

**MOUNT POCONO PLANNING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, JULY 18, 2018  
7:00 P.M.**

Chairman K. Kirkwood opened the Regular Meeting at 7:00 P.M. with the following members present: Vice Chair R. Dorkoski, Commissioners V. Misuraca; M. Penn; H. Velasco; N. DeLano; and, B. Harper. Also present were Solicitor H. C. Connor; Borough Engineer C. Niclaus; Zoning/ Codes Enforcement Officer D. Noonan; and, Planning Commission Recording Secretary D. Jackowski.

Representing Borough Council was Councilmembers D. Casole.

**APPROVAL OF MINUTES**

Vice Chair R. Dorkoski moved to accept the Regular Meeting minutes of Wednesday, June 20, 2018, as presented. Commissioner V. Misuraca seconded. Motion carried unanimously.

**SUBMISSIONS**

**CKE Restaurant – Hardee’s Sketch Plan**

Chairman K. Kirkwood stated that the Applicant will not be in attendance this evening however he reminded everyone that that the proposed Hardee’s would be next to Perkins on SR 940. It was noted that no one has heard from them. He also noted that this submission will be tabled until next month unless otherwise notified by the Applicant.

**Hirshland – Amended Final Land Development Plan**

Presenting the Hirshland Amended Final Land Development Plan was Cornelius Brown of Bohler Engineering who was in attendance and he hoped that the Applicant will be at next month’s meeting. He explained that the plan he is submitting this evening is basically the same one that was approved in 2008. He noted that there are some minor changes that doesn’t impact the integrity of the plan previously submitted. He stated that he is before the Planning Commission this evening seeking to receive endorsement from the Planning Commission subject to the Borough Engineer’s approval.

At this time Borough Engineer C. Niclaus discussed his review letter and stated that there are many outstanding items that must be addressed as follows:

**Zoning Ordinance Review**

2. *Retail Buildings E and F must be separated by a distance of at least 40 feet, twice the minimum side yard requirement for the district pursuant to 215-20C(6). **There was discussion about a roofed connection between the buildings, but that is not presented on the plans and must be revised, or a variance application would have to be approved.***

The Applicant’s Engineer C. Brown responded that there will be a connection to the buildings.

2. *The ends of the parking rows adjacent to the convenience store are not separated from drives by landscaped islands as required pursuant to 187-56C(2)(b). Landscaped islands are those locations shown on the plan previously approved by the Borough. **Not addressed.***

The Applicant’s Engineer C. Brown responded that the islands will be added.

**Subdivision and Land Development Ordinance (SALD0)**

3. *The loading area for Retail Building C must be screened from the road in accordance 187-56F(4). **This area is now the prosed fast food and Retail D buildings to the east. The***

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*proposed loading area is over 200' from the road, and the frontage is appropriately landscaped. Addressed. The proposed connection point to the adjacent Plaza in this area has now been moved closer to Rt.*

*940 and is shown as reserved rather than to be constructed. This may be an original condition of approval and should be discussed.*

The Applicant's Engineer C. Brown responded that they will pursue an easement if needed and noted that this would be part of the Developer's Agreement.

7. *The following comments relate to the lighting plan:*
  - a. *A revised A revised lighting ordinance was adopted by the Borough in November 2011. There are some new standards in that ordinance that should be considered for the revised layout, including: reducing lighting levels during periods of non-use of the facilities (215-351(6)(d)); utilizing automatic switching devices to extinguish light sources between 11:00pm and dawn (215-351(6)(l)); mounting fixtures at a maximum height of 20'. Luminaire lens height is at 20'. Other recommendations are not noted and should be discussed and noted on the plan as appropriate if applicable.*
  - b. *Any lights not shown on the plans, such as building mounted fixtures, building facade lighting, sign lighting, flagpole lighting will have to comply with the new standards and must be shown on the plans submitted as part of the building permit application. Recommended as a condition of approval.*
  - c. *Manufacturers' cut sheets showing the types of lights proposed in the fuel pump canopy and mounted on the convenience store building and providing sufficient information to demonstrate compliance with the new lighting standards must be provided. Fixture numbers are provided, but not the manufacturer. The plan allows for substitution with required approvals. Recommended as a condition of approval.*
  - d. *The proposed light distribution is not consistent with the IESNA recommendations for uniformity in the convenience store area (215-351(4)(a)). The plan allows for substitution with required approvals meeting IESNA. Recommended as a condition of approval.*
8. *As part of the conditional use process, Wawa provided detailed information regarding the spill prevention measures, containment systems and monitoring systems and records that would be employed at the site. Similar data for the proposed convenience store/gas station must be provided. See Item B of the May 1, 2006 Stipulation. Item E of the Stipulation, which specifically applies to Wawa, should also apply to any gas station proposed. Not addressed. A note should be added to the plan.*
9. *Exhibit A of the May 1, 2006 Stipulation of the Parties and Counsel provides for ground water monitoring by Wawa. This provision should apply to any gas station proposed on the site. Recommended as a condition of approval with a note added to the plan.*
10. *The proposed construction staging area has been relocated to within the Wellhead Protection Zone 1 since we last reviewed the plans in 2007. Pursuant to Article XIII of the Zoning Ordinance, construction stockpiles and debris, construction additives and the storage*

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*and mixing of pesticides and fertilizers is not permitted in Wellhead Protection Zone 1. **The wellhead protection zone limit should be added to Sheet 2 or 3 to show compliance with this comment.***

The Applicant's Engineer C. Brown commented that all of the above items will be noted on the plans.

**Stormwater Management**

1. *The following comments relate to storm water design issues. Note that the plan was reviewed for compliance with the prior stormwater ordinance (Ordinance 5 of 1994), which was in affect at the time the Conditional Use application for the project was submitted:*
  - c. *Revised calculation for the storm sewer along Route 940 must be submitted. Based on the prior calculations submitted by TPD. The 25-year design flows will back up in the center swale to an elevation greater than the elevation of the inlet grates in the gas station parking lot, resulting in the potential for water to flow back into the site toward the detention facilities and Mountain Drive. The design calculations for the on-site stormwater management facilities do not include any flow from the PennDOT right-of-way. The design should be checked for the 2-year and 50-year design flow rates to ensure compliance with the peak rate control requirements of the ordinance. If more flow is contributing to the basin than originally designed, the emergency spillway capacity will also have to be checked. This issue has been discussed with Bohler Engineering and the developer and must be addressed prior to the Borough applying for the PennDOT permit. **Not addressed, the Pond Report for the Bio-retention area lists a 12 x 30 orifice and a weir outlet, both of which are not shown on a detail or the plan. This could surcharge the 24" pipe under Rt 940 and back up into the gas station area inlet. Having the basin, fence and outlet control in the PennDOT right-of-way may not be accepted by PennDOT and is not recommended for the Borough to maintain.***

The Applicant's Engineer C. Brown responded by stating that this will be moved and modified.

**General Comments**

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1. *The PA American Water Company will have to review and approve the water distribution plan for the revised plan. The water distribution system has been revised since the time of the Borough approval in 2006 and the last set of plans provided to us in 2007. A water main crossing of Route 940 at the main entrance drive is proposed. A Highway Occupancy Permit for this water line is required. The size and type of the existing line to which the connection will be made must be identified on the plan. It should also be noted that a waterline has recently been constructed on the adjacent plaza to the east (Kmart plaza), providing another potential point of connection. **Not addressed, but an additional connection point has been added from Mountain Drive.***

The Applicant's Engineer C. Brown stated that they are waiting for Authority approval.

2. *The revised plan will have to be reviewed and approved by the Mt. Pocono Municipal Authority. Note that pursuant to Article XIII of the Zoning Ordinance, sanitary sewer lines located in Wellhead Protection Zone 1 must be double sleeved. **Not addressed.***

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The Applicant's Engineer C. Brown noted that this has not been approved at this time.

3. *A copy of the PA DEP permit is required for the proposed wetland disturbance or evidence that a PA DEP permit is not required must be submitted. **Not addressed.***

The Applicant's Engineer C. Brown stated that the applications have been submitted.

4. *A copy of the NPDES permit must be submitted. A modification of the NPDES permit will be required for the revised plan. **Not addressed.***

The Applicant's Engineer C. Brown stated that the applications have been submitted.

5. *Copies of all PennDOT Highway Occupancy Permits required for the work proposed within the Route 940 right-of-way must be submitted. My understanding is that four (4) separate permits are required as follows:*
  - a. *Permit in the name of the developer/owner for the new driveway and lane improvements along Route 940.*
  - b. *Permit in the name of the Borough for the traffic signal. See separate review letter dated May 24, 2012 prepared by our traffic engineer. The installation and maintenance agreement must also be finalized. After speaking with Mr. Hirshland, my understanding is that a separate agreement will be prepared rather than including it with the development agreement as originally proposed.*
  - c. *Permit in the name of the Borough for the stormwater conveyance facilities in the Route 940 right-of-way. In addition to finalizing the required installation and maintenance agreement, there are some inconsistencies between the TPD and Bohler plans and some design issues that still need to be resolved prior to the Borough signing the permit application form. See the storm water comments in Item 9 below. It is recommended that for developments where the Borough must be the permittee for storm water improvements in the state highway right-of-way, the storm water facilities should be located on the developer's property and outside of the highway right-of-way to the maximum extent practical.*
  - d. *Permit in the name of the water company for the proposed water main crossing Route 940 at the driveway intersection. Note that this water line was not shown on the plans approved by the Borough in 2007. **Not addressed.***

The Applicant's Engineer C. Brown stated that these are being worked on.

After the lengthy review of the Borough Engineer's comment letter, the Applicant's Engineer C. Brown again asked if he can receive recommendation to Borough Council subject to approval from the Borough Engineer.

Zoning/ Codes Enforcement Officer questioned the property line on the plans and it was clarified by the Applicant's Engineer C. Brown that this is just a lease line not a property line.

Borough Engineer C. Niclaus stated as there are many outstanding items that still need to be addressed, he cannot recommend to the Planning Commission to have this plan go before the Borough Council. He noted

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that he is willing to work with Bohler Engineering prior to the next Planning Commission meeting and to review an updated set of plans.

Vice Chair R. Dorkoski moved to accept the Hirshland Amended Final Land Development Plan and that this be on next month's Planning Commission regular meeting's agenda for continued review. Commissioner V. Misuraca seconded. Motion carried unanimously.

The Planning Commission thanked Mr. C. Brown in presenting this plan and look forward in reviewing said plan next month.

Not needed any longer Borough Engineer C Niclaus left the meeting at 8:00 P.M.

**OLD BUSINESS**

**Bed & Breakfast Ordinance Review**

Upon reviewing the proposed additions in §215-30 – *Bed and breakfast establishments*, Vice Chair R. Dorkoski moved to amend the §215-30 – *Bed and breakfast establishments* as follows:

- (1) The owner shall limit the number of all vehicles to the number of parking spaces designated in the license.
  - (a) All parking for overnight guests and day guests shall be designated in the license and shall be located on the bed and breakfast property. This may include spaces in the property's garage which can accommodate vehicles, but shall not include spaces in any private, community or public right-of-way.
  - (b) A minimum of one (1) parking space per bedroom shall be provided.
  - (c) All parking spaces shall be improved to a mud-free condition with paving, stone or similar material and shall count as part of the maximum lot coverage established by Chapter 215 (Zoning).
  - (d) If the bed and breakfast is accessed directly by a Borough or State road, all parking spaces shall be accessed from the driveway serving the bed and breakfast unless the unit is served by a common parking area.
- (2) The owner shall use best efforts to assure that the occupants or guests of the bed and breakfast do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this chapter or any state law pertaining to noise or disorderly conduct
- (3) The owner shall, upon notification that occupants or guests of the bed and breakfast have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this chapter or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.
- (4) Parking of recreational vehicles and camper trailers shall be allowed only on the bed and breakfast property.
  - (a) Recreational vehicles, camper trailers and **tents** are not allowed to be rented.
- (5) It shall be unlawful for any occupant or person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting.

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- (6) Occupancy Requirements. In order to be approved for letting, bed and breakfast must comply with the following:
- (a) Smoke detector in each bedroom,
  - (b) Smoke detector outside each bedroom in the common hallway,
  - (c) Smoke detector on each floor,
  - (d) GFI outlet required if outlet located within six feet of water source (all sinks, sump pumps, etc.),
  - (e) Aluminum or metal exhaust from dryer,
  - (f) Carbon monoxide detector if garage is attached.
  - (g) Fire extinguisher in kitchen,
  - (h) Stairs (indoor and outdoor) in good condition,
  - (i) Covers on all outlets, and
  - (j) Any other occupancy requirements which may be added by resolution of Borough Council.
  - (k) A notice prominently posted on the premises stating that anyone found to be in violation of the provisions 215-30 including parking, occupancy requirements and/or creating a disturbance as set forth in sections 215-30 (3 & 5) may be subject to the issuance of a citation and fines.

Commissioner V. Misuraca seconded. Motion carried unanimously

At this time Commissioner B. Harper left the meeting at 8:20 P.M.

**Proposed Chicken Ordinance**

The Planning Commission started reviewing the proposed Chicken Ordinance that was tabled from last month's meeting.

Vice Chair R. Dorkoski upon reviewing the proposed Chicken Ordinance stated he felt that a stipulation should be added to receive permission from neighbors as there may be some people who wouldn't be comfortable with chickens next to their property.

After some discussion, Chairman K. Kirkwood requested that everyone review this Ordinance, and this will be reviewed next month.

**NEW BUSINESS**

None

**DISCUSSION**

Councilmember D. Casole noted that during Pennsylvania Real Estate License Renewal for Continuous Education, she learned that public places should follow the ADA Standards. The statute under Title III of the ADA reads as follows: *All Places of Public Accommodations including both for profit and non-profit establishments. Public accommodations must follow the ADA Standards for Accessible Design (also known as the Americans with Disabilities Act Accessibility Guidelines (ADAAG) - Parking, accessible routes, ramps and elevators.* Councilmember D. Casole asked the Planning Commission should further review this law as it applies to the proposed Bed & Breakfast Ordinance.

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Zoning/ Codes Enforcement Officer D. Noonan noted that he would research the law as it applies to the proposed Bed & Breakfast Ordinance.

**PROJECT UPDATES**

None

**LIAISON REPORTS**

**Borough Council**

Councilmember D. Casole discussed the following:

- There were concerns from Borough residents on how long the SR 611/ Pine Hill Road project is taking.
- A work session was held and the Hirshland request for the Sign Ordinance be changed with regards to free standing signs.
- There was a complaint from the Mount Pocono Campground regarding fireworks from Brunswick Drive and that the Borough doesn't have an Ordinance regulating the use of fireworks. It was agreed that the Planning Commission will be reviewing some sample Ordinance regulating fireworks.
- She reported that Borough Council will not appeal the Zoning Hearing Board's decision regarding Chadha.

**Zoning Hearing Board**

None

**PUBLIC PARTICIPATION**

There being no public participation and no further business coming before the Planning Commission, Vice Chair R. Dorkoski moved to adjourn at 8:55 P.M. Commissioner N. DeLano seconded. Motion carried unanimously.

Respectfully submitted,

Diana Jackowski  
Planning Commission Recording Secretary