

Tobyhanna Township Planning Commission
January 12, 2012
Reorganization Meeting Minutes

The reorganization meeting of the Tobyhanna Township Planning Commission was held at 7:00 p.m. on January 12, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|-------------------------|
| Present: | Mark Sincavage | Chair |
| | Joseph Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |

The meeting was called to order at 7:00 p.m. by Mr. Mark Sincavage.

Reorganization

Anne Lamberton made a motion to maintain the same positions as were held in 2011, and more specifically that the following members should hold the following positions:

Chairman – Mark Sincavage;
Vice Chairman – Joseph Miller; and,
Secretary – Rob Baxter.

The motion was seconded by Patricia Rinehimer. The motion passed 5-0.

Adjournment

Chairman Sincavage adjourned the reorganization meeting at 7:05 p.m.

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| Present: | Mark Sincavage | Chair |
| | Joseph Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |

The meeting was called to order at 7:05 p.m. by Mr. Mark Sincavage.

Approval of Minutes

A Miller/Baxter motion was made to approve the minutes from the December 12, 2011 Commission meeting. The motion passed 4-0. Mark Sincavage abstained.

Confirmed Appointments

None.

New Business

None.

Old Business

Wee Wons – A Miller/Baxter motion was made to table the plan. The motion passed 5-0.

Locust Ridge - A Miller/Baxter motion was made to table the plan. The motion passed 5-0.

Pocono Manor (IH Liquidating Trust) - A Rinehimer/ Lamberton motion was made to table the plan. The motion passed 5-0.

Planning

Zoning Ordinance Amendment – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and in particular Articles VII and IX. The PC recommended the following revisions be made to the Ordinance:

Article IX

1. The Commission recommended revising Section 901.3 to read "...A property owner may apply for a written certificate of nonconformity from the Zoning Officer after

- providing sufficient evidence and written documentation, including but not limited to a survey of the property as deemed necessary by the Township Zoning Officer.”
2. The Township Solicitor shall review Section 903 and the Pending Ordinance Doctrine to confirm there is no conflict in the law.
 3. The Commission recommended revising and clarifying Section 907.3 regarding the Enlargement Limitations placed on Nonconforming Uses and further recommended using the existing Township Zoning Ordinance provisions governing the same.
 4. The Commission recommended revising the language in Section 908.5 to read “...fifty (50) percent of the square footage of the entire structure or use...”
 5. The Commission recommended the Township Solicitor revise Section 909.1 regarding Abandonment and to clarify the issue if “intent” in that section. The Commission also recommended including a statement that the abandonment section excluded signs.
 6. The Commission recommended revising Section 910.4 so that it is consistent with Section 907.3 of the Zoning Ordinance Amendment.

Article VII

7. The Commission recommended revising the language of Section 701.2 to read “...with the standards in the Township Subdivision...”
8. The Commission recommended revising Section 701.3 to read “...garden centers, nurseries, brick yards, lumber yards, agriculture and the display for sales purposes of new or used vehicles as defined in this Ordinance, in operative condition...” The Commission also recommended the Township Solicitor review and revise the section to ensure it is clear and encompasses what the PC wants to accomplish with such a section.
9. The Commission recommended deleting all of Section 701.4 and replacing it with the following new Section 701.4; “All relevant Federal, State and/or Local regulations relating to fire and explosion hazards shall be complied with at all times.”
10. The Commission similarly recommended deleting all of Section 701.5 and replacing it with the following new Section 701.5; “All relevant Federal, State and/or Local regulations relating to radioactive or electric disturbance shall be complied with at all times.”
11. The Commission recommended adopting a standalone noise and/or nuisance ordinance and to only refer to the same in the Zoning Ordinance Amendment.
12. The Commission recommended Section 701.8 be revised to read “...shall be exempt from §701.8.B and §701.8.H, unless otherwise required under the Subdivision and Land Development Ordinance of the Township.) Lighting shall...” The Commission also recommended Section 701.8 be further revised to read “...and lighting design shall be an inherent...” and further “...The applicant, excluding residential single family dwelling applicants that would not otherwise be subject to such lighting plans under the SALDO, shall provide a lighting plan...”
13. The Commission recommended revising Section 701.8.A to read “...owned, financed and maintained by...” and further recommended moving said Section 701.8.A to new Section 701.8.H.5.
14. The Commission recommended revising Section 701.8.F to read “...but in no case greater than the maximum building height for the subject zoning district, unless otherwise specified in this Zoning Ordinance. This limitation...”
15. The Commission recommended revising Section 701.13.D. to read “...not less than six (6) feet...”

16. The Commission recommended deleting Section 701.15 in its entirety.
17. The Commission recommended deleting most of Section 702.2(C) and only keeping a reference to PA DEP regulations to read "...All sewage facilities shall comply with the design, location and setback requirements of the PA DEP unless a specific standard is included in this Section."
18. The Commission recommended deleting all of Section 704, with the exception of Section 704.2, which is recommended be revised to read "If the Township...to be delineated and certified by a qualified professional on any application proposing a new use or expanded use of land."
19. The Commission recommended revising Section 706 to ensure the triggering event is a building or zoning permit and to include a provision in the Zoning Ordinance that a "parking lot" will require a zoning permit. The Township Solicitor will revise this Section to address the concerns of the Commission. The Commission also recommended revising this Section so that it applied to all parcels in the "C and CI Districts."
20. The Commission recommended revising Section 708.1 to read "... (TIS) may be required as deemed necessary by the Township for certain applications to enable the Township..."
21. The Commission recommended the Township Engineer revise Section 708.2 of the Zoning Ordinance Amendment.

The Commission did not complete its review of the proposed Zoning Ordinance Amendment and will continue with its review of the Zoning Ordinance Amendment at its next public meeting on January 26, 2012. The Board also scheduled special meetings for February 2 and 9, 2012 at 5:30 p.m.

Public Comment

None.

Plans to Accept for Review

None.

Adjournment

Mark Sincavage adjourned the meeting at 9:25 p.m.

Tobyhanna Township Planning Commission
January 26, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 5:30 p.m. on January 26, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|------------------------------|
| Present: | Mark Sincavage | Chair |
| | Joseph Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |
| | Carson Helfrich | Township Planning Consultant |

The meeting was called to order at 5:30 p.m. by Mr. Mark Sincavage.

Planning

Zoning Ordinance Amendment – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and in particular the signage requirements. The PC recommended the following revisions be made to the Ordinance:

1. The Commission recommended that the definition of **A-Frame or Sandwich Board Sign** be revised to “A movable sign consisting of two (2) faces which are connected and/or hinged.”
2. The Commission recommended that the definition of **Abandoned Sign** be revised to read “A sign located on a property or premise that is vacant, abandoned and/or otherwise not in use for a period of six (6) consecutive months or more, or a sign that is damaged, in disrepair or vandalized and not repaired within six (6) consecutive months from the day of the damaging event, or for which no legal owner can be found shall be considered abandoned, unless there is some specific action taken by the owner indicating to the Township otherwise during the six (6) month period.”
3. The Commission recommended deleting the definition of **Administrator** and replacing it with Zoning Officer.
4. The Commission recommended revising the definition of **Back-to-Back Sign** to read “A sign constructed on a single set of supports with messages visible on both sides, provided that the message boards shall be physically contiguous.”
5. The Commission recommended deleting the definition of **Cartway** because it is defined elsewhere in the Zoning Ordinance.

6. The Commission recommended revising the definition of **Construction Sign/Project Sign** to read “Any sign temporarily erected and maintained on a particular premises while construction is taking place on said premises to identify the project designer, architect, contractor, developer, finance organization, subcontractor, and/or material’s vendor, upon which property such individual or entity is furnishing labor, financing, material or other services.”
7. The Commission recommended adding “Sign” to the Electronic Graphic definition.
8. The Commission recommended revising the definition of **Flag, Advertisement** to read “Flag fabricated of cloth, canvas, light fabric for the use of drawing attention for the purpose of conveying a commercial or noncommercial message.” The Commission also recommended changing the definition of **Advertisement Flag** to read “See Flag, Advertisement”.
9. The Commission recommended revising the definition of **Flat Sign or Wall Sign** to read “A sign erected parallel to and extending not more than 12 inches from the façade of any building to which it is attached and supported by such building for the entire length of the facade of the building.”
10. The Commission recommended revising the definition of **Freestanding Sign** to read “A sign supported by a sign structure secured in or on the ground and which is wholly independent of any building, fence, vehicle or other support.” The Commission also recommended revising the sample illustrations to only contain a “Pylon”, “Pole” and “Monument” sign. The Commission recommended deleting “Ground Sign” and the City Med Center illustration, and further recommended renaming the Mid State University illustration a Monument Sign.
11. The Commission recommended deleting the definition of **Frontage** in the Sign section of the Ordinance.
12. The Commission recommended deleting the definition of **Holiday Sign**.
13. The Commission recommended revising the definition of **Off-Premises Sign** to read “Any sign located or proposed to be located at any place other than on or within the same platted parcel of land on which the specific business or activity being promoted by such sign is itself located or conducted.”
14. The Commission recommended revising the definition of **On-Premises Sign** to read “Any sign located or proposed to be located within the plat of record for the business or other activity identified on such sign.”
15. The Commission recommended deleting the definition of **Painted Wall Sign**.
16. The Commission recommended revising the definition of **Banners, Pennants and Balloons** to read “Any animated, rotating, fluttering or nonstationary device made of

flexible materials designed to attract attention, whether or not containing a message of any kind.”

17. The Commission recommended revising the definition for **Pennant** to read “See Definition of Banners, Pennants and Balloons.”
18. The Commission recommended revising the definition of **Portable Sign** to read “Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T frames, menu and sandwich board signs and balloons used as signs.”
19. The Commission recommended revising the definition of **Residential Name and Address Sign** to read “One freestanding or wall sign per detached dwelling unit or duplex unit, with an area not exceeding two square feet, which identifies the name of the occupant and/or street address of the dwelling unit, exclusive of the Township’s 911 signage requirements.”
20. The Commission recommended deleting the definition of **Sandwich** or **Sidewalk Sign**.
21. The Commission recommended the Township Solicitor revise the definition of Sign Area.
22. The Commission recommended revising the definition of **Temporary Sign** to read “Any sign intended to be erected or displayed for a limited period as hereinafter set forth in Section 155-35.”
23. The Commission recommended deleting the definition of **Traveled Way** and use the already defined term of Cartway.
24. The Commission recommended revising the definition of **Vehicle Sign** to read “Any sign affixed to a vehicle and used in such a manner that the carrying of such sign or signs is no longer incidental to the vehicle’s primary purpose, but becomes the primary purpose itself. Vehicle signs shall be prohibited in Tobyhanna Township.”
25. The Commission recommended the following revisions to Section 155-22, Prohibited Signs:
 2. “...A frame and sandwich signs.”
 3. “...Flags, except banners shall be permitted as set forth in Section _____.” (The Commission combined banners, pennants, balloons and flags in this section to make is less confusing.)
 17. “...not exceeding five square feet, unless otherwise permitted by law.”
 21. “Electronic Graphic Sign that is visible from any public and/or private road, highway, and/or street within Tobyhanna Township.”

22. "Video Sign that is visible from any public and/or private road, highway, and/or street within Tobyhanna Township."
26. The Commission recommended the following revision to Section 155-23.A.:
- "...or abandoned for six (6) consecutive months or more, or a sign that is damaged, in disrepair or vandalized and not repaired within six (6) consecutive months from the day of the damaging event, or for which no legal owner can be found shall be considered abandoned, unless there is some specific action taken by the owner indicating to the Township otherwise during the six (6) month period, such sign shall not thereafter be used except in conformity with the provisions of this Ordinance and any subsequent amendments thereto."
27. The Commission recommended replacing Administrator with Zoning Officer throughout the proposed Zoning Ordinance Amendment.
28. The Commission recommended revising Section 155-23.B.2. to read as follows:
- "When an existing nonconforming billboard or other nonconforming off-premises sign needs repainting and/or repair and 50% or more of the sign remains intact (as determined by the Zoning Officer), such sign may be repainted..."
29. The Commission recommended Section 155-25.C. be revised to read "A private street or road name sign or a traffic directional sign which does not exceed four square feet in sign area, unless otherwise required by law."
30. The Commission recommended revising Section 155-25.F. to read "...exceed four square feet in sign area."
31. The Commission also recommended the Township Staff create a table summarizing the square footage permitted per sign type and per zoning district and use.
31. The Commission recommended revising Section 155-27.A. to read "...10 feet from the cartway or other public way..."
32. The Commission recommended revising Section 155-28.A. to read "By an uncolored, primary source, steady and stationary light directed solely at the sign or from within the sign, and shielded in such a manner so that no light shall go beyond the surface of the sign itself."
33. The Commission recommended the Township Solicitor clarify and revise the language in Sections 155-30 and 31 and further combine the two sections in a manner acceptable to the Commission.
34. The Commission recommended adding a new provision permitting the use of one 'Open Sign' per nonresidential use.

The Commission did not complete its review of the proposed Zoning Ordinance Amendment and will continue with its review of the Zoning Ordinance Amendment at its next public meeting.

Public Comment

None.

Plans to Accept for Review

None.

Adjournment

Mark Sincavage adjourned the meeting at 8:40 p.m.



AGENDA

Township of Tobyhanna
Planning Commission
Regular Meeting
February 2, 2012

1) Call Meeting to Order: Chairperson

2) Public Comment

3) Consider the Minutes of:

January 12, 2012

New Business

a) Hoffman-Mitic –Subdivision and Lot Joinder

4) Old Business

a) Wee Wons

b) Locust Ridge Quarry

c) IH Liquidating Trust (Pocono Manor)

d) Proposed Zoning Ordinance Amendment

5) Open Discussion

6) Public Comment

Tobyhanna Township Planning Commission
February 2, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 5:30 p.m. on February 2, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|------------------------------|
| Present: | Mark Sincavage | Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |
| | Carson Helfrich | Township Planning Consultant |

The meeting was called to order at 5:30 p.m. by Mr. Mark Sincavage.

The stenographer transcribed the first portion of the Commission's meeting and the minutes for that portion of the meeting shall be reflected in the transcription attached hereto and incorporated herein. The minutes from the portion of the meeting concerning the proposed Zoning Ordinance Amendment are set forth at length below.

Planning

Zoning Ordinance Amendment – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and in particular the signage requirements. The PC recommended the following revisions be made to the Ordinance:

Article XI, Signs

1. The Commission recommended revising the definition of "Sign Area" to the definition provided by the Township Solicitor. The Commission also recommended revising the substantive portions of the ordinance relating to permitted sign area to be consistent with the new definition.
2. The Commission recommended revising Section 155-30.D. so that only one monument style freestanding sign is permitted per parcel and one wall sign is permitted per use. The Commission also recommended limiting the monument signs to six (6) feet in height.
3. The Commission recommended revising the definition of monument sign so that the supporting structure did not have to be affixed to the ground, but only visually appearing to be affixed to the ground.
4. The Commission recommended revising the Open Sign section so that such signs may only contain the message "Open" and that flags are permitted to be used as an open sign, so long as they are not more than 12 square feet in sign area, or more than 5 feet long on any one side.
5. The Commission recommended allowing a roof sign as an option in Section 155-32.A.(1). The Commission also recommended deleting the restriction that the façade sign can only be along the entrance side of the building.

6. The Commission recommended changing “public commercial use” to “nonresidential use” in Sections 155-32.A.(3), (4), (5) and (6). The Commission also recommended revising the square footage amounts in these sections to be consistent with the new definition of sign area.
7. The Commission recommended deleting Section 155-32.A.(7) relating to special signage requirements for Resorts and Gaming Resorts.
8. The Commission recommended deleting the second sentence in Section 155-32.B. relating to the restriction on the height of the bottom edge of a freestanding sign.
9. The Commission recommended renaming Section 155-33 “Billboards and Other Off-Premise Signs” and changing the height limitation for such off-premise signs to thirty (30) feet.
10. The Commission recommended specifying that the window signs permitted in Section 155-34.A. are “interior” window signs.
11. The Commission recommended deleting Section 155-35.A.(4) “Local subdivision or development signs.”
12. The Commission recommended revising Section 155-35.A.(10) to clarify that Banner signs are only permitted for NASCAR events at the Raceway.
13. The Commission liked the idea of a master sign plan and recommended that such a requirement be added to SALDO.

The Commission did not complete its review of the proposed Zoning Ordinance Amendment and will continue with its review of the Zoning Ordinance Amendment at its next public meeting.

Public Comment

None.

Plans to Accept for Review

None.

Adjournment

Mark Sincavage adjourned the meeting at 7:45 p.m.

Before
THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Thursday, February 2, 2012, beginning at 5:30 p.m.

PRESENT: MARK SINCAVAGE, Chairperson
ROBERT BAXTER, Board Member
ANNE LAMBERTON, Board Member
PATRICIA M. RINEHIMER, Board Member

ROBERT McHALE, P.E.
Township Engineer

PATRICK ARMSTRONG, ESQUIRE, Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

ORIGINAL

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

1 MR. SINCAVAGE: I'll call the
2 regularly scheduled meeting of the Tobyhanna
3 Township Planning Commission to order for February
4 2, 2012.

5 Any public comment?

6 I'll consider a motion to
7 approve the minutes of January 12, 2012.

8 MR. BAXTER: So moved.

9 MR. SINCAVAGE: I have a motion.
10 Do I have a second?

11 MS. LAMBERTON: Second.

12 MR. SINCAVAGE: Motion and
13 seconded.

14 All those in favor please say
15 aye?

16 BOARD MEMBERS: Aye.

17 MR. SINCAVAGE: I need a motion
18 to approve the reorganization meeting minutes for
19 January 12, 2012.

20 MS. LAMBERTON: I'll make the
21 motion.

22 MR. SINCAVAGE: I have a motion.
23 Do I have a second to the
24 motion?

25 MR. BAXTER: Second.

1 MR. SINCAVAGE: Motion and
2 second.

3 All in favor please say aye?

4 BOARD MEMBERS: Aye.

5 MR. SINCAVAGE: Under old
6 business we have our usual list. I assume there's
7 no updates since our last meeting?

8 MR. ARMSTRONG: None that I'm
9 aware of.

10 MS HAASE: No. IH Liquidating
11 Trust, which is part of Pocono Manor, they are
12 still trying to work out some issues with the deed,
13 so we do have a time extension on that, time waiver

14 MR. SINCAVAGE: Okay. Let's go
15 through these.

16 I'll entertain a motion to table
17 Wee Wons Day Care land development plan.

18 MR. BAXTER: So moved.

19 MR. SINCAVAGE: I have a motion.
20 Second to the motion?

21 MS. RINEHIMER: I'll second it.

22 MR. SINCAVAGE: Motion and
23 seconded.

24 All in favor please say aye?

25 BOARD MEMBERS: Aye.

1 MR. SINCAVAGE: I'll entertain a
2 motion to table the Locust Ridge Quarry land
3 development plan.

4 MS. LAMBERTON: I'll make the
5 motion.

6 MR. SINCAVAGE: I have a motion.
7 Do I have a second to the motion?

8 MS. RINEHIMER: I'll second it.

9 MR. SINCAVAGE: Motion and
10 seconded.

11 All those in favor please say
12 aye?

13 BOARD MEMBERS: Aye.

14 MR. SINCAVAGE: The IH
15 Liquidating Trust, Pocono Manor, the land
16 development plan.

17 Do I have a motion to --

18 MS. RINEHIMER: I'll make that
19 motion.

20 MR. SINCAVAGE: I have a
21 motion. Do I have a second to the motion?

22 MS. LAMBERTON: Second.

23 MR. SINCAVAGE: Motion and
24 second. All those in favor please say aye?

25 BOARD MEMBERS: Aye.

1 MR. SINCAVAGE: All right.

2 Bob's just on time.

3 Terry, that brings us to you.

4 MR. TERRY MARTIN: Good
5 afternoon, everyone.

6 THE REPORTER: Can I have your
7 last name, please?

8 MR. TERRY MARTIN: Sure.
9 Martin, M-A-R-T-I-N.

10 (Discussion off the record.)

11 MR. TERRY MARTIN: This is a
12 proposed minor subdivision of lands of Randy
13 Hoffman slash lot combination plan for existing
14 lands of Fam Brothers Construction, Inc. and the
15 parcel that's being subdivided off of Hoffman's
16 lands to be joined onto Fam Brothers.

17 The subject property is located
18 -- the Fam Brothers property is located on SR 940.
19 Hoffman's lands lie directly behind it and are
20 accessed off of, I believe, what is known as FedEx
21 Drive or FedEx Road.

22 The purpose for the subdivision
23 is to take care of an existing encroachment.
24 Presently the septic system, on-site sewage
25 disposal system that serves the Fam Brothers

1 building partially lies on lands of Hoffman. And
2 the proposed subdivision is just to create a new
3 boundary line, shift the existing boundary line
4 between Hoffman and Fam Brothers so that there is
5 no longer is an encroachment of the septic system
6 on the Hoffman.

7 Both parcels are improved.
8 There's no change in any of the uses or any
9 development proposed with the subdivision. It's
10 mainly to clean up an existing encroachment.

11 MR. SINCAVAGE: Terry, by
12 creating this unusual lot line, are you just going
13 to be remaining ten feet from the elevated sand
14 mound --

15 MR. TERRY MARTIN: From the
16 top, yes.

17 MR. SINCAVAGE: From the top.
18 Okay.

19 MR. TERRY MARTIN: The
20 encroachment area.

21 MR. SINCAVAGE: Was there any
22 consideration given to squaring this line out
23 across the back?

24 MR. TERRY MARTIN: Mr. Hoffman
25 just wanted to convey the minimum amount to clear

1 up the encroachment of the septic system.

2 MR. SINCAVAGE: What about the
3 encroachment of the driveway on the south side of
4 the parcel?

5 MR. TERRY MARTIN: He's not
6 interested in doing that.

7 MR. SINCAVAGE: He wasn't
8 concerned about that?

9 MR. TERRY MARTIN: He was
10 concerned about it, I guess, but he wasn't
11 interested in conveying that land to them.

12 MS. LAMBERTON: Does that
13 produce a problem for the next owner --

14 MR. SINCAVAGE: We don't -- the
15 solicitor --

16 MS. LAMBERTON: And it's for
17 sale, right?

18 MR. TERRY MARTIN: Yes.

19 MR. SINCAVAGE: The solicitor is
20 advised that it creates an irregular lot line,
21 which we don't like to create. We rather keep
22 rectangular boundaries. And --

23 MS. LAMBERTON: Obviously he's
24 giving this property to make that septic system
25 conform with that lot so I can understand that.

1 MR. ARMSTRONG: Yeah, I think
2 it's clear why they're doing it, to kind of --

3 MS. LAMBERTON: Right.

4 MR. ARMSTRONG: -- minimize the
5 encroachment so to speak. I don't think it's
6 eliminating the encroachment, it's minimizing it to
7 a certain extent.

8 I think, you know, the township
9 typically likes to see, as Chairman Sincavage
10 indicated, a nice clean right angle type lot line.
11 Giving the fact that this is looked upon -- it's --
12 you filed a minor subdivision for this. Is it
13 really because the -- the intent is that this new
14 sliver of a lot that you're calling a lot, that is
15 being produced, is going to immediately thereafter
16 be consolidated and joined to the adjacent
17 property, correct?

18 MR. TERRY MARTIN: Correct.

19 MR. ARMSTRONG: So sometimes
20 it's just considered -- it's a lot line adjustment
21 rather than a subdivision, but given the fact that
22 there is no such procedure in Tobyhanna Township
23 today, you know, you're looking at it as somewhat
24 of an interpretation type thing as a minor
25 subdivision, but I guess it's whatever the planning

1 commission -- however you want to look at this, if
2 you want to require the cleaner type right angle
3 type lot lines of the applicant or not.

4 MR. BAXTER: It would have been
5 nice if they cleaned up the driveway because the
6 building is either still for sale or under
7 agreement.

8 MR. TERRY MARTIN: It's under
9 agreement.

10 MR. BAXTER: It's under
11 agreement, yeah.

12 MR. TERRY MARTIN: I think the
13 fellow that is running the restaurant part wants to
14 buy it.

15 MR. ARMSTRONG: You can
16 understand the logic behind having straight lot
17 lines because someone out there who's going to --
18 the next owner is not going to -- five, ten years
19 from now is not going to know where the lot line
20 is. They're going to think it's a straight line
21 from corner to corner.

22 MR. TERRY MARTIN: The deed
23 will.

24 MR. ARMSTRONG: Yeah.

25 MR. TERRY MARTIN: The deed

1 spells it out and this plan will be recorded. I
2 don't know that there's anything in the ordinance
3 that requires straight lot lines, to be honest with
4 you.

5 MR. ARMSTRONG: Well, Mr.
6 Martin, if this was considered a minor subdivision
7 you'd be creating a nonconforming lot; and
8 therefore would have to go before the zoning
9 hearing board for a variance, so, I mean, it's -- I
10 don't think the township's going to take that
11 interpretation right now, so to speak, but is it a
12 thing that the property owner, Mr. Hoffman, would
13 not even discuss conveying or is it a money private
14 type matter?

15 MR. TERRY MARTIN: I approached
16 him with the same thing. I wanted to make that
17 straight and clean up the drive encroachment too.
18 He said just the septic system. Don't do anything.
19 No longer encroach. I think he's probably going to
20 approach the owner -- the new owner and have him
21 remove that portion of the driveway, but I don't
22 know that for sure, but that seems to be --

23 MR. ARMSTRONG: There's a new
24 owner for Fam --

25 MR. TERRY MARTIN: There will

1 be, that's why this is all happening because their
2 agreement of sale -- Fam Brothers is bankrupt and
3 the people that are in this portion -- the
4 restaurant, the Roberto's Pizza --

5 MS. LAMBERTON: Roberto's, yeah.

6 MR. TERRY MARTIN: -- I think
7 it's called, they have an agreement of sale to
8 purchase the property.

9 MS. HAASE: Terry, when did you
10 -- did you recently have a conversation with Randy?

11 MR. TERRY MARTIN: Well, when
12 we first started and I talked to him this
13 afternoon.

14 MS. HAASE: Oh, you did.
15 Because when I had spoken to Attorney Fisher prior
16 to the submittal, he had given me this to review
17 and at that time I had requested him to square that
18 off and I was under the impression that that was
19 what he was gonna move forward with, but you've
20 since had discussion and --

21 MR. TERRY MARTIN: He may have
22 spoken with Randy, I'm not aware of that, but
23 that's what Mr. Hoffman wants to convey, just
24 enough to clean up the encroachment of the septic
25 system.

1 MR. SINCAVAGE: There's no way
2 to clean up the encroachment if they come back
3 without that line?

4 MR. TERRY MARTIN: Come back --

5 MR. SINCAVAGE: Can you readjust
6 the elevated sand mound in any way?

7 MR. TERRY MARTIN: No. That's
8 tight up against the building.

9 MR. SINCAVAGE: It's tight up
10 against the building. And you couldn't possibly
11 extend it out either way to pick up the existing?

12 MR. TERRY MARTIN: I don't
13 know. Maybe.

14 MR. SINCAVAGE: Is it a
15 pressurized system?

16 MR. TERRY MARTIN: Yeah. It's
17 an elevated sand mound so it's pressurized tanks
18 there.

19 MR. SINCAVAGE: I'm just having
20 a hard time creating a lot line like that,
21 personally, that's my personal opinion. I don't
22 know what the rest -- I'd rather see this squared
23 up across the back of the tank fashion as opposed
24 to this.

25 Any other commission member want

1 to comment?

2 MS. LAMBERTON: The thing is,
3 he's been as good a neighbor as can be. I don't
4 have a problem (inaudible). That's my opinion. I
5 think he's doing that just to make it a salable
6 piece of property without encroachments for the
7 septic. He can always get rid of the driveway.
8 I'm not saying it's right, but I'm just looking at
9 the situation where I think he's just trying to
10 make that happen as a sale (inaudible) --

11 MR. BAXTER: It's also kind of
12 in a place where the fact that it is an odd line,
13 doesn't really impact anybody else. It's pretty
14 much looks like in the woods.

15 MR. TERRY MARTIN: Yes.

16 MS. LAMBERTON: Yeah, it is all
17 wooded, yeah.

18 MR. BAXTER: And --

19 MS. LAMBERTON: I understand
20 what you're saying, Mark. It is nicer having that
21 clean and I understand Patrick's opinion with, you
22 know, a new owner comes in, you see through the
23 woods, you would sense that it would be a straight
24 line across, but it's also depicted in your
25 transference --

1 MR. McHALE: According to the
2 current zoning map, actually a portion of the Fam
3 Brothers property is actually CI zoned and the rest
4 of it is commercial.

5 Phyllis, do you have --

6 MS. HAASE: That is correct.

7 MS. LAMBERTON: That one parcel?

8 MS. HAASE: The area that is
9 proposed to be subdivided from Mr. Hoffman's
10 property is in a commercial industrial district.

11 MR. SINCAVAGE: So this plan is
12 depicting the zoning boundary and the incorrect
13 location?

14 MS. HAASE: No, it appears to
15 be correct.

16 MR. McHALE: It's actually
17 offset --

18 MR. SINCAVAGE: It's offset
19 according to that map. This to me indicates, as
20 following the lot line.

21 MS. HAASE: Correct.

22 MR. TERRY MARTIN: That's what I
23 understand it to be.

24 MR. SINCAVAGE: This plan
25 indicates that it's following the property line,

1 that plan shows it's not.

2 MS. HAASE: The actual zoning --
3 did you get --

4 MR. McHALE: That was off of
5 the printout from our GIS internally. We could
6 look at the zoning map. The zoning map --

7 MS. LAMBERTON: And what this is
8 saying is just a little part that Randy's conveying
9 is --

10 MS. HAASE: That was referenced
11 in Monroe County's review letter as well.

12 MR. TERRY MARTIN: I think the
13 zoning map, at least when I looked at, it seemed to
14 follow the property line, but I don't know where
15 that came from.

16 MS. HAASE: Yeah, it's coming --

17 MR. SINCAVAGE: What's depicted
18 on the plan before us is correct.

19 MS. HAASE: That's my
20 understanding.

21 MR. SINCAVAGE: Okay.

22 MS. LAMBERTON: I know what
23 you're saying. I mean, I'm just happy to see that
24 there's --

25 MR. TERRY MARTIN: I tried to

1 talk Randy into doing a rectangle too. When I
2 looked at the ordinance, I didn't see where --

3 MS. LAMBERTON: He had to.

4 MR. TERRY MARTIN: -- he had to,
5 to be honest with you.

6 MS. LAMBERTON: He's just trying
7 to be (inaudible).

8 MR. TERRY MARTIN: He does, but
9 he wants to give the minimum amount.

10 MS. LAMBERTON: Well, we have
11 nothing in our ordinance that says he can't do
12 that, correct?

13 MR. McHALE: The portion of the
14 lot that's --

15 MR. SINCAVAGE: Right. The
16 portion is being proposed is subdivided.

17 MR. McHALE: It's all in
18 commercial industrial so the portion that's being
19 subdivided plus the back portion of the lot,
20 depending on where the line is based upon the
21 county or, you know, the data for the zoning map --
22 because the zoning map -- that we have internally
23 there, the width of the line actually goes through
24 the back of the lot; so these lines, even you can
25 see, aren't quite what they should be too.

1 MR. SINCAVAGE: Okay. Bob, do
2 you have anything you want to comment on in your
3 letter?

4 MR. McHALE: No, sir. Just
5 that if Pat has any additional notes or items that
6 he might want referenced on the drawing just to
7 make sure that this all happens at the same time
8 that we don't want to have a subdivision out there
9 and a lot created like this and not be joined
10 instantaneously with the other parcel.

11 MR. ARMSTRONG: If the
12 commission was going to make a recommendation, one
13 of the conditions would be that there would be
14 declaration of covenants and a requirement and
15 condition of the approval would be that they
16 immediately consolidate this small sliver of piece
17 of land to the neighboring property because it's
18 not the intent -- I don't believe it's the intent
19 of the applicant and I know it's not the intent of
20 the township to create a nonconforming lot.

21 MS. LAMBERTON: Correct.

22 MR. ARMSTRONG: The purpose of
23 this is to basically act as a lot line -- or a lot
24 line adjustment with the absence of having an
25 actual procedure within the township. Otherwise

1 they would be required to go to the zoning hearing
2 board for a variance to create such an (inaudible)
3 lot, but that's not the intent, I believe, correct,
4 of the applicant?

5 MR. TERRY MARTIN: Correct.

6 And I have Note No. 5 in there, which states that
7 that was the joint (inaudible) part.

8 MR. ARMSTRONG: And that will
9 just be a condition of your recommendation, as well
10 as a condition and the approval that's provided by
11 the board.

12 MR. McHALE: There's also a
13 note on the drawing that the lot line that's
14 existing is going to be extinguished as well.

15 MS. LAMBERTON: I mean, I think
16 obviously it's an awkward line, but I think if this
17 helps that person purchase that business in that
18 township, I'm all for it.

19 MR. ARMSTRONG: The one other
20 thing, I'm not sure where the commission stands but
21 as another condition of your approval you may want
22 to add that the portion of that driveway that's
23 jutting over the property line be removed. I mean,
24 that's a potential condition that you may want to
25 consider if the board has concerns about having

1 that continue --

2 MS. LAMBERTON: Well, when it
3 goes to be conveyed, wouldn't it have to be removed
4 if somebody buys it?

5 MR. ARMSTRONG: That's a private
6 --

7 MS. LAMBERTON: Or utilized.

8 MR. ARMSTRONG: -- that would
9 be a private agreement between the parties.

10 MS. LAMBERTON: Because it's not
11 their property. How does that work with an
12 encroachment?

13 MR. ARMSTRONG: It would be
14 township -- well, I'm not sure when the driveway
15 was installed, but it's nonconforming because it
16 doesn't meet the setbacks clearly if it encroaches
17 on the neighboring property. But aside from that,
18 it's a private property matter. He's -- the
19 applicant, Fam Brothers Construction is encroaching
20 on Mr. Hoffman's property; so if there was an issue
21 between the two, there would be a private matter
22 between the two properties.

23 MS. LAMBERTON: That sounds good
24 to me.

25 MS. HAASE: Bob, you and I had

1 spoken about the highway occupancy permit?

2 Mr. McHALE: Yes.

3 MS. HAASE: I had spoken to
4 Attorney Fisher and brought that to his attention,
5 that the property currently did not have an HOP, so
6 he was aware of that.

7 MR. McHALE: And you had
8 mentioned that when they come in for change of use
9 that it would be required for them to provide --

10 MS. HAASE: For a change of
11 use, that is correct. We had also talked about the
12 subdivision, but there was nothing in SALDO that
13 speaks to that?

14 MR. McHALE: Well, the portion
15 of the property that's actually being subdivided
16 doesn't require the HOP, it's the lot consolidation
17 --

18 MS. HAASE: Because it's going
19 -- consolidated to that lot?

20 MR. McHALE: Correct.

21 MR. SINCAVAGE: The existing lot
22 is nonconforming to begin with, right?

23 MR. McHALE: Correct.

24 MS. HAASE: That's correct.

25 MR. SINCAVAGE: So by this

1 subdivision would not make it conforming?

2 MR. McHALE: Correct.

3 MS. HAASE: No.

4 MR. SINCAVAGE: Still not making
5 it conforming?

6 MR. HAASE: It's more conforming
7 than it was, but it's still not conforming.

8 MS. LAMBERTON: By a few feet --

9 MR. McHALE: Making it less
10 nonconforming.

11 MS. LAMBERTON: Less
12 nonconforming.

13 MR. ARMSTRONG: When it will be
14 adjoined and consolidated to that parcel.

15 MS. HAASE: Correct.

16 MR. SINCAVAGE: Any other
17 questions from the commission?

18 Would you like Pat to frame a
19 motion?

20 MS. LAMBERTON: Yes.

21 MR. ARMSTRONG: Well, we can do
22 the waivers first. If the commission wanted to
23 entertain a motion for recommending that the board
24 approve the requested SALDO waivers, it would be
25 from SALDO Sections 135 dash 12D2, 135 dash 15A15,

1 135 dash 17L and M, and 135 dash 18B13 and 15.

2 And further, the planning
3 commission wanted to add to that recommendation
4 that the board approve the proposed minor
5 subdivision and lot consolidation for the lands of
6 Randy Hoffman and Fam Brothers Construction,
7 Incorporated, under Project No. 2012 dash 001.
8 Such a motion may be conditional upon the applicant
9 complying with all of the requirements and the
10 recommendations set forth in the February 1, 2012
11 engineer's review letter, as well as conditional
12 upon the applicant agreeing to and executing and
13 recording an appropriate declaration of covenants
14 and restrictions to be recorded on the property
15 with respect to the requirement that the created
16 subdivided portion set forth on the plan to be
17 immediately adjoined and consolidated to the
18 adjacent property, the property of Fam Brothers
19 Construction, Incorporated.

20 MR. SINCAVAGE: Do I have a
21 motion? What about the driveway? Do you want to
22 add something on the driveway or no?

23 MS. LAMBERTON: I think if
24 that's a personal issue, I don't think -- that's
25 just my opinion.

1 MR. ARMSTRONG: One additional
2 condition would be that the applicant provides the
3 township with the updated and recorded deeds for
4 the created lot.

5 MR. TERRY MARTIN: Sure, I can
6 do that.

7 MR. ARMSTRONG: When I say
8 created lot, I mean the lot created by adjoining
9 the --

10 MR. TERRY MARTIN: Both
11 together?

12 MR. ARMSTRONG: Right.

13 MR. SINCAVAGE: Do I have a
14 motion?

15 MR. BAXTER: I would make that
16 motion.

17 MR. SINCAVAGE: I have a motion.
18 Do I have a second to that motion?

19 MS. LAMBERTON: I would second
20 that.

21 MR. SINCAVAGE: Okay. All those
22 in favor please say aye?

23 BOARD MEMBERS: Aye.

24 MR. SINCAVAGE: And I'll vote
25 no.

1 MR. TERRY MARTIN: Okay. Thank
2 you.

3 MR. SINCAVAGE: You're welcome.

4 All right. So we left off at
5 15532 according to my notes. Is that where you
6 want to go or do you want to do something else?

7 MR. HAASE: Continue with
8 signage if that would be acceptable.

9 MR. SINCAVAGE: Okay. Let's do
10 that.

11 (Discussion off the record.)

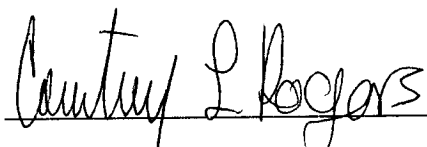
12 MR. SINCAVAGE: Back on the
13 record. At this point we're going to go into our
14 review of the proposed zoning ordinance amendments
15 and we'll ask the stenographer to leave at this
16 point and Pat Armstrong will submit the minutes for
17 the remainder of the meeting.

18 MR. ARMSTRONG: This is still a
19 public meeting. We are not concluding the public
20 portion.

21
22 ---
23
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7 I hereby certify that the
8 proceedings and evidence are contained fully and
9 accurately, to the best of my ability, in the notes
10 taken by me at the meeting in the above matter; and
11 that the foregoing is a true and correct transcript
12 of the same.

13
14
15 **ORIGINAL**


COURTNEY L. ROGERS

Tobyhanna Township Planning Commission
February 9, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 5:30 p.m. on February 9, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|------------------------------|
| Present: | Mark Sincavage | Chair |
| | Joe Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |
| | Carson Helfrich | Township Planning Consultant |

The meeting was called to order at 5:30 p.m. by Mr. Mark Sincavage.

Zoning Ordinance Amendment – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and in particular the signage requirements. The PC recommended the following revisions be made to the Ordinance:

Article XI, Signs

1. The Commission recommended prohibiting feather flag signs throughout the Township.
2. The Commission recommended deleting banners from Section 155-35A.2.
3. The Commission recommended revising Section 155-35A.10 to read "...except as specifically permitted by the Township."
4. The Commission recommended deleting Section 155-35.A.4.
5. The Commission recommended clarifying the banners permitted in the raceway section in Section 155-35.A.10.
6. The Commission recommended combining Sections 155-35.C.(1), (2) and (3) and to delete banners within those sections and allow 30 days for a Going Out of Business or Grand Opening Sale, and 14 days for all other special events.
7. The Commission recommended adding a restriction that no temporary sign shall be illuminated.
8. The Commission recommended revising the political sign section to prohibit such signs within the right-of-way and not the cartway.
9. The Commission recommended revising and clarifying the real estate sign section at 155-36 to distinguish between residential and commercial real estate signs and allowing such residential signs to be 6 square feet and commercial signs to be 32 square feet.
10. The Commission recommended revising Section 155-38 to address Awning Signs.
11. The Commission recommended revising Section 155-39 regarding freestanding directory signs permitted for nonresidential uses within the C and CI Districts.
12. The Commission recommended adding a provision to address and permit limited "shingle signs" and/or "hanging signs" for nonresidential uses in the C and CI Districts.

13. The Commission recommended adding a section to address Canopy Signs permitted for gas stations.
14. The Commission recommended adding a sliding scale for allowing a larger freestanding sign if an applicant chooses not to use a wall, façade or roof sign.
15. The Commission recommended deleting a lot of the permit and enforcement provisions because the same will be covered in the Administrative Chapter of the Zoning Ordinance.
16. The Commission also recommended requiring a special exception application for expanding nonconforming uses.

The Commission did not complete its review of the proposed Zoning Ordinance Amendment and will continue with its review of the Zoning Ordinance Amendment at its next public meeting.

Public Comment

None.

Plans to Accept for Review

None.

Adjournment

Mark Sincavage adjourned the meeting at 8:45 p.m.

Tobyhanna Township Planning Commission
February 15, 2012
Informal Discussion-No Quorum

The was no quorum for the Tobyhanna Township Planning Commission meeting scheduled for 5:30 p.m. on February 15, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|-------------------------|
| Present: | Mark Sincavage | Chair |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |

The meeting was not called to order due to the lack of quorum, however, the two Commission members present began an informal discussion beginning at 5:30 p.m. Therefore, there are no formal minutes given the fact there was no meeting held wherein action was possible. However, there was an informal discussion on the Zoning Ordinance Amendment.

Zoning Ordinance Amendment – The Planning Commission members that were present reviewed and discussed the proposed Zoning Ordinance Amendment and in particular the specific use requirements. The Commission members that were present made the following suggestions.

Specific Uses Section in Zoning Ordinance Amendment

1. The Commission members present suggested using the Adult, Commercial Section prepared by the Township Solicitor.
2. The Commission members present suggested revising the minimum acreage section for Agricultural Uses wherein animals were present by setting a minimum acreage that would increase by ½ an acre for each additional animal present.
3. The Commission members present suggested revising Section 805.1.F to only state that the waste is to be maintained in a water-tight container in an area meeting the setback limitations.
4. The Commission members present suggested revising the Stables, Private section so that only a ½ acre is required for each additional horse over two and adjusting the setbacks to 125 feet from an adjoining property line and 100 feet from any road right-of-way.
5. The Commission members present suggested deleting Section 805.2.F and deleting “boarding” “and sale” from Section 805.2.G.
6. The Commission members present suggested deleting Section 805.3.F.
7. The Commission members present suggested using “owner/operator” throughout Section 805.4 instead of “permit holder”.
8. The Commission members present suggested revising the property line setback for veterinary clinics to 125 feet and the minimum acreage to 3 acres.
9. The Commission members present suggested revising the language regarding the berm requirements in Section 806.1.B and to separate the fence requirements from the fuel spill containment requirements therein.
10. The Commission members present suggested excluding propane tanks from Sections 806.1.C and 806.2.E.

11. The Commission members present suggested revising the Bus Shelter section so that only bus shelter and school district signs are permitted on the exterior and any permitted signs are allowed on the interior, with a 10 square foot maximum sign area.
12. The Commission members present suggested requiring the Clubs/Lodges, Private to file with the Township and not the Zoning Officer.
13. The Commission members present suggested deleting Section 810.C.
14. The Commission members present suggested adding Development Amenity to Conditional Uses.
15. The Commission members present suggested using the Flea Market provisions already adopted by the Township.
16. The Commission members present suggested allowing commercial activity within a Development Amenity.
17. Commission members present suggested the Township Solicitor revise the Gaming/Resort provisions accordingly.
18. Commission members present suggested deleting the Hydraulic Fracturing provisions.
19. Commission members present suggested revising the Junk Yard section to ensure appropriate requirements and adjusting the setbacks to 75 feet from any water, stream or wetland and 100 feet from any well.
20. Commission members present suggested not making the water monitoring mandatory for junk yards.
21. Commission members present suggested deleting Section 820.17.
22. Commission members present suggested deleting Section 822.
23. Commission members present suggested clarifying the timeframes and procedures for model homes and development sales offices.

The Commission members present stopped reviewing and discussing the Zoning Ordinance Amendment at approximately 8:25 p.m.

Tobyhanna Township Planning Commission
February 21, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 5:30 p.m. on February 21, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|-------------------------|
| Present: | Mark Sincavage | Chair |
| | Joe Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |

The meeting was called to order by Mr. Sincavage at 5:30 p.m.

Approval of Minutes

A Miller/Lamberton motion was made to approve the minutes from the January 26, 2012 Commission meeting. The motion passed 5-0.

A Baxter/Lamberton motion was made to approve the minutes from the February 2, 2012 Commission meeting. The motion passed 5-0.

Planning

Zoning Ordinance Amendment – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and in particular the specific use requirements. The Commission made the following recommendations.

1. The Commission recommended inserting the “shingle sign” section prepared by Carson Helfrich.
2. The Commission recommended revising the Park and Ride section regarding Refuse to read “..and screened to prevent it from being visible from off the property.”
3. The Commission recommended revising Section 830.1 to require prisons to be 50 acres with setbacks of 250 feet from the right-of-way line and 150 feet from property lines. The Commission also recommended security fencing to be no less than 500 feet from a residential dwelling
4. The Commission recommended clarifying Section 836.1 and deleting RV Sales from the title of Section 836 and adding a new Section D. to allow such RV Sales as a limited accessory use at RV Campgrounds.
5. The Commission recommended deleting 836.1.B. and revising the minimum square footage for a campsite to 1000 and further deleting Section 836.2.C.
6. The Commission recommended deleting the interior setback requirements for RV Campgrounds.
7. The Commission recommended revising Section 841.4 so that only food with a shelf life of more than one week could be stored in self-storage units.
8. The Commission recommended revising the fence height in Section 841.2 to 6 feet.

9. The Commission recommended deleting “commercial” from the shooting range use section.
10. The Commission recommended using the Solar Power and Wind Energy provisions prepared by the Township Solicitor.
11. The Commission recommended making traffic studies discretionary for Solid Waste Facilities, as determined by the Township.
12. The Commission recommended separating vehicle sales from vehicle repairs.
13. The Commission recommended deleting Section 856.2.D.

The Commission did not complete its review of the proposed Zoning Ordinance Amendment and will continue with its review of the Zoning Ordinance Amendment at its next public meeting.

Official Map

A Lamberton/Rinehimer motion was made to approve the latest version of the Official Map of the Township. The motion passed 5-0.

The Commission meeting was adjourned at approximately 8:45 p.m.

Tobyhanna Township Planning Commission
March 1, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 7:00 p.m. on March 1, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|-------------------------|
| Present: | Mark Sincavage | Chair |
| | Joseph Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |

The meeting was called to order at 7:00 p.m. by Mr. Mark Sincavage.

Approval of Minutes

A Baxter/Miller motion was made to approve the minutes from the February 9, 2012 Commission meeting. The motion passed 5-0.

A Rinehimer/Lamberton motion was made to approve the minutes from the February 21, 2012 Commission meeting. The motion passed 5-0.

There are only notes from the informal discussion held on February 15, 2012 because there was no quorum present at that meeting and therefore no formal meeting and/or action took place. Accordingly, there were no formal minutes to approve, but the notes will be kept in the Commission's minute book.

A Rinehimer/Lamberton motion was made to amend the minutes from the portion of the February 2, 2012 Commission meeting that was transcribed by the stenographer by deleting line 21 on page 24. The motion passed 5-0.

Confirmed Appointments

Matt Neeb from the Monroe County Planning Commission attended the meeting and gave a brief presentation to the Commission regarding the County's technical review of the Zoning Ordinance Amendment in relation to the grant money awarded to the Township. Mr. Neeb suggested the Township consider forwarding certain sections of the draft ordinance to the County for its technical review before the County's requisite MPC review of the ordinance.

New Business

None.

Old Business

Wee Wons – A Lamberton/Rinehimer motion was made to table the plan. The motion passed 5-0.

Locust Ridge - A Lamberton/Rinehimer motion was made to table the plan. The motion passed 5-0.

Pocono Manor (IH Liquidating Trust) - A Lamberton/Rinehimer motion was made to table the plan. The motion passed 5-0.

Planning

Zoning Ordinance Amendment – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and in particular the Specific Use section. The PC recommended the following revisions be made to the Ordinance:

Specific Uses

1. The Commission recommended establishing a buffer section to require specific types of buffers and plantings similar to the draft provided by the Township Solicitor.
2. The Commission recommended keeping all of the parking provisions in one separate section and removing them from each separate specific use provision.
3. The Commission recommended allowing cemeteries in the OS District and decreasing the minimum lot area for such a use to 5 acres.
4. The Commission recommended allowing bed and breakfasts in the OS District by conditional use and further allowing 6 guest rooms for such a use. The Commission also recommended allowing guests to stay for a maximum of 30 days.
5. The Commission recommended deleting the annual permit requirement for cemeteries.
6. The Commission recommended clarifying that a “building” open to the public needs to have adequate water and sewer at a cemetery.
7. The Commission recommended deleting the inspection provisions for pet cemeteries.
8. The Commission recommended deleting “service stations” from the convenience store use and further deleting subsections I through N relating to repairs on the property and adding a new subsection prohibiting repairs on the property.
9. The Commission recommended deleting the limit on children per acre for day care uses and further recommended referencing the State and/or Federal regulations relating to the same.
10. The Commission recommended deleting the reference to water and sewer for hospital uses.
11. The Commission recommended decreasing the minimum lot area for hotels to 3 acres.
12. The Commission recommended revising the provisions governing industrial parks by removing the reference to detached and attached structures, permitted uses, floor area percentages and height limitations.
13. The Commission recommended requiring a solid privacy fence for industrial parks and removing hedge rows as an alternative for screening outdoor storage areas.

The Commission did not complete its review of the proposed Zoning Ordinance Amendment and will continue with its review of the Zoning Ordinance Amendment at its next public meeting on March 5, 2012.

Public Comment

None.

Plans to Accept for Review

None.

Adjournment

Mark Sincavage adjourned the meeting at 9:25 p.m.

Tobyhanna Township Planning Commission
March 5, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 5:50 p.m. on March 5, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|-------------------------|
| Present: | Mark Sincavage | Chair |
| | Joseph Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |

The meeting was called to order at 5:50 p.m. by Mr. Mark Sincavage.

Planning

Zoning Ordinance Amendment – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and in particular the Specific Use section. The PC recommended the following revisions be made to the Ordinance:

Specific Uses

1. The Commission recommended revising the Cemetery section by excluding “columbarium and mausoleum” from the 5 acre minimum lot size and adding them to the 3 acre minimum lot size.
2. The Commission recommended using the existing mobile home park regulations in the current Zoning Ordinance and adding those proposed by the Solicitor. However, the Commission recommended deleting the section relating to the foundation requirements and adding a reference to the building code and/or IRC requirements. The Commission also recommended deleting the minimum number of spaces needed to be complete before permitting the first occupancy.
3. The Commission recommended not excluding accessory restaurants and related facilities from Motel uses.
4. The Commission recommended deleting the specific setback requirements associated with a Nursery use. The Commission also recommended allowing single family dwellings on properties with Nursery uses, except for properties within the C and CI Zoning Districts.
5. The Commission recommended deleting the reference to Cemeteries as an accessory use within a Place of Worship use and further recommended deleting the specific dimensional requirements for a Place of Worship. The Commission also recommended deleting the specific setback requirements for a Place of Worship and recommended referencing the building code for the minimum distance between buildings.
6. The Commission recommended removing “antique shops” from the exclusion section for home occupations and adding “firearm sales” to that section.

7. The Commission recommended requiring home occupations to apply for a biannual zoning permit, except for No-Impact Home Based Businesses.
8. The Commission recommended deleting the specific lot minimum for a Professional Office home occupation.
9. The Commission recommended moving photographers to a Professional Office for home occupations and adding Licensed Massage Therapists to the Personal Service home occupation. The Commission also recommended revising the lot minimum to 1 acre for Personal Service home occupations and adding a requirement to comply with the requisite sewer regulations.
10. The Commission recommended revising the timing of the licensing for a Family Day Care use.
11. The Commission recommended decreasing the minimum lot area for Trades Business for home occupations to 3 acres and deleting the area limitations for the office and/or storage of materials.
12. The Commission recommended clarifying the language regarding Residential Accessory Buildings, Structures or Uses, and in particular the first two sections addressing garages.
13. The Commission recommended deleting the reference to "rooted structure" for recreational vehicle parking.
14. The Commission recommended deleting the maximum square footage of 800 square feet for Accessory Family Apartments and further deleting the restriction from using basements and/or cellars. The Commission also recommended restricting Accessory Family Apartments to one electrical meter.
15. The Commission recommended not requiring an annual zoning permit for an Accessory Family Apartment.
16. The Commission recommended cleaning up the Specific Use for Schools and further allowing such a use in the OS Zoning District as a special exception.
17. The Commission recommended adding a discretionary traffic impact study requirement for Schools and Shopping Centers.
18. The Commission recommended restricting the building coverage percentage to 30% and impervious surface percentage to 75% for a Shopping Center. The Commission further recommended not restricting the types of individual uses permitted within a Shopping Center.
19. The Commission recommended deleting the Vehicle Sales and Rentals section from the Specific Use Chapter.
20. The Commission recommended changing the Warehouse use to Self-Storage Facilities and to allow the same in the C and CI Districts. The Commission also recommended adding a new Warehouse use within the Specific Use Chapter.
21. The Commission recommended deleting the building coverage restriction for Self-Storage Facilities and changing the maximum impervious surface to 75% for that use. The Commission also recommended changing the width between buildings to 30 feet for Self-Storage Facilities.
22. The Commission also recommended deleting the requirements for police department approval, minimum structure square footage, limitations on leasing and the annual permit requirement for a Self-Storage Facility.
23. The Commission recommended deleting the required setback from wetlands for Commercial WECS.

The Commission did not complete its review of the proposed Zoning Ordinance Amendment and will continue with its review of the Zoning Ordinance Amendment at its next public meeting on March 19, 2012 at 5:30 p.m.

Public Comment

None.

Adjournment

Mark Sincavage adjourned the meeting at 8:25 p.m.

Tobyhanna Township Planning Commission
March 19, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 5:30 p.m. on March 19, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|--------------------|
| Present: | Mark Sincavage | Chair |
| | Joseph Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |

The meeting was called to order at 5:30 p.m. by Mr. Mark Sincavage.

Planning

Zoning Ordinance Amendment – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and recommended the following revisions be made to the Ordinance:

1. The Commission recommended incorporating the existing PRD, Preserve and general Township Administrative provisions of the existing Zoning Ordinance into the proposed Zoning Ordinance Amendment.
2. The Commission wanted to maintain the general lot and dimensional requirements currently set forth in Article X of the existing Ordinance.
3. The Commission wanted to allow 9 square foot residential real estate signs.
4. The Commission recommended maintaining the existing provisions for density for single family dwellings and further recommended maintaining that density on parcels with more than one dwelling.
5. The Commission wanted to clarify that Tanneries were not considered Agricultural Product Processing uses.

The Commission did not complete its review of the proposed Zoning Ordinance Amendment and will continue with its review of the Zoning Ordinance Amendment at its next public meeting on April 12, 2012 at 5:30 p.m.

Public Comment

None.

Adjournment

Mark Sincavage adjourned the meeting at 7:30 p.m.

AGENDA

Township of Tobyhanna
Planning Commission
Regular Meeting
April 12, 2012

- 1) Call Meeting to Order: Mr. Mark Sincavage, Chairperson
- 2) Public Comment
- 3) Consider the Minutes of:
 - March 1, 2012
 - March 5, 2012
 - March 19, 2012
- 4) New Business
- 5) Old Business
 - a) Wee Wons
 - b) Locust Ridge Quarry
 - c) IH Liquidating Trust (Pocono Manor)
 - d) Proposed Zoning Ordinance Amendment
- 6) Open Discussion
- 7) Public Comment

Before
THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

In Re: Regular Meeting

Tobyhanna Township Government Center
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Thursday, April 12, 2012, beginning at 5:30 p.m.

PRESENT: MARK SINCAVAGE, Chairperson
JOSEPH MILLER, Board Member
ROBERT BAXTER, Board Member
PATRICIA RINEHIMER, Board Member
ANNE LAMBERTON, Board Member

ROBERT McHALE, P.E.,
Township Engineer

PATRICK ARMSTRONG, ESQUIRE, Solicitor
(Late Arrival)

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

ORIGINAL

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

1 MR. SINCAVAGE: Okay. I'll
2 call the regularly scheduled meeting of the
3 Tobyhanna Township Planning Commission to order for
4 April 12, 2012.

5 First thing, any public comment?
6 Just to announce that when you do speak, please
7 state your name because we have the stenographer
8 here to record the minutes of the meeting.

9 First item on our agenda is to
10 consider the minutes of the March 1, 2012 -- I
11 believe that was a special meeting.

12 MS. HAASE: Mr. Chairman, that
13 was a regular not the special.

14 MR. SINCAVAGE: The 1st was?
15 Okay. Sorry. Corrected.

16 MR. MILLER: I'll make a motion
17 we approve the minutes as submitted.

18 MR. SINCAVAGE: I have a
19 motion. Do I have a second to the motion?

20 MS. RINEHIMER: I'll second it.

21 MR. SINCAVAGE: Motion and
22 seconded.

23 All in favor please say aye?

24 BOARD MEMBERS: Aye.

25 MR. SINCAVAGE: I'll entertain

1 a motion to approve the March 5, 2012 special
2 meeting minutes?

3 MR. MILLER: So moved.

4 MR. BAXTER: Second.

5 MR. SINCAVAGE: I have a
6 motion. I have a second to the motion.

7 All those in favor please say
8 aye?

9 BOARD MEMBERS: Aye.

10 (Anne Lamberton enters the
11 room.)

12 MR. SINCAVAGE: The March 19,
13 2012 minutes are on our agenda but we have not
14 received those as of yet, so we will take no
15 action.

16 There's no new business to come
17 before the board.

18 Bob, is there anything
19 concerning our ongoing items on our agenda for Wee
20 Wons or Locust Ridge?

21 MR. McHALE: No, sir.

22 MR. SINCAVAGE: I'll entertain
23 a motion to table the Wee Wons land development
24 plan?

25 MR. MILLER: So moved.

1 MR. SINCAVATE: I have a
2 motion. Do I have a second to the motion?

3 MR. BAXTER: Second.

4 MS. REINHEIMER: I'll second it.

5 MR. SINCAVAGE: Motion and
6 seconded.

7 All those in favor please say
8 aye?

9 BOARD MEMBERS: Aye.

10 MR. SINCAVAGE: I'll entertain
11 a motion to table the land development plans of
12 Locust Ridge Quarry.

13 MR. MILLER: So moved.

14 MR. SINCAVAGE: I have a
15 motion. Do I have a second to the motion?

16 MS. RINEHEIMER: I'll second
17 it.

18 MR. SINCAVAGE: Motion and
19 seconded.

20 All those in favor please say
21 aye?

22 BOARD MEMBERS: Aye.

23 MR. SINCAVAGE: And that brings
24 us to IH Liquidating Trust.

25 Gentlemen, you're up.

1 MR. DON SNYDER: Good evening,
2 everyone. I'm Don Snyder. I'm from Pocono Manor
3 and I'm here representing Jim Ireland and the
4 Ireland Family Trust. With me we have Rocco from
5 Pennoni Associates who's going to talk about the
6 engineering aspects of this.

7 Just to give the board an
8 overview, this parcel was withheld from the sale
9 when Ireland was sold to Pocono Manor Resort in
10 December of '05. It -- there was some haste to get
11 that sale consummated because there was a push on
12 by the buyers to make application for the gaming
13 license. So they -- rather than hold up the whole
14 shebang to subdivide this piece, it was written
15 into the contract as being accepted from the lands
16 that were conveyed from Ireland Hotels to Pocono
17 Manor Investors, LP.

18 It's gone through a couple of
19 engineering pullbacks over the past few years and
20 it's getting way overdue to be separated officially
21 from the lands of Pocono Manor Investors. It's --
22 the longer it goes, the more difficult it will be.
23 So Rocco has done work here with Pennoni and
24 submitted a plan. We have no -- at this point in
25 time there is no buyer for it. We have people that

1 have expressed interest in it, but it's essential
2 that we get the thing properly subdivided before we
3 even retain any --

4 MR. MILLER: You're not going
5 to try to develop it yourself then, I understand?

6 MR. DON SNYDER: No. No. The
7 Ireland family would intend to have a developer
8 come in and develop it. To be cand -- there's been
9 a developer that's got a large supermarket that has
10 approached us. So we -- we can't really do
11 anything until we get officially separated from
12 Matzel (inaudible) and get this thing on -- back on
13 the Ireland name.

14 Anybody has any questions before
15 Rocco goes into the particulars?

16 MR. ROCCO CARACCILOLO: I'm
17 Rocco Caracciolo from Pennoni Associates. I have
18 trouble spelling my last name too, so --

19 Yes, as Don has stated, this
20 parcel is actually -- it shows up -- which was a
21 comment from the township engineer. This is -- it
22 shows up as one -- on one deed, although there is a
23 railroad right of way that bisects it. These are
24 some of the things as we were working through the
25 subdivision. It's approximately 105 acres, which

1 is on the west side of Route 380.

2 On the east side going all the
3 way up from Tobyhanna into Pocono Township and up
4 into Mount Pocono Borough is the remainder of the
5 2,970 acres owned by Pocono Manor.

6 MR. McHALE: Excuse me, Rocco,
7 could you define that 105 acres approximately to
8 show the board?

9 MR. ROCCO CARACCILOLO: Yeah,
10 the 105 acres down by 380, 940, coming down, down
11 along the back of the properties down past the
12 railroad right of way to Sullivan Trail, which goes
13 underneath 380 and further all the way down to the
14 bottom here and then --

15 MR. McHALE: Okay. But the 105
16 --

17 MR. ROCCO CARACCILOLO: 105 --

18 Mr. McHALE: -- only from the
19 railroad right of way north.

20 MR. ROCCO CARACCILOLO: Right.
21 That's what we decided.

22 MR. McHALE: But all the entire
23 parcel all the way down to the bottom where you
24 described on the other side of Sullivan is all
25 under the same pin number?

1 MR. ROCCO CARACCIOLO: Yes. So
2 there's some complications on how exactly, you
3 know, this should be represented to remain with the
4 lands of Pocono Mountain. I figured that could be
5 worked down at the recorded of deeds, corrected --

6 MS. HAASE: I'm sorry, Rocco,
7 you said that they have corrected?

8 MR. ROCCO CARACCIOLO: No, we
9 will be correcting with this subdivision.

10 MS. HAASE: Okay. Because
11 there's still the issue with the deed as
12 referencing the pin number that the lands where the
13 quarry and the old ATV track is on?

14 MR. ROCCO CARACCIOLO: Correct.

15 MS. HAASE: So that will need
16 to be corrected as well.

17 MR. ROCCO CARACCIOLO: Right.
18 Now, we see that as -- when we have the
19 subdivision, we'll write a corrective deed to
20 correct that deed of recorder.

21 MR. McHALE: And as I recall
22 everything from the railroad right of way going
23 north is zoned commercial and from the railroad
24 grade south is R2?

25 MR. ROCCO CARACCIOLO: Yes.

1 MR. McHALE: Okay.

2 MR. ROCCO CARACCIOLO: From
3 this 105 acres from the railroad right of way to
4 the north, we have approximately 35 acres, 35.74
5 acres, which would then be subdivided off to go to
6 the Ireland Trust. This is the property here in a
7 blow-up. This project, this actual subdivision has
8 been through a couple engineers. We picked it up
9 just recently just to take this minor subdivision
10 to break the land off. As was stated, there's no
11 land development at all associated with it.

12 C and H Engineer --
13 Environmental -- Environmental Consultants did a
14 wetland boundary -- actually did an absent/present
15 and they had the wetlands depicted then on the
16 plan. We are honoring those now -- the one --
17 there is comment in here about the access road,
18 which I'll get to, that pull away from the
19 wetlands, which we have done, which was easily
20 done.

21 When this comes back for land
22 development, at that time we will then address
23 buffers, setbacks and it's our opinion this was an
24 old quarry, it should be a regulated wetland that
25 the Army Corps will take jurisdiction over. But

1 we'll take care of that later. As Don said, this
2 is just for the subdivision, is this parcel without
3 land development. For access to the parcel and
4 also to provide cross access easement to the
5 remaining lands from a hundred and five that are
6 down by the railroad right-of-way, we provided this
7 utility and access easement. We've already
8 corrected on the plan to make it 50 foot wide
9 access.

10 At this time we don't have a
11 PennDOT permit. Since we don't have a land
12 development, it's -- there's not a practical way to
13 get a PennDOT permit. There is an existing
14 driveway that accesses the property so that is
15 where we're showing this access driveway. But when
16 this goes to land development, at that time,
17 depending on the nature of the development and the
18 trips that it produces, that will determine what
19 roadway improvements are needed on the state
20 highway for this application. But for now we do
21 show a location where that would be.

22 We also have a note on the plan
23 that this location, if it moves, we would have to
24 go back to Pocono Manor to get their buy in at the
25 right location. And the one thing that we've done

1 since this plan was last submitted, is we did go
2 out for the subdivision to prove that it is capable
3 of providing sewage. We have an on lot
4 investigation done. There was one question in the
5 letter as to what passed what failed. Everything
6 passed here. It's really good soil, which is
7 probably why there was the old gravel pit here when
8 they built 380.

9 But that was -- was done. This
10 also is just for the means of the subdivision. I'm
11 -- this (inaudible) support anything more than a
12 10,000 square foot commercial building, which this
13 land may or may not be able to support more, so,
14 again, that will happen as we go through
15 subdivision.

16 MR. SINCAVAGE: I'm sorry.
17 That will go through as you go to land development?

18 MR. ROCCO CARACCILO: I mean
19 -- right, through land development, right. But
20 this planning module will fully be complete and has
21 signed off on before this plan could be signed for
22 the subdivision for what we have depicted.

23 That's about what I have now.
24 This -- from reading the letter, we can comply with
25 everything in the letter. I mean, there's a lot of

1 notes and things. The one thing that we do need
2 discussion on, that was brought up, was proving the
3 sewer ability of the lands to remain. And what
4 we've stated was this being combined with the
5 Pocono Manor property, 2,000 acres, they have their
6 own private sewage treatment plant, which still has
7 capacity remaining.

8 What we're seeking to avoid here
9 is, honestly, just going out and spending more of
10 my client's money to dig more holes in the ground
11 just to prove another -- you know, another on lot
12 area. So the one thing we would seek some
13 recommendation on is, can this be handled by a note
14 stating that upon further development of this
15 parcel, at that time, when their sewage plant comes
16 in, since they have no plans -- Pocono Manor -- and
17 I think you've spoken with them, on what they're
18 going to develop here. This at one time, this land
19 that was gonna be donated back to --

20 MR. McHALE: Rocco, I think I
21 made note in the review letter that if we had a
22 copy of the Act 537 for the plant and that's shown
23 to be in the sewered area, then I don't think
24 that's going to be a concern. But if it's not
25 shown in the sewered area, then I think you're

1 going to have to do testing or revise that Act 537,
2 which doesn't sound like you want to go that route
3 because otherwise we have a subdivision with two
4 lots that the second lot doesn't have sewer
5 approval on planning-wise.

6 MR. ROCCO CARACCILOLO: Okay.

7 That would be --

8 MR. DON SYNDER: A question on
9 that, with the test results as we've received on
10 the portion that we tested and them having two
11 thirds more of the remaining, for us to have to
12 validate that they could put -- they could put a
13 parking lot if you put enough dirt on it. I
14 mean, with elevated sand mounds. So it almost
15 seems like it's a waste of the applicant's money to
16 --

17 MR. McHALE: The planning
18 module is a DEP requirement so that's something
19 that you really need to --

20 MR. DON SNYDER: From our --
21 for our property?

22 MR. McHALE: It's for both
23 properties. Anytime you divide -- subdivide a
24 commercial parcel you have to demonstrate that you
25 have some sort of sewage capacity or treatment

1 capability on those lots. You can't just -- I
2 guess there is a -- trying to think what the -- I
3 don't think -- yeah, there's a waiver that maybe
4 John Brogan could help them out with, but I think
5 that's only if you're not going to develop the
6 remaining lands so --

7 MR. ROCCO CARACCILOLO: Yeah,
8 I've received that letter before.

9 MR. McHALE: And I don't know
10 if Matzel or Pocono Manor is going to go along with
11 that.

12 MR. DON SNYDER: I would think
13 they would. I mean, I still deal closely with them
14 and I know that they've got nothing that's pressing
15 on that land. The last I knew they were gonna make
16 ball fields out of it and spray irrigant (phonetic)
17 on it.

18 MR. McHALE: Well, you need to
19 discuss really that with the sewage enforcement
20 officer and see what his take is.

21 MR. ROCCO CARACCILOLO: That
22 waiver does exist and what it is, is essentially an
23 affidavit signed that will never become a building
24 lot and you can waive the planning module process.

25 MR. McHALE: And I believe it's

1 also stipulated that if it does become a building
2 lot that you would go through planning at that
3 point.

4 MR. ROCCO CARACCILOLO: Right.

5 MS. LAMBERTON: That sounds
6 fair.

7 MR. ROCCO CARACCILOLO: So we
8 really have three different ways that we can talk
9 about. We can have Pocono Manor agree to sign an
10 affidavit that the remaining lands will not be
11 build -- will not be buildable lot.

12 MR. DON SNYDER: Well, they're
13 not building on it. If they do choose to build
14 that they would have to submit a sewage module.

15 MR. ROCCO CARACCILOLO: Right.

16 MR. DON SNYDER: Yeah. I don't
17 want to render it useless. I mean, they're not
18 gonna go for that.

19 MR. ROCCO CARACCILOLO: The
20 other thing as far as the Act 537, if the whole
21 property is within -- it's very -- the whole
22 property is a very old Act 537 and we knew that
23 when we were looking at the casino. We could --
24 we'll definitely review that and review with the
25 DEP, if that is an option. And as a last resort we

1 can just go out and dig two more test pits.

2 So we think that that's
3 definitely solvable. I mean, it's a condition --
4 if that could be a condition of approval, you know,
5 then we'll work it out. We have three different
6 options so --

7 Is there anything else in the
8 letter that --

9 MR. McHALE: I think a lot of
10 it was, Rocco, you know, we need some additional
11 notes, some, you know, texts and notes that's are
12 already existing. I think the primary concern was
13 the sewage facilities planning module.

14 MR. ROCCO CARACCIOLO: Yeah, we
15 did note the type of -- actually Don gave me a call
16 on that right of way and my SEO had the wrong
17 stream. That's just a --

18 MR. McHALE: I think most of
19 the other items you should be able to take care of.

20 Our township solicitor is going
21 to need to kind of coordinate a few things with you
22 as well, as far as I think he was going to do like
23 a unilateral declaration of covenants and
24 conditions, restrictions, that kind of thing.
25 Standard document that we've done in the past just

1 to clarify the intent of the --

2 MR. ROCCO CARACCILOLO: Right.

3 MR. McHALE: -- subdivision.

4 MR. SINCAVAGE: Does any
5 commission member have any question or comment?

6 I have one question and I'm just
7 trying to clarify this in my head. Is the
8 remaining property going to be absorbed into or
9 remain part of the Pocono Manor property?

10 MR. ROCCO CARACCILOLO: It
11 remains part of Pocono Manor.

12 MR. SINCAVAGE: So you're just
13 subdividing 35 acres from their parcel?

14 MR. ROCCO CARACCILOLO: Yes,
15 we're just taking this top piece off at the
16 intersection.

17 MR. SINCAVAGE: Well, you're
18 saying there's two pin numbers --

19 MR. McHALE: Well, there's one
20 pin number -- if you could show them the entire
21 tract there, Rocco.

22 MR. ROCCO CARACCILOLO: Yeah,
23 the tract --

24 MR. SINCAVAGE: There's one pin
25 number for that piece?

1 MR. McHALE: For the entire
2 tract. Now, the upper 105 acres begins at the
3 railroad grade right there and that's the 105 acres
4 that he's speaking to, that is one lot as described
5 in the deed. Then there's a second lot right below
6 the -- in between Sullivan and the railroad grade
7 and then there's a third lot described in the deed
8 below Sullivan.

9 MR. SINCAVAGE: But it's all
10 one pin?

11 MR. McHALE: But it's all one
12 pin number.

13 MR. SINCAVAGE: Okay.

14 MR. McHALE: So those kind of
15 items should be all cleaned up as far as the
16 county.

17 MR. ROCCO CARACCILOLO: What we
18 would do before signing the plan, we make sure that
19 was worked out, have it reviewed again and that's
20 to everybody's satisfaction.

21 MR. SINCAVAGE: But that pin is
22 not the same pin as on the east side of 380?

23 MR. McHALE: Well, that pin
24 number that shows up on the west side is different
25 from the one on the east side; however, in the deed

1 it references the pin from the east side, not here.

2 MS. HAASE: The deed is showing
3 -- this deed is incorrect with what the county has.

4 Mr. ROCCO CARACCILOLO: Right.

5 MR. McHALE: Correct.

6 MS. HAASE: It's not
7 referencing the tax number for this parcel.

8 MR. SINCAVAGE: So that is
9 something that needs to be cleaned up with the
10 assessors office.

11 MS. HAASE: Yes, sir.

12 MR. ROCCO CARACCILOLO: Yes.

13 MR. McHALE: Yes.

14 MR. ROCCO CARACCILOLO: And that
15 can all be cleaned up as -- when we file the plan
16 --

17 MR. SINCAVAGE: Any other --

18 MR. McHALE: This is the deed.

19 (Motioned to go off the record
20 by a board member.)

21 (Discussion off the record.)

22 MR. SINCAVAGE: Anything else
23 from the commission? From an engineering
24 standpoint, Bob, are you ready to make a
25 recommendation on this plan?

1 MR. McHALE: I think as long as
2 they, you know, commit to take care and address
3 all these items that are in the review letter which
4 are --

5 MR. ROCCO CARACCIOLO: Right.
6 We comply. We will comply with all of them. As
7 Bob has said, a lot of them are notes that will be
8 put on the plan, things that will have to be done
9 with the county when it's recorded and the last
10 thing is the sewer and we pretty much have three
11 available options. It's either -- the Act 537
12 clearly depicts that this was in a sewer service
13 area. It probably is a long shot even looking how
14 the deed was written and it's such an old plan.

15 The second option would be to
16 have Pocono Manor sign an affidavit of no building
17 for the remaining lot; and for the third, I'll have
18 to get my SEO out and dig a couple of holes, do
19 some perk tests, but depending on which one, we'll
20 go in that order and the final order, we'll submit
21 the documents (inaudible).

22 MR. SINCAVAGE: The waivers,
23 have you requested those in writing?

24 MR. ROCCO CARACCIOLO: Yeah, I
25 think we have them on the plan.

1 MR. McHALE: They're on the
2 drawing and I believe they did with the first
3 review. I think you had turned in a request --

4 MR. ROCCO CARACCILOLO: Right.
5 We did. There are no new ones.

6 MR. SINCAVAGE: There are no new
7 ones --

8 MR. ROCCO CARACCILOLO: That are
9 needed?

10 MR. SINCAVAGE: -- that are
11 needed?

12 MR. ROCCO CARACCILOLO: Correct.

13 MR. SINCAVAGE: Okay. I
14 thought when I was reading through this review
15 letter that there was another one concerning the
16 radiuses? Is that normal? No, I'm sorry, it is M,
17 you're correct.

18 MR. ROCCO CARACCILOLO: Right,
19 yep.

20 MR. McHALE: Okay. I think all
21 the other items in lieu of requesting waivers,
22 they've put notes on the drawings to clarify and
23 assure the township that with the resubmittal of a
24 -- either a revised subdivision or a land
25 development plan they would be demonstrating

1 compliance with all those sections.

2 (Mr. Armstrong enters the room.)

3 MR. SINCAVAGE: I'd like to go
4 off the record for a minute so we can get our
5 lawyer back up to speed since he just walked in and
6 then we'll go back on the record if that's okay
7 with you, gentlemen?

8 Yes? Okay. We're off the
9 record.

10 (Discussion off the record.)

11 MR. SINCAVAGE: We're going to
12 go back on the record. Okay.

13 Is there any further questions
14 from the commission? I think in general the
15 comission is in favor of the subdivision, it's just
16 a matter of getting all this cleaned up. I hope
17 you can understand our position.

18 MR. ROCCO CARACCIOLO: Oh,
19 yeah. That's why we thought, we'd have your
20 recommendation, we go back and get everything
21 cleaned up, a clean plan and ready to subdivide it
22 and come back to the supervisors.

23 MR. ARMSTRONG: So if the
24 planning commission was willing to entertain a
25 motion this evening for approval, you can make it

1 conditional upon the applicant complying with all
2 the recommendations and comments set forth in the
3 April 11, 2012 review letter from the township
4 engineer combined with the additional declarations
5 of covenants and restrictions to be tied to the
6 notes on the plan and together with the fact that
7 the applicant will be cleaning up the deed and
8 making it clear that the two subdivided lots will
9 have separate tax map parcel numbers and one deed
10 per lot.

11 MR. McHALE: And we'll also
12 need a copy of the access agreement between the
13 remaining lands and Lot A.

14 MR. ROCCO CARACCIOLO: Right.

15 MR. ARMSTRONG: Did you get
16 that?

17 THE REPORTER: Yeah.

18 MR. SINCAVAGE: That's -- and
19 the waivers.

20 MR. ARMSTRONG: And if you
21 wanted to do it in the same motion, the board -- or
22 the commission could also recommend the following
23 waivers from SALDO. SALDO Section 13517.L and
24 13517.M.

25 MR. SINCAVAGE: Do I have a

1 motion?

2 MR. MILLER: I'll make that
3 motion that was expressed by our attorney.

4 MR. SINCAVAGE: I have a motion.
5 Do I have a second to the motion?

6 MS. LAMBERTON: I'll second it.

7 MR. SINCAVAGE: Motion and
8 seconded.

9 All those in favor, please say
10 aye?

11 BOARD MEMBERS: Aye.

12 MR. ROCCO CARACCILO: Thank
13 you for your time.

14 MR. SINCAVAGE: You're welcome.

15 MR. ARMSTRONG: Do you plan on
16 trying to go before the board of supervisors in
17 May, is that your plan or -- May? June?

18 (Discussion off the record.)

19 MR. ARMSTRONG: Do you have any
20 idea what the -- this is a subdivision, do you have
21 any idea what the land development plans would be?

22 MR. DON SNYDER: We've been
23 talking to a number of developers that -- there's a
24 need for another large grocery on top of the
25 mountain, you know, that's been hooted about. We

1 talked to some developers and have clients in the
2 grocery business that are looking for sites.

3 There's quite a few people
4 marching around on top of the mountain, retailers,
5 that retail corridor 940 is gonna keep expanding
6 slowly. It's not gonna expand too much in Mount
7 Pocono for lack of sewer, but I think you're gonna
8 see that corridor awaken somewhat. And hopefully
9 it will be a nice ratable. I mean, it's a -- it's
10 the extreme end of the municipalities so it's a
11 almost (inaudible) impact and give some nice
12 ratables and give people an alternative to Walmart
13 or Mr. Z's. Mr. Z's, I haven't spent 10 cents
14 there in the last 20 years, I mean, I don't know
15 how they can stay open.

16 MR. SINCAVAGE: Well, please
17 let your potential clients know that the Tobyhanna
18 Planning Commission is here to assist businesses
19 and commercial development in any way that we can.

20 MR. DON SNYDER: Well, believe
21 me, of all the municipalities up here, with the
22 exception of Middle Smithfield, I'll take anything.
23 It's always been a pleasure to come before these
24 boards, I mean, they've been more than reasonable
25 in everything I've ever done here.

1 MR. SINCAVAGE: Thank you.

2 MR. ROCCO CARACCILOLO: The big
3 benefit of this property too is just the soil. The
4 perk tests were amazing. We'll be able to put on
5 their own lot treatment plant that can serve,
6 something nice.

7 MR. DON SNYDER: We had the
8 wetlands experts out there and they conferred with
9 the Army Corps of Engineers, and those -- those are
10 borrow pits, they're not aquatically connected to
11 anything, so it's not gonna be -- it's always an
12 issue, but it's not gonna be a big major issue.
13 There's no streams running through so we don't have
14 any 150 foot setbacks.

15 MR. McHALE: Did the Corps
16 provide a jurisdictional ^{determination} ~~termination~~ for these?

17 MR. DON SNYDER: I believe they
18 did, yes.

19 MR. ROCCO CARACCILOLO: Yes.
20 Again, we need a land development plan to show that
21 to take the next step.

22 MR. DON SYNDER: And the
23 intersection is gonna be, you know, a little
24 tricky. We'll probably have to use the first
25 portion of the property for additional lanes and

1 depending on how much traffic they're gonna bring
2 in there. It's a great location. High visibility
3 from the interstate. I mean, it's a -- that 380/
4 940 exit, I think the number is --

5 MR. McHALE: 3, I believe.

6 MR. DON SNYDER: 23,000 cars a
7 day or something like that. That's a lot of cars
8 for up here. It's comparative to the Bartonville
9 interchange where Giant built and Lowe's and all
10 that. I didn't -- I never realized until we looked
11 it up that that many cars got off of 380 and 940,
12 that's a lot of cars.

13 MS. LAMBERTON: It is a lot of
14 cars.

15 MR. DON SNYDER: Well, thank
16 you, you all. Unless you're serving something
17 important --

18 MR. SINCAVAGE: Thank you.

19 MR. DON SYNDER: Good seeing
20 everyone. Hopefully we'll be back before too long
21 with some plans that you can mark up.

22 MR. SINCAVAGE: We'll look
23 forward to seeing you.

24 MR. DON SNYDER: All right.
25 Good night.

1 MR. SINCAVAGE: Phyllis, if you
2 can tell us where we are in terms of the proposed
3 zoning ordinance amendments.

4 MS. HAASE: I'll be more than
5 happy to tell you what I've provided to the
6 commission and then you can decide what direction
7 you'd like to go.

8 I have given the commission
9 members a copy of the technical review for the
10 Monroe County Planning. I've also provided a copy
11 of a revision to the conservation development that
12 Attorney Armstrong provided to us and there is also
13 a trans of e-mail that was sent to the Top of the
14 Mountain Committee members, which I've forwarded it
15 to the commission for consideration. It's
16 something that the committee had previously
17 discussed. In essence, what they are recommending
18 is that we basically divvy up uses between the
19 municipalities.

20 Our attorney has looked at that
21 and suggested to the committee that that's not
22 something that would be appropriate for us to do
23 since it's not a joint zoning ordinance, if I'm
24 correct.

25 MR. ARMSTRONG: Well, yeah.

1 Typically when townships do this type of use
2 sharing, it's through a joint zoning ordinance
3 because it's crystal clear that you can do that.
4 With something like this where each municipality
5 has a separate zoning ordinance, the issue is going
6 to be accountability, someone to keep track of the
7 separate individual municipal zoning ordinances.

8 And I brought that up with, I
9 guess it was, Matt Neeve (phonetic) at the county
10 and possibly Carson. If you look at Carson's
11 e-mail, I think what they're proposing to do to
12 address that clear concern is if you -- I think
13 what he's suggesting is that they revise the
14 implementation agreement, the regional comp plan
15 implementation agreement to add additional review
16 time for proposed zoning ordinance amendments for
17 each municipality, which means when Tobyhanna
18 Township -- if you would go that direction, they
19 would revise the implementation agreement between
20 all the municipalities and it would require
21 Tobyhanna Township to provide all the membering
22 municipalities additional time to review any
23 potential zoning ordinance amendments.

24 So if you wanted to make
25 Amendment X to your zoning ordinance, you'd forward

1 that amendment to each membering municipalities and
2 probably in excess of the time period set forth in
3 the MPC for each of those municipalities to review
4 it, make sure that it's consistent with the
5 regional comprehensive plan, make sure it's
6 consistent with the shared uses so that it doesn't,
7 you know, bring up any risks of curative amendments
8 and then provide you with, you know, whether
9 they're okay with it, whether they're not okay with
10 it.

11 And that's what he's suggesting
12 in his e-mail to address that additional concern.

13 MR. SINCAVAGE: Well, I would
14 say thank you for bringing this to us, but that is
15 between the regional group, not this committee. Am
16 I mistaken?

17 MS. HAASE: Well, I think it's
18 something that we discussed and I believe that we
19 have attempted to provide for every use that we can
20 think of. Of course you're never going to provide
21 for everything, but I think we've already gone
22 through that process of putting the uses in the
23 specific districts; so I don't know how the
24 commission feels about going back and reallocating
25 certain uses with other municipalities.

1 MS. LAMBERTON: But if we do and
2 it goes to every municipality in the region -- for
3 their comments or their approval?

4 MR. ARMSTRONG: Well, the only
5 way for that to -- what they've proposed is the
6 only way for it to work is to make sure that
7 someone stays on top of it because down the road if
8 Municipality X decides to get rid of the use that
9 they were supposed to maintain because we're not
10 having it, if they decide to get rid of that or
11 change it, you know, all the other membering
12 municipalities that don't have that use are
13 potentially at risk for, you know, a challenge to
14 their ordinance because it's not a joint sole
15 ordinance that's controlled by everyone.

16 Everyone has their own
17 individual ordinances and, you know, every township
18 can change their ordinances as they see fit. The
19 only --

20 MS. LAMBERTON: Do you see it
21 that we covered all of our uses?

22 MR. ARMSTRONG: Yes, we did.

23 MR. McHALE: Currently we
24 received as a courtesy, copies of proposed
25 ordinances from Mount Pocono, Tunk -- is that

1 correct, Phyllis? And that's nice that we
2 received that and we can do the same, you know,
3 reciprocate that and send it to them. I don't know
4 if we want to lock in necessarily to a time frame
5 that they have to look at it before we can approve
6 anything. There may be a reason why this board
7 wants to move ahead and do something and -- so I
8 think as a courtesy just continue doing what we're
9 doing.

10 MR. SINCAVAGE: The other issue
11 that rises with this shared use is that who
12 receives the tax revenue? If, for example, and
13 only for an example, all the industrial property
14 was assigned to Coolbaugh and none was assigned to
15 Tunkhannock, how does the tax revenues get shared?

16 MR. ARMSTRONG: Well, I don't
17 think there's any -- that I'm aware of, I don't
18 think there's --

19 MR. SINCAVAGE: No provision,
20 there's no provision to it.

21 MR. ARMSTRONG: And I don't
22 think --

23 MR. SINCAVAGE: So it's not fair
24 to the municipality.

25 MS. LAMBERTON: It's also based

1 on --

2 MR. ARMSTRONG: I don't know if
3 that's necessarily what they're -- I think they're
4 -- they proposed it or suggested it because there's
5 obviously uses that townships don't necessarily
6 like to see and I think that was the main focus of
7 it for, you know, your -- I'm not going to name
8 uses, but, you know, there are uses that people
9 don't like. And, you know, for -- I think the idea
10 is so maybe Municipal X decides to take this use
11 that people don't necessarily like if this
12 municipality takes this other use, and I think
13 that's -- I think that was the idea behind the
14 logic.

15 MS. LAMBERTON: Shift stuff
16 around. Okay. I think we're way past that --

17 MR. SINCAVAGE: In addition, I
18 mean, it was a very large controversy at the
19 regional level so --

20 MS. HAASE: Correct. So those
21 of -- you have that in front of you.

22 MR. SINCAVAGE: Okay.

23 MS. HAASE: I've also provided
24 the Version 2 of Growing Greener, which was
25 forwarded to us by the county, that they reference

1 in their technical review. Bob McHale has provided
2 the comission with a summary.

3 Bob, you want to speak to what
4 you've clipped out of there?

5 MR. McHALE: Earlier in the
6 week I had forwarded to you the Growing Greener
7 Conservation by Design, which is sort of a summary
8 of their kind of procedure on how to develop your
9 ordinance, if you will. There's a couple points I
10 just wanted to -- the handout that I just provided
11 to you, if we can look at that.

12 On Page 4, at the bottom of the
13 page there's Figure 7, 8 and 9, and we've seen
14 these kind of layouts or schematics and we've
15 talked about it, but essentially 7 is the
16 conventional development pattern. And I don't
17 think we necessarily as a township would want to
18 see that go away.

19 I know there's a push to go to
20 this conservation design, which is a good design,
21 but I don't think we should restrict the developer
22 because what if somebody wants larger lots and they
23 want to be spread out. I don't see any reason why
24 they shouldn't be able to be allowed to do that.

25 Then you can go to -- as you all

1 had in the conservation design, as you're looking
2 at the format and the rework of the zoning
3 ordinance, allowing the developer to have an equal
4 number of lots, as would be in that conventional
5 design, however, if he wants to go to the
6 conservation design, that would be fine, you know,
7 we're okay with that. And they would end up with a
8 little higher density on different parts of the
9 property. They would conserve and have easement
10 rights and such for those resources that were
11 outside that.

12 So those are -- and then we also
13 I think, provided a little bit of incentive. I
14 think, Rob, didn't you bring up the item about not
15 only the developer could have the exact number of
16 lots as a conventional design, but even some
17 incentive to go a few more lots? I forgot what the
18 percentage was, but that was in there.

19 The only thing that I remember
20 -- and Pat and I had discussed this briefly -- was
21 that in our draft, if you will, we were trying to
22 sort of replicate a lot of the features or criteria
23 out of our PRD into that conservation design and
24 what we probably should have had was that four and
25 a half units per acre criteria we had in the

1 multifamily dwelling and it did not -- we should
2 have put it earlier on in the front, in the general
3 requirements, that you could have that four and a
4 half density as a max.

5 You won't get that with the
6 single family dwellings. If you did strictly a
7 conservation design for single family dwelling and
8 you use that criteria out of the PRD, you're not
9 going to make four and a half if it was all that.
10 So it would have to be something that was a mix of
11 the multifamily and the single family to get to
12 that four and a half max if you ever got to that
13 point.

14 So -- but those are -- I think
15 the Monroe County in their review comments had
16 highlighted that for us. I don't think we
17 necessarily have to restructure everything, but if
18 we put that density in the front end, I think, you
19 know, Pat, we could look at that and talk through
20 how we could do that, 'cause minimum lot size is a
21 good thing to have in there like you have right
22 now, in the conservation design draft that you've
23 done. That's so that we -- we don't go too small
24 and have a density and end up with postage stamp
25 lots out there. I mean, I think the minimum size

1 lot we had from the PRD was maybe 12,000 square
2 feet, that's getting pretty small.

3 MR. ARMSTRONG: Okay. So while
4 we're on this, just -- we can probably go through
5 the conservation development revisions to the
6 extent that they're needed. Is everyone okay, I
7 think what Bob is saying that -- is that you look
8 at the conservation development section, what I've
9 -- and these revisions aren't really -- they were
10 just for your consideration, but adding the 4.5
11 dwelling units per acre of adjusted tract area for
12 the single family dwellings, adding that 4.5
13 density, but then also keeping the Sections 1A, B,
14 C and D with respect -- those were taken from the
15 PRD section, which provides for the minimum lot
16 size, minimum lot width. It's all tied to the type
17 of water and sewer that's, you know, going to be
18 servicing those lots.

19 So I think that's what Bob's
20 saying. Just keep those sections that we took from
21 the PRD and only add in the front end the 4.5
22 density, 4.5 dwelling units per acre of adjusted
23 tract area.

24 MR. McHALE: Which was the
25 intent of the planning commission when we were

1 talking through it, but when we actually did the
2 text, you know, I missed it as well as when we went
3 through this, that we had the four and a half but
4 it was only in the multifamily dwelling and we
5 should've had it in the front end, that's all. So
6 that was one item.

7 The other thing was I think Pat
8 had indicated a modification on the first page
9 instead of going with a conditional use was do it
10 by right. I think as we discussed that in length,
11 we were thinking that well, maybe because this
12 conservation design is fairly new to our use in the
13 township per se, that it may be a good idea to go
14 before the board of supervisors. But essentially
15 if we have enough of the criteria written in here,
16 it can be a by right, and we talked about that as
17 well but I think we left it as a conditional use.

18 So I think if we go back to by
19 right or as a permitted use, that if you all are in
20 agreement with that, that would be fine.

21 MR. SINCAVAGE: It was by -- I
22 don't have a problem with by right. Is the PRD
23 currently a by right?

24 MS. HAASE: No. That was one
25 of the reasons that we were veering off PRD

1 conditional use, that has a tentative ^{approval}~~agreement~~, et
2 cetera. What Carson was proposing initially as
3 well was conditional use for the hamlets and
4 villages. So I think that's why we kind of geared
5 towards that, between those -- between what Carson
6 was recommending and what the PRD currently --

7 MR. ARMSTRONG: Yeah, I think
8 it was like a carry-over.

9 MS. HAASE: Yeah.

10 MR. ARMSTRONG: I don't know if
11 you necessarily spent time considering it.

12 MR. SINCAVAGE: My other
13 question was when we talked about the conservation
14 development, didn't we talk about a minimum lot
15 size? Like ten acres?

16 MS. HAASE: Five acres.

17 MR. SINCAVAGE: Five acres?

18 MR. ARMSTRONG: Five acres.

19 MS. HAASE: I believe that's in
20 there.

21 MR. SINCAVAGE: Is it in here?
22 I just didn't take a look.

23 MS. HAASE: Yeah, ^{50%}~~600~~ feet.

24 MR. McHALE: The open space
25 requirement was 50 percent.

1 MR. SINCAVAGE: Right.

2 MR. ARMSTRONG: The reason --
3 and again, you can keep it 50. The reason I put in
4 55 for you to consider is if you look at their
5 review letter, the county's review letter, one of
6 the things they're questioning is, how you come up
7 with your adjusted tract area. And the only thing
8 you're really taking out of the land is the right
9 of way, the road right of way. You're keeping all
10 the other, you know, things that the county has
11 suggested that you take out to come up with your
12 adjusted track area.

13 So my logic or my thinking was,
14 just for you to consider, because you're allowing
15 all of that to stay in that as the adjusted tract
16 area, maybe you want to consider maybe bumping up
17 that percentage for open space. It's -- obviously
18 it's something for the commission to consider but,
19 you know, I just thought you may want to think
20 about it.

21 MS. LAMBERTON: I thought the
22 reason was to make it as developable as possible
23 for -- so why would we want to bump that up and
24 take away lots from people when that's how they're
25 going to pay for that project? That's just my

1 opinion. I'm one person. That's how I understand
2 it, that was why we did it.

3 MR. McHALE: Right now the way
4 the PRD is written is that the four and a half
5 dwelling units per acre is on the gross lot area so
6 we're already kind of -- if we go to conservation
7 design, we're saying four and a half but it's on
8 the adjusted tract, which means we're subtracting
9 out those right of ways for the roads. So in
10 essence if you were doing a PRD you'd actually come
11 out a little bit better ahead to get closer to that
12 four and a half if you wanted then under the
13 conservation design, so that's why would I say -- I
14 agree with you, Anne, just maybe leave it at 50
15 percent and -- you know, that's a lot of open
16 space.

17 MR. ARMSTRONG: So everyone is
18 still okay with the 50 percent? Keep it at 50?

19 MR. SINCAVAGE: Let me just
20 understand it. So if you have a five acre piece,
21 two and a half acres has to be an open space?

22 MR. ARMSTRONG: Well, five
23 acres minus --

24 MR. SINCAVAGE: Minus any right
25 of way.

1 MR. ARMSTRONG: Roadway right
2 of way. Right. And then half of that.

3 MR. SINCAVAGE: Okay.

4 MS. LAMBERTON: So like two.

5 MR. SINCAVAGE: So like two.
6 Right.

7 MS. LAMBERTON: That's not
8 much.

9 MR. SINCAVAGE: We're getting
10 density bonus in this.

11 MS. LAMBERTON: Right.

12 MR. ARMSTRONG: Now, the only
13 other --

14 MR. SINCAVAGE: Wait. Are we
15 okay with the 50 per -- maintaining the 50 percent
16 or we want to bump it to 55 percent?

17 MS. LAMBERTON: So you're
18 saying 55 would take out the right of way --

19 MR. SINCAVAGE: No.

20 MS. LAMBERTON: To get more
21 conservation? I'm good with the 50 percent.

22 MR. SINCAVAGE: Yes. Okay.
23 We're going to leave it at 50.

24 MR. ARMSTRONG: Okay. And then
25 if you look on Page 8, we had a section there for

1 reduction in minimum lot size. You know, after
2 considering that it's not going to be by
3 conditional use, there's really no mechanism for
4 the board to, you know, consider this minimum lot
5 size, so the one thing you can do --

6 MS. HAASE: I'm sorry, Page 8?

7 MR. ARMSTRONG: Page 8 on my --
8 on my -- it's under Subsection F.

9 MS. HAASE: Okay. It would be
10 7 on ours.

11 MR. SINCAVAGE: Page 7,
12 Subsection F. Go ahead.

13 MR. ARMSTRONG: Right. So if
14 you wanted to provide -- and this would be a
15 section -- you don't even have to have this type of
16 a section, but if you wanted to allow for an
17 increase density for certain situations, you know,
18 one reason would be the increased open space if a
19 developer was considering providing additional open
20 space, you could increase that density factor. Or
21 if you want to do it by use or if you want to try
22 and keep it with respect to, you know, the
23 reduction and the minimum lot size as we had it, we
24 just have to find a mechanism to be able to do that
25 if it's a by right use or we could just take it

1 out. You know, you don't need a section like this
2 in here.

3 MS. LAMBERTON: I don't
4 understand how you're going to get more houses if
5 you put more into open space?

6 MR. ARMSTRONG: Well, what you
7 would do is you'd bump up the density, the density
8 -- the permitted dwelling units per acre.

9 MS. LAMBERTON: But don't our
10 zoning districts already have minimum lot size --

11 MR. ARMSTRONG: This would be
12 -- this conservation development section would
13 control. If they would do a conservation
14 development, the minimum lots -- well --

15 MS. LAMBERTON: I understand
16 that. I'm saying (inaudible) nonconforming lots.
17 I understand. I'm saying in today's thinking.

18 MR. BAXTER: The conforming by
19 --

20 MS. LAMBERTON: Understood.

21 MS. HAASE: So, Pat, what would
22 you propose for something like that? You're saying
23 4.5, I mean, where --

24 MS. LAMBERTON: People come up
25 to the Poconos to have trees, not strip lots with

1 --

2 MR. ARMSTRONG: Yeah, what I
3 put in there is -- there's no density because I'm
4 -- I don't know what it would be, because 70
5 percent is just -- you know, I've seen 70 percent
6 -- 70 percent is actually usually connected to the
7 type of uses being like village or hamlet type
8 small dwellings, very small lots where public
9 sewer's available. It's always -- typically public
10 sewer is going to be a necessity for something like
11 that. And again you don't have to have a section
12 like this.

13 MR. SINCAVAGE: So we're looking
14 to see if we should insert a number in there?
15 Increase it to say six dwelling units.

16 MR. ARMSTRONG: Yeah.

17 MR. SINCAVAGE: As opposed to
18 the 4.5 per acre?

19 MR. BAXTER: Say that again.

20 MR. SINCAVAGE: In F, the
21 inserted number would be 6. I'm just throwing that
22 number out, so instead of four and a half, it would
23 be six dwellings per unit of the adjusted tract
24 acreage. If the open space provided in the --

25 MR. BAXTER: Okay.

1 MR. SINCAVAGE: In relation to
2 the proposed development is increased to 70 percent
3 of the adjusted tract.

4 MS. LAMBERTON: So you're just
5 putting houses closer together?

6 MR. BAXTER: Closer together.

7 MR. ARMSTRONG: Keep in mind,
8 conservation development --

9 MS. LAMBERTON: -- option for
10 people if they want to do that?

11 MR. ARMSTRONG: Conservation
12 development is pretty much -- it's cluster, that's
13 what conservation development is.

14 MS. LAMBERTON: I understand
15 that.

16 MR. ARMSTRONG: Let's keep all
17 of this untouched and let's cluster everything
18 right here. You know, that's pretty much what it
19 is. Traditional language --

20 MR. SINCAVAGE: So we're saying
21 if you allow 70 percent of open space, you get more
22 density.

23 MS. LAMBERTON: Whole bunch of
24 houses together as long as you leave all this woods
25 around it.

1 MR. SINCAVAGE: Right, but
2 they're still going to have to meet the fire codes,
3 they're still going to have sewer requirements.

4 MS. LAMBERTON: I mean, if
5 somebody wants to build something like that, I
6 think they should have the option.

7 MR. SINCAVAGE: To me, and I'm
8 not in real estate, the residential real estate, to
9 me that's the trend, is smaller housing.

10 MR. BAXTER: And the other
11 appeal is people end up technically having less
12 property to personally take care of but much more
13 open space to enjoy.

14 MR. McHALE: Right.

15 MR. BAXTER: It's not for
16 everybody.

17 MR. McHALE: Could we maybe
18 ask Pat to write some language in here that would
19 allow flexibility beyond that density that's
20 specified here if the applicant would consider more
21 open space and then leave it to the board in the
22 future to consider what those numbers would be
23 rather than lock it in right now?

24 MS. LAMBERTON: Not locking
25 your percentages?

1 MR. McHALE: Correct.

2 MS. LAMBERTON: I'm open to
3 that.

4 MR. McHALE: So maybe they come
5 in and say we'd like to do five or five and a half
6 and we'll get up to 65 percent or 60 percent, you
7 know --

8 MR. ARMSTRONG: The one problem
9 with that is that you're taking it out of the
10 conditional use, so they're not going to be before
11 the board and if that means --

12 MR. McHALE: We'll put back in
13 the conditional use if they want to go that route.
14 If they want a greater density, then they have to
15 go for --

16 MR. ARMSTRONG: This section we
17 could specifically say that if you want to include
18 higher density and if you want to provide more open
19 space, you could do it by conditional use.

20 MR. McHALE: That allows
21 creativity and flexibility built into it.

22 MS. LAMBERTON: Yeah, I'm open
23 to that.

24 MR. SINCAVAGE: Just a
25 discussion, if you're giving them up to six --

1 again, six is the number I'm using. If we're
2 saying six, I mean, that gives them a whole range
3 of flexibility from the -- from one to six per
4 acre. I don't --

5 MR. McHALE: But
6 proportionately when I look at a plan and I think,
7 okay, here's the four and a half, here's the max
8 you can get out of this acreage that you have, then
9 you're giving 50 percent to open space.

10 Proportionately, I don't know if six matches 70,
11 that's all I'm saying. That's why I was kind of
12 leaving it open.

13 MR. ARMSTRONG: It doesn't have
14 to be 70. It -- this is just a -- I wanted you
15 guys to think about it, talk about it.

16 MR. McHALE: That's a good
17 thought. And I think incorporating something like
18 that with some flexibility in the language would be
19 good, maybe roll it to conditional use. That way
20 if somebody comes in with an idea and they say hey,
21 we'd really like to have more density but we'll
22 give you more open space, you can trade it out.

23 MS. LAMBERTON: It also proves
24 and see how things are changed over the last 10, 20
25 years that nobody really has planned for and it's

1 carved in stone and the blanket doesn't work
2 anymore.

3 MR. BAXTER: You got tract of
4 land that might only be developable in certain
5 areas because of limitations.

6 MR. McHALE: Soils.

7 MR. BAXTER: And that's sort of
8 perfect for this sort of thing where this -- you
9 almost have to leave this open anyhow. They get to
10 bring that density back to this --

11 MR. SINCAVAGE: Right.

12 MR. BAXTER: -- with that loss.

13 MR. SINCAVAGE: Right. So we
14 want to leave it flexible or we want to --

15 MS. LAMBERTON: I say flexible
16 and conditional use.

17 MR. BAXTER: I like that
18 concept.

19 MS. RINEHIMER: I like that
20 idea too.

21 MR. SINCAVAGE: Okay.

22 MR. ARMSTRONG: You're okay
23 with the section, you want us to tie it to a
24 conditional use option?

25 MR. SINCAVAGE: Conditional use

1 with flexibility on the density and the percentage
2 of open space.

3 Bob, you can work out the
4 language in there working with Pat?

5 MR. McHALE: Uh-hum.

6 MS. HAASE: Just to be clear,
7 that conditional use is only for this option?

8 MR. ARMSTRONG: Only for that
9 option.

10 MR. SINCAVAGE: That's correct.

11 MS. LAMBERTON: Sounds good to
12 me.

13 MR. ARMSTRONG: All right. And
14 I think -- I don't know if there was anything -- I
15 mean, obviously wherever I put 55, we're going to
16 change it back to 50.

17 MR. SINCAVAGE: Yes.

18 MR. ARMSTRONG: I don't know if
19 there were any other changes really or proposed
20 revisions. I took out some references to section
21 numbers because it turns out we don't need them.

22 MR. SINCAVAGE: Okay. So then
23 this is going to be our conservation development
24 ordinance.

25 MR. ARMSTRONG: No. This will

1 be included in the zone -- yeah, it will be the
2 article in the zoning ordinance addressing --

3 MR. SINCAVAGE: Okay. Thank
4 you.

5 MR. BAXTER: We've been talking
6 about incorporating sketches and things similar to
7 this. Do we have any of that that's taken place
8 yet or is that kind of what this might be?

9 MR. McHALE: We don't have the
10 sketches right now. I wonder if we could refer to
11 -- we can make references to some of these things
12 maybe.

13 MR. SINCAVAGE: Who's putting in
14 the sketches? It was my understanding that Pat was
15 going to do the formatting in terms of text.

16 MS. HAASE: Some of the
17 definitions already have --

18 MR. ARMSTRONG: Yeah, some of
19 them had photos or diagrams that I just carried
20 over when I -- not all -- I mean, we still need --
21 if you look at the sign section there's still pylon
22 and I need those diagrams.

23 MR. McHALE: I'm preparing the
24 parking ones that we had talked about with the
25 table, those kind of things, but I thought I

1 remember Carson had some of those little diagrams
2 or sketches for different styles, and they don't
3 have to be perfect, they can just be the concept.

4 MR. SINCAVAGE: Yes. Okay.

5 MR. McHALE: Almost like those
6 Figures 7, 8, 9 that we were referring to.

7 MR. SINCAVAGE: I think Carson
8 should be putting those diagrams in. We can't
9 expect an attorney to be inserting diagrams.

10 MR. ARMSTRONG: I don't think
11 you want me to insert them.

12 MR. SINCAVAGE: No, and we
13 don't want the attorney doing --

14 MR. ARMSTRONG: Who's the
15 contact with Carson? Who contacts Carson? Who
16 talks to Carson?

17 MR. McHALE: Phyllis.

18 MS. HAASE: I've passed the
19 reigns.

20 MR. SINCAVAGE: To?

21 MS. HAASE: Miss Heidi. She --
22 yes. Just leave it at that.

23 MR. SINCAVAGE: It's the
24 recommendation of the commission then that Carson
25 insert sketches and graphs in the appropriate

1 sections of the proposed zoning ordinances.

2 MS. HEIDI PICKARD: One thing
3 that I'm thinking, as you're talking about this and
4 it makes perfect sense, but when we go to have
5 general code codify that, I'm not sure how they
6 handle the picture and the codification (inaudible)
7 at our municipal code, and that's where most
8 everybody is looking things up so we're going to
9 have to speak to a general code and I just have a
10 suspicion it's going to be costly.

11 MR. SINCAVAGE: That -- I mean,
12 there must be a way to do that in this day in age.

13 MS. HEIDI PICKARD: Yeah.

14 MR. ARMSTRONG: What you can do
15 is just have a number -- you could have a number of
16 appendices at the end of the zoning ordinance.

17 MS. PICKARD: I'm -- you know,
18 I'd have to -- I should talk to them about it.

19 MR. MCHALE: There'd have to be
20 a link to the section.

21 MS. HEIDI PICKARD: Carson seems
22 to have somewhat removed himself from some of our
23 processes.

24 MR. SINCAVAGE: Yes, he has.
25 And I understand that, but he also said that he

1 would work with the sketches, I remember him saying
2 that.

3 MS. LAMBERTON: No, he did. I
4 recall that, absolutely. That was on the whole
5 awning thing.

6 MR. SINCAVAGE: Yes. Yes,
7 exactly. Okay.

8 Now, my next question then is in
9 response -- do we -- do we need to respond to the
10 technical letter from the Monroe County Planning
11 Commission?

12 MR. ARMSTRONG: Now, what you
13 should do is -- have you all looked at it?

14 MR. SINCAVAGE: Yes.

15 MR. ARMSTRONG: And you've
16 looked at their comments? A lot of the comments in
17 the sign section, you know, I can -- I may have
18 already adjusted or revised because a lot of them
19 weren't really substantive type issues but more so,
20 you know, clarifying some things.

21 The conservation development
22 section of their letter, we just kind of talked
23 about what you guys wanted. Some of it addresses
24 their concern, some of it does not. And the other
25 -- the buffer section, I guess, you can have a

1 discussion as to whether or not you want that in
2 the zoning or the SALDO. Remember the buffer
3 section of the zoning ordinance? I've seen it in
4 both.

5 Sometimes it works better in the
6 -- well, I've -- the thing with the zoning
7 ordinance is when you have someone coming in -- if
8 someone's going to change a use and you want that
9 buffer there, SALDO is not going to really come
10 into play.

11 MR. SINCAVAGE: Okay.

12 MR. ARMSTRONG: It's going to be
13 -- it's going to come under the zoning ordinance
14 because it's going to be reviewed by the zoning
15 officer. That's one of the reasons you see it work
16 in the zoning ordinance.

17 MR. McHALE: Can a section in
18 the SALDO that has the buffers be referred to in
19 the zoning under the change of use section? Can we
20 do that? That way -- we've been trying all along
21 to keep everything in one location and then make
22 reference to it because if we change it, we don't
23 want to have to go back to two or three different
24 locations to do that.

25 So my question is, can we under

1 the change of use section refer to the SALDO
2 section of the buffer for the criteria to spell out
3 buffers?

4 MR. ARMSTRONG: We can --

5 MR. McHALE: If we can, then we
6 can leave it in SALDO.

7 MR. ARMSTRONG: -- section.

8 MS. HAASE: Yeah, they just
9 have to meet the ordinance. I mean, why can't -- I
10 still don't understand why we can't have the SALDO
11 in the zoning to make it clean. There isn't a
12 section that specifically speaks to change of use.

13 MR. ARMSTRONG: No, there isn't.
14 Not that I'm -- I'm sitting here trying to think if
15 there is a provision in the zoning ordinance
16 addressing a change of use and I don't think there
17 is.

18 MR. McHALE: Then why don't we
19 put something in there that says change of use and
20 here's what you do.

21 MR. ARMSTRONG: Yeah, I mean,
22 if you want to reference it -- if you want to put
23 the buffer language in the SALDO, you can do that.
24 There's going to be --

25 MR. McHALE: If you put it in

1 the zoning ordinance, then they have to go to the
2 zoning hearing board to get relief. If you put it
3 in the SALDO, then you all can consider the matter
4 --

5 MR. ARMSTRONG: No, because if
6 you --

7 MS. HAASE: No.

8 MR. McHALE: No, I'm sorry.
9 Let me back up. Under the change of use you won't
10 be able to. It will be locked in because it's
11 referring to it, but I'm saying just the buffers in
12 general, if you all see that there's some need for
13 relief, you can make a recommendation to the board
14 and then the board could decide whether they want
15 to do that or not. Whereas if it's in the zoning,
16 they have to go the zoning hearing board.

17 But under the change of use,
18 like Pat's saying, that specific thing, because it
19 is going to reference the criteria, that will be
20 locked in.

21 MR. ARMSTRONG: Yeah, like I
22 said, I've seen it both ways. I'm not going to --
23 I mean, I see benefits and problems regardless of
24 where you put it, if you put it in SALDO or if you
25 put it in the zoning ordinance; but it sounds like

1 -- at least Bob and Phyllis and Heidi may be
2 leaning towards putting it in the SALDO and just
3 referencing the SALDO section of the buffer in the
4 change of use section in the zoning ordinance.

5 MR. SINCAVAGE: Yes. Correct?
6 Right.

7 MS. LAMBERTON: Say this again?

8 MS. HAASE: Then we will have
9 to then create a change of use?

10 MR. ARMSTRONG: Right.

11 MR. SINCAVAGE: Yes. Say it
12 again?

13 MS. LAMBERTON: Say it again.
14 Yes, one more time.

15 MR. SINCAVAGE: One more time
16 for Miss Anne.

17 MS. LAMBERTON: Miss Anne needs
18 an explanation.

19 MR. McHALE: We're going to
20 create a section in the zoning ordinance for change
21 of use so that Phyllis has something to refer to
22 and say here's what you got to do with the change
23 of use. Then we're going to link and make
24 reference to the SALDO section buffer -- there's a
25 buffer section in the SALDO in that change of use

1 section, so when she's reading it or the
2 applicant's reading it, they're going to just
3 simply go to the SALDO for the criteria. If they
4 want relief, they would have to go through the
5 zoning hearing board.

6 MR. SINCAVAGE: Under the change
7 of use.

8 MR. McHALE: Under the change
9 of use. But normal buffers in a land development
10 plan, if it's in the SALDO, you can consider a
11 modification if you wish or -- you know, to speak
12 to that and that can go before you all and the
13 board of supervisors so there's some --

14 MR. SINCAVAGE: I'd rather it
15 that way because a lot of times we have people
16 asking us for relief from the buffers and a lot of
17 times it makes sense, you know.

18 MR. McHALE: Now, with the
19 wetlands we have up here on the mountain and all
20 the other issues to deal with on resources, it's
21 nice to have some flexibility. And what you could
22 even do is in the buffer section, if you trim back
23 on a little bit of buffer in one area, you can
24 balance it out with a little bit more in another,
25 you know, those kind of things.

1 MR. ARMSTRONG: But there are
2 sections in the zoning ordinance for specific uses
3 that tie it to certain class buffers.

4 MR. SINCAVAGE: Yeah.

5 MR. ARMSTRONG: Like Class A,
6 Class Be, Class C, so those specific uses will
7 still be tied -- it's not just -- now that I'm
8 thinking about it, it's not just going to be the
9 change of use, it's going to be those other
10 specific provisions that tie certain uses to those
11 buffers as well.

12 MR. SINCAVAGE: Right. When we
13 were going through it, there was specific uses
14 where we made reference to a buffer and things
15 don't change. We went through all that.

16 MR. ARMSTRONG: So those will
17 stay the same as well?

18 MR. SINCAVAGE: Only under the
19 specific uses though. Right? Remember the buffers
20 came up each time we were talking about something
21 and we went through each one of those? Okay.

22 MR. ARMSTRONG: Do you want it
23 in zoning?

24 MS. HAASE: See, I'm not -- I
25 guess I'm having a hard time with it. If it's in a

1 change of use, okay, and it's referenced that you
2 have to meet the specification that's in SALDO --

3 MR. ARMSTRONG: For buffers.

4 MS. HAASE: -- for buffers,
5 then if the regulation is in essence in SALDO, why
6 is it going to the zoning hearing board?

7 MR. ARMSTRONG: Say that again?

8 MR. McHALE: Because it's
9 referenced in the zoning.

10 MR. ARMSTRONG: Yeah.

11 MR. McHALE: It's a zoning
12 requirement. It's just that the criteria is
13 spelled out in a different location.

14 MS. HAASE: All right.

15 MR. ARMSTRONG: You're
16 incorporating the buffer provisions specifically
17 for the change of use and you're also going to be
18 -- some of those specific uses that actually refer
19 to a class whatever buffer, we'll be referring and
20 incorporating those restrictions as well.

21 MR. McHALE: It's almost like
22 having a document that you have a hyperlink to
23 another section and as soon as you tag that, that's
24 the criteria. It's just that the criteria isn't
25 reiterated in the zoning, it's referenced in the

1 SALDO, so they're still locked in because it's a
2 zoning -- it's mentioned in the zoning that you
3 shall comply with the buffer requirements in this
4 section over here. It's a given, they have to do
5 it. Correct?

6 MR. ARMSTRONG: Yeah. I mean,
7 you can do it that way. It looks like your zoning
8 officer might not like it.

9 MS. HAASE: I'm just looking at
10 how it's going to be worded so there's no confusion
11 with the zoning hearing board.

12 MR. ARMSTRONG: The change of
13 use section?

14 MS. HAASE: Referencing it in
15 SALDO. Now, in the past we've had --

16 MR. ARMSTRONG: We're not going
17 to reference the change of use in SALDO, we're
18 going to have change of use --

19 MS. HAASE: The buffer.

20 MR. ARMSTRONG: Yeah, we're
21 going to have the buffers in SALDO. And the change
22 of use in the zoning ordinance will have a spec --
23 I don't know what it is off the top of my head, but
24 it will be a sentence basically saying that all
25 applicants for changes of use must comply with the

1 buffer requirements set forth in section -- or
2 Article Blank in the Tobyhanna Township SALDO.

3 MS. HAASE: Right. I
4 understand what you're saying. I'm just trying to
5 think how it's going to be interpreted down the
6 road.

7 MR. ARMSTRONG: By who?

8 MR. SINCAVAGE: By the zoning.

9 MS. HAASE: By the zoning
10 hearing board.

11 MR. ARMSTRONG: Well, when
12 someone comes in there, if they want a variance,
13 they're going to go to the zoning hearing board and
14 they're going to say we're changing our use to X.
15 We don't want to comply with the buffer
16 requirements, and under this section in the zoning
17 ordinance, under the change of use section, we're
18 required to comply with the buffer sections, the
19 buffer restrictions in Section Y of the SALDO, and
20 that's what the zoning hearing board will look at.

21 MS. HAASE: Okay.

22 MR. ARMSTRONG: It's a specific
23 requirement in the zoning ordinance that's
24 referring and incorporating a section from the
25 SALDO.

1 MR. McHALE: Conversely, if you
2 put it in zoning, then anytime anyone comes in and
3 they want a five foot relief on a buffer on a land
4 development plan, you got to send them to the
5 zoning hearing board, so that's the flipside of it.

6 MR. ARMSTRONG: And some
7 townships want that, some townships don't.

8 MS. HAASE: But realistically,
9 how many have we had?

10 MR. ARMSTRONG: How many what?

11 MS. HAASE: Of those cases.

12 MR. SINCAVAGE: Relief of the

13 --

14 MR. McHALE: I can -- currently
15 our buffer information is in the SALDO. When we
16 had those 25 foot buffers, they're in the SALDO.

17 MS. HAASE: Right. But there's
18 some reference ---

19 MR. McHALE: There is some in
20 the -- I mean, there's others in the zoning so we
21 have it in both locations now for different
22 specific uses.

23 MR. ARMSTRONG: So what's the
24 pleasure of the commission? Do you want to move
25 the buffer requirements into SALDO and have a

1 specific reference in the change of use section in
2 the zoning.

3 MR. BAXTER: I think that's a
4 great idea.

5 MR. McHALE: I'm sure Pat's
6 language can be so tight that the zoning hearing
7 board won't be able to interpret otherwise.

8 MS. LAMBERTON: I thought we
9 were trying to make this easier to understand.

10 MR. SINCAVAGE: It is easier to
11 explain.

12 MS. LAMBERTON: I can't wrap my
13 head around this one. I'm sorry. But okay.

14 MR. BAXTER: It's easier for us
15 to change buffer requirements if they're in the
16 SALDO.

17 MR. SINCAVAGE: And to give
18 relief to the developer to the buffer requirements,
19 if it is in SALDO, if it's a permitted use.

20 MR. ARMSTRONG: The individual
21 that was here earlier, if he comes in with a land
22 development plan and he puts up some kind of a
23 commercial structure that's bordering another
24 structure that requires him to have a Class C
25 buffer, which is the highest type of buffer, widest

1 most condensed planning, and he wants to take off
2 five feet or ten feet from that buffer or he wants
3 to cut back on the plantings, if the buffer section
4 was in zoning, he'd have to go to the zoning
5 hearing board for a variance.

6 If it's in SALDO, he can ask for
7 a waiver of that section of the SALDO from the
8 board and the planning commission --

9 MS. LAMBERTON: Okay.

10 MR. ARMSTRONG: -- rather than
11 going before the -- he's going to be before you
12 anyway during the land development process. Does
13 that make sense?

14 MS. LAMBERTON: Okay. Yep,
15 that does. Thank you.

16 MR. SINCAVAGE: Okay. So
17 that's the pleasure of the commission.

18 MS. LAMBERTON: I needed an
19 example.

20 MS. ARMSTRONG: Okay. I got
21 it.

22 MS. LAMBERTON: Right? I need
23 a picture. Have Carson draw me a picture of that.

24 MR. SINCAVAGE: Okay. So that
25 takes cares of conservation design and we will be

1 reading the Growing Greener Design information as
2 we can.

3 MR. ARMSTRONG: Okay.

4 MS. HAASE: As far as the land
5 uses, does the commission want me to respond to
6 this or --

7 MR. SINCAVAGE: Again, I think
8 it's a regional committee item.

9 MS. HAASE: We've really
10 disbanded our regional group --

11 MR. SINCAVAGE: That's the
12 response.

13 MS. HAASE: We're not meeting
14 anymore, so should we just then -- I'll just leave
15 it alone and not respond to it?

16 MS. LAMBERTON: Whatever you
17 think is best, Phyllis.

18 MS. HAASE: Okay.

19 MR. ARMSTRONG: Where were you
20 going to go?

21 MS. HAASE: Whatever the
22 direction the commission wants to go.

23 MS. LAMBERTON: Joe thinks he
24 has an input with signs, so maybe we can touch up
25 on that and listen to his input?

1 MR. SINCAVAGE: Can we take her
2 off the record --

3 MS. LAMBERTON: Sure.

4 MR. SINCAVAGE: -- so we can
5 have a more casual discussions.

6 MS. LAMBERTON: Absolutely.

7 MR. SINCAVAGE: Is that okay
8 with you?

9 MR. ARMSTRONG: Yeah. You want
10 me to start taking the minutes from here?

11 MR. SINCAVAGE: -- from this
12 point? 'Cause I think we're going to be having
13 more informal discussions from this point, so we'll
14 have the stenographer go off the record but the
15 minutes will be continued by the board solicitor.

16 MR. ARMSTRONG: And this will
17 continue to be an open meeting to the public.

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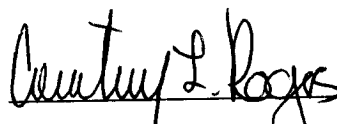
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7 I hereby certify that the
8 proceedings are contained fully and accurately, to
9 the best of my ability, in the notes taken by me at
10 the meeting in the above matter; and that the
11 foregoing is a true and correct transcript of the
12 same.

13
14
15 **ORIGINAL**


COURTNEY L. ROGERS

Tobyhanna Township Planning Commission
April 12, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 5:30 p.m. on April 12, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present: Mark Sincavage Chair

| | |
|--------------------|-------------------------|
| Joseph Miller | Vice Chair |
| Rob Baxter | Secretary |
| Anne Lamberton | Member |
| Patricia Rinehimer | Member |
| Robert McHale | Township Engineer |
| Patrick Armstrong | Township Solicitor |
| Phyllis Haase | Township Zoning Officer |

The meeting was called to order at 5:30 p.m. by Mr. Mark Sincavage. The Stenographer transcribed the first portion of the public meeting and said transcription shall be considered the meeting minutes for that portion of the meeting. The following shall be the meeting minutes for the Commission's meeting after the Stenographer left the meeting at 6:45 p.m. The meeting remained open to the public.

Planning

Zoning Ordinance Amendment – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and recommended the following revisions be made to the Ordinance:

1. The Commission discussed the possibility of increasing the size of permitted freestanding signs within the C and CI Districts for uses that contained less than 2,500 square feet of space. The Commission did not make a decision and will revisit this issue at its next meeting.
2. The Commission recommended deleting Kennels from the R-1 and R-2 Zoning Districts and adding the same to the OS District.
3. The Commission recommended combining Natural Gas Compression Station with Pipeline Compression Station and to allow the same in all Districts as a Conditional Use.
4. The Commission recommended setting a limit on the expansion of a nonconforming use at 50%.
5. The Commission wanted to review the sign ordinance provisions for Stroud and Barrett Townships.
6. The Commission wanted to insert the schedule of use regulations in Article X.

The Commission did not complete its review of the proposed Zoning Ordinance Amendment and will continue with its review of the Zoning Ordinance Amendment at its next public meeting on May 3, 2012 at 5:30 p.m.

Public Comment

None.

Adjournment

Mark Sincavage adjourned the meeting at 7:45 p.m.

AGENDA

**Township of Tobyhanna
Planning Commission
Regular Meeting
May 3, 2012**

- 1) Call Meeting to Order: Mr. Mark Sincavage, Chairperson
- 2) Public Comment
- 3) Consider the Minutes of:
March 19, 2012
April 12, 2012
- 4) New Business
- 5) Old Business
 - a) Wee Wons
 - b) Locust Ridge Quarry
 - c) Proposed Zoning Ordinance Amendment
- 6) Open Discussion
- 7) Public Comment

Tobyhanna Township Planning Commission
May 3, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 5:30 p.m. on May 3, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|-------------------------|
| Present: | Mark Sincavage | Chair |
| | Joseph Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |

The meeting was called to order at 5:30 p.m. by Mr. Mark Sincavage.

Approval of Minutes

A Miller/Lamberton motion was made to approve the minutes from the March 19, 2012 Commission meeting. The motion passed 5-0.

A Lamberton/Miller motion was made to approve the minutes from the April 12, 2012 Commission meeting subject to the following revisions:

Page 39, Line 1, change "agreement" to "approval";
Page 39, Line 23, change "600 feet" to "50 %";
Page 69, Line 18, clarify that the Commission's public meeting continued; and,
Page 26, Line 16, change "jurisdictional termination" to "jurisdictional determination."

The motion passed 5-0.

Old Business

Wee Wons – A Miller/Lamberton motion was made to table the plan. The motion passed 5-0.

Locust Ridge - A Miller/Lamberton motion was made to table the plan. The motion passed 5-0.

Planning

Official Map – Ordinance – A Baxter/Rinehimer motion was made to recommend the Board of Supervisors approve the Official Map and accompanying Ordinance. The motion passed 5-0.

SALDO Amendment – The Planning Commission reviewed and discussed the proposed SALDO Amendment and recommended the following revisions be made to the Ordinance:

1. The Commission recommended the definitions in the SALDO be consistent with the Zoning Ordinance Amendment.
2. The Commission recommended the addition of a shade tree provision in the SALDO Amendment to include a required number of approved trees and shrubs per number of parking spaces provided within a parking lot.

3. The Commission also recommended a provision suggesting lowered landscape islands to act as rain gardens within parking lots.
4. The Commission recommended adding a street tree provision requiring approved street trees along arterial and major collectors and at subdivision and driveway entrances.
5. The Commission recommended encouraging bike paths along roads.
6. The Commission recommended requiring sidewalks along sites within the Commercial Districts in the Township.
7. The Commission was not in favor of requiring the dedication of park and recreation land for every subdivision and/or land development application.
8. The Commission was not in favor of requiring road and stormwater improvements for every subdivision and/or land development application.
9. The Commission recommended adding a tree protection provision to protect those trees not intended to be disturbed during land development activities.

The Commission did not complete its review of the proposed SALDO Amendment and will continue with its review of the same at its next public meeting.

Public Comment

None.

Adjournment

Mark Sincavage adjourned the meeting at 7:45 p.m.

Tobyhanna Township Planning Commission
May 22, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 5:30 p.m. on May 22, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|-------------------------|
| Present: | Mark Sincavage | Chair |
| | Joseph Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |

The meeting was called to order at 5:30 p.m. by Mr. Mark Sincavage.

Planning

Zoning Ordinance Amendment – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and recommended the following revisions be made to the Ordinance:

1. The Commission recommended revising the Conservation Development section in the proposed Ordinance to allow a density of 4 dwelling units per acre for both single family and multi family dwelling units when 50% open space is dedicated; and further allow an increase in the single family density up to 5.5 dwelling units per acre in the event the applicant dedicates 60% of the adjusted tract area to open space.
2. Due to the change in definition of lot coverage, the Commission recommended the following changes to the maximum lot coverage percentages:
 - a. 70% within the C District
 - b. 80% within the CI District
 - c. 10% within the OS District
 - d. 20% within the R-1 District
 - e. 30% within the R-2 District
 - f. 20% within the RR District
3. Similarly, due to the change in definition of lot coverage, the Commission recommended generally doubling the percentages currently maintained for building coverage for the proposed lot coverage restrictions within the OS, R-1, R-2 and RR Districts.
4. The Commission recommended maintaining the same yard setbacks currently used for the OS, R-1, R-2 and RR Zoning Districts in the existing Zoning Ordinance for the proposed Ordinance.

A Lamberton/Miller motion was made to recommend the Board of Supervisors adopt the proposed Zoning Ordinance Amendment, subject to the revisions and additions recommended by the Commission at its meeting of May 22, 2012. The motion passed 5-0.

Public Comment

None.

Adjournment

Mark Sincavage adjourned the meeting at 7:40 p.m.

AGENDA

Township of Tobyhanna
Planning Commission
Regular Meeting
June 7, 2012

- 1) Call Meeting to Order: Mr. Mark Sincavage, Chairperson
- 2) Public Comment
- 3) Consider the Minutes of:
 May 3, 2012
 May 22, 2012
- 4) New Business
- 5) Old Business
 - a) Wee Wons
 - b) Locust Ridge Quarry
 - c) Proposed Zoning Ordinance Amendment
 - d) Proposed SALDO Amendment
- 6) Open Discussion
- 7) Public Comment

Tobyhanna Township Planning Commission
June 7, 2012
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 5:30 p.m. on June 7, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

| | | |
|----------|--------------------|-------------------------|
| Present: | Mark Sincavage | Chair |
| | Joseph Miller | Vice Chair |
| | Rob Baxter | Secretary |
| | Anne Lamberton | Member |
| | Patricia Rinehimer | Member |
| | Robert McHale | Township Engineer |
| | Patrick Armstrong | Township Solicitor |
| | Phyllis Haase | Township Zoning Officer |

The meeting was called to order at 5:30 p.m. by Mr. Mark Sincavage.

Approval of Minutes

A Lamberton/Rinehimer motion was made to approve the minutes from the May 3, 2012 Commission meeting. The motion passed 5-0.

A Lamberton/Rinehimer motion was made to approve the minutes from the May 22, 2012 Commission meeting. The motion passed 5-0.

Old Business

Wee Wons – A Lamberton/Rinehimer motion was made to table the plan. The motion passed 5-0.

Locust Ridge - A Lamberton/Rinehimer motion was made to table the plan. The motion passed 5-0.

Planning

SALDO Amendment – The Planning Commission reviewed and discussed the proposed SALDO Amendment and recommended the following revisions be made to the Ordinance:

1. The Commission recommended revising the definitions in the SALDO Amendment so that they are consistent with the definitions in the Zoning Ordinance Amendment, where applicable.
2. The Commission recommended using the definition of dual frontage lot from the SALDO Amendment in the Zoning Ordinance Amendment.
3. The Commission recommended using the definition of land development from the Zoning Ordinance Amendment in the SALDO Amendment.
4. The Commission recommended using the definition of streets from the SALDO Amendment in the Zoning Ordinance Amendment.
5. The Commission recommended using the definition of subdivision from the Zoning Ordinance Amendment in the SALDO Amendment.
6. The Commission recommended that the Township Engineer incorporate the applicable Penn DOT and ASHTO standards for roads into the SALDO Amendment, including a paragraph providing an option to the Applicant to either use the Township's existing road standards and/or the standards of Penn DOT and ASHTO.

7. The Commission recommended requiring a tax certification for a lot line adjustment.
8. The Commission recommended adding a provision that the street and landscaping tree types could vary from the specific list in the SALDO if approved by the Township.
9. The Commission recommended deleting the distance limitation for flag lots.
10. The Commission recommended some additional revisions to the SALDO Amendment relating to mobile home parks' parking requirements, standards for sidewalk and bike path construction and some additional administrative revisions.

A Baxter/Rinehimer motion was made to recommend the Board of Supervisors adopt the proposed Subdivision and Land Development Ordinance Amendment, subject to the revisions and additions recommended by the Commission at its meeting of June 7, 2012. The motion passed 5-0.

Public Comment

None.

Adjournment

Mark Sincavage adjourned the meeting at 8:15 p.m.

Before
THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Thursday, September 20, 2012, beginning at 5:30 p.m.

PRESENT: MARK SINCAVAGE, Chairperson
JOSEPH MILLER, Vice-Chairperson
ROBERT BAXTER, Board Member
ANNE LAMBERTON, Board Member
PATRICIA M. RINEHIMER, Board Member

ROBERT McHALE, P.E.,
Township Engineer

PATRICK ARMSTRONG, ESQUIRE, Solicitor

ALSO PRESENT: Phyllis Haase, Zoning Officer

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. SINCAVAGE: Call the
2 regularly scheduled meeting of Tobyhanna Township
3 Planning Commission to order. And the first order
4 of business is, is there any public comment at this
5 point besides the agenda items that anyone wants to
6 make? Okay.
7 Then we'll consider the minutes
8 of June 7th, 2012, which is the last time we met.
9 I'll entertain a motion to approve the minutes as
10 submitted.
11 MR. BAXTER: So moved.
12 MRS. LAMBERTON: Second.
13 MR. SINCAVAGE: I have a motion.

14 I have a second to the motion. All those in favor
15 please say aye.
16 MRS. LAMBERTON: Aye.
17 MR. MILLER: Aye.
18 MR. BAXTER: Aye.
19 MRS. RINEHIMER: Aye.
20 MR. SINCAVAGE: Aye. Any
21 opposed? They stand approved.
22 The second order of business is
23 under new business, rezoning for Natale. Who is
24 representing the Natales?
25 When you speak, please state

3

1 your name for the stenographer.
2 MR. McDERMOTT: Good evening.
3 Sean McDermott, the Zaremba Group, 14600 Detroit
4 Avenue, Cleveland, Ohio.
5 We are here tonight to discuss a
6 request for a rezoning of a portion of the Natale
7 property on State Route 940. We are under contract
8 for the purchase of approximately a four-acre
9 parcel of which the front of it is zoned commercial
10 and the rear residential. We submitted a request
11 to have the zoning of the commercial pushed further
12 back in the lot to mimic what is to the east and to
13 the west. When we did such the township requested
14 that we also add to our request lands behind the
15 existing bank, which would be our neighbor to the
16 west. At the end of the day, what we will be
17 proposing on the Natale parcel is a general
18 development to allow them to locate to a larger new
19 facility from their existing location. The
20 intention is to leave the remainder of the
21 property, approximately two acres on the southern
22 portion, which fronts roads in Old Farm Estates, I
23 believe this is Anna, as undeveloped, untouched.
24 So it would essentially remain wooded.
25 Before we can get there and

4

1 before we can submit for land development, approval
2 for land development, we are requesting that the
3 zoning be revised so that the zone line be pushed
4 back on these two parcels to mimic what is to the
5 east.

6 That being said, we've got a
7 church to the east, a bank to the west. The bank
8 actually has some uses on the southern portion of
9 the property that would be considered
10 non-conforming. I'm not here to speak on their
11 behalf, we don't have the authorization to do so,
12 but the use of their property today somewhat mimics
13 what we would be proposing on our property.

14 I have given you just a real
15 short presentation. I can go into much more detail
16 if you like, but I'd rather entertain questions.

17 MR. SINCAVAGE: Any questions
18 from any member?

19 MRS. LAMBERTON: I don't have
20 any.

21 MR. SINCAVAGE: I have a couple
22 comments and questions.

23 MR. McDERMOTT: Absolutely.

24 MR. SINCAVAGE: I notice on your
25 mapping there, your preliminary, the layout, you're

5

1 proposing to utilize what I consider a driveway. I
2 believe that the one that services the former
3 family center, I guess it's a church now, is -- was
4 a paper road, but are you going to be able to gain
5 access through those points?

6 MR. McDERMOTT: Good question.
7 Our first and foremost primary access would be
8 State Route 940. We would have to reconfigure the
9 existing drive to bring it up to current HOP
10 standards. With that we are working with the bank.
11 We have agreements in place already to work with
12 them to do that work. Because of your underlying
13 code, we then need fire emergency access. So we
14 are working with the church here for them to grant
15 us an easement on Chestnut which is still a paper
16 street, from the title search anyway, to have an

17 emergency access point off of their driveway that
18 would be chained and only used in the event of
19 emergency. But that's why we show this like this.
20 We were told when we first met with the township
21 that would be considered the new circulation from
22 emergency access.
23 MR. SINCAVAGE: I'm not sure
24 about the chain, but you might have to do a gate.
25 I don't know what we are doing with those points,

6

1 Bob, at this point.
2 MR. McHALE: The site plan will
3 be distributed to the fire chief as well as our
4 code enforcement officials.
5 MR. SINCAVAGE: That's just a
6 heads up.
7 MR. ARMSTRONG: It's important
8 to note the land development isn't before you. The
9 applicant requests a rezoning of the back portion
10 of their lot. The supervisors looked at it and the
11 supervisors, you know, keeping the neighboring
12 properties in mind decided or it was okay with
13 extending the line straight, continuing on to the
14 neighboring property to the road as shown on that
15 plan. So the board actually has authorized the
16 ordinance to be advertised for public hearing, sent
17 it to the planning commission for comments, but
18 there's no land development plan. It sounds like
19 the applicant is just letting you know as an FYI as
20 to what's coming down the pike. But right now, the
21 only thing before the planning commission to make a
22 recommendation on is the proposed rezoning as shown
23 on that plot plan.
24 MR. SINCAVAGE: I understand
25 that, but I just wanted you to understand that

7

1 there was future planning. Go ahead Bob.
2 MR. McHALE: And for purposes of
3 just conceptualizing why they need that additional

4 land rezoned certainly makes a lot of sense.
5 Sean, could you just point out
6 the end of the commercial property opposite the
7 bank, how far back that is?
8 MR. McDERMOTT: On the west
9 side?
10 MR. McHALE: Yes. Can you just
11 point out where the back side of that line is?
12 (Witness complies.)
13 MR. McHALE: Okay. I just
14 wanted the commission to see where that commercial
15 line was as well.
16 MR. McDERMOTT: It's quite a bit
17 deeper than --
18 MR. SINCAVAGE: I'd like to,
19 because the supervisors are asking us for an
20 opinion on this, I'd like to propose two
21 conditions. These are only recommendations to the
22 supervisors. Because this is in the Blakeslee
23 visioning area, which I don't know if you're
24 familiar with at this point --
25 MR. McDERMOTT: I've read it.

8

1 MR. SINCAVAGE: Okay. So two
2 things. One I would like to see some sort of --
3 I'm going to say easement or leased area allowed
4 for sidewalks across the front of the property and
5 possibly to the building itself. So that at some
6 point we are envisioning having sidewalks to the
7 commercial area of Blakeslee -- I should say in. I
8 understand we can't make you put in sidewalks at
9 this point, but I would like to see the area set
10 aside.
11 MR. McDERMOTT: Okay.
12 MR. SINCAVAGE: The second one
13 would be -- I know you've done, you being Dollar
14 General, have done two different designs. I have
15 seen two different designs of your building, one,
16 just a steel structure with a steel front. Then
17 I've seen a structure that has a stone front on it.
18 I'd like to recommend to the supervisors, with the
19 commission's approval, that they consider using the

20 stone front to make it a more aesthetically
21 pleasing Blakeslee area as opposed to just your
22 steel box building.
23 MR. McDERMOTT: You're
24 recommending that as a condition of rezoning and
25 not of land development?

9

1 MR. ARMSTRONG: It sounds like
2 it's more of an FYI when you come in for your land
3 development to have those things ready.
4 MR. SINCAVAGE: What I'm saying,
5 since we are giving you something back --
6 MRS. LAMBERTON: That is
7 something we are looking at in the future as well.
8 MR. SINCAVAGE: We are giving
9 you something, so I'm saying let's ask for
10 something back and it's only a recommendation to
11 the supervisors.
12 MR. McDERMOTT: Okay.
13 MR. SINCAVAGE: So those are the
14 two suggestions we have for the board of
15 supervisors. Any of the other commissioners have
16 any comment or questions on it?
17 MRS. LAMBERTON: I'd like to see
18 that back lot line cleaned up like it is.
19 MR. SINCAVAGE: Yep. No, I
20 agree with that.
21 MRS. LAMBERTON: I agree with
22 that.
23 MR. SINCAVAGE: So what do we
24 need, Patrick?
25 MR. ARMSTRONG: Well, with

10

1 respect to the rezoning there's an ordinance in the
2 exhibit which depicts, as shown on that plan, the
3 proposed rezoned line. If the commission is in
4 agreement with the proposed rezoning it would just
5 be a motion to recommend the board approve the
6 proposed rezoning ordinance. If the motion is

7 made, obviously, open it up for public comment.
8 MR. SINCAVAGE: With the
9 conditions that I suggested or could we put those
10 into the minutes?
11 MRS. LAMBERTON: Isn't that for
12 land development?
13 MR. ARMSTRONG: Yeah, that's
14 going to be at the time of land development.
15 MR. SINCAVAGE: Yeah, but I'm
16 saying as a --
17 MR. ARMSTRONG: You can mention
18 it. It's not going to be --
19 MR. SINCAVAGE: Two of the
20 supervisors are here, so.
21 MR. ARMSTRONG: The minutes will
22 reflect your concerns.
23 MR. SINCAVAGE: I'll entertain a
24 motion.
25 MRS. LAMBERTON: I'll make a

11

1 motion to recommend to rezone that section
2 commercial.
3 MR. SINCAVAGE: I have a motion.
4 Do I have a second to the motion?
5 MR. MILLER: Second.
6 MR. SINCAVAGE: Motion and
7 seconded. All those in favor please say aye.
8 MRS. LAMBERTON: Aye.
9 MR. MILLER: Aye.
10 MR. BAXTER: Aye.
11 MRS. RINEHIMER: Aye.
12 MR. SINCAVAGE: Aye. Any
13 opposed? There you go.
14 Sorry, any public comment on
15 this? No? Okay. I guess we'll see you in a month
16 or so.
17 Next item is the Kalahari
18 Resorts. It's a sketch plan.
19 MR. STEVE PINE: Yes.
20 MR. SINCAVAGE: State your name
21 for the record, please.
22 MR. STEVE PINE: Steve Pine.

23 Director of development for Kalahari Resort.
24 What I'd like to do, if it's all
25 right with the commission, is to take about 5 to 10

12

1 minutes of your time and show you a short
2 presentation for those of you who have not seen it
3 before just to know a little bit of what the
4 Kalahari is about. I'll show a video that's about
5 four minutes long. It tells you what our Ohio
6 project is like. It shows a little bit of that and
7 then just a series of some power point flags along
8 with the current proposed sketch plan. But Pennoni
9 is here as well and they're going to make the
10 presentation on it. Right now these are not final
11 plans. We're not looking for any action tonight.
12 This is just sort of a FYI of what we are hoping to
13 bring to you so you have some idea what's coming
14 your way. So if that's all right with you, may I?
15 MR. SINCAVAGE: We can give you
16 some feedback too.
17 MR. STEVE PINE: Hopefully this
18 lap top will be loud enough for everybody to hear.
19 Some of you have seen this
20 already, so I apologize if you have to sit through
21 it again. It's just a little bit of our mission.
22 It's to provide the ultimate play, stay and meeting
23 accommodations combined with the innovation of
24 water parks and a premier African Resort.
25 Pretty much everything we do is

13

1 African. We travel to Africa and we buy authentic
2 art and artifacts for the decor of the place. This
3 is our leadership team which is at a retreat a year
4 ago and our annual retreat is next week again,
5 which I'm going to miss because I'll be back out
6 here again. So I have to miss it this year. But
7 this is our management staff here. It is our goal
8 to provide an exceptional work environment that
9 fosters team work and professional growth; apply

10 the highest standards of excellence to everything
11 we do, and I think for those who have visited in
12 either one of our resorts you'll find that that's
13 absolutely true; to ensure a safe environment for
14 our guests and our associates; develop enthusiastic
15 guests who in turn become Kalahari ambassadors,
16 which is the best form of free advertising in the
17 world.

18 We get very involved in
19 communities we are involved with. This is a
20 Kalahari field out in Ohio. It was through the
21 efforts of the Kalahari that this was rebuilt and
22 we did it with zero dollars. We simply asked the
23 vendors who were helping build the resort to help
24 them redo this and they all pitched in. So that I
25 believe it was about a \$250,000 renovation;

14

1 contribute positively to the community and to the
2 environment.

3 This is our setup at Wisconsin
4 Dells. We have 106 of these solar panels that help
5 heat the water for our laundry.

6 This is an aerial view of the
7 resort at Wisconsin Dells. This one has 770 rooms.
8 Just another one. Our outdoor water park. Also
9 Wisconsin Dells. This is our biggest mistake our
10 company's ever made right here. It's a great park,
11 but we stuck it in between the building so we can't
12 grow. We left ourselves -- and that's the
13 interstate right above it, so we can't exactly grow
14 that way. It's about two and a half acres. We
15 have seven acres in Ohio that we can still expand
16 to. About five and a half of that is full right
17 now. You'll see that line across the top of the
18 building that's 106 panels for solar. And here in
19 the Poconos we are proposing about 11 acres
20 outdoor, so we won't make that mistake again. It's
21 a great park, but it's just simply landlocked. We
22 can't do anymore.

23 This is our indoor water park.
24 You can see the size of the wade pool. It's much
25 smaller. This was our first build back in 2000.

1 This opened and we expanded it in 2002 to a total
 2 of 125,000 square feet. And the one in Ohio is
 3 173,000. The proposed one for the Poconos is
 4 100,000 square feet first phase and additional 100
 5 in the second phase and additional 100 in the third
 6 phase for a total of 300,000.

7 This is our lazy river. This
 8 one happens to be in Wisconsin Dells. This is our
 9 indoor theme park. We have 100,000 square foot of
 10 indoor theme park. You'll see the indoor mini
 11 golf. That blue above is our indoor go-cart track.
 12 It's elevated above to take it away from using all
 13 the floor space. The ropes course is on your left
 14 there. There is also 24 lanes of bowling, which I
 15 believe are the next anyway. Yep. 24 lanes of
 16 professional bowling. Full service restaurants, we
 17 have four in Wisconsin Dells right now, we have
 18 four in Ohio and we are proposing a total of 5 for
 19 the Poconos in all three phases.

20 We have cocktail lounges. And
 21 these are entertainment villas. This is actually
 22 the ones in Wisconsin Dells which are our first
 23 stab at it. They're five bedrooms. They sleep 22
 24 people. You saw in the video they have five
 25 bedrooms. They have an entertainment room that has

1 a pool table and we now have 70 inch screen TVs in
 2 the newer ones. They were 55 at the time. But,
 3 again, these are a little older, but they are very
 4 high end. And this is where you have -- typically
 5 you'll have grandma and grandpa and the adult kids
 6 and their families all staying together. That's
 7 what typically rents these. But they are also good
 8 for family reunions and etcetera. We have golf
 9 carts called trappers turn golf carts in Wisconsin
 10 Dells as well. There is a photo of that and our
 11 newly redesigned clubhouse.

12 This is the one in Ohio that the

13 video was about and you'll see the entrance that's
14 in front there with the large pond in front that we
15 have geese in. This one is 980 rooms. You can see
16 the white roof there is our original convention
17 center and then the blue is the addition that was
18 just opened up last December for another 115,000
19 for a total of about 220,000 square feet overall.
20 You've seen this photo a couple times, but this is
21 our wade pool in Ohio. It's about twice the size
22 of the one in Dells. Some of our rides -- that's
23 actually four people on that inner tube, so you can
24 see how big that bowl is.
25 This is the outdoor water park

17

1 in Ohio. This is the first phase of it. We've
2 since added much more. You can see in this one
3 that this is the third phase of it. The lighter
4 color roof right below the young lady there has our
5 outdoor restaurant. It's full service. They serve
6 steaks and chicken and fish and it has a full size
7 salad bar in it. The darker roof is the outdoor
8 bar, and that seats about 150 people.
9 We have zip lines and a zoo.
10 It's really not a photo shot picture. I was
11 surprised by that. It's a great picture. World
12 class chefs. This, believe it or not is the kind
13 of food you get served in the convention center as
14 well as the restaurant. This is a salad, which is
15 the tomato and fresh mozzarella. You can see in
16 the way they decide to serve it as stacked like
17 that.
18 This is our buffet restaurant in
19 Ohio as well. We have -- this is casual dining.
20 This is a photo of the Wisconsin Dells site. We
21 have night clubs at both of them. One is
22 Kahunaville in Wisconsin Dells and the Reserve
23 Night Club in Ohio, which is the one proposed for
24 the Poconos, again as the reserve.
25 This is a photo of the newer

18

1 Niamey unit in Ohio. Again, they fit 22 people.
2 We took them from being three levels in Ohio down
3 to two levels and the people are liking them
4 better. They are a little more spread out, at the
5 same time it gives you that more open feel that you
6 have in the Dells. This is our newest addition of
7 the 115,000 square feet. This is the Kilimanjaro
8 ballroom. This is 40 thousand square feet with 28
9 foot ceilings.

10 This is the pre-function space
11 outside Kilimanjaro. This is the demonstration we
12 did at our open house just to show you the size of
13 this room. These are full size fire trucks that we
14 were just bringing in as a display part of our
15 grand opening. They just volunteered to bring over
16 their trucks for us and it was kind of fun. A lot
17 of racing people in Ohio and I think we are going
18 to get even more here because we are a lot closer
19 to the racetrack. They have -- I think it's called
20 the Norwalk track. It's the funny cars. It's
21 different than here. Totally different.

22 This is a little bit about the
23 impact we had on Ohio. We are the second largest
24 employer in the area with 1,200 employees. We just
25 added another 134 full time jobs when we added the

19

1 convention center and it was 110 one-time
2 construction jobs. Kalahari's annual payroll last
3 year was over 18 million dollars and from '05 when
4 we opened out there through '11 we generated about
5 48.2 million dollars sales property home tax for
6 the public sector.

7 This is our proposed first
8 phase, which again most of you have seen already
9 and heard this, 450 hotel units; 42,000 square feet
10 of the African theme lobby; 100 thousand square
11 feet of convention center; 100 thousand square feet
12 of indoor water parks; 2 to 3 acres of outdoor
13 water park with a full service restaurant; 40,000
14 square feet of theme park and theme park arcade,
15 which is the same space. I don't know why we have

16 40 instead of 42 if it's right under the lobby.
17 Oh, no, we kept them out for locker rooms. Gourmet
18 candy/coffee and artisan kiosks that we'll have.
19 Six thousand square feet of retail shops. Two
20 large restaurants at the first phase, lounge and
21 nightclub and Spa Kalahari.
22 This is the tentative plan right
23 now. Again, we made changes as recently as this
24 evening, about ten minutes before the meeting
25 started. But as you can see, the solid shaded area

20

1 is the first phase. You'll see to the left is the
2 water park. Right next to the right of that is the
3 42,000 square feet of lobby, and then the hotel
4 units will be in the one wing leading you down to
5 the 100 thousand square feet of convention center.
6 We are showing all three phases
7 currently. These are probably going to change 10
8 times between now and then. We may alter the
9 shapes of the buildings that we are adding to the
10 convention center or to the water park for that
11 matter. And to the very bottom of it you will see
12 I believe that's Swiftwater Creek right there. And
13 so this is kind of tentative, and you'll see the
14 other branch of rooms going up to the top. And
15 this, overall, is showing the total build-out of
16 the parking lot that is not first phased, so
17 everybody understands that's the entire 45000
18 parking stalls that we are proposing, which I
19 believe is more than what your ordinance requires.
20 But, again, this is changing, so.

21 Second phase is adding another
22 400 rooms, another 100 thousand square foot of
23 convention center space, 100 thousand square foot
24 of water park, additional full service restaurant
25 featuring 150 seats. This is going to be your high

21

1 end premier steak and seafood is what we are
2 planning on that. That's going to be an external
3 entrance to the building, so local people can come

4 to it without having to go through the entire
5 resort to get to it.
6 And the expansion of the out
7 door water park to five acres, this is phase three.
8 350 additional units; 100 on the convention again,
9 100 thousand on the indoor water park again.
10 Expansion of the water park to 10 acres. And we
11 are looking at the potential of adding a sports
12 complex. It will be detached on the site somewhere
13 and that is something that is still in the
14 planning. I don't know that a sports complex will
15 work in the area. I understand you already have
16 one on highway 33 near here. And then our proposed
17 five bedroom luxury villas.

18 This is a little article that we
19 thought was kind of interesting. We put it in
20 there. I'm sure many of you have seen this
21 already. It says who gets Kalahari cash. This is
22 a story telling us that the TIF that was created
23 for us we were paying back at such a fast rate that
24 we actually had an excess in over a million dollars
25 a year or so ago that everybody was kind of eyeing

22

1 for it and so forth. I believe they settled it by
2 splitting it.

3 Our target opening date is
4 November of '14. We must start construction in
5 April in order to hit that. And it's about a 20
6 month construction period. These are just the
7 current status. The architectural firm has been
8 contracted and working on the full resort design
9 and we have also engaged Pennoni and Associates
10 Engineering. The TIF being worked on. We already
11 established a TIF committee on that and that's
12 being worked on as we speak. The approval process
13 that are needed we need the following things: We
14 need the will-serve letter from natural gas, which
15 we have not gotten yet; public water system
16 approval from the DEP; electrical service which we
17 already have received in August a will-serve letter
18 from them. And I know meetings are currently going

19 on today and they're going to have another one in a
20 week or two on the data and communication. So
21 things or moving.
22 The sewer system will-serve
23 letter is also needed and that is being worked on
24 and we are meeting on that next week with the DRBC.
25 And we are looking for construction approvals, we

23

1 thought by the architect, by February. And Pennoni
2 development and site approvals and everything by
3 March of '13. We have two other deadlines of DOT
4 and DEP and I will tell you that both of those
5 agencies have been extremely cooperative with us
6 and very helpful.
7 That's my presentation. Now, I
8 know Pennoni has got a lot of stuff to show you.
9 MR. SINCAVAGE: Okay. Phyllis,
10 you're going to be putting these up on the screen?
11 MS. HAASE: Joe is actually
12 going to or I'd be more than happy to do it for
13 him.
14 MR. SINCAVAGE: I just want the
15 audience to be able to see what we are seeing.
16 MR. JOSEPH MULLEN: That's why
17 it's on the screen. Also, because this is the size
18 that it is, do you have any preference to your eyes
19 to the screen if this does not work?
20 Good evening. My name is Joe
21 Mullen. I'm with Pennoni Associates. I'm the
22 project manager. I'm also a vice principal of the
23 company. I'm here this evening to talk about the
24 site plan. You saw a great presentation from Steve
25 all about the Kalahari. Today I'll be talking

24

1 about what you have on the table in front of you.
2 What I'd like to do is just walk through the
3 project to where we are today and give you a little
4 idea where we are heading and then opening it up
5 for questioning, whatever may be appropriate for
6 right now.

7 Currently this is the Pocono
8 Manor site. As you can see from the sketch what
9 it's representing is over on the left hand side
10 that's Interstate 380. There's an interexchange,
11 it's the Pocono interchange and then you've got
12 Route 940. Coming down a little bit from the top
13 is State Route 314. That goes all the way down and
14 picks up 611 down by Sanofi. So that's the general
15 vicinity. This is an existing conditions map.
16 This is part of the west golf course for Pocono
17 Manor; a little bit of the east course is also
18 here. But currently the -- what is there today is
19 a golf course, no more, no less. A couple months
20 ago there was a tough mudder there and I know two
21 of my children were in the tough mudder. My
22 daughter, yeah. But this is the existing
23 conditions.
24 This is an overall layout of the
25 proposed Kalahari project. The Kalahari project

25

1 will have its main entrance off State Route 314
2 which you can see up there where the pile is
3 labeled CS 1007. You will come across the property
4 heading down southwest, come into the Kalahari
5 property and then access the parking lot and all
6 the facilities on the site plan. Kalahari will be
7 a separate stand-alone piece of property. It will
8 be a subdivision that will be forth coming prior to
9 getting to the board for preliminary plan
10 submission. It's approximately 154 acres and we
11 are making provision at our access route for
12 possible future expansion, which is the logical
13 thing to do at this time. The next one.
14 Now this plan is the same scale
15 as this plan that's here. Okay. This is a 100
16 scale plan. And that shows a little more detail of
17 what we have. We have a main boulevard that comes
18 into the site from State Route 314. Two lanes in,
19 two lanes out, 20 foot center median, sidewalks,
20 landscaped area, all the way to 314, so from 314
21 all the way through this facility into the lobby

22 section of the Kalahari property.
23 What we have here is, as Steve
24 talked about this, this is the lobby section. This
25 is what we call the port-cochere. It's where the

26

1 drop-off is. In casinos -- it's a very popular
2 item at the casinos. This is the first piece of the
3 water park. This is the first part of the hotel.
4 And this is the first piece of the convention
5 center.

6 The outdoor water park we spoke
7 of is this ameba. It's right over here. We don't
8 necessarily know at this moment in time what the
9 water park outside is going to look like, so we've
10 just kind of blocked out an area just for display
11 purposes as to where the water park will go. The
12 indoor water park will expand to the west towards
13 Interstate 380. That's the general direction. The
14 lobby will be the lobby from day one with the hotel
15 expansion in this direction for phase two and this
16 one for phase three. And here you've got the
17 convention center which will move in this direction
18 for its expansion.

19 Now, what we tried to do with
20 this drawing is, because it is schematic in nature,
21 we tried to show everything, a little bit of
22 everything. So it's not what you're going to see
23 the day we submit the plans. It would be more
24 definitive, altogether, all the options will be in
25 front of you. But what was important here was for

27

1 us in the initial phase, because of all the hard
2 surface for the parking, was to understand the
3 ramifications of the parking with respect to
4 stormwater and the NPDES permit and such. What we
5 have shown here is approximately 4500 spaces that
6 will -- that will change as we develop and put our
7 handicap spaces in the appropriate spots and things
8 like that. The parking will change a little bit,
9 but I believe the ordinance, if you do the

10 ordinance calculations, approximately 700.
11 Kalahari feels, based upon their program and what
12 they need to do, they need 4500 spaces. So that's
13 the opportunity. They have been aligned certainly
14 to be pedestrian -- as pedestrian friendly as a
15 large parking lot can be where the more remote
16 parking lots up in here actually filter down to
17 walkways. These filter towards the resort and of
18 course there's sidewalks all along the main
19 boulevard if necessary. This is a counter
20 clockwise circulation for the porte-cochere. Right
21 in here is a water feature. It will be a manmade
22 pond, lake. And we potentially may use stormwater
23 for keeping this water facilitated if you will. A
24 lot of use there.
25 For this property we have done

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1 initial infiltration testing, just to get a taste
2 for what's out there. We've got an idea where
3 we've got good stuff. We have an idea where we
4 might have a little bit of difficulty. But that
5 will mature as we move forward.
6 So where we are in the process,
7 first and foremost is here. We are in the process
8 now of doing grading, drainage, looking at that.
9 We will be meeting for a second time -- let me back
10 up a little bit. We have met already with DEP. We
11 have met with Monroe County Conservation District.
12 We've met with District 5. We're already in motion
13 with the traffic study that will affect this
14 project. We have set up inner meetings with all
15 the agencies as we move through this so that we
16 come, discuss, present, modify, move forward, so
17 that when we do make a final submission of whatever
18 documentation, first time somebody seeing it,
19 there's been input, appropriate input into it and
20 hopefully everyone has bought into the idea of the
21 plan, the concept. We are working with the concept
22 of water balance for this whole project. Of
23 course, it is, you know, mandatory, but it's also
24 very green, so we are in the beginnings of that

25 process thinking about all these things ahead of

29

1 time and not coming back at the last minute. And
2 with that, I think, you know, you may be seeing us
3 back here as a formal submission between
4 Thanksgiving and Christmas. Right now that's what
5 our schedule is dictating. As Steve said, things
6 have been moving forward and at a very nice manner
7 with a lot of co -- we've always had a lot of
8 cooperation. We've worked well with the Monroe
9 County Conservation District over the years. They
10 know us well, we know them well. So we believe
11 that this will move forward in a positive manner in
12 order to meet the deadlines that Kalahari has set
13 forth.

14 I think with that I'd like to
15 open with any questions that you may have.

16 MR. SINCAVAGE: Any questions
17 from the commission? Any comments?

18 I just have one comment. You
19 didn't mention any bike lanes coming in. We are
20 wondering if that's been considered.

21 MR. JOSEPH MULLEN: At this
22 moment in time I think the answer is no. I don't
23 think it would be off the table. We are open to
24 that.

25 MR. SINCAVAGE: I'm sure you can

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1 incorporate maybe even along the sidewalks there,
2 because I don't think you have sidewalks along your
3 whole boulevard going out.

4 MR. JOSEPH MULLEN: Yes.

5 MR. SINCAVAGE: You are.

6 MR. JOSEPH MULLEN: The whole
7 boulevard.

8 MR. SINCAVAGE: Oh, okay. I
9 think we are trying to push more bike lanes
10 throughout the whole area so if you would consider
11 that.

12 MR. JOSEPH MULLEN: I will talk

13 with Steve because that's a great idea. And I
14 should have thought of this myself. I do a lot of
15 road biking. Anyway, these are 8 foot wide
16 sidewalks. And this is a boulevard. It's not
17 little lanes. These are big lanes. So the
18 opportunity to do that sort of augmentation, I
19 don't think it's an issue. Yeah, well taken.
20 Point well taken.

21 MR. BAXTER: Could you expand a
22 little bit more on the concept of water balance
23 that you mentioned? Just briefly.

24 MR. JOSEPH MULLEN: First and
25 foremost water balance is about reuse. We're going

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1 to be taking water out of the ground we drink,
2 water for the pools. We wanted to minimize that
3 withdrawal by managing stormwater to the best of
4 our abilities. We have infiltration requirements
5 that we need to get a certain amount back into the
6 ground, so that we are trying to not generate an
7 enormous amount of runoff that would just sheath
8 off. We are taking this water. You know, there
9 are wetlands on the property that we will -- well,
10 a lot of wetlands. The corp of engineers have
11 given us a jurisdictional determination on these
12 wetlands. So there's the parcel of wetlands in
13 here. There is also some -- oh, there it is.
14 Right over here. So there is an overall stormwater
15 concept that needs to put back today to this
16 wetland what it receives today at the end of the
17 day. There has to be that balance in the water.
18 Then you can talk about water balance or you can do
19 whatever roof water reuse within the building, gray
20 water reuse. Steve talked about the solar panels.
21 That's kind of more green than it is water panels.
22 That's the concept of the water balance. So the
23 out taken out is kind of balanced with the in,
24 generally speaking.

25 MR. SINCAVAGE: Steve, one

1 question. Do you use gray water recycle out at
2 Sandusky?

3 MR. PINE: No, we do not. We do
4 not currently. That is something that we are
5 looking at for over here.

6 MR. SINCAVAGE: I was just
7 curious if you had any experience.

8 MR. PINE: No. What we do in
9 Ohio, you saw the large detention ponds.

10 MR. SINCAVAGE: Right.

11 MR. PINE: The one detention
12 pond from -- we have a real high water table there.
13 I mean, you literally dig a foot into the ground
14 and you get water because we are so close to Lake
15 Erie that we take all of that water collected and
16 it handles all of the irrigation on our site.
17 So -- which don't use any city water for our
18 irrigation. It's strictly water off the site out
19 of one of the detention ponds. But there's five of
20 them, so.

21 MR. SINCAVAGE: You mentioned
22 during the presentation that you were going to be
23 seeking public water?

24 MR. PINE: No. Public sewer.

25 MR. SINCAVAGE: Okay. I'm

1 sorry. I misunderstood that.

2 Any other questions or comments?

3 Any other questions? Now I'll
4 entertain questions from the audience.

5 MR. SETH EISENBERG: Seth
6 Eisenberg, the Journal of the Pocono Plateau.

7 How tall is the building,
8 please? How many stories in the hotel?

9 MR. PINE: To my knowledge right
10 now it's eight stories in the hotel unit. The rest
11 of the buildings are not as tall.

12 MR. SETH EISENBERG: So about an
13 80 something foot height?

14 MR. PINE: They're a little
15 taller than that because I think we are going to

16 move forward between floors. I want to say it's
17 probably around 100 to 120. I believe right now
18 the ordinance there for that property is 120 feet.
19 I'm sorry, that's what we requested at one point is
20 120. So we don't plan on going any higher than
21 that.
22 MR. SETH EISENBERG: Thank you.
23 MR. SINCAVAGE: Any other
24 questions from the audience? Yes.
25 MS. EILEEN LAWRENCE: What's the

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1 completion date of all three phases?
2 MR. PINE: I'm sorry?
3 MS. EILEEN LAWRENCE: Are you
4 planning to do all three phases?
5 MR. PINE: Yes. The opening
6 date we are hoping for is November of '14 for Phase
7 I. We hope that the other two follow within a few
8 years after that. Our plan is, and we've already
9 alerted our engineers and our architect that the
10 minute our doors get open in November, that within
11 about three months we need to start planning Phase
12 II. So, again, roughly a 20 month build again. So
13 probably two and half to three years later. Don't
14 hold me to that, but I can tell you what we've done
15 in our other locations. Both locations have
16 expanded within -- the first one 24 months and the
17 other one 28 months. So that's kind of what our
18 history is.
19 MS. EILEEN LAWRENCE: So every
20 two years you're saying.
21 MR. PINE: We are hoping to and
22 of course it depends on the success of the project.
23 If we are running real high occupancy rates right
24 away, then it happens faster.
25 MS. EILEEN LAWRENCE: Okay.

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1 MR. SINCAVAGE: Any other
2 questions from the audience? Thank you. Very nice

3 presentation from both sides. Steve, good seeing
4 you again. We'll look forward to working with you
5 and in any way we can, speaking on behalf of the
6 commission. Please let us know as you need
7 meetings scheduled. Our regular meeting date is
8 the first Thursday of the month, but if we need
9 meetings in between we are certainly willing to do
10 that.

11 MR. JOSEPH MULLEN: Super.
12 Thank you very much.

13 MR. ARMSTRONG: I just have a
14 few. You said you were going to be filing a
15 subdivision application. That's for that parcel --

16 MR. JOSEPH MULLEN: Correct.

17 MR. ARMSTRONG: And the phases,
18 for each phase you'll be coming -- are you planning
19 on coming back for additional land development
20 approval for each phase?

21 MR. JOSEPH MULLEN: Well, what
22 we -- I think what we've intended from the get go
23 was to do the whole 9 yards.

24 MR. SINCAVAGE: So your initial
25 land development plan that's going to come you said

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1 in November, December, will be for all three
2 phases, it just won't be for Phase I?

3 MR. JOSEPH MULLEN: That's the
4 intent.

5 MR. ARMSTRONG: Just so I'm --
6 the stormwater, there is no basin. You talked
7 about reusing I guess the water.

8 MR. JOSEPH MULLEN: Well, at
9 this moment in time we are at the infancy of the
10 stormwater. Ideally, from an environment
11 perspective, it goes back in the ground, it goes
12 back in the ground. There's no basins. That's
13 good also from a real estate perspective. You're
14 not using up your real estate. But there may be
15 basins, you know, above ground basins that are just
16 approved to be in a particular spot. We talk about
17 water reuse, so we may need to store it to be able
18 to use it for other things, irrigating the golf

19 course, putting it back in the manmade pools, reuse
20 of the water as opposed to letting it out. So
21 there is another piece of water balance.
22 MR. ARMSTRONG: That's all I
23 got. Thank you.
24 MR. BAXTER: Are you going to be
25 incorporating a golf course? You're taking out one

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1 good size golf course.
2 MR. JOSEPH MULLEN: Well, I
3 don't want to be so smart, but with this project
4 there is a desire to retain 9 holes. So, you know,
5 to be official it has to be 9 holes and so many par
6 5s, so many par 4s, all that kind of good stuff.
7 That will be retained when this project begins.
8 What the future is, who knows. Maybe more holes,
9 maybe another 18 somewhere.
10 MR. SINCAVAGE: Any other
11 questions? Comments? Thank you again.
12 MR. PINE: Thank you.
13 MR. SINCAVAGE: Open discussion
14 from the commission?
15 Phyllis, what's the status of
16 the zoning ordinance?
17 MS. HAASE: The board of
18 supervisors have tabled it the last few months so
19 right now it's in front of them.
20 MR. SINCAVAGE: So they are
21 still reviewing.
22 MS. HAASE: Yes, sir. Just to
23 remind you, we also need to reschedule the October
24 1st meeting.
25 MR. SINCAVAGE: Right. Thank

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1 you.
2 MS. HAASE: We have signed
3 permission, as well as myself, to the seminar at
4 the conservation district, so that has been done
5 and confirmed.

6 MR. SINCAVAGE: Yes. We will
7 all be attending it?
8 MRS. LAMBERTON: I will be.
9 MR. SINCAVAGE: Looks like it
10 will be worth while.
11 MRS. LAMBERTON: Especially for
12 Blakeslee. That's why I want to go.
13 MR. SINCAVAGE: Do we have any
14 idea on submission? Kalahari is telling us not
15 until a little later on, so.
16 MS. HAASE: Excuse me, Steve or
17 Joe, possibly an update in a few weeks?
18 How about the next few weeks,
19 what is an update for the planning commission? Do
20 you anticipate any or are we just waiting now to
21 November?
22 MR. PINE: I guess it's a
23 question for Joe as much as me.
24 From our standpoint we are
25 trying to get this site plan down so it's locked in

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1 stone and they can do their work, meaning where all
2 the detention ponds are going, which way this water
3 is going to go, which way that's going to go. So
4 we are getting close. But it's, like I said, we
5 made a change yesterday and then we made another
6 change tonight just before the meeting. So that
7 drawing, unfortunately, that you saw is about two
8 phases back already, just in the last 24 hours.
9 But we hope that in a few weeks we will have it
10 finalized so the work can be done and we have to
11 stop updating it, but every time we look at it
12 again, it's like, well, this would be a little
13 nicer here. We're really trying to walk blindfold
14 through it to make sure our guests have the best
15 arrival experience and that's why we've changed
16 some things already twice, like I said, in the past
17 24 hours. So, I'm not trying to be a politician
18 and not answer your question, but we are hoping,
19 yes, in a few weeks we will have our minds made up
20 and we can start going at least with this site
21 plan. Now, we haven't even started on -- we've

22 started some basic design stuff on the hotels, but,
23 you know, we've got to get -- we've got a good team
24 together and we've got to do some real design
25 stuff.

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1 MS. HAASE: So possibly by the
2 11th, that may be doable? That's three weeks away.
3 MR. JOSEPH MULLEN: If they can
4 draw it fast enough.
5 MR. SINCAVAGE: We are just
6 trying to schedule a meeting around you guys. So
7 let's just leave it open at this point. We only
8 need to advertise what, three days in advance?
9 MR. ARMSTRONG: Actually, just
10 24 hours.
11 MR. SINCAVAGE: Let us know 24
12 hours in advance and we'll schedule.
13 MR. ARMSTRONG: Now you are
14 cancelling the October 1st?
15 MR. SINCAVAGE: Yes, that's
16 already been cancelled as far as I know. October
17 fourth. Yes, it's October fourth, and the
18 commission is going to be attending a workshop on
19 commercial redevelopment.
20 MS. HAASE: At the conservation
21 district.
22 MR. SINCAVAGE: At the
23 conservation district. It happens to be that night
24 so we've decided that we would like to attend that.
25 So let us know and we are flexible, unless

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1 something else comes up on our agenda and we'll
2 have to schedule it accordingly. Otherwise, our
3 next meeting will be November the first. Okay.
4 Anything else?
5 I'll entertain a motion to table
6 the Wee Wons land development plan.
7 MR. MILLER: So moved.
8 MR. SINCAVAGE: I have a motion.

9 Do I have a second to the motion?
10 MR. BAXTER: Second.
11 MR. SINCAVAGE: Motion and
12 second. All in favor please say aye.
13 MR. MILLER: Aye.
14 MR. BAXTER: Aye.
15 MRS. LAMBERTON: Aye.
16 MS. RINEHIMER: Aye.
17 MR. SINCAVAGE: Aye. I'll
18 entertain a motion to table the Locust Ridge Stone
19 Quarry land development plan.
20 MR. MILLER: So moved.
21 MR. SINCAVAGE: I have a motion.
22 Do I have a second to the motion?
23 MR. BAXTER: Second.
24 MR. SINCAVAGE: Motion and
25 second. All in favor please say aye.

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1 MR. MILLER: Aye.
2 MR. BAXTER: Aye.
3 MRS. LAMBERTON: Aye.
4 MS. RINEHIMER: Aye.
5 MR. SINCAVAGE: Aye. Okay.
6 Thank you very much for attending. We stand
7 adjourned.
8 (Meeting concluded at 6:20 p.m.)

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I hereby certify that the
proceedings and evidence are contained fully and
accurately in the notes taken by me at the hearing
in the above matter; and that the foregoing is a
true and correct transcript of the same.

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JOSEPHINE HOLLMAN, C.R.

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Before
THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

In Re: Regular Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Thursday, November 1, 2012, beginning at 5:30 p.m.

PRESENT: MARK SINCAVAGE, Chairperson
JOSEPH MILLER, Vice-Chairperson
ROBERT BAXTER, Board Member
(Late arrival)
ANNE LAMBERTON, Board Member
PATRICIA M. RINEHIMER, Board Member

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: Phyllis Haase, Zoning Officer
Robert J. McHale, Engineer

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

MR. SINCAVAGE: Call the
2 Tobyhanna Township Planning Commission to order for
3 November 1, 2012.
4 Public, any comment?
5 FEMALE VOICE: Not yet.
6 MS. LAMBERTON: Yet.
7 MR. SINCAVAGE: We'll consider
8 the minutes of September 20, 2012, which we
9 received electronically.
10 Do I have a motion to approve?
11 MR. MILLER: So moved.
12 MR. SINCAVAGE: Have a motion.
13 Do I have a second to the motion?
14 MS. RINEHIMER: I'll second.
15 MR. SINCAVAGE: Motion and

16 second.
17 All those in favor, please say
18 aye?
19 BOARD MEMBERS: Aye.
20 MR. SINCAVAGE: The next order
21 of business is new business under the proposed 2013
22 planning commission schedule.
23 Phyllis and I did take a look at
24 this before we sent it out. I thought everything
25 looked okay. The only thing Joe Miller raised

3

1 prior to the meeting was the September 5, that's
2 three days after Labor Day. I'm okay with that.
3 MR. MILLER: Yeah, I am.
4 MS. LAMBERTON: I'm cool with
5 that.
6 MR. SINCAVAGE: We're all okay
7 with that? So no other changes, we're all good?
8 MR. ARMSTRONG: You're staying
9 at 5:30?
10 MR. SINCAVAGE: They're going
11 to stay at 5:30, yes.
12 I'll entertain a motion to
13 approve the meeting schedule for 2013 as submitted.
14 MS. LAMBERTON: Motion to
15 approve.
16 MR. SINCAVAGE: I have a
17 motion. Do I have a second to the motion?
18 MR. MILLER: Second.
19 MS. RINEHIMER: I'll second it.
20 MR. SINCAVAGE: Motion and
21 second.
22 All those in favor, please say
23 aye?
24 BOARD MEMBERS: Aye.
25 MR. SINCAVAGE: Dollar General,

4

1 you're up, sir.
2 MR. SEAN McDERMOTT: Good
3 evening.
4 MS. LAMBERTON: Good evening.

5 MR. SEAN McDERMOTT: How are
6 you all?
7 MS. LAMBERTON: Fine, thank
8 you. How are you, sir?
9 MR. SEAN McDERMOTT: Drying
10 out.
11 MS. LAMBERTON: Yeah. Do you
12 have power?
13 MR. SEAN McDERMOTT: We have
14 power, but we have a very wet house. We have seen
15 water where water should not be.
16 My name is Sean McDermott with
17 Zaremba Group. We're the developer for Dollar
18 General. We were in front of you September 20 on
19 the present recommendation for a rezone -- for a
20 zone line amendment in the rear of our subject
21 parcel and also in the same application was a
22 zoning amendment for the bank. That will be in
23 front of the board of supervisors on the 12th,
24 hopefully with an approval.
25 So tonight not expecting to walk

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1 out with an approval because we're not rezoned. So
2 I wanted to get in front of you tonight so that if
3 you do have any comments, we can address them and
4 hopefully we'll be back in front of you for your
5 December 6 or have some conditions that we will
6 satisfy prior to that.
7 So since we met last, we've
8 buttoned up our plans submitted for, what we're
9 calling, preliminary and final land development.
10 And we'd like to walk you through our proposal and
11 also answer any questions that you have. At the
12 planning commission meeting on September 20, you
13 had two suggestions when we did come forward with
14 our land development plan. That was for the
15 depiction of a future sidewalk along 940 and how
16 that would work.
17 And also I believe, Mr.
18 Sincavage, you wanted some stone added to the
19 building, which we've done. We can go into more
20 detail on the building. I'd like to start with the
21 site first.

22 First and foremost we got a
23 12,800 square foot building, this is a Dollar
24 General Plus. So it's a medium size building for
25 them where we can offer more goods than their

6

1 standard 90, 100 square foot building. Here we
2 have 52 parking spaces and in taking some of the
3 recommendations from the builder's master plan,
4 which we would be really right on the boundary of
5 the whole planning area, we've got the building up
6 -- a little further up on the parcel, if you will,
7 and parking on the side and in the rear; so that
8 you've got green space between the front of the
9 building and at Route 940.

10 We've got one point of access
11 proposed that was shared with the bank. This point
12 of access was actually planned today for these two
13 parcels to share that one point. We are -- we've
14 been talking with the bank since the very beginning
15 of this project, where we would actually purchase
16 the existing 30 by 100 foot easement that exists on
17 their property, move that to our property via lot
18 line adjustment and then give them back an easement
19 over that property. So really on -- you know, to
20 the naked eye, nothing changes, but on paper it's
21 just a swap in ownership. They are cooperating
22 with that.

23 We're also working with the
24 church to the east on an easement for emergency
25 vehicle access. So this drive that you see here is

7

1 not meant for everyday use. We intend to have a
2 chain over the drive so that it is only used during
3 emergency needs. That being said, we do house
4 trailer parking to the west side of the building.
5 We've got one point of access into the site for the
6 customers. We do have a truck turning area through
7 the southwest corner of the site and also we handle
8 our storm water on the southern portion of the
9 developed site.

10 Now, all that being said, this

11 is about a four acre site. We are leaving just a
12 little under half of it undeveloped. That's a
13 benefit to Old Farm Estates and also the neighbors.
14 With that what we're not showing is we're working
15 with the conservation district. We might have to
16 clear a few trees out here to put in a swale.
17 They're asking us for a defined swale. Whether or
18 not we do that, that still will have to be
19 undetermined, but we're working with the
20 conversation district to secure our NPDES permit.
21 That's the site. We can stick
22 on the site if you want to ask questions on the
23 site or I can move to the building, whatever you
24 prefer. We can do all questions at once or break
25 them up to site and building.

8

1 MR. SINCAVAGE: Repeat, why
2 does the conservation district want you to
3 concentrate flow instead of sheeting across that
4 property?

5 MS. HAASE: We're all wondering
6 that.

7 MR. SEAN McDERMOTT: Very good
8 question. We always meet with the conservation
9 district first before we sit down because we don't
10 want to spin our wheels and not have any of the
11 comments, you know. Wait -- first they have to
12 give you complete -- you know, complete this review
13 and then they do the actual technical review. So
14 we sat down with them and to our dismay -- 'cause
15 we thought we came in with a really good proposal
16 of, okay, we are actually decreasing the runoff on
17 the site. We're taking runoff from 940, there's a
18 pipe here, it'll be shown on the utility plan. And
19 we're proposing to fan it out in the woods and, you
20 know, just do the natural thing.

21 Well, they said that well, we
22 don't like that, we actually want to show a defined
23 exit from your site of your concentrated storm
24 water. And we responded well, isn't the whole
25 point to attenuate the storm water where it will

1 filter back into the ground, isn't that part of the
2 BMP suggestions, if you will? I don't know where
3 the disconnect is, but that's the direction that
4 we're getting.

5 MS. LAMBERTON: Is it regulated
6 that you have to do a swale?

7 MR. SEAN McDERMOTT: Well, it's
8 really -- it's not cut or dry. It's not cut and
9 dry.

10 MR. McHALE: But as long as the
11 -- the discharge point currently is shown.

12 Sean, you want to just kind of
13 point about where it is? And if it -- they
14 extended about 30 feet, then the storm water, when
15 it discharges from the basin, will not even --
16 right now it could actually -- some of it could
17 drain onto the adjoining property, just clip the
18 corner of the property. Sean's going to show you
19 right there.

20 MR. SEAN McDERMOTT: Here's the
21 --

22 MR. McHALE: And show them the
23 contours, the direction of flow is that way, so it
24 could actually a little bit clip; but if he extends
25 it 30 feet, they would not in any way have any

1 water drain across the bank property at all. And
2 to me, when Sean and Kevin and I were talking about
3 this, it makes so much more sense to just allow it
4 to be diffused flow, let that concentrated flow
5 dissipate and then across the land and into the
6 roadside ditch further down stream. Why they're
7 asking that, I have no idea.

8 MS. LAMBERTON: Isn't the
9 purpose just for it to recharge into the ground?

10 MR. McHALE: Yes. They're
11 doing that. In fact they have a large infiltration
12 basin and now the conservation district has asked
13 for them to add -- or to break it up into two
14 different infiltration beds, is that correct?

15 MR. SEAN McDERMOTT: That's
16 correct. So we'll actually be out there tomorrow

17 doing additional testing.
18 MR. McHALE: Again, these
19 aren't even guidance items, correct? These are
20 regulation, things that are more preference as I'm
21 seeing it.
22 MS. LAMBERTON: So it's not
23 something they have to do, they're just highly
24 suggesting that they should do it?
25 MR. SEAN McDERMOTT: It's a

11

1 little gray.
2 MR. McHALE: Then they also
3 mention the thing about the conservation easement
4 and how they brought that up.
5 MR. SEAN McDERMOTT: So we have
6 shown for this back area that will remain
7 undeveloped and they are, I guess you could say,
8 muscling us to place this in the conservation
9 easement so it could never be developed.
10 MR. McHALE: In reality --
11 MS. LAMBERTON: How can they do
12 that?
13 (Robert Baxter arrived at the
14 meeting.)
15 MR. McHALE: -- that parcel is
16 large enough to where if Sean or his company
17 decided that they wanted to create a residential
18 lot back there, they would have more than enough
19 land area to make that a residential lot.
20 MR. BAXTER: You could do both.
21 You could do a conservation easement and still have
22 a residential lot.
23 MR. McHALE: Yep. You can put
24 part into conservation and still have enough left
25 over. I think it's a one acre minimum, is that

12

1 correct?
2 MR. SEAN McDERMOTT: Umm-hmm.
3 MR. McHALE: That's left to
4 them to think about if they ever wanted to do that.
5 They could come back later on and do it, but if

6 they put the whole thing in conservation easement
7 then it kind of restricts you.
8 MR. BAXTER: The easement could
9 include an allowance for a home to be built.
10 MR. McHALE: Oh, that's a good
11 idea.
12 MR. BAXTER: When you write an
13 easement, you can pretty much -- I work with Pocono
14 Heritage Land Trust. We do a lot of land
15 easements, conservation easements, (inaudible)
16 grants and things. Interesting that I'm sitting on
17 this side of the table.
18 MS. LAMBERTON: Yeah, come on
19 over, Rob.
20 MR. BAXTER: Excuse me. I
21 didn't mean to be late.
22 MR. SEAN McDERMOTT: Now, I
23 know you're not a member of the public.
24 MR. BAXTER: I was on that side
25 because actually you can -- you could make that

13

1 entire thing that they would want the conservation
2 easement on, under what they would want and then
3 include the right to build a home. Then you still
4 have a nice residential piece of property.
5 MR. ARMSTRONG: He would settle
6 that conservation easement they're talking about.
7 MR. BAXTER: Right.
8 MS. LAMBERTON: Like to build a
9 house there?
10 MR. BAXTER: No. If somebody
11 wanted it and you want --
12 MS. LAMBERTON: Why make it an
13 issue? Why not just let it a regular piece of
14 property and make life simple?
15 MR. BAXTER: They're muscling
16 you?
17 MR. SEAN McDERMOTT: Yes --
18 MS. LAMBERTON: A concept. Oh,
19 sorry.
20 MR. SEAN McDERMOTT: That's
21 fine.
22 MR. BAXTER: They being the

23 county?

24 MR. SEAN McDERMOTT: Yes,
25 conservation district.

14

1 MS. LAMBERTON: I'm just
2 saying, another way of, it's not necessary.

3 MR. BAXTER: Agreed.

4 MR. SEAN McDERMOTT: Honestly
5 --

6 MR. BAXTER: There is a way to
7 do it, that's all I'm saying.

8 MS. LAMBERTON: No. I respect
9 that.

10 MR. SEAN McDERMOTT: Due for
11 our need to expedite this and move it along
12 quickly -- and we've been held up at conservation
13 districts before and, quite frankly, if you don't
14 do what they ask, it just takes longer. So we may
15 do what they ask, we've got to see. Once we submit
16 we'll see what comes back and --

17 MS. LAMBERTON: If it's not a
18 requirement --

19 MR. ARMSTRONG: It's not an
20 unheard of issue, but normally it's the
21 municipality that has the local interest in
22 preserving whatever. If you -- Tobyhanna Township
23 looked at that parcel and said hey, we've been
24 looking at that forested area, you know, on Dollar
25 General for a while, let's work with the applicant

15

1 to try and get it conserved. So that's normally
2 how a conserved area would be part of a land
3 development project.

4 MR. BAXTER: Or it would be --

5 MR. ARMSTRONG: I haven't seen
6 a conservation district get involved in the issue
7 before, but apparently they are. So that's -- it
8 sounds like Tobyhanna doesn't have a specific
9 interest with respect to this property.

10 MS. LAMBERTON: Dear God, let
11 it be.

12 MR. McHALE: They promote it,
13 don't they?
14 MR. SEAN McDERMOTT: Yeah,
15 they've been very develop friendly here.
16 MR. BAXTER: Well, there's some
17 townships where somebody might be more aggressively
18 trying to do something dense with it or something
19 else. There are good reasons to do it.
20 MS. LAMBERTON: I respect that.
21 MR. McHALE: But that swale
22 issue and cutting trees all the way down to the
23 adjoining roadway to make the swale work, I just
24 don't agree with that. Moving right along.
25 MR. SEAN McDERMOTT: Yes. So

16

1 that's an issue that we'll be tackling with the
2 conservation district. I'm going to move out of
3 the building and then we can address all questions
4 at once here.
5 MR. ARMSTRONG: When and if you
6 do get to the point where there's a -- they give
7 you a conservation easement form, can you forward
8 that to the township as well?
9 MR. SEAN McDERMOTT:
10 Absolutely.
11 MR. BAXTER: Then actually
12 Pocono Heritage Land Trust is one regional group
13 that does accept those type of easements.
14 MR. SEAN McDERMOTT: If you
15 could take one and pass it down.
16 MS. LAMBERTON: We do have
17 these.
18 MR. SEAN McDERMOTT: When we
19 were here on September 20, a request was made for a
20 stone to be added to the building. So what we've
21 done here is taken the standard building and added
22 a stone base along the parking lot facade and along
23 the 940 facade. We've got a corner entrance
24 building, if you will. So you got the corner
25 facing the street, the short wall against 940 and

17

1 the long wall against the parking lot.

2 This is primarily a remittal,

3 it's a preengineered metal structure with block in

4 the front. And we added the stone as requested on

5 the bottom and again at the column along the front

6 face. So I'm curious as to if you have any

7 comments, suggestions, input, feedback, et cetera.

8 MR. SINCAVAGE: The only

9 comment I would have is that I would like to see

10 some more landscaping. I mean, it appears that

11 you're going to clear the whole front of the

12 building and this blend in?

13 MR. SEAN McDERMOTT: Uh-huh.

14 MR. SINCAVAGE: I would like to

15 see more landscaping in that green area there in

16 the front.

17 MR. SEAN McDERMOTT: Okay.

18 MR. SINCAVAGE: I understand

19 that you're leaving the easement for the sidewalk,

20 but even on the radius here coming into the parking

21 lot.

22 MR. SEAN McDERMOTT: Here?

23 MR. SINCAVAGE: Right. Here.

24 MR. SEAN McDERMOTT: We can --

25 MR. SINCAVAGE: Get some low

18

1 shrubs and that type of thing.

2 MR. SEAN McDERMOTT: What we

3 can do is -- what we didn't show on this is, there

4 will be a sign here. I didn't want to show it and

5 take away from the building. The primary objective

6 of this was to discuss the building, but what we

7 can do around the sign is we can do some low ground

8 covers, some shrubs.

9 MR. SINCAVAGE: If you look at

10 what Palmerton has done across the front of their

11 building, that's why I'm -- that's what we're

12 looking for. If you could continue that

13 landscaping.

14 MR. SEAN McDERMOTT: Okay.

15 MR. SINCAVAGE: You know, just

16 a few shrubs to, you know, just add some nice

17 height.

18 MR. SEAN McDERMOTT: We'd like
19 to do something a little bit more columnar, whether
20 it be a Cleveland Pear or something that stands a
21 little bit more true and tight, because of
22 visibility corridors and signage visibility. We
23 have no objection to doing street trees, we just
24 don't want to do an oak or something that's going
25 to, you know, fan out.

19

1 MR. SINCAVAGE: You have enough
2 space in there between the right of way and the
3 edge of the pavement and the edge of your building.
4 You have plenty of space in there. If you can
5 follow through with what they did so it looks a
6 little uniform when you look across there. I
7 understand your concern about the trees and I don't
8 have any problem with that.

9 MR. SEAN McDERMOTT: Okay. If
10 we were to do four evenly spaced rather than
11 cluster them, maybe we could get a good rhythm
12 going along the front edge, would that be
13 sufficient?

14 MR. SINCAVAGE: And the ground,
15 some low shrubs in there also.

16 MR. SEAN McDERMOTT: We can do
17 low shrubs along this side. Do you want low shrubs
18 --

19 MR. SINCAVAGE: Right. If you
20 look at what Palmerton has done, you'll see that
21 they have low shrubs in there too.

22 MR. SEAN McDERMOTT: Are they
23 -- is it linear in terms of -- along the front of
24 the building where they have foundation planting or
25 up along the front of the street?

20

1 MR. SINCAVAGE: They have both,
2 but I'm talking about along the street.

3 MR. SEAN McDERMOTT: Along the
4 front?

5 MR. SINCAVAGE: Yeah.

6 MR. SEAN McDERMOTT: So you

7 kind of want just a shrub row, if you will.
8 MR. SINCAVAGE: It's not a row.
9 I don't want a row.
10 MR. MILLER: But where the
11 parking is facing out onto 940, if we want to put a
12 little hedge there high enough to cover headlights
13 so you're not --
14 MR. SEAN McDERMOTT: So we'll
15 do look a three foot hedge here. You don't want a
16 row?
17 MR. SINCAVAGE: Don't make rows
18 of things.
19 MR. SEAN McDERMOTT: Okay.
20 MR. SINCAVAGE: Again, if you
21 look at what Palmerton did, it's got -- it's
22 tastefully done.
23 MR. SEAN McDERMOTT: It's not
24 showing up on the aerial, but it's out there.
25 MR. SINCAVAGE: Yeah.

21

1 MR. BAXTER: Looks like it's
2 been growing there for 20 years. That's what we
3 want it to look like.
4 MR. SINCAVAGE: What type of
5 sign are you going to do? Are you going to do a
6 monument sign or a pylon sign?
7 MR. SEAN McDERMOTT: Pylon. I
8 doubt they're going to ask for a signage variance,
9 they will do whatever code would allow in terms of
10 a pylon sign.
11 MR. MILLER: Does the code
12 allow for the monument sign?
13 MS. HAASE: Does it allow?
14 Yes, but it also allows for the pylon.
15 MR. ARMSTRONG: Just so you're
16 aware, this planning commission has really been
17 looking for monument type signs, is that right?
18 MR. SINCAVAGE: Absolutely.
19 MR. BAXTER: That's the perfect
20 place for one.
21 MR. SEAN McDERMOTT: Well, if
22 the code allows a pylon, Dollar General will --
23 they will want the pylon.

24 MR. SINCAVAGE: Again, we would
25 suggest you look at what Palmerton has done. I

22

1 think theirs is a pylon, but it almost looks like a
2 monument. It is lower to the ground.

3 MS. HAASE: It is low.

4 MR. SINCAVAGE: Is it a
5 monument sign or is it a pylon?

6 MR. SEAN McDERMOTT: I'm trying
7 to recall your land development ordinance. Is
8 signage part of the approval or is it separate? I
9 believe it was separate.

10 MS. HAASE: It's separate.

11 MR. ARMSTRONG: It's in the
12 zoning ordinance, it's not --

13 MS. HAASE: It's not part of
14 land development.

15 MR. SINCAVAGE: Don't they have
16 to show it on there?

17 MR. McHALE: They just need to
18 show the location.

19 MR. ARMSTRONG: Yeah, you need
20 to show it on your proposed plan.

21 MR. SEAN McDERMOTT: Show the
22 actual sign dimensions or the locations? We do
23 show the location.

24 MS. HAASE: Location.

25 MR. McHALE: The location and

23

1 they actually ask for the dimension, but you don't
2 have to show the detail of the sign.

3 MR. SEAN McDERMOTT: We can do
4 that.

5 MR. ARMSTRONG: What I would
6 suggest is depending upon, I'm assuming you may
7 have some waiver requests with respect to certain
8 SALDO sections --

9 MR. SEAN McDERMOTT: Actually,
10 no.

11 MR. ARMSTRONG: Oh, there's not
12 going to be any?

13 MR. SEAN McDERMOTT: No.
14 MR. ARMSTRONG: We don't have
15 the privilege of having a review letter yet because
16 it's the beginning stages, but --
17 MR. SEAN McDERMOTT: At least
18 from our standpoint. I don't know --
19 MR. SINCAVAGE: Well, there's a
20 couple listed on the plan.
21 MR. SEAN McDERMOTT: Oh, yeah,
22 that's -- well, really minor, minor stuff. Let me
23 talk to Dollar General about the sign and see what
24 we can do. I'll show them a picture of
25 Palmerton's.

24

1 MR. ARMSTRONG: I'm sure Dollar
2 General has a monument type sign out there
3 somewhere that they use.
4 MR. SEAN McDERMOTT: Yeah, they
5 do, absolutely, but if code allows --
6 MR. ARMSTRONG: I understand.
7 MR. SEAN McDERMOTT: -- they're
8 going to want the pylon. Let me see what I can do.
9 MR. SINCAVAGE: Just curious,
10 isn't the monument -- wouldn't the monument sign be
11 larger than the pylon sign?
12 MS. HAASE: I believe that
13 section of the ordinance has been amended.
14 MR. SINCAVAGE: You might want
15 to look at it, the monument might actually be
16 bigger.
17 MR. SEAN McDERMOTT: Where were
18 we? Were there any questions or feedback on the
19 building? If that's it, I'll also give you a light
20 rendition so you could see approximate what the
21 light spread is. In the land development plans
22 there is a full photometric that was worked out.
23 MR. BAXTER: It looks like a
24 monument sign to me. It looks good though, doesn't
25 it?

25

1 MR. MILLER: Good point, Rob, I

2 like that.

3 MR. McHALE: Moving right

4 along.

5 MR. SEAN McDERMOTT: You guys

6 are killing me. So we'll come back to you on

7 December 6, unless you have more questions on

8 anything, address those few points, add some

9 landscaping, show the sign dimensions. I'll talk

10 to Dollar General about a monument.

11 MR. McHALE: PennDOT and

12 traffic study, you want to just give them a little

13 short --

14 MR. SEAN McDERMOTT: Oh, yeah,

15 let me bring you up to speed on PennDOT. So we

16 submitted our traffic -- we did our traffic study,

17 which was a full traffic impact study, not just a

18 traffic impact analysis. That means that we

19 studied the impact of our traffic and the signal

20 here at 940 and was it --

21 MR. McHALE: 115.

22 MR. SEAN McDERMOTT: And what

23 we found was we had very minimal impact, but an

24 impact nonetheless. So we then also analyzed our

25 site driveway. What we found was the traffic

26

1 that's generated by the bank and Dollar General

2 actually warrants a right-hand acceleration lane.

3 It's not shown on the plans, 'cause it's permitted

4 by PennDOT, but basically what we will be tasked

5 with constructing here, as part of our HOP for

6 PennDOT, would be a deceleration lane here. A

7 left-hand turn lane was not warranted.

8 So we have finalized our traffic

9 impact study, we've submitted it to PennDOT, we got

10 one round of comments back. We've addressed a

11 majority of those comments and we submitted back to

12 them a week and a half ago. So we're actively

13 engaged in going through the approval process.

14 Hopefully we get back the approval of the traffic

15 impact study in the next realm and then we can

16 proceed to actual engineering drawings for the

17 driveway and deceleration lane.

18 MR. McHALE: That deceling

19 (phonetic), I believe, is 125 feet.
20 MR. SEAN McDERMOTT: I believe,
21 approximately.
22 MR. McHALE: That serves the
23 bank and --
24 MR. SEAN McDERMOTT: It would
25 serve both, correct. So by December 6 we're not

27

1 going to have a resolution on that by the time we
2 get back to you, but then again it's off-site, it's
3 not on the piece of the parcel.
4 MR. ARMSTRONG: I have two
5 questions. Are you going to try and do the lot
6 line adjustment together with the land development
7 plan?
8 MR. SEAN McDERMOTT: Yes.
9 MR. ARMSTRONG: So you'll show
10 that whenever you submit?
11 MR. SEAN McDERMOTT: We
12 actually have a --
13 MR. McHALE: He actually has a
14 lot line adjustment plan, it's included in the set.
15 The sheets that you all have before you are only
16 the main site grading utility sheets. He has 17
17 sheets total, perfect.
18 MR. SINCAVAGE: And the
19 sidewalk, are you proposing to put a sidewalk there
20 or is that just proposed future --
21 MR. SEAN McDERMOTT: We are
22 not. It's proposed future -- when we were here
23 September 20, the request was made to show how a
24 sidewalk would work. So the master plan speaks to
25 sidewalks.

28

1 MR. ARMSTRONG: So you would be
2 agreeable to granting an additional right of way to
3 the township for that purpose in the future?
4 MR. SEAN McDERMOTT: You know,
5 we would be agreeable. If that is a request, we
6 would be agreeable to some kind of easement or
7 whatnot, but right now we're showing that it fits

8 within the existing right of way.
9 MR. ARMSTRONG: Oh, okay. An
10 80 foot right of way at that --
11 MR. McHALE: Typically PennDOT
12 would approve sidewalk in a right of way. It's 80
13 foot, it's a hundred near the intersection.
14 MS. LAMBERTON: Did you say
15 there was a left turn lane?
16 MR. SEAN McDERMOTT: There is
17 not and we're not proposing one. We don't warrant
18 one.
19 MR. SINCAVAGE: What type of
20 impact -- what's your percentage of impact at the
21 traffic light?
22 MR. SEAN McDERMOTT: I don't
23 know the actual amount offhand. I know I sent a --
24 we have the percentage, we sent in a --
25 MR. McHALE: Proposed fair

29

1 share contribution. The amount was --
2 MR. SEAN McDERMOTT: Like
3 8,000.
4 MR. McHALE: Eight or nine
5 thousand. We'll be looking at that as part of this
6 review and then making comments. It's
7 proportionate to what we looked at with Arcadia and
8 what we're looking at with McElroy based upon a set
9 number of improvements that would be made for north
10 and southbound left turn lanes, I believe it is. I
11 think the total cost was somewhere around \$480,000.
12 So you must have about two percent then of --
13 MR. SEAN McDERMOTT: I was
14 gonna say 1.8, but that sounds right. Any other --
15 MS. LAMBERTON: When are you
16 looking to break ground?
17 MR. SEAN McDERMOTT: We want to
18 break ground here soon as the thaw comes so March,
19 April.
20 MR. SINCAVAGE: Any other
21 questions from the commission?
22 MS. RINEHIMER: No.
23 MR. McHALE: You all want to
24 make a recommendation not to construct a swale

25 across the back of the property?

30

1 MS. LAMBERTON: I'm okay with
2 that.

3 MR. SEAN McDERMOTT: You're
4 okay with?

5 MS. LAMBERTON: Not having to
6 construct a swale across the back of the property.

7 MR. SEAN McDERMOTT: If you
8 guys want to go and talk to the conservation
9 district --

10 MR. BAXTER: I'm going to
11 compliment you and thank you on the graphics. I
12 think both the color renderings and the parking
13 were, I think, visually very helpful.

14 MS. LAMBERTON: I agree, very
15 much so. Nicely done.

16 MR. SINCAVAGE: Also in that
17 same vein the commission would like to request that
18 we don't receive full copies any further. We are
19 happy receiving the smaller copies. If we just get
20 one full set copy for the commission, we're fine
21 with that. I know it's in the ordinance.

22 MS. LAMBERTON: That's my save
23 the tree comment from earlier.

24 MR. ARMSTRONG: I believe their
25 -- I'm sure you're aware of the rezoning ordinance

31

1 is set for a public hearing on the 12th of
2 November, right?

3 MR. SEAN McDERMOTT: Correct.

4 MR. SINCAVAGE: We appreciate
5 the cooperation of Dollar General that they've
6 shown so far. You've taken our comments and you've
7 made them happen and we certainly appreciate that.

8 Any other comment on Dollar
9 General?

10 Thank you.

11 MR. SEAN McDERMOTT: Is that
12 the motion to table me or how does that work?

13 MR. ARMSTRONG: Well, we don't

14 have a review letter yet from the engineer.
15 MR. SEAN McDERMOTT: So this
16 was basically a work session. We were in by the
17 deadline.
18 MR. SINCAVAGE: Yeah, but the
19 deadline for action by the commission.
20 MR. ARMSTRONG: That starts
21 tonight, 90-day time frame. If you submitted three
22 weeks ago, the first meeting was tonight. So we're
23 good.
24 MR. SINCAVAGE: Kalahari, I
25 assume is not showing up tonight?

32

1 MS. HAASE: Kalahari will not
2 be presenting an update. We do have a
3 teleconference with them tomorrow. So I will send
4 something out to the commission and the board of
5 supervisors either tomorrow or Monday.
6 MR. SINCAVAGE: My
7 understanding is that they are moving forward?
8 MS. HAASE: Yes, they are.
9 MR. SINCAVAGE: Everything
10 seemed to be falling into place --
11 MS. HAASE: They are making
12 progress, yes. We're hoping next month we'll have
13 a formal submission.
14 MR. SINCAVAGE: Any other
15 question -- anybody have any question on Kalahari?
16 If not, we'll go through our
17 regular items. I'll entertain a motion to table
18 Wee Wons land development plan.
19 MR. BAXTER: So moved.
20 MR. MILLER: Second.
21 MR. SINCAVAGE: Motion and
22 second.
23 All in favor, please say aye?
24 BOARD MEMBERS: Aye.
25 MR. SINCAVAGE: I'll entertain

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1 a motion to table Locust Ridge Quarry land
2 development plan.

3 MR. BAXTER: So moved.
4 MR. MILLER: Second.
5 MR. SINCAVAGE: Motion and
6 second.
7 All in favor, please say aye?
8 BOARD MEMBERS: Aye.
9 MR. SINCAVAGE: Anything else
10 come before the commission?
11 MR. ARMSTRONG: No. I mentioned
12 tonight, but the public hearing for the rezoning
13 for this intersection is coming up next -- two
14 weeks from now?
15 MR. SINCAVAGE: November 12.
16 MR. ARMSTRONG: Yeah, before
17 the board of supervisors. You've already made a
18 recommendation. There's nothing more for you to do
19 unless you have any additional comments on it.
20 MR. SINCAVAGE: Okay. We stand
21 adjourned. Thank you.
22 (Meeting concluded at 6:10 p.m.)
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7 I hereby certify that the
8 proceedings and evidence are contained fully and
9 accurately, to the best of my ability, in the notes
10 taken by me at the meeting in the above matter; and
11 that the foregoing is a true and correct transcript
12 of the same.
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16 TARA FIGUCCIO, C.R.
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