materials	\$ 1,189.40
9/15/2022	62518	LVL Engineering Group	Engineering services	\$ 13,726.83
9/15/2022	62519	MacDougall, Krisann	COMMUNITY DAY 2022 SUPPLIES	\$ 15.88
9/15/2022	62520	MAULA, MAURA	YOGA INSTRUCTOR FEE 9/8/22	\$ 30.00
9/15/2022	62521	Medico Construction Equipment Inc.	PW Supplies	\$ 916.00
9/15/2022	62522	MetLife - Non Uni. Pen. Plan	ER CONTRIBUTION AUG 2022	\$ 7,142.37
9/15/2022	62523	Monroe County Control Center	DISPATCH FEES Q4 2022	\$ 18,518.31
9/15/2022	62524	MRM Worker's Compensation Pooled Trust	MRM WORKERS COMP 1 OF 12	\$ 14,790.71

9/15/2022	62525	Nationwide - 457	DEF. CONT PLAN EE & ER CONTRIBUTION	\$	4,424.54
9/15/2022	62526	Nationwide - 457	DEF. CONT PLAN EE & ER CONTRIBUTION	\$	4,473.50
9/15/2022	62527	Newman, Williams, Mishkin, Corveleyn, Wol	Legal services	\$	980.50
9/15/2022	62528	P & D Emergency Services	2017 Ford Interceptor Utility Equip Install	\$	1,136.00
9/15/2022	62529	PMHIC	OCT 2022 INSURANCE PREMIUM	\$	66,563.10
9/15/2022	62530	Pocono 4 Wheel Drive Center	TRUCK 14 & 1 PARTS	\$	385.00
9/15/2022	62531	Portland Contractors, Inc.	Aug 2022 Service	\$	355.00
9/15/2022	62532	PPL Electric Utilities	TWP ELECTRIC SERVICE	\$	1,340.66
9/15/2022	62533	PSATS	PSATS NORTHEAST 2022 REGIONAL FORUM 9/22/22	\$	99.00
9/15/2022	62534	Ray Price Ford	Glass Assembly Rear for Truck 1	\$	85.00
9/15/2022	62535	Sayre, Cory	2022 BOOT ALLOWANCE	\$	150.00
9/15/2022	62536	SFM Consulting LLC	AUGUST 2022 BCO & ZO SERVICES	\$	43,573.42
9/15/2022	62537	State Workers Insurance Fund	FIRE DEP WORKERS COMP 10 OF 11	\$	1,732.00
9/15/2022	62538	STTC Service Tire Truck Centers, INC.	PW EQUIPMENT TIRES	\$	4,499.86
9/15/2022	62539	Tulpehocken Mountain Spring Water Inc	TWP DRINKING WATER	\$	74.04
9/15/2022	62540	UNIFIRST Corporation	PW Uniforms & TWP Carpets	\$	191.76
9/15/2022	62541	US BANK - Lockbox CM9722	AUG 2022 EE CONTRIBUTION	\$	7,618.57
9/15/2022	62542	VanAuken, Steve	COMMUNITY DAY 2022 TSHIRTS	\$	867.00
9/15/2022	62543	Waste Management of Pennsylvania, Inc.	WASTE REMOVAL	\$	736.40
9/15/2022	62544	Wilson Products Compressed Gas Co.	Industrial Oxygen	\$	16.00
				TOTAL GENERAL FUND	\$226,659.03

Sewer Operating

Date	Check	Vendor	Memo	Amount
9/15/2022	2276	BLUE RIDGE COMMUNICATIONS	Pump Station 5 Phone	\$ 63.47
9/15/2022	2277	BRODHEAD CREEK REGIONAL AUTHORITY	PA One Call Sept 2022 & Add'l Serv for Aug	\$ 2,250.00
9/15/2022	2278	BROUGHAL & DEVITO, L.L.P.	Legal services	\$ 3,586.00
9/15/2022	2279	EEMA O&M Services Group, Inc.	O & M SEPTEMBER 2022	\$ 6,619.31
9/15/2022	2280	LVL Engineering Group	Engineering Services	\$ 5,109.64
9/15/2022	2281	PA One Call System, Inc	SEWER MAPPING	\$ 75.40
9/15/2022	2282	Pocono Management Associates LLC	CONTRACTED SERVICES THROUGH 9/4/2022	\$ 4,505.76
9/15/2022	2283	PPL Electric Utilities	PUMP STATIONS ELECTRIC SERVICE	\$ 1,752.37
9/15/2022	2284	Verizon	SCADA LINE	\$ 35.00
TOTAL Sewer Operating				\$23,996.95

Sewer Construction Fund

Date	Check	Vendor	Memo	Amount
9/15/2022	724	HAYDEN POWER GROUP	PAY APPLICATION 7 PS 5 PT II	\$43,644.33
9/15/2022	725	LVL Engineering Group	SEWER CONSTRUCTION PROJECT ENGINEERING	\$2,952.24
TOTAL Sewer Construction Fund				<u>\$46,596.57</u>

Capital Reserve Fund

Date	Check	Vendor	Memo	Amount
9/15/2022	1345	CARDMEMBER SERVICES	O TRANSCRETE FULL RECESS TOP LANDSCAPE BLK for Proj 6 Park Lane	\$1,440.00
9/15/2022	1346	JACKSON TOWNSHIP SUPERVISORS	2002 FORD TRUCK VIN 1FTZR45E22TA36976	\$4,000.00
9/15/2022	1347	LVL ENGINEERING GROUP	Engineering servcies	\$4,842.63
9/15/2022	1348	MIDLANTIC MARKING INC	Line Painting	\$46,557.55
9/15/2022	1349	WITMER PUBLIC SAFETY GROUP	Police Firearm Purchase	\$16,604.50
TOTAL Capital Reserve Fund				<u>\$73,444.68</u>

Fire Tax Disbursement

Date	Check	Payee	Memo	Amount
9/15/2022	1030	PTWP FIRE DEPARTMENT		\$ 1,129.36
TOTAL Fire Tax				<u>\$ 1,129.36</u>

ESSA

General Fund	\$	226,659.03	Authorized by: _____
Sewer Operating	\$	23,996.95	
Sewer Construction Fund	\$	46,596.57	
Capital Reserve	\$	73,444.68	
Fire Tax Disbursement	\$	1,129.36	
Liquid Fuels	\$	-	Transferred by: _____
TOTAL ESSA TRANSFER	\$	<u>371,826.59</u>	