

Before
THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

In Re: Reorganizational and Regular Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Thursday, January 10, 2013, 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

ALSO PRESENT: Phyllis Haase, Zoning Officer

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

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1 MR. SINCAVAGE: I'm going to
2 call the reorganizational meeting of the Tobyhanna
3 Township Planning Commission to order. I will
4 entertain a motion to reappoint the present
5 positions.
6 MR. BAXTER: Move for Chair,
7 Mr. Sincavage --
8 MS. LAMBERTON: You want to do
9 the whole thing?
10 MR. SINCAVAGE: Do them all.

11 MR. BAXTER: Vice chairperson,
12 Joe Miller and Secretary Rob Baxter.
13 MS. LAMBERTON: I'll second.
14 MR. SINCAVAGE: I have a motion
15 and a second. Any discussion? Any comments from
16 the public? Call the motion. All those in favor
17 please say aye.
18 MR. BAXTER: Aye.
19 MS. LAMBERTON: Aye.
20 MS. RINEHIMER: Aye.
21 MR. SINCAVAGE: Aye. I will
22 close the reorganizational meeting.
23 ---
24 MR. SINCAVAGE: Call the
25 regularly scheduled meeting of the Tobyhanna

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1 Township Planning Commission to order for January
2 10th, 2013. I'm going to change the order of the
3 agenda a little bit. I'm going to have Dollar
4 General up first. We should be able to dispense
5 with that pretty quickly and then we can spend time
6 on the other project.

7 MR. McDERMOTT: Good evening.
8 Sean McDermott, Zaremba Group, 14600 Detroit
9 Avenue, Cleveland, Ohio.

10 We were before you in September
11 prior to rezoning. A zone line was amended on our
12 site and pushed back to increase the commercial
13 zone on our project. That was then approved in
14 November by the board of supervisors. We were also
15 before you in November to discuss our site plan and
16 our land develop application. At that time there
17 were two main comments from the commission. One
18 was to add some additional landscaping along 940 to
19 compliment what was done at the bank and also to
20 provide some details on the signage that's proposed
21 in front of the driveway here. So we've done both
22 of those things. I'm not sure if you have a
23 landscape plan with you. If you don't I've got

24 copies here.

25 What we were able to do was

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1 compliment what first of all the bank did next
2 door. We used very similar plantings, some
3 Juniper, Ginkgo trees, Little Lindens. We grouped
4 them per the request of the planning commission.
5 We also shielded the parking that is up against 940
6 with a hedge row to help with light distribution of
7 headlights, etcetera. So we made those changes to
8 the plans since we were last in front of you. Also
9 we are working with the bank, our neighbor, to
10 reroute our secondary fire apparatus road to their
11 parking lot rather than the church to the east. So
12 all and all some minor changes, but we feel we are
13 at a point here to request conditional approval.

14 Working with Engineer McHale on
15 finalizing some of the comments that we received,
16 we believe we can address all those comments and
17 look forward to satisfying them.

18 Also in your packet we did
19 submit some signage details. I have got them if
20 you want to see them. If not --

21 MR. BAXTER: Yes.

22 MR. SINCAVAGE: Yes, I'd like to
23 see them.

24 You went to the monument sign,
25 correct?

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1 MR. McDERMOTT: Yes. We went
2 down to a monument sign per your request.

3 MR. SINCAVAGE: You didn't go
4 down, you went up to a monument sign.

5 MS. LAMBERTON: It's a real
6 improvement.

7 MR. McDERMOTT: We wanted a
8 pylon. So what we did was we designed the base of

9 the sign to compliment what the bank did next door.
10 So the height is very similar, the size is code
11 compliant and we will be planting the base of the
12 sign with landscaping per the landscape plan.
13 MR. SINCAVAGE: Much better.
14 MR. McDERMOTT: Good.
15 MS. LAMBERTON: I agree. It
16 looks very nice. Thank you.
17 MR. McDERMOTT: Thank you.
18 MR. SINCAVAGE: Thank you.
19 Did you leave the space across
20 the front yet for the future sidewalk?
21 MR. McDERMOTT: We did. We left
22 that remaining.
23 MR. SINCAVAGE: Would you point
24 that out for me, please?
25 MR. McDERMOTT: Sure.

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1 MR. SINCAVAGE: Is this the
2 parking lot?
3 MR. McDERMOTT: It would be
4 right inside the right of way line. It would
5 actually be in the public right of way.
6 MR. SINCAVAGE: Okay. Thank
7 you.
8 Any questions from the
9 commissioners at this time?
10 Bob, any comments?
11 MR. McHALE: No, sir.
12 MR. SINCAVAGE: Patrick.
13 MR. ARMSTRONG: This is a lot
14 consolidation too.
15 MR. McDERMOTT: That's correct,
16 yes.
17 MR. ARMSTRONG: And it's just
18 the access way to the Dollar General, that little
19 bump out is what is being consolidated to the lot.
20 MR. McDERMOTT: It's really a
21 lot adjustment, but, yes.

22 MR. ARMSTRONG: Okay.
23 MR. SINCAVAGE: Any questions
24 from the public?
25 Patrick, would you put a motion

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1 together for us?
2 MR. ARMSTRONG: Sure. There are
3 a list of waivers that you're requesting.
4 MR. McDERMOTT: Yes. There's a
5 list of waivers on the cover sheet.
6 MR. SINCAVAGE: Which cover
7 sheet, Sean?
8 MR. McDERMOTT: The cover sheet
9 that was submitted with the land development plan.
10 There are actually three waivers
11 requested and then a fourth was added in part of
12 Bob's January 5th review letter.
13 MR. SINCAVAGE: Okay.
14 MR. McDERMOTT: Do you want me
15 to read through the waiver requests?
16 MR. ARMSTRONG: You're talking
17 about the waiver requests on your cover sheet. But
18 are there some additional waiver requests that are
19 not on the cover sheet?
20 MR. McDERMOTT: There was one
21 additional that was added.
22 MR. ARMSTRONG: Which one was
23 that?
24 MR. McHALE: 124.86.B.17.
25 MR. McDERMOTT: Yes.

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1 MR. ARMSTRONG: Is that
2 accurate?
3 MR. McDERMOTT: Yes. That would
4 be a waiver request in regards to not showing line
5 and grade --
6 MR. McHALE: Profiles.

7 MR. McDERMOTT: -- of the
8 swales.
9 MR. McHALE: We show contouring.
10 MR. McDERMOTT: Yeah, we do show
11 contouring on the grading.
12 MR. ARMSTRONG: And you've seen
13 the township engineer's review letter dated January
14 9th, 2013?
15 MR. McDERMOTT: Yes.
16 MR. ARMSTRONG: And all of those
17 comments and conditions they will comply?
18 MR. McDERMOTT: Yes.
19 MR. ARMSTRONG: You are going to
20 comply with all of the conditions in that review
21 letter?
22 MR. McDERMOTT: Yes.
23 MR. ARMSTRONG: If the planning
24 commission were to entertain a motion with respect
25 to the waiver requests this evening, the motion, if

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1 you were to consider it, would be with respect to
2 waiving Sections 135-12.D.2 and 135-15.A.15,
3 135-17.L, 135-17.M and Section 124-86.B.17.
4 MR. SINCAVAGE: Do I have a
5 motion?
6 MS. LAMBERTON: I'll make that
7 motion.
8 MR. SINCAVAGE: Do I have a
9 second to the motion?
10 MR. BAXTER: Second.
11 MR. SINCAVAGE: Motion and
12 seconded. Any discussion from the public?
13 MR. McDERMOTT: One second. I
14 think it was B.18, right? Oh, no, you're right,
15 B.17. I'm sorry.
16 MR. SINCAVAGE: So you're okay
17 with the way the motion was stated?
18 MR. McDERMOTT: Very okay, yes.
19 MR. SINCAVAGE: Thank you. All

20 those in favor please say aye.
21 MR. BAXTER: Aye.
22 MS. LAMBERTON: Aye.
23 MS. RINEHIMER: Aye.
24 MR. SINCAVAGE: Aye. Okay the
25 waivers carry.

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1 MR. ARMSTRONG: And if the
2 planning commission is satisfied with the plan as
3 presented by the applicant this evening you could
4 entertain a motion to recommend conditional
5 approval to the board of supervisors subject and
6 conditional upon the applicant complying with all
7 of the terms, conditions and comments set forth in
8 the January 9th, 2013 township engineer's review
9 letter.
10 MR. SINCAVAGE: Do I have a
11 motion?
12 MS. LAMBERTON: I'll make that
13 motion.
14 MR. SINCAVAGE: I have a motion.
15 Do I have a second to the motion?
16 MR. BAXTER: Second.
17 MR. SINCAVAGE: Motion and
18 seconded. Any comment? Any comment from the
19 public? If not, all those in favor please say aye.
20 MR. BAXTER: Aye.
21 MS. LAMBERTON: Aye.
22 MS. RINEHIMER: Aye.
23 MR. SINCAVAGE: Aye. Motion
24 carries.
25 Thank you Sean. Good luck.

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1 Okay, I'll entertain a motion to
2 table Wee Wons land development plan.
3 MR. BAXTER: So moved.
4 MR. SINCAVAGE: I have a motion.

5 Do I have a second to the motion.
6 MS. LAMBERTON: Second.
7 MR. SINCAVAGE: Motion and
8 seconded. All those in favor please say aye.
9 MR. BAXTER: Aye.
10 MS. LAMBERTON: Aye.
11 MS. RINEHIMER: Aye.
12 MR. SINCAVAGE: Aye.
13 I'll entertain a motion to table
14 the Locust Ridge Quarry land development plan.
15 MR. BAXTER: So moved.
16 MR. SINCAVAGE: I have a motion.
17 Do I have a second to the motion?
18 MS. LAMBERTON: Second.
19 MR. SINCAVAGE: Motion and
20 seconded. All those in favor please say aye.
21 MR. BAXTER: Aye.
22 MS. LAMBERTON: Aye.
23 MS. RINEHIMER: Aye.
24 MR. SINCAVAGE: Aye.
25 Okay. We've received the

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1 minutes of November 1st, 2012 electronically. I'll
2 entertain a motion to --
3 MS. HAASE: Mr. Chairman, we do
4 have a correction. Correction Page 5, Line 12,
5 planted should read planned.
6 MR. SINCAVAGE: With the
7 correction by the zoning officer, do I have a
8 motion to approve the minutes as corrected?
9 MS. RINEHIMER: I'll make that
10 motion.
11 MR. SINCAVAGE: I have a motion.
12 Do I had a second to the motion?
13 MS. LAMBERTON: Second.
14 MR. SINCAVAGE: Motion and
15 seconded. All those in favor please say aye.
16 MR. BAXTER: Aye.
17 MS. LAMBERTON: Aye.

18 MS. RINEHIMER: Aye.
19 MR. SINCAVAGE: Aye.
20 Okay. That brings us to
21 Kalahari. Mr. Mullen.
22 MR. MULLEN: Good evening.
23 Again, my name is Joe Mullen. I'm with the firm of
24 Pennoni Associates. We're the land development
25 engineers for the Kalahari project. And this is

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1 our first official meeting with you. We already
2 have filed a formal application. We are in the
3 process of reviewing with your engineer and zoning
4 officer. We came here tonight to get you back on
5 page with where we are with the project, what has
6 been submitted, walk through the project, walk
7 through utilities and stormwater and all the number
8 of things and then open -- certainly open up to
9 questions and we can discuss where -- any permits
10 we need, where we are with all those things also.

11 To talk about this, the Kalahari
12 project is for a world class water park resort
13 convention center. It is on the Pocono Manor
14 property which will be subdivided to create the
15 Kalahari parcel. On the map on the wall over to
16 your extreme left is Interstate Route 380 to the
17 interchange where it's Route 940. Where the main
18 entrance is to the property is off of State Route
19 314 in the general vicinity where the existing
20 Pocono Manor entrance is into the village and the
21 Pocono Manor Inn.

22 The project does -- let's just
23 walk through the project. This is State Route 314.
24 The existing Pocono Manor entrance comes down
25 through here. This is the Carriage House for a

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1 point of reference. There will be a new
2 intersection off of State Route 314 which will come

3 through the property and enter into the Kalahari
4 area resort. Currently the entrance drive will
5 be -- it's being discussed to be dedicated to the
6 township, from this point here where the parking
7 lot begins, all the way out to State Route 314.

8 On the property there are three
9 major types of buildings. Certainly the first is
10 the water park area, which will be built in three
11 phases. This is the lobby point and hotel wings on
12 either side of the lobby with a total of 1200 rooms
13 and three phases of convention center box. When
14 you enter into the facility you go down the main
15 drive, double loaded boulevard, up into a water
16 feature, you're going to come around through the
17 porte-cochere to either have valet parking or there
18 is temporary parking for your registration.

19 Outside here is an outdoor water
20 park to be built consistent with the phases of the
21 facility to be approximately 15 acres of water park
22 at the end of the day. Parking that is provided
23 for the facility is slightly in excess of the
24 required by ordinance and is consistent with -- the
25 numbers are consistent with the type of building

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1 phases that are going to occur.

2 The intent of the project, it's
3 important to remember, we've had a little bit of
4 confusion with some of the review agencies, is that
5 the earth disturbance and land development for the
6 project is going to be done in total. So when the
7 first phase opens up, the first part of the water
8 park and everything opens up, the entrance drive
9 will begin. All the grading and drainage will be
10 provided with the facilities, so we won't be in a
11 temporary situation after the first phase is
12 constructed. We'll be into what they call the post
13 construction stormwater management phase where all
14 the stabilized basins will be in place. So it'll
15 be a stable covered, stabilized facility and then

16 the parking will be built as time marches on. The
17 boxes will be built as phases.

18 Let me talk about -- let's talk
19 about utilities for the project. We will have
20 certainly water, we will have sanitary sewers, we
21 will have natural gas, we'll have electric and
22 we'll have data and telecom. The water will be a
23 system that is in preparation for DEP review which
24 uses a well on the, I guess we call it the east
25 side of State Route 314, provides one million

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1 gallon storage tank and provides direct service for
2 the Kalahari project and for future use possibly if
3 other development does occur. That's a single
4 well, tank and distribution lines for the system.

5 The second part we have here is
6 sewer. Currently we have a planning module filed
7 with Tobyhanna Township and with Pocono Township to
8 deliver sewage through the property, collect it,
9 deliver it through the property to State Route 314
10 and bring it down to the Pocono Township system
11 which eventually gets to the Brodhead Creek
12 Regional Plant. That is the process under review.
13 I know we haven't gotten through the review yet
14 here in Tobyhanna but we are actively in review
15 with Pocono Township. So that's sewer and water.

16 We have natural gas. We are
17 working with UGI for the extension of a natural gas
18 line from some point out towards the army depot to
19 be brought down into the facility that has the
20 capability of providing service not only for
21 customers along the way of the routing but also for
22 customers for the Kalahari project and for future
23 expansion in the general vicinity. So natural gas
24 will be brought to the greater part of the
25 community for their use, Wal-Mart's, Lowes,

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1 different -- as the routing goes through, we'll be
2 able to take advantage of that. Power is certainly
3 provided by PPL and we are in discussion as to
4 actually where the power is going to be coming
5 from. But for this project, right now, the power
6 will be coming down 314 in some manner and then
7 under ground all the way up and through and to
8 distribute in the system.

9 Data and telecom are being
10 discussed with different vendors, but certainly the
11 Kalahari project with the convention center you
12 need to have telecom internet providers. So those
13 are our utilities.

14 I want to talk a little bit
15 about the grading and drainage because that's
16 certainly a very important thing. And then
17 landscaping, we'll get to that.

18 Let me back up a second and talk
19 a little bit about the traffic. I should have
20 talked about the traffic. We have submitted a
21 traffic study to District 5, PennDOT. That traffic
22 study addresses the needs and concerns for the
23 Kalahari first phase boxes. Okay, so the first
24 phase -- and PennDOT has called that an interim
25 traffic study which will allow the first phase to

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1 get in motion to attach to State Route 314. That
2 is being done only with the provision that a full
3 build traffic study follow on its heels. So
4 PennDOT won't be giving us any approvals until we
5 file that second traffic study to address what
6 happens with this full build. Once that has been
7 reviewed an interim traffic HOP will be issued.
8 Now currently that talks about signalized
9 intersections, large high volume driveway, decel
10 lanes to enter, left turn lane on 314 to get in,
11 all to be approved eventually and blessed by
12 PennDOT. We still haven't gotten their total
13 consensus yet. That's in the process. And the

14 second traffic study will be in their hands
15 probably by March, so that we are following along
16 very quickly with all this.

17 With the grading and drainage we
18 have a lot of things to meet with respect to the
19 Pennsylvania State requirements, DEP. You have
20 antidegradation requirements, we have volume and
21 rate control. We have an Act 167 with the township
22 that talks about throttling back on the storms. So
23 this plan that we have presented and we've gone
24 through a couple reviews already with the Monroe
25 County Conservation District in concurrence with

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1 DEP, and in fact, DEP was present at our last
2 meeting, to provide a plan that meets or exceeds
3 those requirements as currently are set forth in
4 the Chapter 102 requirements for that. So on this
5 facility we have a combination of both underground
6 infiltration basins which take care of
7 infiltration, they also act for volume and for rate
8 control and we have above ground basins which are
9 also in some cases here infiltration basins. We
10 have a great need to infiltrate.

11 We also have a requirement to
12 maintain surface water and groundwater hydrology
13 for the wetlands that are in the vicinities. So we
14 have, for example, all these little squares that
15 are here, those are underground basins. And they
16 are placed where they were placed because they
17 follow the contouring of the soil at that level
18 that we need to infiltrate in. We have exterior
19 basins here, which also act as infiltration basins
20 and we have them around the site. And here's one
21 of our big wetlands that we must maintain the
22 surface and subsurface hydrology for that. These
23 are two other basins here which will be underneath
24 the water park. So at this point in time we
25 have -- you know, came to a consensus as to plan --

1 as to the mechanics of the plan and we are just
2 tidying up some of the administrative documents for
3 our submission to Monroe County Conservation
4 District under Chapter 102 recommendations. They
5 have to turn it around in ten days. So we want to
6 make sure that, you know, we are giving them
7 everything they need to see and review, so it
8 doesn't get kicked out. We want to keep that
9 process rolling.

10 So this is what we have done
11 here for stormwater. Certainly the down comers
12 (sic) from the roofs are attached into the system.
13 We don't have a lot of over land flow. I mean,
14 we're picking up in the parking lot and system of
15 inlets and underground pipes and taken certainly
16 into the basins. When we did the stormwater we did
17 quite a number of points of interest as they call
18 them so that we mimic what's there today when we
19 are finished tomorrow. That's going to be very
20 important.

21 This is your landscape plan as
22 it currently is to at least meet the ordinance
23 requirements. There will be more landscaping as
24 time marches on and we have a chance to get the
25 more high end landscape architect involved. But

1 what we have here is we have a tree lined center
2 island, tree lined entrance boulevard, continues
3 the same all the way up into the water feature and
4 the porte-cochere. We have landscaping on all of
5 the islands throughout the parking lot to give
6 visual and some color and whatnot to that. We have
7 landscaping that is going to be proposed up along
8 the building. There is quite a number of trees
9 that we have planted out through there for that.

10 Our lighting plan, which is --
11 there's the photometric plan for the lighting which

12 gives the indications if we zoomed in on it a
13 little bit as to what lighting areas -- what the
14 illumination levels are. From our initial review
15 with your engineer we have some holes in it. We
16 need to beef up the lighting a little bit
17 especially where it comes close to some of the
18 buildings. But all the lighting here is with dark
19 sky features and anti-spill consideration, although
20 we are kind of in the middle of nowhere with the
21 anti-spill business, but for the dark sky
22 considerations it's pretty significant.

23 Back to the overall plan, where
24 we are in the process, we certainly have made a
25 formal application to Tobyhanna Township. We have

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1 made a formal submission of our planning module and
2 their traffic study. We've made a formal
3 submission of our planning module to Pocono
4 Township. They're in the process of reviewing
5 that. We have met a number of times with BCRA
6 because there is a need to increase the service
7 area to cover the project, so we are dealing with
8 BCRA. We have come to a point with Monroe County
9 Conservation District where we are going to make a
10 formal submission. They feel comfortable now that
11 we have administratively hit the complete mark.
12 That will probably occur this week. The traffic
13 study from PennDOT is in review. We've been back
14 and forth with them. We should have an answer from
15 them before the end of this month on that first
16 traffic study.

17 The water system, the water
18 permit is in process. We will have that within the
19 next week or so to be submitted to DEP. We've had
20 several meetings with DEP, so they understand the
21 nature of what we are submitting and we already
22 have an understanding of not necessarily just what
23 they need because of the regulations but what they
24 are looking to see from water.

1 permitting, our project. We are in the midst of
2 reviews with your engineer and your zoning officer.
3 I think we are going to be back here at least one
4 more time or two. But that's where we are.

5 We are working with Bob and John
6 Kerrick, your road master, what that road
7 configuration is going to be for the dedication to
8 the township. So we are making some modifications
9 on the road, its configuration and how it lays out.
10 It would be let's say plow friendly and some other
11 issues like that. So that's where we are. We've
12 done a lot of work since the last time we met with
13 you. A lot of sweat, a lot of overtime, but I open
14 it up if you have comments or questions for us.

15 MR. SINCAVAGE: Do you have any
16 signage plan at this point?

17 MR. MULLEN: Right now -- the
18 answer to the question is yes. Right now there is
19 planning for a sign out on 380 which fits within
20 your ordinance concept. Okay? And that sign, that
21 will be like a digital sign. There will be way
22 finding signs, which will say, you know, Kalahari,
23 Pocono Manor, that kind of thing. And then there
24 is anticipated an entrance road sign, location to
25 be determined, whether it's in the center median,

1 it's above the entrance or across the street, you
2 know, across 314, but a sign similar in state to
3 the Pocono Manor sign that's there at the end right
4 now, a low wide sign. That's currently what's --
5 we are working through those details with both
6 Kalahari and certainly Pocono Manor for the future.
7 We want to dovetail that together.

8 MR. SINCAVAGE: When you were in
9 for the sketch plan we suggested a bike lane. Has

10 that been incorporated in --
11 MR. MULLEN: We are
12 incorporating that in there, yes. The answer to
13 the question is yes. What we are looking for right
14 now is center island, non-curbed, two travel lanes
15 in each direction, a large shoulder -- we'll call
16 it a shoulder because if you call it a bike lane
17 it's something else to the criteria. It's
18 somewhere between a 6 to 8 foot shoulder which will
19 be striped for a bike lane. Okay. That's a
20 progression of where we started; curbed, both
21 sides, 24 foot cartway. The second sheet is
22 revision one. And the third sheet is revision two.
23 So we are at revision two. Six foot shoulders on
24 the outside.

25 MR. SINCAVAGE: Yeah, that's

25

1 much better. It always gets better as we go along.

2 MR. MULLEN: Yeah.

3 MR. SINCAVAGE: Any other
4 planning commission -- do we have any comments,
5 questions at this time?

6 Are you still shooting for 2013,
7 the fall was the last time I heard for a start
8 date? Am I correct on that?

9 MR. STEVE PINE: For a start
10 date? April, actually spring. We were shooting
11 for April, for spring.

12 MR. SINCAVAGE: Okay. Well,
13 then I will offer as we have before that if we need
14 to do any special meetings in between our regularly
15 scheduled meetings, please let us know through our
16 engineer or the township manager.

17 MR. MULLEN: We appreciate that.
18 And my discussions have been we'd like to get
19 everything wrapped up before we come to see you,
20 you know, on loose ends.

21 MR. SINCAVAGE: Right.

22 MR. MULLEN: So, you know, we're

23 working hard towards that so that when we do come
24 and stand before you we've buttoned up everything,
25 everybody has been satiated with, you know, the

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1 project.

2 MR. SINCAVAGE: Bob, do you have
3 any questions at this time?

4 MR. McHALE: No, sir. It's a
5 lot of work to go into this project.

6 MR. SINCAVAGE: Yes. Patrick.

7 MR. ARMSTRONG: You said it was
8 a subdivision as well, correct? Did you say that?

9 MR. MULLEN: Yes, there will be
10 a subdivision attached to this as well.

11 MR. ARMSTRONG: Do you know what
12 it's going to look like? It doesn't look like it's
13 on --

14 MR. MULLEN: Well, the answer to
15 the question is yes, I know what it's going to look
16 like. It's going to be this piece of property
17 here -- okay? -- and now a chunk taken out of it
18 for the right of way for the road to be dedicated
19 to Tobyhanna. We had the drawings prepared for the
20 subdivision which included just this piece here,
21 and then this piece in here there's going to be
22 another chunk of the subdivision. So we're
23 modifying it to get it in for this.

24 MR. ARMSTRONG: I guess then the
25 purpose for the subdivision would be to carve out

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1 the access road that's going to be dedicated to the
2 township. That's the plan --

3 MR. MULLEN: Right. So that
4 needs actually to predate the land plan.

5 MR. ARMSTRONG: Right.

6 MR. MULLEN: Right. I know
7 that. We are sort of behind the 8 ball for that.

8 MR. ARMSTRONG: Okay.

9 MR. SINCAVAGE: Any other
10 questions from the commission?

11 We'll open it up to the public.
12 If you make a comment, please state your name and
13 where you're from for the stenographer to take that
14 down.

15 I see, ma'am, you had your hand
16 up first in the back. Is that Theresa? Hi,
17 Theresa.

18 MS. THERESA MERLI: My name is
19 Theresa Merli. I'm with the Brodhead Watershed
20 Association and thank you for the opportunity to
21 comment. Thank you.

22 As you know, I represent the
23 Brodhead Watershed Association and we have met a
24 couple times with Steve Pine and we really
25 appreciate the open civility of those meetings.

28

1 I would like to suggest now,
2 understanding that a planning module, a 537
3 planning module has been submitted, we have
4 concerns about the headwaters. Based on my
5 understanding that an onsite well will be used and
6 that the wastewater will be put into a pipe, there
7 is a potential to circumvent the natural systems.
8 We have concerns about the groundwater. We
9 appreciate the sensitivity to the surface water,
10 but we have concerns about ground water being taken
11 out, sent further down and possibly diminishing the
12 volume of those high quality streams up in the head
13 lands.

14 Additionally, the Swiftwater
15 Creek, we have concerns about diminishing volume to
16 them or to the Swiftwater Creek, which is receiving
17 wastewater treatment from two downstream plants and
18 what affect might a diminishment in volume in the
19 Swiftwater Creek have on those downstream
20 discharges. Their permit levels are based on the

21 flows that exist now and if those flows are
22 reduced, what affect will happen there.
23 We strongly urge not only to the
24 Kalahari development but the Pocono Manor
25 development to think together about how to solve

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1 their wastewater needs. Pennoni had done a
2 planning module when the casino application was
3 being sought and in that planning module it states
4 that the chosen alternative is land application.
5 And land application, I understand we are talking
6 about smaller pieces of property, but if the
7 developers worked it out together to solve their
8 wastewater needs, the diminishment would be -- I
9 don't know, lost for words. -- it would be
10 minimized, thank you. So I just wanted to make
11 that comment and I appreciate the opportunity.

12 MR. SINCAVAGE: Thank you,
13 Theresa. Do you have any comment on that?

14 MR. MULLEN: Through the process
15 that we need to follow for the planning module and
16 satisfaction of DEP, we need to adequately satisfy
17 their minds on inner basin transfer. And also with
18 Monroe County we need to understand, and I stated
19 earlier, we need to understand both the surface and
20 the groundwater hydrology as it affects that area.
21 So it means that what goes across the ground today
22 needs to go across the ground tomorrow. What goes
23 through the groundwater today needs to go back to
24 the groundwater tomorrow. And we know from studies
25 over the last 50 years, we did this already, a

30

1 study over the last 50 of hydraulics of the area,
2 because of our infiltration, we are currently
3 putting more water back into the ground than gets
4 there naturally. So we are aiming ourselves at
5 coming up with that kind of a solution. But,

6 again, we need to follow through the process. It
7 will be a public documentation and whatnot. You
8 can all take a look at it.

9 MR. SINCAVAGE: Thank you. Any
10 other comment from the public. Yes.

11 MR. BUD COOK: Bud Cook. I live
12 in Tobyhanna Township. A couple questions. How
13 much water will this facility use?

14 MR. MULLEN: Approximately -- at
15 the end of Phase I we'll use approximately 45 to
16 50,000 gallons of water a day. Phase III combined
17 will be about 230,000 gallons of water a day.

18 MR. BUD COOK: And that will all
19 come out of the ground?

20 MR. MULLEN: Yes.

21 MR. BUD COOK: And how much of a
22 total discharge of wastewater will there be?

23 MR. MULLEN: It will be
24 equivalent.

25 MR. BUD COOK: That same amount?

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1 MR. MULLEN: That's usually the
2 balance. What comes in comes out. There'll be
3 some evaporative law, some change, but it's tough
4 to be tangible.

5 MR. BUD COOK: And under your
6 plan, all that discharge will end up in a treatment
7 plant 25 miles away?

8 MR. MULLEN: Correct.

9 MR. BUD COOK: What would it
10 take to return that wastewater into the local area
11 and keep our water on the plateau, up here on the
12 plateau? What would that take?

13 MR. MULLEN: Well, it would
14 take -- it would certainly, from a mechanical
15 perspective, it would take a plant, it would take a
16 distribution system, it would take ground that is
17 not present on this site for the Kalahari. So
18 additional property would necessarily have to be

19 purchased for that. But I did say that our
20 stormwater system is putting that excess water back
21 into the ground that is being less from the site.
22 We are putting more water in than we are talking
23 out from the stormwater.

24 MR. BUD COOK: But you're just
25 talking about surface water, you're not talking

32

1 about groundwater you're taking out.

2 MR. MULLEN: The underground
3 basins are into the groundwater.

4 MR. McHALE: Joe, you might want
5 to point out on the grading and drainage plan some
6 of those infiltration basins because they're pretty
7 significant.

8 MR. MULLEN: Yeah.

9 MR. BUD COOK: I just don't see
10 how you're going to be replacing a quarter of a
11 million gallons of water from a surface drainage
12 plant when you're sending a quarter of a million
13 down stream.

14 MR. MULLEN: I don't want to get
15 too carried away with math at this time because it
16 will all be vetted out as we go through the process
17 with the permit.

18 MR. BUD COOK: Right.

19 MR. MULLEN: But these squares
20 here are underground basins.

21 MR. McHALE: Just as a
22 comparison, point out the size of a building that's
23 about 100,000 square feet.

24 MR. MULLEN: This building here
25 is approximately 100,000 square feet.

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1 MR. McHALE: And then compare
2 that to all those individual infiltration basins.

3 MR. MULLEN: These two basins

4 here are approximately the same size of this
5 building. These two basins here are approximately
6 the size of almost these three buildings here.
7 These two basins here are at least as big as this
8 building. Both of these basins here are
9 infiltration basins. They deal with volume and
10 rate control, but they also are infiltration
11 basins. So you see the square footage and the size
12 of the bottoms. And we then have two more basins
13 up here which are of equivalent size. There's a 5
14 to 1 loading ratio.

15 We were in the process of
16 preparing those calculations to show clearly in the
17 modules and, of course, the inner basin transfer
18 business and whatnot. And the requirement for the
19 antidegradation requirements are in Chapter 102
20 Regulations. It's how the stormwater management
21 satisfied those ideas for that.

22 As I said earlier, we
23 are putting -- currently the amount of water that
24 does get into the ground in this area, we are
25 putting more back into the ground than gets there

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1 naturally and more than we are taking out. So it's
2 kind of like a water balancing. I know the idea is
3 to spray irrigate because we've been through this
4 before, but this also, because of the change in the
5 chapter of the regulations, also does assist with
6 that. So that's the intent.

7 MR. McHALE: And, Joe, also if
8 you would explain a little bit, in addition to the
9 volume that you're compensating for, the release
10 rates aren't your typical two year post, brought
11 back to a two year pre. You have to go from a two
12 year post to a one year pre. And if you just kind
13 of discuss that a little bit.

14 MR. MULLEN: Sure. The Act 167
15 regulations that are in place for this watershed
16 say that a development like this needs to throttle

17 back on its storms. So that if you have a 100 year
18 storm, whatever water was that, you have to
19 throttle that back to the 50 year storm, the 50 to
20 the 10, the 10 to the two and such. So that's part
21 of the plan for this. On the same token, the
22 antidegradation requirements from the Chapter 102
23 Regulations in the State of Pennsylvania say that
24 you cannot impact an existing feature, natural
25 feature detrimentally even though you follow a

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1 particular regulation. So we're into that process
2 of a give and take in trying to understand how that
3 works and also in process of trying to understand
4 how the hydraulics works for the groundwater, for
5 the surface water, so that we can meet those
6 regulations. So the attempt is there.

7 MR. BUD COOK: Just one more
8 question. Would you say that the main cost in
9 spray or drip irrigation if you could do that would
10 be the acquisition, the purchase of the land to do
11 it?

12 MR. MULLEN: It would be both
13 the acquisition of land and the cost of the plant.
14 You still need a wastewater treatment plant. And
15 the wastewater treatment plant needs to bring it to
16 near water quality standards. So you're talking
17 about a tertiary built plant, whatever, so you've
18 got a high end kind of plant that you'll have to
19 purchase, maintain, and do all that stuff, plus the
20 property acquisition.

21 MR. BUD COOK: So it could be
22 done, but it would cost more money.

23 MR. MULLEN: It could be done,
24 but it cost more money.

25 MR. BUD COOK: Okay.

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1 MR. McHALE: Then you have

2 another point source discharge which DEP would
3 rather not see.

4 MR. MULLEN: Correct.

5 MR. SINCAVAGE: Any other
6 questions from the public?

7 MR. DOUGLAS OLMSTEAD: Doug
8 Olmstead, interested citizen. Just so that I
9 understand clearly, the intent is that you're going
10 to be infiltrating more stormwater in order to make
11 up for the water that's going to be going down the
12 sewer pipe to the treatment plant --

13 MR. MULLEN: No, I didn't say
14 that. What I said is we're infiltrating more
15 stormwater because of the regulations. By
16 consequence it's more water than is going down,
17 yes.

18 MR. DOUGLAS OLMSTEAD: But the
19 extra water that you're going to be putting in will
20 offset what is going down the pipe to Stroudsburg?

21 MR. MULLEN: Yes, sir.

22 MR. SINCAVAGE: Any other
23 questions?

24 MR. DON SNYDER: Don Snyder,
25 Pocono Manor. It's my understanding this is going

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1 to tie into the line that's down in Sanofi that is
2 the Pocono Township extension?

3 MR. MULLEN: Yes.

4 MR. DON SNYDER: So that will
5 tie in the entire project?

6 MR. MULLEN: Yes.

7 MR. SINCAVAGE: Any other
8 questions from the public?

9 Any other questions from the
10 commission? Well, sounds like you're in process.
11 Everything is proceeding. And we are here to
12 assist you in any way we can, as well as the staff
13 at the township.

14 MR. MULLEN: Thank you very

15 much.
16 MR. SINCAVAGE: Nothing else to
17 come before the commission?
18 MR. ARMSTRONG: Have you
19 submitted everything you need to submit to the
20 township thus far or are we still waiting for
21 something?
22 MR. MULLEN: Complete.
23 MR. ARMSTRONG: The submission
24 has been completed? Okay.
25 MR. SINCAVAGE: Okay. Any other

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1 questions? If not, we stand adjourned. Thank you.
2 (Meeting adjourned at 6:16 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.

JOSEPHINE HOLLMAN, C.R.

Before

THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

In Re: Regular Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, February 11, 2013 beginning at 6:00 p.m.

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

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer
ROBERT J. McHALE, Township Engineer

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

2

1 MR. MILLER: Call the meeting
2 to order of the Tobyhanna Township Planning
3 Commission. Today is February 11, 2013.

4 First item is general public
5 comment, we will take now at this point.

6 MS. THERESA MERLI: Is this for
7 items on the agenda or did you say general?

8 MR. MILLER: It's the first
9 item on the agenda --

10 MR. ARMSTRONG: Just general
11 public comment. If there's -- if you have a
12 comment with respect to a specific agenda item, you
13 should wait until we get to that point --

14 MS. THERESA MERLI: Thank you.

15 MR. ARMSTRONG: Thank you.

16 MR. MILLER: Next item is the

17 consideration of the minutes, January 10, the
18 reorganization meeting.

19 Any corrections or additions?

20 MS. HAASE: No corrections.

21 MS. LAMBERTON: I did not see
22 any.

23 MR. MILLER: Can I get a motion
24 to approve them?

25 MS. LAMBERTON: I'll make a

3

1 motion to approve.

2 MR. MILLER: All in favor?

3 BOARD MEMBERS: Aye.

4 MR. MILLER: Consider the
5 minutes of January 10, 2013, the regular meeting.

6 Any corrections or additions?

7 MR. ARMSTRONG: Before we move
8 on, I may have missed it, but did someone second
9 the motion for the minutes?

10 Pat, will you second?

11 MS. RINEHEIMER: I'll second

12 it.

13 MR. MILLER: Okay. Now for the
14 next meeting.

15 MS. LAMBERTON: I'll make a
16 motion to approve.

17 MS. RINEHEIMER: I'll second.

18 MR. MILLER: You second? Okay.
19 All in favor?

20 BOARD MEMBERS: Aye.

21 Under old business, Wee Wons
22 Daycare.

23 MS. LAMBERTON: We should
24 table, shouldn't we? Has there been any
25 correspondence with them?

4

1 I'll make a motion to table.

2 MR. MILLER: Motion made to
3 table.

4 All in favor?

5 BOARD MEMBERS: Aye.

6 MS. RINEHEIMER: I'll second.

7 MR. MILLER: Second, and all in
8 favor, aye?

9 BOARD MEMBERS: Aye.

10 MR. MILLER: Next one is Locust
11 Ridge Quarry.

12 MS. LAMBERTON: Anything from
13 Locust Ridge, Bob?

14 MR. McHALE: No, ma'am.

15 MS. LAMBERTON: I'll make a
16 motion to table Locust Ridge Quarry.

17 MR. MILLER: Do I hear a
18 second?

19 MS. RINHEIMER: I'll second.

20 MR. MILLER: All in favor?

21 BOARD MEMBERS: Aye.

22 MR. MILLER: Still under old
23 business, the Kalahari Resort, which is continuing
24 through tonight, so we'll have any comment there.

25 So under new business, the

2 Pocono Manor Commercial Center planning module.

3 Who wants to start the
4 discussion here?

5 MR. McHALE: Joe, you can go
6 ahead and begin. Open up with the explanation,
7 just a brief explanation.

8 MR. JOSEPH MULLEN: Thank you
9 very much for having us on the agenda tonight.

10 THE REPORTER: Excuse me, could
11 you just state and spell first and last name?

12 MR. JOSEPH MULLEN: Joseph
13 Mullen, M-U-L-L-E-N.

14 THE REPORTER: Thank you.

15 MR. JOSEPH MULLEN: As you
16 know, the project that we have before you, the land
17 development, has a planning module on the agenda
18 this evening. It's also the same planning module
19 that will be with be Pocono Township. We will be
20 serving two masters with the planning modules.

21 Now, here tonight, to give you a
22 little bit of an update, where we are, where we're
23 heading, the planning module that you do have with
24 you this evening, we had some modifications to the

25 plan that we're proposing. Again, as we're saying,

6

1 we serve two masters with this. And what we have
2 is that currently the -- there's to be some changes
3 in the sewer service area.

4 We will be removing the manor
5 and the village from the service area and propose
6 Pocono Manor Commercial from the Pocono Township
7 area of the service area. So the service area map
8 will contain only the Kalahari project and
9 subsequent and will let lands in Tobyhanna Township
10 that have been designated as commercial for Pocono
11 Manor. So service areas is changing.

12 We have received a comment
13 letter from the Brodhead Watershed Association
14 which we thank you very much for. We know that
15 Steve Pine, the development director for Kalahari,
16 is going to be setting up a meeting with the
17 Brodhead Watershed Association, sit down and
18 discuss the concerns. We have -- I had also had
19 some conversations with PA DEP who has had an

20 initial review of the module that we -- has to do
21 some homework and get some information back to DEP,
22 especially on the interbasin transfer issue between
23 Indian River and the Brodhead Creek.

24 So we have some modification to
25 be made, but we -- but they do not -- actually do

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1 not affect the Tobyhanna side. The planning module
2 for you folks really is asking Pocono Township to
3 include you in the service area with a lot of
4 technical iss -- technical things about flow and
5 rates and the things of that nature, but the gist
6 of the matter is asking for, being able to be
7 serviced.

8 We have a lot of -- like I said,
9 a lot of homework to finish before we get through
10 this whole process. And with public advertisement
11 periods, and et cetera, for comments, but hopefully
12 we will see the light at the end of the tunnel
13 through the process. So we're here tonight to
14 hopefully get your approval to move it -- at least

15 move it along to the supervisors. Supervisors
16 can't act until the public comment period has gone
17 through, but to at least keep the ball moving for
18 the project.

19 We will be meeting with Pocono
20 Township in about 40 minutes to hopefully just move
21 things along. A lot of paperwork has to be put in
22 place. That's where we are.

23 Any questions from the board?

24 MS. LAMBERTON: Basically you
25 just need us to move it forward to the board of

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1 supervisors at this point so you can keep your
2 process moving. I don't have a problem with that.

3 Bob, any --

4 MR. McHALE: I think you might
5 want to ask for public comment maybe?

6 MR. MILLER: Public comment on
7 the Kalahari project?

8 MS. THERESA MERLI: Theresa
9 Merli, Brodhead Watershed Association.

10 THE REPORTER: Can you just
11 spell your first and last name, please?

12 MS. THERESA MERLI: Sure. It's
13 T-H-E-R-E-S-A, M, as in Michael, E-R-L-I.

14 THE REPORTER: Thank you.

15 MS. THERESA MERLI: Thank you
16 for the opportunity to talk. As you know, we've
17 been expressing our concerns about the water
18 withdrawal and the discharge to the Pocono sewer
19 pipe and the concerns that we have about possibly
20 creating an imbalance in the two watersheds, taking
21 500,000 gallons a day from the Indian Run Watershed
22 and then sending it 15 miles downstream to another
23 watershed.

24 And we would ask respectfully
25 that you consider tabling this request, instead of

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1 moving it on, until you have better information
2 about whether or not that impact is going to take
3 place. I believe -- it's my understanding in the
4 -- in the planning module packet, there are two

5 letters that are from 2006, that reference the
6 report of a hydrogeologist who expresses the same
7 concerns that we have expressed. The letters are
8 dated October 30, 2006 and these were done in the
9 hope of getting a casino license, but I recommend
10 to you that the hydrology is the same as it was in
11 2006 and his concerns very much mirror our own.

12 So I'm just going to give this
13 to the chair for tonight. This should be in that
14 packet. There are two different letters, one is on
15 Well No. 2 and the other is on Well No. 3, and I've
16 highlighted those areas where the concerns that we
17 have are expressed by this hydrogeologist in 2006.
18 We would respectfully ask you to consider that in
19 your decision making to whether or not you will
20 move this on or table it.

21 And well, I'm not sure that
22 there's anything else more germane to this evening.
23 We did review the revisions to the sewage facility
24 planning module that was submitted to Pocono
25 Township. I haven't got up here to see it here,

1 but we had some concerns about that revision that
2 was given to Pocono Township as well. I'm guessing
3 the revisions were given to you up here or is that,
4 as the engineer was saying, only applies to Pocono?
5 There was a revision that included an alternative
6 analysis?

7 MR. MILLER: They have the
8 same.

9 MS. THERESA MERLI: They have
10 the same. We have some concerns about that
11 analysis as well. Very glad to see it included.
12 That was one of our concerns as of last week. And
13 until we saw this on Thursday, we were very
14 concerned about the almost lack of an alternative
15 analysis, but we have concerns when we look at the
16 dollar figures for the waste water treatment plans.
17 If there was no concer -- and I realize that
18 certainly land purchase is a concern.

19 The waste water treatment plan
20 in and of itself, without the cost of the land, is
21 dramatically less than what the hookup to the sewer
22 line would be. And we have a concern about the

18 done to determine what the impact that would be on
19 the environment up here. And then to bypass the
20 watershed and send that down the pipe to
21 Stroudsburg, what the impact would be by drawing
22 that high level of water out of the pipe -- I mean,
23 out of the ground and not recharging the ground
24 locally as opposed to taking that water out and
25 sending it 20 miles down just -- whatever the

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1 distance is, down to Stroudsburg.

2 So our concern is, is not so
3 much that plans are not in place right now, but
4 there hasn't been enough time to do the due
5 diligence to understand what the environmental
6 impacts would be of this amount of water draw and
7 removal from one section and from the stream that
8 it's being removed from.

9 I hope it was just a mismention,
10 but it's not the Indian River, which would imply
11 that there's a lot more water, it's Indian Run,
12 which is a very small, high exceptional value,

8 (Inaudible comments.)

9 MR. McHALE: For perspective
10 purposes --

11 MR. MILLER: I'll turn the
12 meeting over to our township engineer, Bob McHale
13 for a minute.

14 MR. McHALE: Mr. Sedwin, you
15 were indicating the 500,000 gallons a day and the
16 impact and the amount of water. What does that
17 convert to? Like I know you all do stream studies
18 and discharge and actually stream flow rates and
19 you monitor those type segregation station. What
20 does that 500,000 gallons a day convert to?

21 MR. ROB SEDWIN: In terms of?

22 MR. McHALE: Cubic feet per
23 second.

24 MR. ROB SEDWIN: I can't answer
25 that, I'm sorry, I don't have that depth of

1 knowledge.

2 MR. McHALE: The gentleman

3 behind you has --

4 MR. DUANE KERZIC: .75 cubic
5 feet per second, approximately, or .77.

6 MR. McHALE: .77 cubic feet per
7 second. Are the folks familiar with how much water
8 that is? I mean, if the audience --

9 MR. DUANE KERZIC: I do.

10 MR. McHALE: Other than one
11 person. One person is.

12 Joe, I'm sure you have done that
13 conversion before. Just for illustrative purposes,
14 we have -- this is just a box that we had some
15 paper shipped in. That's a cubic foot in volume,
16 correct?

17 MR. DUANE KERZIC: Very close.

18 MR. McHALE: So if we're going
19 to go with .75 or .77, that's about three quarters
20 of a cubic foot. So if I stood by the edge of the
21 stream bank and I had a flow of water that every
22 second that I dump that into the stream for an
23 entire day would equate to that 500,000 gallons?

24 MR. DUANE KERZIC: That's
25 correct, but --

1 MR. McHALE: Well, I'm just --
2 let me finish. Or we could look at, from a pipe
3 flow standpoint -- excuse me, Pat. If you would
4 look at something like a four inch PVC pipe at
5 about 14.1 percent slope, under gravity, not
6 pressure, and that pipe flowing constantly for one
7 day would equate, so that -- that's the kind of
8 water we're talking about. We're not trying to
9 minimize it, but just trying to get a picture in
10 people's minds as to the amount of flow and the
11 amount of quantity.

12 If we looked outside and said
13 well, what does that mean in a storage volume like
14 a storage tank? If we looked outside at the
15 parking spaces, it would be four parking spaces
16 wide, two parking spaces deep. So basically 40 and
17 a half feet by 40 and a half feet and 40 and a half
18 feet tall. That cube would be the 500,000 gallons.

19 MS. THERESA MERLI: Thank you.

20 MR. MILLER: Thank you, Bob. I

21 think you have some questions.

22 MR. McHALE: I wanted to
23 finish. The other thing that comes into play as a
24 part of the project -- and, Joe, you can jump in
25 here and elaborate a little bit further too -- is

16

1 the approach on the storm water management in
2 accordance with the Act 167 and the project is
3 putting back into the ground, with just a half inch
4 of rainfall runoff, about a million gallons into
5 the underground storage complex, correct?

6 MR. JOSEPH MULLEN: Correct.

7 MR. McHALE: And then once that
8 fills up, how much more do you have in the basins
9 that will act as infiltration capacity as well?

10 MR. JOSEPH MULLEN: Probably
11 twice as much of that.

12 MR. McHALE: So in a normal
13 storm event, we're looking at putting anywhere from
14 two to three million gallons back into the --

15 MR. JOSEPH MULLEN: Ground.

16 MR. McHALE: -- ground. The
17 other thing that comes into play too, as far as
18 runoff, according to the Act 167, which I know the
19 Brodhead is very familiar with, the Watershed
20 Association, they were a party to comments that
21 went into that -- it was basically the county
22 prepares or puts together the Act 167 model. And
23 then the township's other entities have an
24 opportunity to comment and then the local
25 municipalities are required to basically implement

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1 and adopt that as an ordinance.

2 Joe, do you want to just kind of
3 recap the restrictions and a little comparison of
4 normal -- what you would normally see in a typical
5 setting of pre versus post? Like the two year pre
6 and post, and what you all are required to restrict
7 as far as flow.

8 MR. JOSEPH MULLEN: Well, in --
9 again, with this project you're serving a couple
10 different masters. You have antidegradation

11 requirement, which is -- well, I'll talk about that
12 in a second. And then you also have storm water
13 requirement. And the Act 167 requires any
14 development to be taken and the water throttled
15 back to a previous storm.

16 For example, the 100-year storm
17 has to be taken back to the 50-year -- well, 50
18 years. And then 50 to the 10 and the 10 into the
19 2, and that's basically the process, which means
20 you have to hold a lot more water back because
21 what's happening currently is that there's too much
22 water getting to the stream. That's one side.

23 And the other side you need to
24 feed wetlands and such appropriately tomorrow than
25 you do today. So there was extensive study that

18

1 was done on the wetlands that are on the Kalahari
2 site as to the hydrological effects that they have,
3 whether it's surface water, ground water and
4 whatnot. And that was cre -- the solution for
5 storm water was created to solve that entity and

6 possible antidegradation required.

7 Now, as we build this project
8 up, you've got certain phases of the Kalahari.
9 You've got certain phases of technical work for the
10 Pocono Manor. And all of the requirements for land
11 development and storm water infiltration to be
12 taken care of based upon the existing Act 102 -- or
13 Chapter 102, excuse me. And as you had said, that
14 we are putting back into the ground more water
15 today than gets there and acting as recharge.

16 So we've gotta -- we've gotta
17 Swiftwater Creek subshed and we have an Indian Run
18 subshed that will be receiving water. Now, the
19 Pocono Manor project will send waters to the Indian
20 Run. Some to the Swiftwater, but mostly to the
21 Indian Run. So --

22 MR. McHALE: They'll be under
23 similar constraints.

24 MR. JOSEPH MULLEN: Under
25 certain circumstances, yes, yes. Then having to

1 water over so many acres is millions of gallons of
2 water that go back into the ground, but also we're
3 talking about a withdrawal process, is it doesn't
4 all happen at once. So as the Kalahari moves
5 along, Kalahari's first phase will take about 50
6 gallons -- 50 gallons a minute out of the ground,
7 Phase 2 is another 50 gallons, Phase 3 will be
8 another 50 gallons, which is -- that's Kalahari at
9 150 gallons.

10 The wells -- the wells that are
11 in question were tested initially at 500 gallons a
12 minute, throttled back to 400 gallons a minute for
13 the test or the 48-hour pumping test. That's the
14 results that are in the study, the Leggette,
15 Brashears study that talks about the effects and
16 the measurements that were taken on different
17 wells, different areas of Pocono Manor, Kettle
18 Springs, Pocono Manor Springs, all these were
19 monitored and those results are in that study.

20 The study -- so therefore you
21 got this incremental increase in the storm water --

22 MR. McHALE: So, excuse me,
23 Joe, the 150 gallons a minute that you described,

24 the 50 in each phase of the Kalahari project, that
25 equates to something close to out of that 500,000

20

1 gallons per day, isn't that about 230 to 250?

2 MR. JOSEPH MULLEN: It's about
3 -- you may get close to half.

4 MR. McHALE: So about half of
5 the water out of the planning module that's being
6 discussed before us, of the 500,000 about half or a
7 little less is credited toward the Kalahari
8 project. When the future development occurs on the
9 commercial tract further, between 940 and the
10 Kalahari project, there will be additional, like
11 you said, storm water requirements to infiltrate
12 even more water.

13 MR. JOSEPH MULLEN: Yes.

14 MR. McHALE: So -- go ahead.

15 MR. JOSEPH MULLEN: Yes. And
16 it is in that discussion and the base flow in the
17 Swiftwater and the base flow in the Indian River --
18 Indian Creek -- Indian Run, excuse me, that we will

19 be inserting information into the water, into the
20 planning module to discuss this at further length.
21 So that we tried to get a comprehensive review of
22 what exactly is going -- you know, going on out
23 there.

24 We have a hydrogeologist that's
25 already in the process of trying to wrap this

21

1 together so that we could take the work that was
2 done on Leggette, Brashears report and dovetail
3 that the storm water issues that we have and what
4 will occur at the time of development. So you have
5 development and withdrawal, so that it will be a
6 more comprehensive study.

7 We respect the letter that was
8 sent to us from Brodhead. We are taking that
9 information, we are working with DEP, which has the
10 same concerns as they do with respect to withdrawal
11 and effects in the transfer. And we're trying to
12 wrap this all together so that when we have a --
13 let's say, if it's a typed report, we can present

14 this. And we are going to be willing to sit down
15 with Brodhead Watershed Association to discuss this
16 also.

17 MR. McHALE: Two more quick
18 items I just wanted to mention is that, in summary
19 then, the storm water discharge rates at the
20 various storm events, when they come off the site
21 say in the two-year, the five-year, the ten-year,
22 today, compared to post construction or after the
23 development is there, the rates today compared to
24 post are actually higher so there's more water
25 flowing off the site now. What's going to happen

22

1 after construction, there's going to be less water,
2 less discharge, lower discharge rates going into
3 the creek because of the Act 167.

4 MR. JOSEPH MULLEN: Yes.

5 MR. McHALE: You reach the
6 requirements, correct?

7 MR. JOSEPH MULLEN: Right.

8 MR. McHALE: And one last --

9 one last comment before you -- the other thing
10 related to these -- the hydrogeologist and their
11 studies of the areas and such is, that it is such a
12 complex setting, if you will, these watersheds.
13 Because even within the watersheds you can't tell,
14 unless you made Swiss cheese out of the watershed
15 itself with geotechnical exploration, to know that
16 those seams and that water is actually coming to
17 that watershed and not overlapping into a different
18 watershed is an enormous thing that I don't think
19 anybody could physically, you know, finance that
20 kind of study.

21 So there's a lot of parameters
22 out there and I think that this project has gone,
23 from what the documents that they submitted to us,
24 they have gone to a great extent obviously to
25 comply with the Act 167, the planning module

23

1 requirements, maintaining stream flows as best we
2 can within the law, so -- and that's -- that's
3 where they're at, at this point.

4 THE REPORTER: Could you just
5 state and spell your first and last name, please?

6 MR. DUANE KERZIC: Duane
7 Kerzic, D-U-A-N-E K-E-R-Z-I-C.

8 Thank you. And I agree,
9 Kalahari is doing a great job for when it's
10 raining. I don't know that there's much concern
11 for when it's raining. I read the reports that I
12 have, I don't have all of them. The real concern
13 is when we're in a drought. The Swiftwater Creek
14 flows at 4.2 cubic feet per minute in the Q -- the
15 seven day, ten year flow. So that's almost 20
16 percent of the water.

17 MR. McHALE: 4.2 cubics per
18 minute?

19 MR. DUANE KERZIC: Per second.

20 MR. McHALE: I thought you said
21 per minute.

22 MR. DUANE KERZIC: Sorry, per
23 second, second.

24 MR. McHALE: That's the lowest
25 level --

22 room.)

23 MR. DUANE KERZIC: This is the
24 hydrograph from --

25 MR. McHALE: This is what I

25

1 downloaded. Is that what you're referring to --

2 MR. DUANE KERZIC: Yeah. With
3 four point, that would be --

4 MR. McHALE: Why don't show --

5 MR. DUANE KERZIC: Actually --
6 actually it's before -- it's before this actually.
7 It's in 2002 when the -- when the low flow occurs.

8 MR. McHALE: Could you just
9 kind of give a brief explanation of what that graph
10 actually shows?

11 MR. DUANE KERZIC: Yeah. This
12 is at the tongue obviously and this is the flow
13 rates in the stream in cubic feet per second.

14 We'll help the press too because
15 this -- I'm sure this is going to be a community
16 problem.

17 So we can see -- and again, this
18 is a logarithmic scale. So everyone is a factor of
19 10. So we can see here in between 2006 and I guess
20 -- yeah, 2006 we had a flow rate of -- like seven
21 was the low, but we -- what has to be protected is
22 the seven day, ten year flow and that occurred in
23 2002.

24 Now, StreamStats is a program
25 that the US Geologic Survey wrote that does

26

1 watershed modeling. When run at this gauge, the
2 Q7 -- the seven day ten-year flow is less than one
3 cubic foot per second; so therefore, all the water
4 in that watershed is gonna go in that pipe and go
5 down to -- to --

6 MR. JOSEPH MULLEN:
7 Stroudsburg.

8 MR. DUANE KERZIC: -- to
9 Stroudsburg.

10 MR. McHALE: But we can't -- I
11 think you would agree that we can't say that it's

12 -- that .77 is going to come out of the one,
13 because it's going to be a proportionate thing --

14 MR. DUANE KERZIC: It's going
15 to come out of the --

16 MR. McHALE: -- over the 6.5
17 square miles of drainage area, correct?

18 MR. DUANE KERZIC: Excuse me?

19 MR. McHALE: It's going to come
20 out proportionately of the entire watershed area?

21 MR. DUANE KERZIC: Yes and no.
22 I mean, I'm not a hydrologist and --

23 MR. McHALE: If we don't know,
24 then let's not speak to that.

25 MR. DUANE KERZIC: I have an

27

1 engineering degree, but I'm not -- I don't have a
2 PE right now.

3 So, but what we do know is that
4 that flow is 4.2 and that's the flow that needs to
5 be protected. The flow of the Indian Run is even
6 less, it's not even half. And I do have some maps,

7 but I don't have them with me.

8 Are there any questions?

9 MR. MILLER: Thank you.

10 MS. MERLI THERESA: I just -- I
11 just suggest -- I don't -- I don't know if I'm
12 clear on it or not. It sounds to me like the
13 document before you is not final and I don't know
14 that -- it just seems -- it makes me scratch my
15 head that you would pass on to the supervisors, to
16 the next level, the document that's not final.

17 MR. McHALE: Pat, you might
18 want to speak to this, but I just want to interject
19 that there is a 30-day comment period and our
20 zoning officer has the date I think of when that
21 time period began ticking.

22 MS. HAASE: A detail
23 advertisement will be in the paper on the 13th of
24 January.

25 MR. McHALE: So 30 days from --

28

1 MR. ARMSTRONG: February.

2 MS. HAASE: I'm sorry, it's
3 February, yes.

4 MR. McHALE: So within that
5 30-day period any of the public has got an
6 opportunity to send comments in writing to our
7 township. And we do welcome that and would
8 appreciate you alls comments.

9 MS. THERESA MERLI: Thank you.

10 MR. McHALE: Okay.

11 MR. MILLER: More comments?
12 Anybody, anything?

13 MS. LAMBERTON: I'd like to
14 comment. Respectfully I appreciate your concern.
15 It's impressive how much data has been studied and
16 actually at the end of the day it's DEP that needs
17 to look at this and the regulations that are in
18 place. In my mind we should let it up to the
19 experts.

20 I'd like to make a motion to
21 move this forward for recommendation to the board
22 of supervisors. Give the 30-day comment period,
23 let the folks have their opportunity.

24 MR. MILLER: Is that doable?

25

MR. ARMSTRONG: Yeah, I mean,

29

1 that's -- that's up to the planning commission this
2 evening. There is a 30-day notice time frame
3 before the board is going to act on this. Sounds
4 like the public advertisement might be coming out
5 sometime this week. What you would -- what the
6 planning commission -- if that's the direction the
7 planning commission decides to take tonight is --
8 there is an actual planning commission -- or
9 municipal planning module form. You've seen this
10 before with other plans.

11 You just need to go through a
12 checklist and ensure through the township engineer
13 and/or SEO, sewage enforcement officer, that we
14 answer all those questions correctly and then you
15 can submit it and forward it on. That's up --
16 again, that's up to the planning commission how you
17 want to move forward this evening.

18 MR. BAXTER: If we forward it
19 on like you're saying is that the supervisors

20 cannot act on it until that 30-day comment

21 period --

22 MR. MILLER: Correct.

23 MR. BAXTER: -- has run out?

24 MR. MILLER: So what's the

25 board's pleasure?

30

1 MS. LAMBERTON: I'll make a

2 motion.

3 MR. MILLER: (Inaudible.)

4 MS. LAMBERTON: To -- to make a

5 recommendation to move forward to the supervisors

6 for approval.

7 MR. MILLER: Do I hear a

8 second?

9 MR. BAXTER: I'll second the

10 motion.

11 MR. MILLER: All in favor?

12 BOARD MEMBERS: Aye.

13 MR. MILLER: We have a space

14 now for more public comment. Anybody would like to

15 comment? Anybody? Okay, guess not.

16 MR. ROB SEDWIN: Do we still
17 have an ability to make a comment on this decision?
18 Oh, I thought it was done since you guys voted on
19 it.

20 MS. LAMBERTON: Oh, no, there's
21 a 30-day comment period that will be advertised.

22 MR. MILLER: You got 30 days to
23 --

24 MR. ROB SEDWIN: Right. We
25 were hoping to delay it more.

31

1 MS. LAMBERTON: No. We made a
2 motion to move it forward.

3 MR. ROB SEDWIN: We have
4 another meeting, that's why we're disappearing.
5 Don't take it personally.

6 MS. LAMBERTON: No, I
7 understand. I just wanted to be clear.

8 MR. McHALE: We appreciate you
9 all being here.

10 MR. ROB SEDWIN: Is there more
11 Kalahari on the agenda here?

12 MS. LAMBERTON: That's it. You
13 were here for that highlight.

14 MR. ROB SEDWIN: Thank you for
15 your time, everyone.

16 MR. McHALE: Thank you for
17 coming.

18 MS. LAMBERTON: Thank you for
19 your comment.

20 MR. MILLER: Anything else
21 before the meeting?

22 Motion to adjourn?

23 MS. LAMBERTON: Motion to
24 adjourn.

25 MR. MILLER: Do I have a

32

1 second?

2 MR. BAXTER: Second.

3 MR. MILLER: All in favor?

4 BOARD MEMBERS: Aye.

5

(Meeting concluded at 6:35 p.m.)

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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

16

TARA FIGUCCIO, 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
Monday, March 11, 2013 beginning at 5:30 p.m.

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

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer
ROBERT J. McHALE, Township Engineer

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

2

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

4 Any public comment in general?

5 Entertain a motion to approve
6 the minutes for February 11, regularly scheduled
7 meeting?

8 MR. MILLER: So moved.

9 MR. BAXTER: Second.

10 MR. SINCAVAGE: Motion and
11 seconded.

12 All those in favor, please say
13 aye?

14 BOARD MEMBERS: Aye.

15 MR. SINCAVAGE: Aye -- I'll

16 abstain.

17 We'll go through all the old
18 business items quickly.

19 Is there anything on Wee Wons,
20 Bob?

21 MR. McHALE: No, sir.

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

24 MR. BAXTER: So moved.

25 MS. LAMBERTON: Second.

3

1 MR. SINCAVAGE: I have a motion
2 and seconded.

3 All in favor, please say aye?

4 BOARD MEMBERS: Aye.

5 MR. SINCAVAGE: I'll entertain
6 a moti -- anything on Locust Ridge -- I'm sorry.

7 Anything on Locust Ridge?

8 MR. McHALE: No.

9 MR. SINCAVAGE: I'll entertain
10 a motion to table the land development plan of the

11 Locust Ridge Quarry.

12 MR. MILLER: So moved.

13 MR. SINCAVAGE: I have motion.

14 Do I have a second to the
15 motion?

16 MS. LAMBERTON: Second.

17 MR. SINCAVAGE: Motion and
18 seconded.

19 All those in favor, please say
20 aye?

21 BOARD MEMBERS: Aye.

22 MR. SINCAVAGE: Kalahari
23 Resorts.

24 MS. LAMBERTON: It's in old
25 business.

4

1 MR. BAXTER: Well, Steve was
2 just here. He must have stepped out for a second.

3 MR. SINCAVAGE: Do you want to
4 move onto the planning module until he comes back?

5 There he is.

6 MS. LAMBERTON: All right.

7 Steve, you're on. You're old business.

8 MR. SINCAVAGE: Do you have
9 anything to report? It's on our agenda, Kalahari
10 Resorts.

11 MR. STEVE PINE: No.

12 MR. SINCAVAGE: Is there
13 anything to report on?

14 MR. STEVE PINE: No.

15 MR. SINCAVAGE: You have
16 nothing to report tonight? Then we will move onto
17 the planning module.

18 MR. STEVE PINE: I'm sorry, I
19 thought you were just joking when you said you -- I
20 haven't seen the agenda so I didn't --

21 MR. SINCAVAGE: We have a good
22 time here, now you have seen our agenda.

23 MR. STEVE PINE: My apologies,
24 I didn't think you were serious.

25 MR. SINCAVAGE: No problem.

1 We'll move onto the planning module for Kalahari
2 Resorts.

3 MR. RALPH MATERGIA: Well, that
4 module -- Ralph Matergia for Pocono Manor. We're
5 traveling together on the planning module with
6 Kalahari. That planning module, I think has been
7 fully submitted. I don't know to what degree it's
8 been reviewed here at Toby. It's under review in
9 Pocono Township where we're actually headed when
10 this meeting's over. So I don't know to what
11 degree you have any review comments.

12 The engineers, Pennoni, are not
13 here at this meeting. They will be at the Pocono
14 Township. I'll be happy to relay any information.

15 MR. SINCAVAGE: Bob, what's the
16 standing of the planning module at this time?

17 MR. McHALE: Has not been
18 reviewed.

19 MR. SINCAVAGE: It has been not
20 reviewed yet?

21 MR. McHALE: It was reviewed
22 for completeness and a letter was generated by John
23 Brogan, our sewage enforcement officer, that items

24 are complete, but it has not been reviewed. It was
25 believed that it was submitted on March 7?

6

1 MS. HAASE: Correct.

2 MR. McHALE: We were
3 anticipating that Pennoni would be here to explain
4 and talk through some of the items with the
5 planning module.

6 MR. JIM CAHILL: I can -- Jim
7 Cahill from Pocono Manor. I can attempt to explain
8 it in a nutshell, but I'm not an engineer so -- the
9 planning module has been revised since the last
10 planning module you saw. In the one that was
11 before you before, the existing Pocono Manor
12 Village was included in the planning module and the
13 service area to -- to go down and also a small part
14 in Pocono Township that was proposed future
15 commercial development. Those two areas have been
16 removed.

17 So the only thing in the sewer
18 planning module now is the, uhm, 386 acre parcel,

19 if you will, the former casino site, which is
20 partially Kalahari. They are under contract of
21 purchase in our commercial development. So that's
22 what the planning -- the area has been changed to
23 and the maps have been changed to reflect that. So
24 it's just the Tobyhanna parcel being sewerred by
25 Pocono Township again.

7

1 Also the other big change that
2 has occurred is that we are no longer planning to
3 service the potable water from wells on our site,
4 we are purchasing the water from BCRA. And in
5 doing that, we've satisfied or taken the concerns
6 of the environmental groups of the effect on the
7 Swiftwater Creek and those creeks that were --
8 essentially we're buying the water from the same
9 area and reusing it and returning it to the same
10 area that it comes from.

11 MR. SINCAVAGE: Okay.

12 MR. JIM CAHILL: So that is
13 also reflected in this revised planning module. So

14 those are the two big changes, if you will. The
15 service area got smaller, it's just Tobyhanna, and
16 the water source is now also BCRA. So they're
17 treating the sewer and supplying the water.

18 MR. McHALE: The planning
19 module was advertised for both Tobyhanna and Pocono
20 Township --

21 MR. JIM CAHILL: On the 8th.

22 MR. McHALE: -- on the 8th.
23 And there's a 30-day comment period from the 8th
24 until the board could actually take action, the
25 board of supervisors.

8

1 MR. JIM CAHILL: The -- right.
2 Well, I think -- I'm not a lawyer, you guys are --
3 I think they could actually authorize it to be
4 signed at the end of the 30-day period, but they
5 have to wait to the end of the 30-day period to
6 actually sign it.

7 MR. SINCAVAGE: That's correct.

8 MR. McHALE: What were you

9 expecting the planning commission to do tonight?

10 MR. RALPH MATERGIA: There's a
11 section in the application where the planning
12 commission reviews merely the use aspect of the
13 plan. Basically you, the planning commission,
14 looks at the zoning side of which we're proposing,
15 the development, and confirms that the -- you know,
16 that the underlying development application is
17 zoned in the manner that's consistent with the
18 sewage planning. Then you move that onto the
19 supervisors who would ultimately, if they're
20 satisfied, move -- they would move it on to DEP for
21 review.

22 MR. ARMSTRONG: You're talking
23 about -- it's like a two-page form with a checklist
24 of --

25 MR. RALPH MATERGIA: 4A, I

9

1 think it's called.

2 MS. HAASE: 4A.

3 MR. RALPH MATERGIA: Yeah, it's

4 Section 4A. So that's something that you may be
5 prepared to do this evening. I -- you know, I
6 don't know what level of review you're at on this,
7 but supervisors need you to make that
8 recommendation on that section of the planning
9 module before they're -- they can act on it.

10 MR. JIM CAHILL: We would ask
11 that the supervisors act on it and be prepared to
12 sign at the end of the 30-day period because we're
13 trying to back into a magical date of May 8 before
14 the DRBC. Then the DEP has to review it also, so
15 --

16 MR. ARMSTRONG: This is the
17 planning commission. Just so --

18 MR. JIM CAHILL: I know, but --

19 MR. ARMSTRONG: I think we
20 understand what you're saying.

21 MR. JIM CAHILL: They need your
22 recommendation before the supervisors can act. So
23 if, you know, you don't have it reviewed yet, if
24 you're not comfortable with moving anything on
25 until you see that review, that's great. We'd ask

1 that you perhaps would schedule a special meeting
2 then just to hear that. And, you know, schedule
3 for two weeks from now whatever when we -- you will
4 have that review and can make an educated decision
5 and move forward.

6 MS. LAMBERTON: Could we make a
7 recommendation contingent upon review? I don't see
8 why not.

9 MR. ARMSTRONG: That's up to
10 the commission. I mean, what's going to need to
11 happen is, you know --

12 Rob, you filled out these before
13 and signed them, correct?

14 MR. BAXTER: Yes.

15 MR. ARMSTRONG: That's -- at
16 the end of the day, that's what they're going to
17 need to move it on to the board. And John Brogan
18 hasn't, you know, had a chance to review these.
19 They were just submitted on the 7th, I believe?

20 MR. SINCAVAGE: Right, the 7th.

21 MR. RALPH MATERGIA: What is

22 your schedule for meeting? You meet once a month

23 or --

24 MR. SINCAVAGE: Yes, once a
25 month, first Thursday of the month, we rescheduled

11

1 tonight's meeting to accommodate.

2 MR. McHALE: It would have been
3 helpful to have your engineer here to walk through
4 that planning module and to be able to identify,
5 you know, any concerns. I know there's a letter
6 that we received a copy of, from RKR Hess, that
7 each of planning commission members has. And
8 that's basically their completeness letter and some
9 inconsistencies that they saw in the planning
10 module.

11 MR. RALPH MATERGIA: What is
12 the date of that letter, Bob? Is that the 8th?

13 MR. McHALE: March 8.

14 MR. RALPH MATERGIA: There's a
15 further Pennoni response that came out this
16 afternoon. I happen to have it with me, I printed

17 it before I came up.

18 Do you have it, the 11th?

19 MS. HAASE: No.

20 MR. RALPH MATERGIA: Maybe you
21 should have this.

22 MS. HAASE: Ralph, if you'd
23 like to give it to me, I'll make some copies.

24 MR. RALPH MATERGIA: Yeah,
25 because they went down each one of Sam's comments

12

1 and commented further, Pennoni did.

2 (Ms. Haase exited the room.)

3 MR. JIM CAHILL: We really
4 didn't know this was going to be on the agenda
5 today so -- we just thought it was a minor
6 subdivision, so that's what we're kind of here on.

7 MR. McHALE: It's my
8 understanding that you all were requesting it to be
9 on so that you could move it forward and that's why
10 it's on.

11 MR. ARMSTRONG: Well, it was

12 advertised when? On the 7th or 8th? And the first
13 Thursday is April 4. So I mean, it's up to the
14 commission what you want to do, but it looks like
15 you're going to meet before with the 30-day time
16 frame is up. And then the board is actually going
17 to meet on the 1st and the 8th, right? First and
18 second Monday, which would be --

19 MR. McHALE: That would be the
20 30 days.

21 MR. JIM CAHILL: That be the 30
22 days so it would be perfect.

23 MR. ARMSTRONG: I'm not
24 counting the days, but it looks like it's pretty
25 close.

13

1 MS. LAMBERTON: Well within
2 their not to hold anything up.

3 MR. RALPH MATERGIA: Your
4 schedule fits without asking for a special meeting.

5 MR. SINCAVAGE: I'm not
6 prepared to move this if we don't have a review. I

7 want to at least make a good decision on it.

8 MR. RALPH MATERGIA: Yeah,
9 that's understandable. I think you'll have --

10 MR. ARMSTRONG: Do you know if
11 your engineer would come to the next meeting, to
12 the next planning commission?

13 MR. JIM CAHILL: I would
14 imagine you were -- but John Brogan's doing this,
15 you're not doing this Bob?

16 MR. McHALE: We'll be looking
17 at it together, yeah.

18 MR. JIM CAHILL: I would imagine
19 he didn't issue his fair review and our engineer
20 would comment and then anything that was still --
21 if there was any questions on it, we'd take care of
22 it at the next meeting.

23 MR. RALPH MATERGIA: Jerry
24 Loftus at Pennoni is the one who authored the
25 planning module. We're going to actually see him

1 at seven this evening. So we'll let them know he

2 should contact you.

3 MS. LAMBERTON: So you don't
4 require any action on this, this evening?

5 MR. RALPH MATERGIA: It doesn't
6 hold anything up if we don't have it this evening.

7 MS. LAMBERTON: Fair enough.

8 MR. RALPH MATERGIA: Because we
9 don't, you know --

10 MR. STEVE PINE: The
11 advertising period would be up on the 6th.

12 MS. LAMBERTON: And we'll be
13 meeting in two weeks on Thursday.

14 MR. STEVE PINE: So there will
15 be a meeting be on the 8th, it sounds like.

16 MR. SINCAVAGE: No, we meet on
17 the 4th.

18 MS. LAMBERTON: And then
19 supervisors on the following Monday. That should
20 work.

21 (Ms. Haase returned to the
22 room.)

23 MS. LAMBERTON: Thank you.

24 (Ms. Haase exited the room.)

25

MR. SINCAVAGE: Well, we need

15

1 staff to look at this. So would we have to table
2 this action then since it's on the agenda?

3 I'll entertain a motion to table
4 the planning module for Kalahari Resort Conference
5 Center Waterpark in the Pocono Manor Commercial
6 Center.

7 MR. BAXTER: So moved.

8 MR. SINCAVAGE: I have a
9 motion.

10 Do I have a second to the
11 motion?

12 MR. MILLER: Second.

13 MR. SINCAVAGE: Motion and
14 seconded. All those in favor, please say aye?

15 BOARD MEMBERS: Aye.

16 MR. SINCAVAGE: I assume you
17 would like action on the Ireland subdi -- the
18 planning module for the Ireland subdivision, is
19 that in the same category?

20 MR. JIM CAHILL: I have nothing
21 to do with that.

22 (Ms. Haase returned to the
23 room.)

24 MR. McHALE: That's a separate
25 property.

16

1 MS. LAMBERTON: That's something
2 separate.

3 MR. JIM CAHILL: Where the --
4 just so you know, when we took title to Pocono
5 Manor, there were 40 acres that Jim Ireland still
6 had a right to. I guess he's subdividing it now
7 and this is his thing, we're not the applicant.

8 MR. SINCAVAGE: What are we
9 doing with the planning module?

10 MR. McHALE: John Brogan had
11 reviewed that, signed off on it and that's ready to
12 be moved along. There's no requirement for
13 advertising for that project, for that planning
14 module.

15 MR. SINCAVAGE: So based on
16 staff recommendation, the planning module is ready
17 to be executed by the planning commission?

18 MR. McHALE: Yes -- secretary.

19 MR. SINCAVAGE: So we need a
20 motion to --

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

23 MR. SINCAVAGE: I have a motion
24 to approve the planning module for Ireland
25 Subdivision?

17

1 Do I have a second to the
2 motion?

3 MR. MILLER: I'll second.

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

6 All those in favor, please say
7 aye?

8 BOARD MEMBERS: Aye.

9 MR. SINCAVAGE: The Ireland

10 planning module is authorized to be signed by our
11 secretary, Rob Baxter. That can be moved on to the
12 board of supervisors.

13 Next item on our agenda is the
14 Pocono Manor subdivision.

15 MR. RALPH MATERGIA: We had
16 filed an application for this subdivision, and this
17 subdivision for the manor property into four lots
18 is the subject of a review letter your engineer
19 authored. We've received a copy of it.

20 MR. SINCAVAGE: That's the
21 March 11, 2013 letter, Mr. Matergia?

22 MR. RALPH MATERGIA: Yes.

23 MR. SINCAVAGE: Thank you.

24 MR. RALPH MATERGIA:

25 Essentially I can tell you that --

18

1 MR. ARMSTRONG: Wait, it's
2 March 9, right?

3 MR. BAXTER: Mine's dated the
4 11th.

5 MR. SINCAVAGE: We're correct,
6 March the 11th.

7 MR. RALPH MATERGIA: I can tell
8 you that first of all with respect to -- most of
9 these are technical comments with respect to the
10 plan. I've consulted with Mr. Cahill and these are
11 all will-complies and we will comply with the
12 review comments and address those sometime between
13 your recommendation to the board of supervisors and
14 the presentation to the board.

15 One of the things I wanted to
16 make clear -- it wouldn't necessarily be clear on
17 the application and Bob raised this in his review
18 letter -- as to, you know, how do you address the
19 situation at the land development plan if Kalahari
20 does not for some reason present, get approved and
21 fulfill as it relates to the improvements and so
22 forth that are on the subdivision plan? I'm here
23 to tell you that the two are tied together.

24 So we're really -- if for some
25 reason Kalahari were to withdraw the land

1 development plan, we would withdraw the
2 subdivision.

3 MR. SINCAVAGE: You're
4 referring to Comment No. 18 in the review letter?

5 MR. RALPH MATERGIA: Yes, yes.

6 With respect to the security -- the national
7 security and the agreements that would be entered
8 into with the township as it relates to the land
9 development approvals, they will apply equally to
10 the subdivision plan. You know, we would expect
11 the land devel -- or the subdivision approval be
12 conditioned upon land development approval, again,
13 because they're going to travel together. And if
14 some reason land development were not fulfilled,
15 it's -- the subdivision is of no consequence.

16 I think everything else really
17 is will-comply.

18 MR. JIM CAHILL: Yes.

19 MR. SINCAVAGE: Bob, your
20 letter states that you were recommending approval
21 based on the items raised in your letter being
22 addressed, is that correct?

23 MR. McHALE: Yes, sir.

24 MR. SINCAVAGE: Do you have
25 anything that you would like to highlight to the

20

1 commission?

2 MR. McHALE: I don't believe
3 there's anything additional to be added. I think
4 most of these items can be addressed with
5 notations, clarification. I did want to mention
6 that on Page 5 of 6, that I did indicate that I'd
7 like for our solicitor to look at some items and
8 also on a project similar to this. He would put
9 together or prepare a unilateral declaration of
10 covenants, conditions and restrictions because
11 there's several items that need to be clarified
12 relating to access not only on the site, but sewage
13 flows, that type of thing, for future development,
14 PennDOT access at the Long Pong Road. There's
15 several items that should be clarified in a
16 document such as that.

17 MR. ARMSTRONG: The applicant's

18 agreeable to that?

19 MR. RALPH MATERGIA: Yes. Is
20 it your practice, Pat, to put that in a development
21 agreement that's recorded or do you have a separate
22 --

23 MR. ARMSTRONG: With something
24 -- depending on the actual conditions and
25 restrictions, a declaration of covenants,

21

1 restrictions and conditions is typically a more
2 direct route of doing it, recording it with the
3 court.

4 MR. RALPH MATERGIA: Okay. You
5 will refer to it in the development agreement, but
6 record it as separate testimony?

7 MR. ARMSTRONG: Right, right,
8 exactly. Because the development agreement
9 typically is a pretty lengthy document and
10 typically what we do is the memorandum of the
11 development agreement that I wouldn't get recorded.
12 It's like a one-page, two-page document rather than

13 the 50 page development agreement. So a
14 declaration of covenants, restrictions and
15 conditions, we can do it somewhat in a modified way
16 in order to decrease the amount of pages to be
17 recorded.

18 Does that make sense?

19 MR. RALPH MATERGIA: Makes
20 sense.

21 MR. SINCAVAGE: Any questions
22 from the commission?

23 MR. ARMSTRONG: Just so I'm
24 clear, I believe what you've indicated was you're
25 not -- you're looking for a recommendation from the

22

1 planning commission this evening, but you're
2 representing to us that you're not going to move
3 this forward for actual approval from the board of
4 supervisors until the land development plan from
5 Kalahari is ready to go before the board as well?

6 MR. RALPH MATERGIA: Correct.

7 We would expect that they would be approved

8 simultaneously.

9 MR. ARMSTRONG: I'm not seeing
10 -- were there any requested waivers of the
11 subdivision and land development ordinance?

12 MR. McHALE: They were depicted
13 on the drawing. The last note on the cover page --
14 of the cover sheet says: No land disturbance,
15 improvement or impervious areas proposed as a
16 result of this minor subdivision. A temporary time
17 waiver from the SALDO Section 135 dash 20; 135 dash
18 21; 135 dash 22; and it states Chapter 124, Part 2
19 of Brodhead's Creek watershed plan as requested.

20 However, that statement is
21 incorrect, it's really Part 1 and it's the Brodhead
22 McMichaels Creek now, this was a little bit after
23 the note. Any further land development and/or
24 subdivision will require compliance with said
25 sections, as well as other typical township

1 ordinances.

2 MR. ARMSTRONG: That would be a

3 temporary -- you're requesting a temporary waiver
4 of those requirements?

5 MR. RALPH MATERGIA: I can only
6 tell you what I'm reading.

7 MR. ARMSTRONG: Right. It
8 looks like you're requesting a temporary --

9 MR. RALPH MATERGIA: I'm sorry.
10 I can't provide you any other information about
11 that.

12 (Discussion off the record.)

13 MR. ARMSTRONG: Just talking
14 with the engineer, it seems like the purpose for it
15 being temporary is because a lot of these issues
16 are going to be clarified and resolved when the
17 land development application comes before the
18 board.

19 MR. RALPH MATERGIA: So again,
20 if you condition one on the other, then that
21 probably fits, temporary waiver fits. We waive
22 until such time as addressed in the land
23 development application.

24 MR. McHALE: Hold on a second.
25 Yes, that's correct.

1 MR. SINCAVAGE: That's a
2 complicated one.

3 So, Pat, can you put that
4 together?

5 MS. LAMBERTON: Yes.

6 MR. McHALE: There's also
7 another note regarding the flood plain issues.
8 Depending on the time of when it gets approved --

9 MR. SINCAVAGE: I saw that.

10 MR. ARMSTRONG: Why don't we --
11 why don't -- if the planning commission were to
12 entertain a motion to recommend approval of the
13 lands of Pocono Manor Investors Proposed Minor
14 Subdivision Project 2013 dash 001 Plan this
15 evening, it would be conditional upon the
16 applicant's compliance and their -- with the March
17 11, 2013 review letter from the township engineer
18 combined with the agreement, execution and
19 recreation of an appropriate declaration of
20 covenants, conditions and restrictions pursuant to

21 the requirements set forth in the March 11, 2013

22 review letter.

23 You want to do to the waivers in

24 the same motion?

25 MR. SINCAVAGE: Yes.

25

1 MS. LAMBERTON: Yes, I think we

2 should.

3 MR. ARMSTRONG: And also part

4 of that motion would be recommending approval of

5 the requested temporary waivers of the subdivision

6 and land development ordinance; Sections 20, 21 and

7 22, as well as Chapter 124 of the Tobyhanna

8 Township Code of Ordinances, Part 1 of the Brodhead

9 McMichaels Creek Watershed Plan.

10 And again, those waivers would

11 be temporary based upon the fact that when the land

12 development plan comes before the board, that the

13 applicant in that plan would comply with those

14 sections.

15 MR. SINCAVAGE: Do I have a

16 motion?

17 MS. LAMBERTON: So moved.

18 MR. BAXTER: Seconded.

19 MR. SINCAVAGE: I have a motion
20 and seconded.

21 All those in favor, please say
22 aye?

23 BOARD MEMBERS: Aye.

24 MR. RALPH MATERGIA: Thank you.

25 MR. SINCAVAGE: Thank you.

26

1 Good luck at your next meeting.

2 Before they leave, did the
3 audience have any questions for the Kalahari
4 Resort? No? Okay.

5 We'll move onto the flood plain
6 management ordinance.

7 Patrick?

8 MR. ARMSTRONG: Thank you, Mr.
9 Chairman.

10 The flood plain management

11 ordinance, it's in draft form. Several months ago
12 the county reached out to the township and reminded
13 us that, you know, there is a deadline approaching
14 for the township to adopt a flood plain management
15 ordinance that complies with certain requirements
16 of the county, as well as FEMA and -- I guess
17 mainly FEMA.

18 That being said, Phyllis, Bob
19 and I sat down. Bob was kind enough to forward a
20 deposit, so to speak, combining a number of models,
21 as well as the township's current flood plain
22 ordinance. And I took that and I put it into a
23 draft ordinance format for the planning commission
24 and the board of supervisors to consider, but
25 before I did that, I forwarded it back on to

27

1 Phyllis, Bob and John Brogan.

2 And I believe we received some
3 comments from them and I think I've incorporated
4 some. And you'll notice that there were some
5 highlighted sections in there. Those highlighted

6 sections were from Phyllis, I guess between her and
7 John Brogan, dealing with whether or not some of
8 those sections are covered or not covered in the
9 building codes that have been adopted by the
10 township.

11 But in order for the board of
12 supervisors to, you know, review and move on this,
13 you know, your task would be the responsibility to
14 review it and make recommendation or suggested
15 changes in the manner that you see fit. So that's
16 why it's -- I'm assuming that's why it's before the
17 planning commission this evening.

18 I'm not sure if Bob or Phyllis
19 have any other --

20 MR. McHALE: I just wanted to
21 mention that the major difference in this flood
22 plain management ordinance and the one that's
23 existing right now is that the current ordinance
24 does not allow any development within the flood
25 plain, not the floodway, but the flood plain. This

1 ordinance would allow some development to occur in
2 the flood plain area. So it's got that latitude,
3 it is set up to meet all the minimal requirements
4 for National Flood Insurance Protection Program and
5 FEMA.

6 MS. LAMBERTON: How is it
7 determined, Bob, whether you can build or not in a
8 flood plain?

9 MR. McHALE: It's spelled out
10 exactly what you can do and what you can't do.

11 MS. LAMBERTON: Can you like
12 make it into human terms and -- look at this, look
13 what happened?

14 MR. ARMSTRONG: Sorry, Anne.

15 MS. LAMBERTON: That's okay,
16 Patrick.

17 MR. McHALE: What Phyllis and I
18 were contemplating is that perhaps if we -- we
19 could either schedule a special meeting to kind of
20 go over that or if you all wanted to look through
21 and provide comments by email to Phyllis. We were
22 kind of looking at something like that, that type
23 of form, but it's up to you all on how you want to

24 do it. If we want to schedule a separate meeting,
25 we'll got through it item by item.

29

1 MS. LAMBERTON: I mean, is it
2 going to be pier construction, so many feet --
3 there's a number of items in my mind that it would
4 deeply affect.

5 MR. ARMSTRONG: The simplistic
6 way to look at this is -- Phyllis and the zoning
7 officer is going to be or has been appointed as the
8 flood plain administrator.

9 MR. McHALE: As well as John
10 Brogan.

11 MR. ARMSTRONG: And -- as well
12 as John Brogan. And any proposed use or
13 construction will need to apply for a permit. Now,
14 those that aren't within the flood plain or
15 floodway, there's no problem, but those within the
16 flood plains, then this would kick in Phyllis --
17 Phyllis and/or John Brogan would look through,
18 number one, there are certain uses that are not

19 permitted because of what they entail within the
20 flood plain.

21 There are certain building
22 restrictions and requirements that they have to
23 comply with that are spelled out in here. And I
24 mean, that in a nutshell is what it is. It's a
25 process where Phyllis and/or John Brogan, as flood

30

1 plain administrator, before issuing such a permit,
2 would make sure that they are within the flood
3 plain, identify the flood plain on the map that you
4 saw probably about a year ago, that they comply
5 with all the requirements in this -- in this
6 ordinance.

7 MR. BAXTER: I looked, I don't
8 think it's in there.

9 MS. LAMBERTON: You know my
10 concern has always been --

11 MR. SINCAVAGE: That's not it?

12 MR. BAXTER: I don't know.

13 MS. LAMBERTON: -- not to

14 devalue anyone's property.

15 MR. SINCAVAGE: It says the
16 flood parcels are located in the flood plain.

17 MS. HAASE: Yes, those are 20
18 acres or greater, and there's approximately 500.

19 MR. McHALE: That was a map
20 that John Brogan had put together based upon a
21 comment that Annie made at one of the meetings that
22 she was looking for the smaller parcels, how many
23 are impacted by the new flood plain that's
24 described in the maps that were provided to us by
25 FEMA.

31

1 There is 530 parcels not
2 counting the larger parcels; otherwise it would've
3 -- the color coding would've covered most of the
4 map. So it was just 20 acres or less.

5 MS. LAMBERTON: I was thinking
6 of the property owners.

7 MS. WENDI FREEMAN: Me too.

8 MS. LAMBERTON: I know. That's

9 a concern.

10 MS. WENDI FREEMAN: I will be
11 really interested in what you guys decide.

12 MS. LAMBERTON: Well, the
13 difference now is we're allowing construction --

14 MR. McHALE: In the flood
15 plain.

16 MS. LAMBERTON: -- in the flood
17 plain.

18 MR. McHALE: Correct.

19 MR. SINCAVAGE: Right now, you
20 mean?

21 MS. HAASE: No.

22 MS. LAMBERTON: No, no, no.
23 I'm sorry, we will be.

24 MR. McHALE: Will be. I
25 thought where you were pointing you were indicating

32

1 what would be proposed.

2 MS. LAMBERTON: Which to me
3 makes a big difference.

4 MR. ARMSTRONG: This would be
5 chaining that, but they would have to comply with
6 these requirements --

7 MS. LAMBERTON: Which is
8 understandable, yeah.

9 MR. ARMSTRONG: There's an
10 appeal process, there's -- that would go before the
11 zoning hearing board, which right now the board had
12 recommended and was on the same page that it should
13 go before the zoning hearing board and not the
14 board of supervisors.

15 MR. SINCAVAGE: I got about
16 maybe halfway through this and I --

17 MS. LAMBERTON: It's a lot of
18 reading.

19 MR. SINCAVAGE: Yeah, I had a
20 little bit extra time on my hand. So I think the
21 building code items that I saw there are very
22 reasonable, it has to be built up, it has to be a
23 foot and a half of free board. If you have any
24 electrical, you can't have the electrical panels
25 (inaudible), can only be drops. You have to leave

1 water flow through, you have to have an in and out
2 for the water. I didn't see any -- it seemed very
3 reasonable.

4 MS. LAMBERTON: Right. That
5 was my only concern. When I saw what had
6 encompassed --

7 MR. SINCAVAGE: So that's the
8 only way I can summarize it for you, Anne, was that
9 I thought it was fair.

10 MS. LAMBERTON: Now, that's all
11 I was asking for.

12 See, Patrick, see how easy that
13 was?

14 MR. SINCAVAGE: I think there
15 were some concerns about clashing with the building
16 code.

17 MS. HAASE: Yes, and Bill
18 Burton --

19 MS. LAMBERTON: Now we have to
20 clear up --

21 MS. HAASE: -- he sat down with

22 Bob and myself and we went over this. The bottom
23 line is they have to meet the building code. So if
24 these are additional requirements, that's fine, but
25 they have to meet the minimum of the building.

34

1 MR. ARMSTRONG: This isn't
2 going to trump the building code. Like if some of
3 your comments are the more detail found in building
4 code, and that's fine. This is just --

5 MR. BAXTER: Above and beyond
6 some situations, but some situations the building
7 code may require more.

8 MS. LAMBERTON: But it'll still
9 allow folks to utilize their property, that was my
10 only concern.

11 MS. HAASE: The one area that
12 the planning commission should look at would be
13 77-12, which is Page 14, it speaks to the floor
14 area shall not exceed X amount of square feet for
15 accessory structures. So that's something that
16 we'll have to discuss.

17 MS. LAMBERTON: Do we have an
18 idea what's reasonable there for --

19 MS. HAASE: Well, an accessory
20 structure could also be a detached garage, so if
21 we're looking at 200, 300 feet, we can't just focus
22 in on what a shed would be. It could be a two-car
23 garage. So I think that's something that we need
24 to take into consideration.

25 MR. SINCAVAGE: What size do we

35

1 allow as a -- for an accessory structure now?

2 MS. HAASE: There's no
3 limitation. As long it fits in the lot coverage
4 for that parcel, there's no limitation.

5 MR. SINCAVAGE: The area is not
6 within the flood plain?

7 MR. ARMSTRONG: Right, that's
8 just in general.

9 MS. HAASE: In general, and
10 then we'll need to fill this in for the flood
11 plain.

12 MR. SINCAVAGE: So how about we
13 take a look at this. We'll all have to add some
14 reading time so we can get through this.

15 MR. ARMSTRONG: The one thing I
16 will say is the deadline for the board to take
17 action on is May 1? It's sometime in May.

18 MR. McHALE: Yes, May 2 --

19 MS. HAASE: Well --

20 MR. SINCAVAGE: We'll move this
21 at our next meeting.

22 MS. LAMBERTON: All right.

23 MR. SINCAVAGE: We're going to
24 move this at our next meeting.

25 MS. LAMBERTON: Oh, she

36

1 hesitated. Do you need something before then?

2 MS. HAASE: Well, we certainly
3 were hoping to move this on, but if the board would
4 like to review this, maybe could consider a special
5 meeting and we could maybe act on the ordinance and
6 maybe also the planning module for Kalahari.

7 MR. SINCAVAGE: Well, they said
8 they were okay with the April 4 meeting. Are you
9 saying the April 4 meeting isn't soon enough?

10 MS. HAASE: No.

11 MR. McHALE: The effective date
12 that the FEMA is looking at is --

13 MS. HAASE: May.

14 MR. McHALE: -- May 2.

15 MS. HAASE: So we need to kind
16 of move this along as quickly as possible to meet
17 the deadline.

18 MS. LAMBERTON: I'm fine with
19 making a recommendation if guys feel that --

20 MR. McHALE: What we could also
21 is we could -- if you make a recommendation, you
22 could also consider subject to we receive your
23 comments by email, incorporate, you know, as
24 appropriate and then go from there.

25 MS. HAASE: That would be

1 acceptable.

2 MR. SINCAVAGE: I'm okay with
3 that because after my reading so far, it seemed
4 okay. I didn't see anything that really raised any
5 concerns.

6 MS. LAMBERTON: I'm going to
7 lean primarily on Bob and Phyllis.

8 MR. SINCAVAGE: Well, since
9 we're all here and Phyllis did raise that one thing
10 about the square footage, how about we just do the
11 two-car garage which is -- how much is a two-car
12 garage? How many square feet do you want?

13 Bob, where's your demonstrating
14 abilities?

15 MS. LAMBERTON: What's a garage
16 normally, 10 by 20? I don't know.

17 MR. McHALE: If it was a
18 two-car garage, you're probably looking at maybe 20
19 feet by 24, something like that. Say 500 square
20 feet?

21 MS. LAMBERTON: Like six?
22 Let's round it up to six. Is that enough?

23 MR. SINCAVAGE: That's 20 by
24 30.

25

MS. LAMBERTON: Beautiful.

38

1

MR. BAXTER: First floor area.

2

MS. LAMBERTON: Did you ever --

3

did you ever --

4

MR. SINCAVAGE: No, this is

5

only for an accessory structure. First floor area?

6

MR. BAXTER: Which you could

7

have a second floor.

8

MS. HAASE: Umm-hmm, it would

9

be allowed, a second.

10

MR. BAXTER: So what we're

11

talking about is just first floor area?

12

MS. LAMBERTON: Right, right.

13

MS. HAASE: The footprint.

14

MS. LAMBERTON: Right.

15

MR. BAXTER: So there could be

16

a loft in the garage or something like that, it

17

would go beyond that square footage?

18

MS. LAMBERTON: I don't have a

19

problem with that.

20 (Inaudible discussion.)

21 MR. SINCAVAGE: I'm fine with
22 that.

23 MR. SINCAVAGE: Six hundred
24 square foot.

25 MS. HAASE: Footprint.

39

1 MR. BAXTER: And it still can't
2 exceed coverage and all of that.

3 MS. HAASE: That is correct.

4 MS. LAMBERTON: It's got to
5 fit.

6 MS. HAASE: That is correct.

7 MS. LAMBERTON: If it goes out
8 in the middle of Lake Naomi.

9 MS. HAASE: Wendi's shaking her
10 head.

11 MR. SINCAVAGE: Is there any
12 comment from the public on this?

13 Go ahead.

14 MS. WENDI FREEMAN: I just have

15 a question before you leave the topic. There is
16 way -- I guess this would be for Bob McHale. From
17 my understanding they raised these flood zones just
18 kind of arbitrarily and just raised them up because
19 of the flood in Harrisburg and all that stuff, but
20 if you -- I looked at some of the places that are
21 now in the flood plain as per what Phyllis posted
22 on you guys' website and some of those people that
23 now are in the flood plain have never seen water.

24 So isn't there a way to appeal
25 that with FEMA to get a waiver that says you're

40

1 really not in a flood plain and then this wouldn't
2 apply to those people, right?

3 MR. McHALE: Yes, there is.
4 That's been done and I know John Brogan has looked
5 at another letter of map amendments, a LOMA,
6 there's a number of different types of --

7 MS. WENDI FREEMAN: That's
8 what's it's called a letter -- what is it called?

9 MS. LAMBERTON: Map of

10 amendments.

11 MR. McHALE: Map amendment.

12 There was an appeal period for this particular set
13 of maps and studies that's already passed, but an
14 individual can take their lot and have all the
15 information that's required in the LOMA submitted
16 and they get an approval to basically modify and, I
17 guess, verify that they're not in the flood plain
18 as established on the current map.

19 MS. WENDI FREEMAN: So just so
20 I understand, we sent out notices to all those
21 people that said you better take a look at this,
22 you're now going to be in a flood plain. Probably
23 of the hundreds of letters we sent, we heard from
24 maybe five people who said, what does this mean and
25 we explained it.

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1 Phyllis -- we directed them to
2 Phyllis, she talked to them, explained it some more
3 and some of those people did go ahead and get
4 waivers; but what if two years from now somebody

5 comes and says well, I want to build and you're in
6 the flood plain, can they still then apply to FEMA
7 for a waiver at that time --

8 MR. McHALE: Yes.

9 MS. WENDI FREEMAN: -- or no,
10 it's just a done deal?

11 MR. McHALE: They can do it at
12 any point in time.

13 MS. WENDI FREEMAN: They can
14 still do it. That's what I thought, I just wanted
15 to verify. So thank you.

16 MR. SINCAVAGE: Any other
17 questions? Okay.

18 So we're going to make a
19 recommendation to approve the flood plain
20 management ordinance to the board of supervisors
21 subject to our comments -- any comments that may be
22 received via email.

23 MR. McHALE: To Phyllis.

24 MR. SINCAVAGE: To Phyllis by

25 --

1 MS. LAMBERTON: March 12.

2 Okay. That's tomorrow.

3 MS. HAASE: If we could have it
4 by the 27th of March.

5 MR. SINCAVAGE: So March 27?

6 MS. HAASE: Yes, please.

7 MS. LAMBERTON: I have nothing
8 to do but read this tonight.

9 MR. HAASE: That would give me
10 the Wednesday prior to the work session for the
11 board of supervisors.

12 MS. LAMBERTON: Oh, good.
13 March 27.

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

16 MS. LAMBERTON: I'll make that
17 motion.

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

20 MR. BAXTER: Second.

21 MR. SINCAVAGE: Motion and
22 seconded.

23 All those in favor, please say
24 aye?

25 BOARD MEMBERS: Aye.

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1 MR. SINCAVAGE: Like I said, I
2 didn't see anything bad in here.

3 Okay. Visioning.

4 MS. HAASE: Mr. Chairman, the
5 board of supervisors at their February work session
6 had suggested that the planning commission begin to
7 review the eastern end of the township for
8 visioning overlay. So that we have in front of you
9 for to -- consideration for you to accept that
10 project. Also I've copied the last page of the
11 Blakeslee visionary that speaks to the steering
12 committee. So I think we may want to consider
13 either, A, suggesting a new steering committee for
14 the eastern end also take into consideration those
15 key players at that end as well.

16 MS. LAMBERTON: Right, got in
17 touch with those property owners.

18 MS. HAASE: Right, because
19 certainly the individuals that we dealt with in
20 Blakeslee, they're not going to have the best of
21 interest that eastern has right now.

22 MS. LAMBERTON: I mean, think
23 about it, if, you know, the Kalahari project
24 progresses, you're going to want that gateway into
25 Tobyhanna Township to have something already ready

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1 for it, agreed.

2 MS. HAASE: So is this --

3 MS. LAMBERTON: So you'd like
4 to set up a committee so we can sit down and start
5 discussing that?

6 MS. HAASE: Yes. So this way I
7 can take it back to the board of supervisors that
8 the planning commission is interested in taking on
9 this project.

10 MS. LAMBERTON: We'd like to be
11 on it, me and coach.

12 MS. HAASE: So I can --

13 MS. LAMBERTON: That's very
14 important.

15 MS. HAASE: Yes.

16 MR. SINCAVAGE: So this is only
17 for Blakeslee? I'm sorry, I missed --

18 MS. LAMBERTON: No, no, Pocono
19 Summit.

20 MS. HAASE: This was for the
21 Blakeslee area that I had given you.

22 MR. SINCAVAGE: So you're
23 saying you want to go through this and then we can
24 deal with Blakeslee with the Pocono Summit area.

25 MS. HAASE: That is correct.

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1 MR. SINCAVAGE: Sorry, I was
2 talking to Pat and I didn't hear everything.

3 MR. McHALE: And Pocono Pines.

4 MS. HAASE: Well, I believe
5 they're taking that as another -- another layer.

6 So right now they would like to deal with the
7 eastern section and then we come back to the

8 central. So if it's acceptable to the planning
9 commission, I'll relay that to the board of
10 supervisors.

11 MS. LAMBERTON: Absolutely.

12 MS. HAASE: Now, do you agree
13 that as far as having -- we need to get in touch
14 with key holders in that section.

15 MS. LAMBERTON: Yes.

16 MS. HAASE: As far as the
17 steering committees, should we reformat a steering
18 committee for the eastern section?

19 MS. LAMBERTON: Absolutely.

20 MR. ARMSTRONG: The committee
21 was Annie and Rob, correct?

22 MS. LAMBERTON: I'd be more
23 than happy to help.

24 MR. BAXTER: Yes.

25 MR. SINCAVAGE: I think

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1 chairman I -- well, as the chairman I considered
2 it, but -- uhm, it's summertime so I'm a little

3 more -- don't have as much time now as I could
4 possibly have.

5 MS. LAMBERTON: Yeah, I have so
6 much time, Mark.

7 MR. SINCAVAGE: I bet you do,
8 Annie. You just love it.

9 MS. LAMBERTON: Anybody from
10 the public want to join our steering committee?

11 MR SINCAVAGE: I see Wendi
12 hiding back there.

13 MS. LAMBERTON: You can run, but
14 you cannot hide, Miss Lady.

15 MR. SINCAVAGE: So let's start
16 those two and I assume the supervisors will appoint
17 someone else.

18 MS. HAASE: I would imagine so.

19 MR. SINCAVAGE: I don't know,
20 should we be moving along with Blakeslee somewhat?

21 Could we ask the supervisors,
22 Annie, maybe you can relay this to the supervisors,
23 maybe we can ask the supervisors for some funding
24 to ask Pat to start looking at an actual overlay
25 ordinance?

1 MS. HAASE: Well, that -- we
2 were tasked with that. We, as a planning
3 commission, we were tasked with that when we were
4 going over the ordinances. That's something that
5 we did not address, we were going to come back at a
6 later date. So that was the intent, agreed, an
7 overlay for the Blakeslee area.

8 MR. SINCAVAGE: So I think that
9 overly could work with both districts, so --

10 MS. LAMBERTON: Absolutely. I
11 agree with you. I think there's a couple dollars
12 left in --

13 MR. McHALE: A question for
14 Pat, just so I could ask?

15 The overlay does not necessarily
16 need to be the full build-out overlay, correct? It
17 could start with a smaller scope and then expand
18 the overlay, is that right?

19 MR. ARMSTRONG: Yeah, but you'd
20 have to --

21 MR. McHALE: You'd have to
22 readopt --

23 MR. ARMSTRONG: You'd have to
24 readopt it here. You can keep it concentrated in
25 the beginning. If you want to expand that down the

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1 road, you're going to have to adopt the ordinance
2 to amend that overlay.

3 MR. McHALE: But the components
4 of the ordinance would be in place it's just a
5 matter of the buy-in to all the other property
6 owners. The larger it is, the more difficult it is
7 to get that kind of concurrence.

8 MS. LAMBERTON: I have spoken
9 with Leslie Roman, very, very intrigued to be
10 involved in this. She'd love to see something just
11 go all the way down to 940, past her, make it all
12 walkable, same design we talked about with
13 Blakeslee.

14 MR. SINCAVAGE: So can we -- I
15 don't know who to ask. Can we ask Pat to start

16 spending money and start coming up with an actual
17 ordinance?

18 MR. ARMSTRONG: What I would
19 say is --

20 MR. SINCAVAGE: Or the overlay?

21 MR. ARMSTRONG: -- that that
22 request should go to the board of supervisors and
23 then they'll let me know if I got the green light.

24 MR. SINCAVAGE: Yeah, but she
25 told us we were tasked with it, so that means --

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1 MS. HAASE: We were tasked with
2 that. You were tasked with that.

3 MS. LAMBERTON: We were. It
4 started here.

5 MR. SINCAVAGE: We would kindly
6 request to the supervisors --

7 MS. HAASE: We could certainly
8 have verification, how's that? Let's get a
9 verification.

10 MR. SINCAVAGE: Let's get a

11 verification, please.

12 MR. ARMSTRONG: I think what
13 happened was, this is -- this isn't just going to
14 be an amendment to the text of your zoning
15 ordinance, this is going to be an amendment to your
16 zoning map. And that's where I think we were stuck
17 because no one really -- we weren't -- when you
18 were doing your comprehensive zoning ordinance
19 amendment, you were focusing on the text because we
20 weren't in the process of doing the map at that
21 point in time, to my understanding.

22 Because if you're going to do a
23 zoning map amendment, you're probal -- I don't
24 where -- I don't know if you kept tallies over the
25 course of the number of years, certain issues

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1 within the township that may need correction to
2 zoning line. I mean, that should all be part -- if
3 you're going to amend you're zoning map, you want
4 to do it so it's right, you don't want to just do
5 pockets.

6 MS. HAASE: We have
7 periodically, since I've been here, amended our
8 zoning map for one reason or another; so that has
9 occurred.

10 MR. SINCAVAGE: But in order to
11 moved this process along, we have to start looking
12 at an actual ordinance.

13 MS. HAASE: That's correct.

14 MR. SINCAVAGE: Overlay
15 ordinance.

16 MS. HAASE: And what you would
17 like to see.

18 MR. SINCAVAGE: Yes.

19 MR. ARMSTRONG: I guess the
20 difference between this and the few minor zoning
21 map amendments that took place previously were,
22 those zoning map amendments were --

23 MS. HAASE: Site spec -- for a
24 specific lot.

25 MR. ARMSTRONG: They were

1 requested from the property owners and they agreed
2 to a professional services agreement to pay for,
3 you know, the costs associated with those zoning
4 map amendments.

5 MS. HAASE: The majority of
6 them.

7 MR. ARMSTRONG: So it came to
8 an engineer or someone to prepare the exhibit to
9 the zoning map change, they paid -- the petitioner
10 paid for that. The township hasn't -- to my
11 knowledge, I don't think the township has paid for
12 that.

13 MS. HAASE: For some the
14 township did.

15 MR. ARMSTRONG: Oh, okay, I
16 wasn't aware of that.

17 MS. HAASE: Yeah, prior to you.

18 MR. ARMSTRONG: Oh. Okay.

19 MS. HAASE: Yes.

20 MS. LAMBERTON: So it's like
21 project specific, if someone needed something?

22 MR. ARMSTRONG: But it always
23 made sense, there was no --

24 MS. HAASE: Oh, absolutely.

25 MR. ARMSTRONG: It always made

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1 sense. There was proper planning, it was just --
2 it was always initiated by the petitioner.

3 MS. HAASE: Yes. And the one
4 area that I think that we do need to look in is
5 there's many lots up and down 940 that are
6 separated between residential/commercial or
7 commercial and commercial/industrial, that they've
8 split through the lots. So maybe that's something
9 the planning commission could look at as well.

10 Getting a headache over there,
11 Mr. Chairman?

12 MR. SINCAVAGE: My opinion is
13 that we've lived with that for quite some time, so
14 I think there's other things that we should address
15 before we kind of get into that.

16 MS. HAASE: Well, that's
17 something that the consultant brought up when we
18 were going through. Generally it is not done like

19 that, generally it's --

20 MR. SINCAVAGE: Follows a lot?

21 MS. HAASE: Right.

22 MR. SINCAVAGE: I understand
23 that. It just seems to me, personal opinion, is
24 that the visioning ordinance -- the overlay
25 ordinance to me is more important than trying to do

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1 the whole map of the whole township. They may go
2 hand in hand, but I think I'd like to start -- I'd
3 like to see the commission start focusing our
4 energies on the ordinance.

5 MS. HAASE: Correct. The
6 ordinance will need to be written, but we will also
7 need to amend the zoning map as Pat had stated.

8 MR. SINCAVAGE: With Pat, I
9 understand that, yes.

10 MS. LAMBERTON: Pat's just
11 saying do at once and we'll clean it all up. I'm
12 listening.

13 MR. SINCAVAGE: Do you want to

14 be here for another two years?

15 MR. ARMSTRONG: That's up to
16 the planning commission and the board.

17 MS. HAASE: That's something I
18 really truthfully don't think it's going to be that
19 difficult as far as denoting the areas. I mean,
20 they're already marked up now, we just need to
21 adjust the line.

22 MR. SINCAVAGE: Yeah, but if
23 you have -- a lot of those parcels are commercial
24 and then the rear tends to be residential. If you
25 pull that line out and make their whole lot

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1 commercial, you're giving them a tax increase, a
2 property tax increase.

3 MS. HAASE: We're also giving
4 them more land to develop on because many of those
5 parcels are very small, so they're restricted. So
6 by pulling it back -- either way right now, they
7 can go as a special exception, it's a larger
8 portion of the parcel and extend another hundred

9 feet, but it also gives them more land to develop.

10 There's also one particular
11 parcel that it's split, part of it's in commercial,
12 part of it's in commercial/industrial and they'd
13 like to put an apartment secondary to the
14 commercial use, and what they're putting is a
15 commercial boundary and they can't. So it's pros
16 and cons on both sides.

17 MR. McHALE: There's also in
18 our ordinance currently, you know, buffers that are
19 required between commercial use and residential
20 use. And with the overlay ordinance you could
21 actually expand that a little bit if you felt the
22 need when you expanded the commercial zone or
23 district itself. So that's something to think
24 about.

25 MR. SINCAVAGE: I mean, I

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1 expressed my opinion.

2 MS. LAMBERTON: We have to

3 start somewhere.

4 MR. SINCAVAGE: Tackle it all
5 at one time?

6 MR. BAXTER: If we can do it
7 without dragging down the whole overlay thing. We
8 can hit some of these issues, maybe we don't get a
9 hundred percent of it. To the extent I think we
10 can when we're doing it, it makes sense to me to do
11 it. I kind of agree with the concept of, if we're
12 doing it and it takes an extra little bit to grab
13 this problem and solve it, great. And if it ends
14 up being a big long delay or we get into something
15 really complicated, we'll have to leave that behind
16 and move on with the priority which is the
17 visioning.

18 MS. LAMBERTON: How many
19 properties are we looking at affecting here by
20 changing zoning their zoning? Are we looking at a
21 section of like more east on 940 or is it the whole
22 corridor?

23 MS. HAASE: It's more east and
24 west of the 940 corridor, not as much as the
25 central section of 940, but more east and west.

1 MS. LAMBERTON: So that's where
2 it kind of got chopped up a little bit so we just
3 need to move a line.

4 MR. SINCAVAGE: I think that's
5 a long --

6 MS. LAMBERTON: We have to be
7 sensitive to people's needs as that property owner
8 as well.

9 MR. SINCAVAGE: I think that
10 goes along 115.

11 MS. HAASE: There are some,
12 yes. Now, their tax will not change until they
13 begin to develop it.

14 MS. LAMBERTON: Oh, okay.

15 MR. McHALE: The Dollar General
16 is a good example of a commercial lot line and the
17 need to move it back a little bit.

18 MR. SINCAVAGE: So the county
19 even though is zoned --

20 MS. HAASE: We have many
21 parcels right now that are zoned commercial and

22 they're still being taxed residential and vice
23 versa.

24 MS. LAMBERTON: Just because
25 the map doesn't catch up until the parcel's sold.

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1 MS. HAASE: There's like a
2 cutoff period. I can get Tom Hill to maybe put
3 something in writing for us --

4 MS. LAMBERTON: Okay.

5 MR. HAASE: -- and give it to
6 the commission, but that was one of the tasks I
7 took on when I came to the township, is to verify
8 all the lots up and down 940 and had a lengthy list
9 and the end result was, it was a waste of my time
10 because they didn't change.

11 MS. LAMBERTON: So was it your
12 concern about somebody being charged more for
13 something until they go to develop, right? Am I
14 understanding?

15 MR. SINCAVAGE: It was my
16 understanding whatever the land is zoned.

17 MS LAMBERTON: That's what
18 you're paying tax on, but that's obviously not the
19 case.

20 MR. SINCAVAGE: That's not the
21 case.

22 MS. LAMBERTON: I like it.

23 MR. SINCAVAGE: I get educated
24 every day.

25 MS. LAMBERTON: See, you go to

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1 bed, it's residential; you wake up, it's
2 commercial. Just like that.

3 MR. SINCAVAGE: Well, clarify
4 that with the board of supervisors and we'll get
5 Pat to get started on that because I'm sure Pat
6 needs some more work.

7 MS. HAASE: Well, just to bring
8 the planning commission up on speed as well, the
9 work session we had also discussion about our sign
10 ordinance. There's certain areas in the township
11 that are restricted on the signage that they can

12 place. And it has a lot to do with the corridor
13 down in eastern end where the Federal Highway
14 Commission has deemed that like a no access point,
15 direct access point off of 940. So for some
16 projects, it's going to be different that was a big
17 hindrance for 84 Lumber and also Mount Pocono Auto
18 Auction, that has created a huge problem for them.
19 So if they could have additional signage for that
20 corridor, it will help them.

21 It's a tough situation that
22 they're in and they have no control. And the
23 township certainly has attempted to support those
24 projects and allowing letters of support and it's
25 falling on deaf ears. So that's something the

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1 supervisors has agreed that Pat can work with me
2 and put together some type of an ordinance and for
3 that we would just do an overlay for that section
4 that they are prohibited access.

5 MS. LAMBERTON: I like it.

6 MR. SINCAVAGE: I have no

7 problem.

8 MS. LAMBERTON: Yeah, I don't
9 have a problem with that at all.

10 MS. HAASE: So hopefully for
11 the next meeting we'll have a draft for you, 'cause
12 we have a really good solicitor.

13 MR. SINCAVAGE: Anything from
14 the -- anything the commission would like to bring
15 up?

16 MS. LAMBERTON: I'm good.

17 MR. SINCAVAGE: Anything from
18 our professionals?

19 Anything from the public?

20 Thank you very much for
21 attending. We stand adjourned.

22 (Meeting concluded at 6:30 p.m.)

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I hereby certify that the

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proceedings and evidence are contained fully and

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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

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of the same.

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TARA FIGUCCIO, 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
Wednesday, March 27, 2013 beginning at 5:30 p.m.

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

KELLY EBERLE, ESQUIRE,
Alternate Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer
ROBERT J. McHALE, Township Engineer

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

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1 MR. SINCAVAGE: I'll call the
2 regularly scheduled meeting of Tobyhanna Township
3 Planning Commission to order for March 27, 2013.
4 Any public comment in general?
5 Move on to -- I'd like to
6 suggest that we table the minutes because we just
7 received them today electronically and I only got
8 about halfway through them.
9 I'll entertain a motion to table
10 the March 7, 2013 meeting minutes.
11 MR. MILLER: So moved.

12 MR. BAXTER: Second.
13 MR. SINCAVAGE: I have a motion
14 and second.
15 All those in favor, please say
16 aye?
17 BOARD MEMBERS: Aye.
18 MR. SINCAVAGE: Under old
19 business, anything under Wee Wons? Is there
20 anything new?
21 I'll entertain a motion to table
22 Wee Wons land development plan.
23 MR. MILLER: So moved.
24 MR. BAXTER: Second.
25 MR. SINCAVAGE: Motion and

3

1 seconded.
2 All those in favor, please say
3 aye?
4 BOARD MEMBERS: Aye.
5 MR. SINCAVAGE: Anything new on
6 Locust Ridge?
7 MR. McHALE: No, sir.
8 MR. SINCAVAGE: I'll entertain
9 a motion we table the Locust Ridge land development
10 plan.
11 MR. MILLER: So moved.
12 MR. BAXTER: Second.
13 MR. SINCAVAGE: Motion and
14 seconded.
15 All those in favor, please say
16 aye?
17 BOARD MEMBERS: Aye.
18 MR. SINCAVAGE: Kalahari land
19 development.
20 Would you like to talk about
21 anything?
22 MR. RALPH MATERGIA: I think
23 we're here on the planning module.
24 MR. McHALE: Yes, but he was
25 just asking, do you have anything you want to add

1 or just present to them as far as an update on the
2 land development portion of it? And then we'll get
3 to the planning module here in a second.

4 MR. JOSEPH MULLEN: Well, I
5 just --

6 THE REPORTER: Would you just
7 state your name, please?

8 MR. JOSEPH MULLEN: Joseph
9 Mullen, M-U-L-L-E-N.

10 THE REPORTER: Thank you.

11 MR. JOSEPH MULLEN: Where we
12 stand is we have received the latest and greatest
13 letter from Bob on the storm water -- storm water
14 management comments. We will be making any
15 miscellaneous revisions that we need to make and
16 then resubmitting the documents for your review.
17 Okay?

18 Uhm, just in general we're -- we
19 are in the process with Monroe County Conservation
20 District. We have a meeting tomorrow afternoon to
21 discuss the first review letter. We think we're
22 making great progress with that process, it's been
23 very quick. We are currently -- we have a planning
24 module in front of you this evening and we can also
25 -- we have moved down to Brodhead Creek water.

1 We're going to be getting our water from Brodhead
2 Creek. So that changes some of the dynamics here
3 that we had prior.

4 We have received a highway
5 occupancy approval for our highway occupancy study.
6 In the process of preparing the drawings for
7 District 5 for the interim entrance or the entrance
8 for the first phase of the Kalahari project. The
9 complete full build study is underway; it should be
10 finished shortly. So we can also present that to
11 you for review along with District 5.

12 And at that point, I think we're

13 -- we're set. We have a meeting next week to talk
14 about the site and fire flow and distribution for
15 fire fighting on the site itself. I know the
16 conversations that had been had with the internal
17 for the building sprinklers and such with the
18 architect. Next week, next Wednesday we have a
19 meeting at 9:30 here at the township for that
20 purpose.

21 MR. SINCAVAGE: Just a
22 question, I see there's a letter here from the
23 Pennsylvania Department of Environmental Protection
24 for the NPDES permit.

25 Is the NPDES permit being

6

1 reviewed by --

2 MR. JOSEPH MULLEN: Yes. Well

3 --

4 MR. SINCAVAGE: By NERO?

5 MR. JOSEPH MULLEN: No. It's
6 being reviewed by Monroe County. There has been a
7 change in the policy at DEP, that DEP will now
8 review and issue all of the NPDES review letters.
9 So although Monroe County Conservation District
10 will do the review, they do the technical review,
11 they submit that technical review to DEP. DEP will
12 then review that and issue it from the DEP.

13 That was in an attempt, as I
14 understand it, what I was told, it was an attempt
15 to make sure there's uniformity on the reviews and
16 the comments on NPDES permits.

17 MR. SINCAVAGE: Okay.

18 Any questions from the board?

19 Any questions or comment from
20 the public?

21 Thank you.

22 Next item on our agenda is the
23 planning module for Kalahari.

24 MR. JOSEPH MULLEN: I'll stand
25 up. As you -- as you all know, we've been working

1 on this planning module since November. We've had
2 multiple, multiple revisions. Most of those
3 revisions have come through the Pocono Township's
4 comment side, they being the conveyors of the
5 sewage. And those questions are a broad spectrum,
6 a lot to do with ownership and whatnot.

7 What we have here is the
8 planning module, now, before you is, first of all,
9 a sewage area that is solely in Tobyhanna Township.
10 Previous versions had pieces in Pocono Township.
11 Attorneys met, attorneys decided that it should be
12 just in Tobyhanna Township. So it covers the
13 Kalahari project and it covers the proposed Pocono
14 Manor portion piece, no more, no less, in Tobyhanna
15 Township.

16 What we have -- in order to
17 sewerage that area, we will be picking up the sewer
18 at a common point on the access road into the
19 Kalahari Pocono Manor facility. We'll be taking it
20 cross country in a gravity line through Pocono
21 Manor property along the Swift -- along down by
22 the -- what they call Cliff Road down through here.
23 It'll come over through the Pocono Manor property
24 down to a point on State Route 314 where it'll
25 cross State Route 314 in Pocono Manor property.

1 And there'll be a sewage pumping
2 station at that point, which will pump the sewage
3 down to State Route 340. Will be in State Route
4 314 at that point, down State Route 314 through an
5 existing easement that Pocono Township has to their
6 Pump Station No. 1, which is in the vicinity of
7 Sanofi.

8 At the intersection where Pocono
9 Mountain School District is, there's a pump station
10 right down there. So we will be picking a new line
11 laid that's dry. Just for future purposes, we'll
12 be picking up a new eight inch line at that point,
13 which then will be pumped up to the -- to a gravity

14 system a little bit further down in Pocono Township
15 system. So that's the intent today.

16 A couple items in the latest and
17 greatest version of the planning module. You folks
18 are most likely going to be the owners of the line,
19 of the force main and the gravity line up from
20 Pocono Town -- Pocono Manor. On a similar note,
21 not only that we're getting water from Brodhead
22 Creek -- so sewer and water both Brodhead Creek --
23 we're picking up the water line right behind the
24 Amber Steakhouse.

25 There's an existing gravity

9

1 line -- there's a water tank that's built on this
2 side of 611 over here somewhere -- that will be in
3 a trench on State Route 314 -- not necessarily next
4 to this sewer line, but there's a separation
5 distance, et cetera -- coming up to about the same
6 point -- oh, excuse me, let me back up a little
7 bit. Coming up to a piece of property that Pocono
8 Manor owns right here.

9 A booster station is necessary
10 because the elevation change between 611 and the
11 project site, booster station back in 314. Once we
12 get across the new bridge, if you will, the
13 reconstructed bridge, we'll go onto Pocono Manor
14 property following the line of the old Pocono Manor
15 Road. It used to be there years and years ago.
16 We'll follow that alignment until it crosses 314.

17 It'll go up 314 a little
18 further, 314, before it gets to the carriage house
19 it will jump back to Pocono Manor side of the
20 property, go up to the Pocono -- the Pocono
21 Township/Tobyhanna Township line and make its way
22 to the water tank and then back down on a
23 transmission line that will facilitate the project.
24 So we have both sewer and water can happen at the
25 same time.

10

1 Both projects are TIF -- in the
2 TIF funding. Because they will be publically
3 owned, those are not taxable TIF funds. So that is
4 the intent.

5 With that, the planning module
6 is -- now it is -- DEP has seen our draft copy of
7 it so they could get their hands on it. And I know
8 that today I have received a letter from Bob on
9 some comments on the planning module. That's where
10 we stand.

11 MR. SINCAVAGE: Bob, any
12 questions?

13 MR. McHALE: Just on the
14 ownership or dedication of the line, again, is that
15 gravity and what? Just in Tobyhanna Township or
16 the entire --

17 MR. JOSEPH MULLEN: The entire
18 line.

19 MR. McHALE: -- gravity and
20 force main?

21 MR. JOSEPH MULLEN: Yes.

22 MR. McHALE: So the revised
23 planning module would be adjusted to clarify?

24 MR. JOSEPH MULLEN: The revised
25 planning module will be adjusted to that. It'll be

11

1 adjusted so that the comments that we've received
2 just early this week from Pocono Township --
3 they're similar comments.

4 There's comments about a sewage
5 drain. There's comments about financial analysis.
6 There's comments about some -- several minor things
7 and they will be picked up and that will become
8 part of your planning module. It'll be the same
9 planning module that will go to DEP eventually,
10 hopefully.

11 MR. SINCAVAGE: Has this been
12 reviewed in terms of the planning commission's
13 responsibility for approval?

14 MS. HAASE: Component 4A?

15 MR. McHALE: Yes. That's in
16 good order as well.
17 MR. SINCAVAGE: That's in --
18 MR. McHALE: Yes.
19 MR. SINCAVAGE: So the staff
20 recommendation is that the planning module is in
21 order for the planning commission to make the
22 recommendation to assign the 4E, is it?
23 MS. HAASE: 4A.
24 MR. McHALE: Yes.
25 MR. SINCAVAGE: Any questions

12

1 from the commission?
2 Any questions from the public?
3 MS. THERESA MERLI: Just a
4 comment.
5 MR. SINCAVAGE: Yes.
6 THE REPORTER: May I just have
7 your name, please?
8 MS. THERESA MERLI: I'm sorry,
9 Theresa Merli, Brodhead Watershed Association. I
10 just wanted to express how grateful we are that
11 folks were willing to listen to our concerns and we
12 feel that this is a much better solution. And we
13 add our hopes to yours that this is the last
14 version and that it moves forward for you.
15 MR. JOSEPH MULLEN: Thank you.
16 MS. THERESA MERLI: Thank you
17 for your civility.
18 MR. SINCAVAGE: Okay. So I
19 will entertain a motion to approve the planning
20 module as submitted authorizing the secretary to
21 sign Component 4A.
22 MR. MILLER: So moved.
23 MR. SINCAVAGE: I have a
24 motion. Do I have a second to the motion?
25 MR. BAXTER: Second.

13

1 MR. SINCAVAGE: Motion and

2 seconded.

3 All those this favor, please say
4 aye?

5 BOARD MEMBERS: Aye.

6 MR. SINCAVAGE: Visioning
7 process.

8 Did the supervisors give us a
9 couple million?

10 MS. HAASE: Well, I haven't had
11 the opportunity to meet with the supervisors as of
12 yet. We meet next -- or this coming Monday. The
13 one thing that I was thinking over and wanted to
14 run past you folks before we presented this to the
15 board of supervisors; for the Blakeslee Visioning
16 we formatted a steering committee. And we had
17 multiple meetings here with the public. We kind of
18 have a feel now of what the township is looking
19 for.

20 Would it be beneficial for us to
21 go through that same process or should we just jump
22 into trying to get an overlay in place for that
23 area?

24 MS. LAMBERTON: My opinion is
25 an overlay.

14

1 MR. SINCAVAGE: I agree.

2 MS. HAASE: And not go through
3 that whole first step again?

4 MS. LAMBERTON: I think we need
5 to move on this.

6 MR. SINCAVAGE: I think we've
7 given the public an opportunity to provide for
8 their input.

9 MS. HAASE: I agree.

10 MR. SINCAVAGE: They are aware
11 of it, people have talked about it. They were
12 excited about it two years ago or whenever it was.

13 MS. LAMBERTON: I think they're
14 waiting for us to make a move to be honest with
15 you.

16 MS. HAASE: So it's acceptable
17 to the planning commission that I present to the
18 board that we just would like to move forward with
19 an overlay of that area?

20 MR. SINCAVAGE: Yes. And then
21 once we have something in place or some direction,
22 you know, from the attorney and from -- I assume
23 we're going to have to have a planner come in on
24 this?

25 MS. HAASE: We may. Now, one

15

1 other question, are we looking for an overlay for
2 the visioning and then separate components for the
3 eastern, western and central areas? Or are we
4 looking at for one, for each specific area? You
5 understand what I'm saying?

6 MS. LAMBERTON: I think we
7 should look at a general one to get all three areas
8 started.

9 MR. SINCAVAGE: I'd like that
10 consistency.

11 MS. LAMBERTON: Yeah, I would
12 like that as well.

13 MS. HAASE: Okay. I'll present
14 that on Monday to the board of supervisors.

15 MR. SINCAVAGE: Okay.

16 MS. HAASE: Thank you.

17 MR. LAMBERTON: Thank you.

18 MR. SINCAVAGE: Any questions
19 or further comment from the commission?

20 Anything from the public?

21 All right. Thank you, Phyllis,
22 keep moving on that.

23 Next item on our agenda under
24 new business is -- well, Schaab?

25 MS. HAASE: I believe so.

16

1 THE REPORTER: May I just have
2 your name?

3 MR. JERRY HANNA: Jerry Hanna,
4 I'm here with my client Brendon Carroll, Pinecrest
5 Development Corp, who is also an applicant on that
6 matter. Now, the application is for a variance
7 before the zoning hearing board.

8 I didn't -- Phyllis had called
9 me last week and offered the opportunity to come
10 here tonight due only, I'll say, to the fact that
11 there's some issue as to the ordinance. The
12 township ordinance is really both 77 and the flood
13 plain ordinance, as well as the zoning between
14 special exception provisions and variance
15 provisions.

16 Now, we've decided, we applied
17 for a variance only, which goes before the zoning
18 hearing board, and that's been scheduled. And I'd
19 indicated to Phyllis, I guess yesterday, that we
20 did not intend to be here for a special exception
21 consideration, which would be required by you, not
22 for the variance, but we thought we should be --

23 And I indicated to her that we
24 wouldn't be here, therefore, but in order not to
25 have you react negatively to our not being here,

17

1 since we understood it was on your agenda, we're
2 here and we can answer any questions. Maybe
3 Phyllis can fill you in -- she has us here.

4 MR. SINCAVAGE: We've had you
5 off and on the agenda all afternoon.

6 MS. HAASE: All day. I
7 actually spoke with Attorney Hanna this morning.
8 It was off of some discussion that the solicitor
9 for the zoning hearing board had recommended that
10 we reach out to the applicant with trying to
11 alleviate any possibility for anyone possibly
12 appealing the decision from the zoning hearing
13 board.

14 There are definitely, for lack
15 of a better term, some sloppy draftmanship between
16 77 and Chapter 155. We felt, in fairness to the

17 applicant, that they needed to be aware of the
18 language it spoke to, a special exception and to a
19 variance. Attorney McDonald had thought that it
20 would be best for the applicant and Attorney Hanna
21 to make the decision on whether they wanted to move
22 forward with the special exception or variance.
23 And that is why they were placed on your agenda for
24 today.

25 Since then Attorney Hanna, as I

18

1 said we spoke this morning, and as he also stated
2 their intent is to move forward with the variance.
3 So in essence there'll be no action needed from the
4 planning commission.

5 MS. LAMBERTON: That was easy.

6 MS. HAASE: Did I say that
7 properly? Do you have anything else to add?

8 MR. JERRY HANNA: No.

9 MS. LAMBERTON: What's the
10 object of -- I mean, what do you guys need? What's
11 the outcome? I mean, we'll help you, what do you
12 need done? No, I'm serious. I mean --

13 MR. JERRY HANNA: Do you want
14 to jump on that?

15 MS. LAMBERTON: I'm willing to
16 listen.

17 MR. JERRY HANNA: I mean, what
18 this involves is a variance being sought for
19 construction of a home on an approved lot in
20 Pinecrest in -- that is allegedly in the flood
21 plain.

22 MS. LAMBERTON: With our new
23 ordinance that we're looking at or our current?

24 MR. JERRY HANNA: I know Mr.
25 McHale could probably answer that better than --

19

1 MS. HAASE: I believe it is --

2 MR. BRENDON CARROLL: I believe
3 it's on a revised map.

4 MR. McHALE: I haven't looked
5 at the application.

6 MS. LAMBERTON: Because I
7 (inaudible) in the benefit of the property owners
8 as well, that's what I'm asking.

9 MS. HAASE: It is on the
10 current as Zone A, where I believe that's -- it has
11 been delineated and on the proposed it is in a
12 flood plain. There was no maps presented with the
13 application to the zoning hearing board so I was
14 only able to do an aerial shot. There's water
15 around three sides of the parcel.

16 With it being in zoning and if
17 it's the intent of the applicant to move forward as
18 a variance, it would -- the proper board would be
19 in front of the zoning hearing board to make that
20 decision.

21 MR. LAMBERTON: But you got it
22 handled, Phyllis, or --

23 MS. HAASE: I wouldn't say I
24 have it handled, but I think I have the ordinance
25 straightened out and we certainly will correct the

20

1 areas that lead to some confusion.

2 MS. LAMBERTON: I was just
3 curious. Thank you.

4 MR. SINCAVAGE: Any further
5 questions on that item?

6 Bob, we had (inaudible) here in
7 the pile? I'm not sure if that was for me or it
8 just happened to show up in the pile.

9 MR. McHALE: I believe it's
10 just for your information.

11 MS. HAASE: I believe Maureen
12 was just distributing the information. That was a
13 question that we had. For those that aren't aware,
14 Maureen Minnick is back with Tobyhanna Township.
15 She's our land use and engineering assistant. So
16 she's helping Bob and myself and she's been a huge
17 asset in the last two weeks.

18 I do have three projects that
19 are pending right now that should be before you
20 folks in the next few months. I'm pretty excited
21 about that. So we will now start to have a lot of
22 correspondence going back and forth. We'd like to
23 start using the jump drives again to distribute the
24 information.
25 I believe, Joe, you'd like hard

21

1 copies, correct? You prefer a hard copy?
2 MS. LAMBERTON: He's a printer.
3 MS. HAASE: That's a hard copy.
4 Is that acceptable for everyone, if we just -- we
5 don't give you hard copies and we'll just have
6 something for Joe?
7 MR. SINCAVAGE: I'm fine with
8 it just be being emailed and we can upload it.
9 MS. HAASE: Okay.
10 MS. LAMBERTON: Yeah, I'm fine
11 with that as well. I was just -- once you say the
12 jump drive, what do you mean?
13 MS. HAASE: Just email them?
14 MS. LAMBERTON: Yeah, I'm fine
15 with being emailed.
16 MR. BAXTER: Easier.
17 MS. HAASE: Good enough.
18 MS. LAMBERTON: Are you good
19 with that? Just take care of Joe.
20 MS. HAASE: Okay. We'll take
21 of Joe.
22 MS. LAMBERTON: Just take of
23 care Joe in order to keep us happy.
24 MR. SINCAVAGE: You just upload
25 it to the Cloud and then you can do it out of

22

1 whatever device you want.
2 MS. LAMBERTON: Absolutely.
3 MR. SINCAVAGE: That's the
4 easiest way to do it.

5 MS. HAASE: Thank you.
6 MS. LAMBERTON: And make your
7 life easier too, Phyllis.
8 MR. SINCAVAGE: Yep. I'll just
9 announce it, it's just been sitting on the table.
10 Arcadia Properties did start building the road
11 across the wetlands, with all the proper permits,
12 in New Ventures Commercial Park to start the access
13 to lot 110.
14 MS. LAMBERTON: Good luck.
15 MR. SINCAVAGE: The project is
16 underway.
17 MS. LAMBERTON: Good to hear.
18 MS. HAASE: Good.
19 MR. SINCAVAGE: Anything else
20 to come before the board?
21 We stand adjourned. Thank you.
22 (Meeting concluded at 5:53 p.m.)
23 ---
24
25

23

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6
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
16 TARA WILSON, C.R.
17
18

19

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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, May 2, 2013, beginning at 2 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
Maureen Minnick, Land Use & Engineering
Assistant

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

1 MR. SINCAVAGE: I'll call the
2 regular scheduled meeting of Tobyhanna Township
3 Planning Commission to order. Consider the minutes
4 of March the 11th first. Did you have a correction

5 to those?

6 MS. HAASE: No, sir. The 27th I
7 do.

8 MR. SINCAVAGE: Any questions or
9 comments on the 11th? Do I have a motion to
10 approve the March 11th regular meeting?

11 MS. LAMBERTON: So moved.

12 MR. SINCAVAGE: I 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. All in favor please say aye.

17 MS. LAMBERTON: Aye.

18 MS. RINEHIMER: Aye.

19 MR. SINCAVAGE: Aye.

20 March 27th.

21 MS. HAASE: Mr. Chairman, I have
22 two corrections. Page 1 should read Joseph Miller
23 not Arthur Miller; Page 20, Line 15, a should be
24 our, o-u-r. Those are the only two changes.

25 MR. SINCAVAGE: With the

3

1 corrections, do I have a motion to approve the
2 March 27th meeting minutes?

3 MS. LAMBERTON: Motion to
4 approve.

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

7 MS. RINEHIMER: I'll second.

8 MR. SINCAVAGE: Motion and
9 second. All in favor please say aye.

10 MS. LAMBERTON: Aye.

11 MS. RINEHIMER: Aye.
12 MR. SINCAVAGE: Aye.
13 Okay, Wee-Wons. Nothing from
14 the floor. I'll entertain a motion to table
15 Wee-Wons land development plan.
16 MS. LAMBERTON: So moved.
17 MR. SINCAVAGE: I have a motion.
18 Do I have a second to the motion?
19 MS. RINEHIMER: I'll second.
20 MR. LAMBERTON: Motion and
21 second. All in favor please say aye.
22 MS. LAMBERTON: Aye.
23 MS. RINEHIMER: Aye.
24 MR. SINCAVAGE: Aye.
25 Locust Ridge Quarry land

4

1 development plan. Nothing new. I'll entertain a
2 motion to table Locust Ridge Quarry land
3 development plan.
4 MS. LAMBERTON: So moved.
5 MR. SINCAVAGE: I have a motion.
6 Do I have a second to the motion?
7 MS. RINEHIMER: I'll second.
8 MR. SINCAVAGE: Motion and
9 second. All in favor please say aye.
10 MS. LAMBERTON: Aye.
11 MS. RINEHIMER: Aye.
12 MR. SINCAVAGE: Aye.
13 Do you gentlemen mind if we just
14 wait for the other member? He's stuck in traffic
15 on 80. So we'll get through the rest of our agenda
16 a little bit until he shows up. Is that okay?
17 Let's hit the nitrate litigation

18 reform. That should be a fairly quick one.

19 Bob, do you have something to
20 report on that?

21 MR. McHALE: No, sir.

22 MR. SINCAVAGE: Was it put on
23 for any reason?

24 MS. HAASE: You had sent the
25 information and there was discussion of possibly a

5

1 letter being sent.

2 MR. SINCAVAGE: Yes. The
3 mitigation, I think you're aware of it Anne, I
4 don't know how aware of it you are Patty, but this
5 is going to impact your businesses, most businesses
6 up here. John, do you know anything about this
7 nitrate mitigation reform proposal?

8 MR. BROGAN: Well, we just had a
9 DEP representative from Wilkes-Barre come up today.
10 So I guess they are just gathering at this point
11 all the information, opinions that they can to see
12 where it's going on. So we have another month to
13 come up with something to submit to them.

14 MR. SINCAVAGE: It was my
15 understanding that the 30-day comment period opened
16 I think May 1st?

17 MR. BROGAN: Right.

18 MR. SINCAVAGE: And correct me
19 if I'm wrong, but this affects on-lot systems, any
20 that are -- that may have to be reworked or new
21 ones, have to submit a nitrate impact study.

22 MR. BROGAN: Yes, the anti-deg.
23 That's been in affect now for a while, but that

24 case brought it all to a point. I mean, I don't
25 know if -- that case that went against DEP, they

6

1 had to actually approve -- they went with the
2 township, they had approved the module in that
3 case. This isn't something that -- DEP was trying
4 to put in more stringent rules and they were beaten
5 down on it in trying to come up with this. So --

6 MS. LAMBERTON: Why is there so
7 much opposition if they're not changing the
8 regulations drastically?

9 MR. BROGAN: Basically what
10 they're saying is, you can approach it anyway you
11 want just like you have been, townships have been,
12 with either referenced watershed application or
13 site specific analysis, which you need
14 professionals, you need to hire hydrogeologist,
15 soil scientists to come up with something, an
16 approach to this that can be defended in court or
17 at the hearing board.

18 MS. LAMBERTON: Who hires these
19 people, the property owner like the gentleman
20 putting a septic mound in a residence? That's
21 insane to ask somebody to hire a geologist.

22 MR. BROGAN: Again, with a new
23 subdivision. Anything like say in Lake Naomi, or
24 anything that's already been approved for on lot
25 that's there, that's done. You don't have to do

7

1 anything with that. Like Mark said, if there's
2 something on 940 and you want to build a

3 restaurant, deli, and it's going to trigger more
4 than two EDUs, that triggers a planning module and
5 at that point you have to come up with some kind of
6 anti-deg analysis, antidegradation. So that's what
7 that entails. So what they are trying to do is
8 really give you a handle that anyone can understand
9 these management points. I think before, it's
10 hardly ever come up with challenges in this with
11 the antidegradation.

12 MS. LAMBERTON: Is there a
13 minimum lot size that's affected or is it any new
14 septic?

15 MR. BROGAN: Anything that
16 triggers a new planning module.

17 MS. LAMBERTON: Produces two
18 EDUs or more.

19 MR. BROGAN: Yeah. If you go
20 over 800 gallons a day on an existing lot, that's
21 going to trigger the analysis, planning module.

22 MS. LAMBERTON: Unless you
23 remove that from your 537 Plan.

24 MR. BROGAN: Remove what?

25 MS. LAMBERTON: Remove what, the

8

1 800 gallons?

2 MR. BROGAN: No, that's a state
3 reg.

4 MR. MULLEN: Two different
5 things.

6 MS. LAMBERTON: I hate to see
7 somebody putting a restaurant in have to get a
8 hydrogeologist.

9 MR. McHALE: That's the way it's
10 set up right now. What John is saying is that if
11 you have a commercial lot on say 940 and you have,
12 you know, 3,000 gallons a day that you want to or
13 you're going to be generating, then through that
14 planning module process you need to hire a
15 hydrogeologist, soil scientist to justify and be
16 able to prove that there is no degradation to the
17 streams.

18 MR. BROGAN: And that goes back
19 to what is existing now, not this new proposal.
20 That's something you would have to do before this
21 came out.

22 MS. LAMBERTON: So we currently
23 have to do that.

24 MR. BROGAN: Currently, right.

25 MR. McHALE: John and I were

9

1 speaking earlier this afternoon and he indicated or
2 you can share with them that basically the best
3 management practices that are being or attempted to
4 be put into place, they do have scientific data to
5 be able to produce a certain quality of water if
6 you utilize certain BMPs, and that's where the
7 point system came up. You can elaborate on that a
8 little bit.

9 MR. BROGAN: They're trying to
10 say that this is something they can hang their head
11 on and go to bat for the township. You know, if
12 you use these management procedures, this is
13 something though they think they can defend, but
14 they are open to what we are using or anybody can
15 use right now. But you better have the

16 credentials, you better have the people. I don't
17 know if you read that 30 page decision, they really
18 picked DEP apart, the people that approved that
19 module, because the other side, Pine Creek, they
20 had top notch wetlands people and hydrogeologists
21 and that's who they went with. So whatever
22 approach you take, if you don't take this --
23 they're not going to go out and pay any more legal
24 costs. They had to cover the legal costs. They
25 can be substantial. I know someone preparing for

10

1 the case spent over \$100,000 to go before that
2 hearing board. So -- and they're not about to
3 shell out again. They want to make sure if they
4 have to defend something, it's going to stand up
5 and that's why this approach.

6 But they are saying they are
7 open to whatever you want to submit to them and
8 they'll look at it.

9 MS. LAMBERTON: So if we have
10 this already in the regulation, what's the reform?
11 What are they reforming?

12 MR. McHALE: It's more they're
13 providing tools to utilize in the application
14 process in order to have a defensible module that
15 an environmental interest or concern can't come to
16 them and say you're degrading the stream, and DEP,
17 from what John was indicating is saying that by
18 utilizing these BMPs that they are now integrating
19 into not regulation but rather it's policy, correct
20 or guidance document.

21 MR. BROGAN: They say if you use

22 this, they'd feel real comfortable with defending
23 that if it gets challenged.

24 MR. McHALE: If an environmental
25 interest wants to take a development to task and

11

1 they go before the environmental hearing board --
2 that's where the DEP was actually trying to defend
3 why they approved the planning module for this
4 specific development. And as it got into the case
5 I guess they weren't able to defend it that well.

6 MR. BROGAN: On that specific
7 case they were trying to horseshoe in using
8 constructed wetlands data and science to a natural
9 wetland. And they couldn't prove -- it just isn't
10 the same. It just doesn't work the same. There is
11 not enough -- they proved that it wasn't accepted
12 science to go that route. So that's why the case
13 went against them.

14 MR. SINCAVAGE: I was explained
15 this a little differently.

16 MS. LAMBERTON: So was I, that's
17 why I'm confused.

18 MR. SINCAVAGE: Right. That's
19 why I'm confused too. I was explained that since
20 we are in an exceptional value watershed, any
21 residential unit proposing an on-lot system within
22 150 feet of any body of water would have to meet
23 the nitrate concentration.

24 MR. BROGAN: My understanding
25 was that it triggered a planning module -- if it's

12

1 an existing subdivision or lot that's already been
2 approved for on-lot system, not that they have a
3 permit to build, but it's been approved for on lot
4 application, that that's exempt. They are not
5 bringing back -- because let's say you had a lot
6 next to the lake and you were going to put a septic
7 system in there, how would DEP get to look at it?
8 There is no module required for that. They just
9 come to me for a permit for your septic system. So
10 it's really the module process for new land
11 development that's covered.

12 MR. SINCAVAGE: Are you sure
13 there is not some fine print that talks about
14 exceptional value watershed.

15 MR. BROGAN: No, this whole
16 thing is for protecting the waters, watersheds for
17 exceptional value.

18 MR. SINCAVAGE: It was only for
19 EV watersheds?

20 MR. BROGAN: And HQ.

21 MR. SINCAVAGE: And HQ.

22 MR. BROGAN: Right.

23 MS. MINNICK: And they also
24 stated too -- because I sat in with that webinar,
25 that any new subdivision that would come in and it

13

1 would be an average of one acre lots, they brought
2 that up too, that wouldn't have to go through that
3 filtration system, but it would have to be on an
4 average of one acre. You could have a half an acre
5 and an acre and a half, as long as there was an
6 average of one acres on each property. They

7 brought that up too.

8 MR. SINCAVAGE: That's not what
9 I heard.

10 MS. LAMBERTON: No, me either.
11 There's a lot of builders that are upset for this
12 and there is a reason.

13 MR. SINCAVAGE: Right.

14 MS. HAASE: I think it's some
15 misinformation as well.

16 MS. LAMBERTON: And that very
17 well could be.

18 MR. SINCAVAGE: I got it from
19 pretty reliable sources. I have to go back to the
20 conservation district.

21 MS. WENDI FREEMAN: I have this
22 whole thing on my desk that I have to read, and on
23 the maps, I'm probably procrastinating by not
24 reading it because I don't understand anything
25 about this, but I did read a reaction from like the

14

1 Pocono Vacation Bureau that was copied to us and
2 they are like hysterical about this, you know, like
3 this is going to cost people money that want to
4 come here to enjoy this area and now we are going
5 to cost them more money by having to do all these
6 things. So I hear what he's saying, but I'm
7 confused too, so.

8 MR. BROGAN: Well, we're not
9 saying that you have to use this approach. You can
10 use what you're using right now.

11 MS. HAASE: It just could be
12 challenged.

13 MR. BROGAN: Which is an

14 extensive complicated thing to do if you want a new
15 subdivision in this area.

16 MR. SINCAVAGE: See, but they
17 are saying any new lot. Like in Lake Naomi, if
18 somebody went to build within 150 feet of the lake
19 they have to put in this nitrate mitigation
20 apparatus and it would cost the typical homeowner,
21 these are the numbers that were thrown out, 15
22 thousand to 25 thousand dollars.

23 MS. WENDI FREEMAN: That's what
24 I heard.

25 MR. BROGAN: Well, they went out

15

1 of their way in this last webinar to state that it
2 was only for new land development.

3 MS. HAASE: They emphasized it
4 probably two or three times.

5 MR. BROGAN: Yeah. There is no
6 mechanism for them to monitor my permitting
7 process. It's only when it triggers a planning
8 module that they get to see this.

9 MR. BAXTER: So nothing to do
10 with a repair then?

11 MR. BROGAN: If you're just
12 replacing, repairing a system they come to me for
13 that. I've never seen that other than -- I don't
14 know what would trigger that.

15 MR. SINCAVAGE: But you're
16 hearing the same thing. If you have to repair your
17 sand mound you have to put in this nitrate
18 mitigation.

19 MR. BAXTER: Yeah. One of the

20 things I read is they are strongly recommending
21 that it be also applied to any repairs or upgrades.
22 Now, I don't know where strongly recommended and
23 mandated cross, but --
24 MR. BROGAN: That part, I don't
25 know.

16

1 MS. LAMBERTON: John, we'll put
2 you in charge of the town hall meeting and you can
3 bring everybody up to speed. It helps, right?
4 It's a great informational tool.

5 MR. BROGAN: Maybe we should
6 have our consulting -- we do have Brian Oram,
7 hydrogeologist, soil scientist and see if he -- and
8 talk to us about that.

9 MS. LAMBERTON: Maybe we should
10 have John look into that.

11 I'll bring it up.

12 MR. SINCAVAGE: Yes. I think
13 the township needs to look at it.

14 MS. LAMBERTON: You just have a
15 discussion with him, John, and get his take on it.

16 MR. BROGAN: Really, I think
17 someone with that kind of background and
18 credentials --

19 MS. LAMBERTON: So we are giving
20 the right information out for new development that
21 comes here.

22 MR. ARMSTRONG: I have not
23 looked into it. Do you want me to hold off
24 until --

25 MS. LAMBERTON: Yeah, let's make

1 a phone call.

2 MR. SINCAVAGE: I remember when
3 we did the Old Farm Subdivision and we put in our
4 community bed system, we had to do the nitrate
5 investigation and we had Brian Oram do it and he
6 submitted the study about that, about the plume and
7 everything, but that was because it was a fairly
8 big system.

9 MS. LAMBERTON: Let's get the
10 facts.

11 MR. SINCAVAGE: Like you're
12 saying, you know, I think it's always been on the
13 books to do this, but for some reason everyone
14 feels that it's going over and above what it used
15 to be.

16 MR. BROGAN: And I think with
17 all the drama this has created, you might just end
18 up with more challenges than ever now.

19 MR. SINCAVAGE: Right. Thank
20 you.

21 Now that Rob is here we'll go
22 back to Kalahari.

23 MR. BAXTER: Sorry to be late.

24 MR. SINCAVAGE: No problem.

25 You're on.

1 MR. MULLEN: Good afternoon, Joe
2 Mullen, Pennoni Associates. We are here this
3 afternoon with the latest and greatest revisions of
4 the land development plan before you for your

5 review and hopefully your recommendations to the
6 supervisors. I'll certainly answer any questions
7 that you have, but what I'd like to do first is
8 give you an update as to where we are in the
9 process.

10 The plans before you reflect the
11 latest review letter that we received from your
12 engineer, Bob. The land development, NPDES, we
13 received comments, responded to comments. There is
14 another set of comments coming back to DEP from
15 Monroe County Conservation District, which we'll
16 have a face to face meeting with them, resolve any
17 issues there. And hopefully that brings us to the
18 NPDES permit for construction activities.

19 Sewer, water and highway: We
20 have received approval of our traffic study for the
21 Phase I Kalahari access drive from PennDOT. And
22 our fellows are in the process of preparing the HOP
23 plans for submission to District 5. They're on
24 schedule to be the second week in June. So that's
25 our time table there.

19

1 The water system, we are in the
2 process of designing that water system with BCRA,
3 also on the second week of June timetable to have a
4 complete design to BCRA for their review in
5 preparation of submitting for their permit,
6 actually BCRA's modification of their permit for a
7 booster station, water line extension, water tank,
8 et cetera.

9 From a sewage perspective, we
10 are currently in the process of designing the
11 sewer. We're going to be having interm meetings

12 with Bob on the design of that pump station and the
13 transmission line that will come down to Pocono
14 Township. You will have our first submission to
15 Bob I believe Monday morning, which is the
16 engineer's report. Brodhead is going to get theirs
17 tomorrow, which is just a documentation of about
18 what we're doing, how we're doing it, the types of
19 pumps and calculations for the sewage.

20 So with that, we are to be
21 finished with that also the second week of June and
22 ready to submit our Part II Permit to DEP for the
23 sewage system.

24 I think that's kind of where
25 we're at with basically the permitting process.

20

1 So, any questions?

2 MS. LAMBERTON: No.

3 MR. SINCAVAGE: The water line,
4 has that been approved at Pocono Township? Was it
5 the water line or the sewer line?

6 MR. MULLEN: Sewer.

7 MR. SINCAVAGE: It was the sewer
8 line?

9 MR. MULLEN: Yes. Well Pocono
10 Township approved the planning module.

11 MR. SINCAVAGE: Right. Yeah,
12 yeah.

13 MR. MULLEN: Tobyhanna Township
14 will be the owner of the sewer line, so the
15 planning module has been approved. We've responded
16 to DEP'S comments for the planning module. That
17 should be turned around tomorrow. We are in that

18 timetable. And -- did I answer your question?

19 MR. ARMSTRONG: Yeah, the
20 planning module for the sewer there is a number of
21 agreements that need to be finalized and executed
22 between Pocono and Tobyhanna the BCRA and the
23 applicant. Those have not been finalized yet. But
24 those are all conditions of that. There was a memo
25 of understanding agreed to by all the parties with

21

1 that planning module.

2 MR. MULLEN: Yes. The decision
3 making change, if you will, was that the planning
4 module needed to be approved so that BCRA could
5 open a docket and include the service area in their
6 docket per sewage. Then that's in motion. And the
7 agreement was that Tobyhanna Township would be the
8 owner of the transmission line, easements and all
9 that kind of stuff. And that BCRA also has the
10 water docket that would be amended to include
11 Pocono Manor/Kalahari project as a new service
12 area. And I guess my analogy was that the sewer
13 and water lines were like umbilical cords, no
14 requirements for connections on the way up and way
15 back down on the sewer and water lines, it's just
16 to facilitate the new sewage area, which is all in
17 Tobyhanna Township, for both Pocono Manor and
18 Kalahari.

19 MR. SINCAVAGE: So the sewer
20 lines and water lines are designed to handle both
21 projects?

22 MR. MULLEN: Yes. Complete
23 projects.

24 MR. McHALE: Joe, attached to my

25 review letter I included PennDOT's response of

22

1 their approval portion of the traffic impact study.
2 Do you want to just recap what was identified in
3 the study and the improvements that are being
4 proposed?

5 MR. MULLEN: Well, yes. In the
6 study, we have a major high volume entrance of the
7 access drive onto State Route 314, which is
8 positioned near the existing Pocono Manor entrance
9 which there'll be some relocation of that with
10 respect to some more of PennDOT's comments. But
11 there will be a high volume entrance there and
12 there will be a retiming of the signal of the south
13 bound I80 off ramp onto 940. That's part of HOP
14 for the Phase I study.

15 MR. McHALE: And as a part of
16 that it looks like under off site improvements,
17 they also indicate that security would be provided
18 for future signalization.

19 MR. MULLEN: Oh, yes. I'm
20 sorry.

21 MR. McHALE: For that south
22 bound off ramp 940 intersection.

23 MR. MULLEN: Right.

24 MR. SINCAVAGE: So there is no
25 off site improvement, highway improvement?

23

1 MR. MULLEN: Not for Phase I.

2 MR. SINCAVAGE: Okay.

3 Any questions from the
4 commission. Okay, Bob, you want to go over your
5 letter?

6 MR. McHALE: Do you have any
7 questions on it?

8 MR. ARMSTRONG: Have you
9 received the May 1st, 2013 township engineer review
10 letter?

11 MR. MULLEN: Yes.

12 MR. ARMSTRONG: Is the
13 applicant -- everything is will comply in that
14 letter?

15 MR. MULLEN: Yes.

16 MR. SINCAVAGE: I didn't
17 understand your comments on the fire lanes. Said
18 approval may be --

19 MR. McHALE: Well, they have
20 fire lanes indicated on the plan. The signage is
21 not indicated yet because that will actually go
22 through either the zoning officer -- the way the
23 ordinance reads, the zoning officer or the board of
24 supervisors have actual sign approval for the
25 location and type of signs that will be going in

24

1 there.

2 MR. SINCAVAGE: So this comment
3 is only in reference to signs?

4 MR. McHALE: Correct.

5 MR. SINCAVAGE: So the lanes
6 have been all laid out.

7 MR. McHALE: Yes. They are
8 showing the lanes on the plan.

9 MR. SINCAVAGE: Any questions

10 from any board members?

11 MS. LAMBERTON: No.

12 MR. SINCAVAGE: Pat, did you
13 have any questions?

14 MR. ARMSTRONG: No. I mean
15 there is some outside aspects that the applicant's
16 aware of. I don't know if the planning commission
17 wants to be involved, but if the planning
18 commission does make a recommendation today for the
19 board to consider approval of the plan,
20 obviously -- I don't know if you're aware, but
21 Kalahari Boulevard is proposed to be dedicated to
22 the township once it's completed. So if you were
23 to recommend the board to consider approving you
24 might want to include in that recommendation that
25 the applicant and the township enter into an

25

1 appropriate agreement to cover the maintenance of
2 that road once completed. It's a phase -- there's
3 three phases?

4 MR. MULLEN: Yes.

5 MR. ARMSTRONG: And this land
6 development plan is for all three phases.

7 MR. MULLEN: All three phases,
8 yes.

9 MR. ARMSTRONG: Correct?

10 MR. MULLEN: Yes.

11 MR. ARMSTRONG: Is there a time
12 frame for the complete build out of the three
13 phases?

14 MR. MULLEN: Not for the three
15 complete phases, but for Phase I, which is -- after

16 construction starts, within about 14 to 18 months,
17 with Phase II to follow directly afterwards.

18 MR. ARMSTRONG: So 14 to 18
19 months for Phase I, right?

20 MR. MULLEN: Yes.

21 MR. ARMSTRONG: And then
22 immediately after Phase II?

23 MR. MULLEN: Yes.

24 MR. ARMSTRONG: And then Phase
25 III you just don't know?

26

1 MR. MULLEN: As business -- I
2 guess business -- yeah, as market demands.

3 MR. BAXTER: If we approve all
4 three phases we are doing so without any time limit
5 on the construction of Phase III?

6 MR. ARMSTRONG: Unless you made
7 the recommendation for the board to consider a time
8 period.

9 MR. BAXTER: So there's nothing
10 in the existing regulation that says our approval
11 is only good for a certain amount of time?

12 MR. ARMSTRONG: Well, under the
13 MPC there's a five year time clock, so if they
14 don't complete the improvements within a five years
15 time frame they need to come back and apply under
16 the new ordinance of the township at the time.

17 MR. BAXTER: So if Phase III
18 wasn't completed within that time frame --

19 MR. ARMSTRONG: Well, that's an
20 interesting comment because if they complete I and
21 II, arguably they probably would have substantially
22 completed the improvements where that five year

23 time clock would probably be nullified for Phase
24 III, meaning because they've completed a
25 substantial amount of the project prior to, they

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1 could proceed with Phase III beyond the five years
2 time period. But if they don't do anything for
3 five years or if they only started with maybe the
4 road in that first five years then they'd have to
5 come back.

6 MR. BAXTER: Or Phase I.

7 MR. ARMSTRONG: Phase I still,
8 it's a pretty significant amount of work, so.

9 MR. SINCAVAGE: If you look at
10 this plan, I don't know what sheet it is, but it
11 shows -- I mean if they do one, it's substantial
12 and then go to Phase II, they're substantially
13 complete.

14 MR. BAXTER: I'm all in favor of
15 that, I just want to be clear because I know there
16 is that five year issue and if we're doing all
17 three --

18 MR. ARMSTRONG: The applicant's
19 here. Do you see Phase III being completed within
20 a five year time period?

21 MR. PINE: No. But Phases I and
22 II, yes.

23 MR. ARMSTRONG: Phases I and II
24 within five years, Phase III you just don't --

25 MR PINE: It could well be

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1 started by that time. But there's no way of
2 knowing. We had two different resorts in both
3 Wisconsin and Ohio and we've had Phase II start on
4 one resort 18 months after we opened the doors and
5 on the next one it started about six months after
6 we opened the doors. So it really depends. Phase
7 I and II, they could go very fast and then as
8 business develops -- I want to say both -- Phase
9 III on both have been started within the five year
10 period, but I can't guarantee that that's going to
11 happen here because these are much larger stages
12 than we've ever staged before.

13 MR. ARMSTRONG: So I guess if
14 the commission wants to make some sort of
15 recommendation as to a time frame to complete, you
16 can. You want to make that recommendation, that's
17 up to the commission.

18 MR. BAXTER: I wasn't interested
19 in doing one. Yeah, I just wanted to make sure
20 that there wasn't one that would exist if we didn't
21 do anything contrary.

22 MR. McHALE: The PennDOT Highway
23 Occupancy Permit that PennDOT would approve is for
24 Phase I and they will have, I would imagine, some
25 kind of conditions in there that in Phase II they

29

1 would come back and take another look at the
2 traffic study, correct? That's only for Phase I.

3 MR. MULLEN: In reality we have
4 an overall comprehensive traffic study which is
5 about finished, which takes into account all of
6 Kalahari and all of Pocono Manor and what the
7 improvements will be necessary for each of the

8 pieces of pie if you will. So we wanted to get the
9 interim first, get going for the first -- we are
10 following up and it's a condition of -- actually a
11 condition with District 5, we follow up with the
12 full build right after this so we can identify what
13 the needs would be as time marches on.

14 MR. McHALE: So these will not
15 be the only improvements like for the entire
16 development. This is just the beginning of Phase I
17 of Kalahari and what PennDOT provided to us.

18 MR. BAXTER: Because there had
19 been conversation about the Long Pond Road to Lake
20 entrance and all that being reconfigured, so that's
21 not required for Phase I.

22 MR. MULLEN: Not Phase I.

23 MR. SINCAVAGE: I just have one
24 more comment. The zoning officer told me prior to
25 the meeting that you were going to revise this

30

1 plan, modify this plan to show a building envelope
2 for Phase II for the outdoor water park and the zoo
3 area?

4 MR. MULLEN: Yes.

5 MR. SINCAVAGE: Okay. And just
6 so -- we have to make that a condition of our
7 approval.

8 MS. HAASE: I believe it's II
9 and III, if I'm correct, for the outside water
10 park, the building envelope.

11 MR. MULLEN: Yes.

12 MR. SINCAVAGE: Would they need
13 to modify the plan to show a building envelope for

14 the outside water park and the zoo?

15 MR. ARMSTRONG: Is the applicant
16 proposing to revise that plan to show a building
17 envelope?

18 MR. MULLEN: As a consequence --
19 yes, as a condition of approval, yes.

20 MR. SINCAVAGE: And the reason
21 is they're proposing small buildings in there but
22 they don't know exactly where those structures are
23 going to be built, so we are just going to do an
24 area and then they can work that out. Just so we
25 show the envelope.

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1 MR. PINE: Things we've done in
2 the past, just so you're aware of it is, we have
3 restrooms located very near the door to the outdoor
4 water park in Phase I. And as we grow in Phase II
5 and III we'll want to have restroom facilities
6 outside. We typically will add an outdoor cabana
7 type bar as well. It's open sided, it's not a
8 closed building. But in our Ohio and Wisconsin
9 both, we've also added restaurants outside. They
10 are full closed-in buildings with hood systems and
11 air conditioning systems and the whole nine yards.
12 So it's a full building. I believe the last one
13 was around 6,000 square feet in Ohio. I'm not
14 saying that is what's going to be here, but it
15 would be somewhere in that neighborhood, maybe even
16 slightly larger because our outdoor water park in
17 Ohio has the ability to expand to seven acres and
18 this one is almost 11 acres, so it's a little
19 bigger. So I wouldn't be surprised if we ended up
20 with a 6 or 8 thousand square foot building for a

21 restaurant type facility that only opened
22 seasonally, obviously.

23 MR. ARMSTRONG: Is the planning
24 commission interested in when they do have final I
25 guess depictions of what they're proposing for the

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1 outdoor water park, are you interested in having
2 them come back to you to take a look at it?
3 Because you understand that this is for Phases I,
4 II and III. So once this is, you know, approved,
5 conditionally approved, they won't be coming back
6 to you.

7 MS. LAMBERTON: It still needs
8 approval from the board, correct?

9 MR. ARMSTRONG: If the board
10 conditionally approves this land development plan
11 with Phases I, II and III, aside from coming in for
12 building permits, this is the land development
13 application.

14 MR. MULLEN: For the purposes of
15 the complete build that water park is shown as a
16 hard surface. Stormwater management has been done
17 for the surface with all that business. It's at
18 the Monroe County Conversation District for the
19 NPDES Permit for that, so really we are taking a
20 hard surface and putting a building on top of a
21 hard surface. So it's pushing dirt around at that
22 point in time.

23 MS. HAASE: What I had asked
24 Mr. Mullen on plan with the envelope, if it's
25 agreeable to the commission, that it would

1 reference that buildings would be place inside that
2 envelope to be determined at a later date and
3 approved by the zoning officer.

4 MS. LAMBERTON: Okay.

5 MS. HAASE: If that's
6 acceptable.

7 MS. LAMBERTON: That makes
8 sense.

9 MR. ARMSTRONG: So let me write
10 that down.

11 MR. BAXTER: So that would be
12 establishing that envelope within for instance in
13 stage 2 within that red kind of round thing, there
14 would be a separate building envelope within that.

15 MR. MULLEN: Within that ameba.

16 MR. SINCAVAGE: The red one and
17 the green one? That area there, because that's
18 where the zoo is going to go and they'll have like
19 sheds --

20 MR. MULLEN: Fence enclosure.

21 MR. ARMSTRONG: So if the
22 commission were to recommend approval today,
23 potentially a condition would be for the applicant
24 to revise the plan to show a building envelope on
25 the plan and that to have the applicant and the

1 zoning officer and building official to approve the
2 location of those buildings within that building
3 envelope at the time they proceed.

4 MR. BAXTER: Yes.

5 MR. ARMSTRONG: Something to

6 that effect.

7 MR. PINE: And that would be for
8 two locations, though, both the outdoor water and
9 what we're calling the zoo area?

10 MR. ARMSTRONG: Yes.

11 MS. LAMBERTON: Right.

12 MR. ARMSTRONG: Okay. Just what
13 the commission typically looks at, did you all look
14 at the landscaping plan, and it's Page 36. Is
15 everyone okay with that?

16 MR. BAXTER: So the entrance
17 road will be dedicated to the township and that
18 ends at this hexagonal end.

19 MR. MULLEN: And that was
20 reflected in the subdivision that was here before
21 you previously.

22 MR. BAXTER: Right. So the
23 maintenance of that entrance road will be a
24 township responsibility then?

25 MR. ARMSTRONG: What I had

35

1 suggested is that if you do make a recommendation
2 today, to recommend that obviously the township and
3 the applicant will have to work that out, whether
4 it be an agreement between two parties to, you
5 know, the maintenance responsibilities of that
6 road.

7 MR. BAXTER: My thought being
8 there is a lot of other work they are going to be
9 maintaining and chances are they've got a better
10 chance to have it looking better than if the
11 township -- nothing against the township but --

12 MR. MULLEN: If I can offer, I
13 think the discussion that's on the table right now
14 is that only the snow plowing of that road would be
15 the township's requirement. Kalahari would take
16 care of the plowing of the sidewalks, all the
17 landscaping, trees, et cetera, et cetera.

18 MR. PINE: That's a suggestion
19 that's been made, yes. The overall maintenance of
20 the road would be that of the township.

21 MR. MULLEN: Pot holes.

22 MR. PINE: We wouldn't expect
23 you to come out and shovel our sidewalks, for
24 example.

25 MS. HAASE: That has been the

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1 discussion.

2 MR. ARMSTRONG: I'm sorry,
3 potholes and cracks would be on the --

4 MR. MULLEN: Township.

5 MR. ARMSTRONG: On the township.

6 MR. SINCAVAGE: In other words
7 they're maintaining the roadway. I'm thinking
8 that's what they're saying. I don't know if that's
9 what's been discussed, but that's what I'm hearing.

10 MS. LAMBERTON: There has been
11 discussion.

12 MR. ARMSTRONG: Like I said, the
13 recommendation could just be that the board and the
14 applicant can work it out.

15 MR. MULLEN: I know we'll work
16 it out.

17 MR. SINCAVAGE: So any comments
18 from the commission on the landscaping?

19 Just curious, are you going to
20 propose doing any of the buildings down along the
21 stream like you did in Ohio? I forget what you
22 called them.

23 MR. PINE: The Naomi Units?

24 MR. SINCAVAGE: Yes.

25 MR. PINE: We're interested in

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1 pursuing those, but we are thinking that we might
2 be real clever and try to figure out a way to work
3 those into the actual hotel itself because that is
4 the only complaint we get from them -- where you
5 would actually still have a multi level, multi
6 bedroom unit to fit within the envelope of the
7 hotel -- the only complaint we get on that is that
8 in the wintertime they have to try to get to the
9 water park to and from, it's cold and such and this
10 way they would be sort of at the end of Phase II or
11 III.

12 MR. SINCAVAGE: But that would
13 be so nice down there along the stream, but I can
14 understand.

15 MR. PINE: They'd be beautiful
16 there, and that's not out of the question, it's
17 just -- it's something we haven't made a decision
18 on yet.

19 MR. SINCAVAGE: Okay. I was
20 just curious. No, I don't have any problems or
21 questions on the landscaping. Does anyone else?
22 Any other questions? Comments?

23 Pat, do you want to put together
24 a motion for us.

25 MR. ARMSTRONG: Sure. Was there

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1 anything with lighting? No issues with lighting.

2 MR. McHALE: There is some
3 incidental items that I've already spoken to Joe
4 about. Other than that we are in good shape.

5 MR. SINCAVAGE: I'm sure it's
6 all down lighting.

7 MR. MULLEN: Dark sky type
8 lights.

9 MR. SINCAVAGE: Are you looking
10 at doing the LED? Just curious again.

11 MR. MULLEN: Yes.

12 MR. SINCAVAGE: They're so much
13 more efficient. I was shocked by the difference in
14 the operating.

15 MR. MULLEN: Big time.

16 MR. SINCAVAGE: In the operating
17 of them compared to the standard lighting, it's
18 amazing. The savings is like a fraction of what it
19 is to operate.

20 MR. MULLEN: They are a little
21 pricey on the get go, though.

22 MR. SINCAVAGE: Right. You pay
23 up front, but -- okay.

24 MR. ARMSTRONG: Okay.

25 I just want to make sure I

39

1 understand. The PennDOT approval and the
2 improvements required by PennDOT, we don't know
3 what Phase II and III would bring in yet.

4 MR. MULLEN: Not yet.

5 MR. ARMSTRONG: Okay. So
6 obviously if you were to recommend conditional
7 approval it would be conditional upon the applicant
8 complying with any and all PennDOT requirements for
9 Phases II and III particularly because we don't
10 know what they would be yet.

11 MR. MULLEN: Yep.

12 MR. ARMSTRONG: And, you know,
13 obviously post the -- well, when are you going to
14 find that out?

15 MR. MULLEN: Couple weeks.

16 MR. ARMSTRONG: Oh, you will
17 find that out in a couple weeks. So you're going
18 to be proposing the requisite financial securities
19 for those with PennDOT --

20 MR. MULLEN: I assume, yes.

21 MR. ARMSTRONG: Okay. Then the
22 applicant, I'm looking at -- I just want to make
23 sure I understand.

24 MR. McHALE: Excuse me, Pat.

25 The posting of any security would be for Phase I.

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1 Phase II and III or any of the other commercial
2 development would have to go through the traffic
3 impact study approval process and once they're
4 finished with that then there'll be recommendations
5 as a result of that review process and then that's
6 what you would then prepare drawings for as the
7 phases build out to go in for the actual HOP.

8 MR. MULLEN: We would know what
9 all of the proposed work would impact the road.

10 They are all in pieces with what happens at 380,
11 what happens at 940, you know, the bridges,
12 whatever, we know all these things. Then when the
13 development progressed, whatever was defined as the
14 next project, maybe it's Pocono Manor, there would
15 be an HOP designed for the improvements required to
16 facilitate that development. So we know what they
17 all are.

18 MR. McHALE: PennDOT will
19 structure their HOP for this project to include --
20 they won't have the exact design, but it'll have
21 some provision for revising and updating that HOP
22 as development occurs.

23 MR. MULLEN: Yes. That was
24 intuitive with PennDOT for the issuance of the
25 interim, we call it the interim study, which was

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1 just for the Phase I. We had to come back,
2 otherwise the interim was null and void.

3 MR. McHALE: I just wanted to
4 clarify that in two to three weeks you won't have
5 all the answers of all the off site improvements
6 approved by PennDOT yet.

7 MR. MULLEN: Not approved by
8 PennDOT.

9 MR. McHALE: You will have an
10 idea in your traffic study.

11 MR. ARMSTRONG: Okay. And I'm
12 looking at this, it's I guess sheet 4, there's
13 Kalahari Boulevard, the large entrance --

14 MR. McHALE: Pocono Manor Drive.

15 MR. ARMSTRONG: Pocono Manor
16 Drive existing. It looks like the applicant's

17 going to remove a portion of that existing and kind
18 of curve it over to Kalahari Boulevard?

19 MR. MULLEN: That is the
20 proposal with PennDOT. That's a PennDOT highway
21 now. Pocono Manor Drive is a PennDOT highway, so
22 part of the HOP work will be -- they're still
23 deciding what that wants to be.

24 MR. ARMSTRONG: But as of now
25 this is what PennDOT's suggesting?

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1 MR. MULLEN: No. That's what
2 we're suggesting to PennDOT. They haven't come
3 back with that and said yeah or nay.

4 MR. ARMSTRONG: So this isn't
5 going to be Phase I?

6 MR. MULLEN: It will have to be
7 Phase I.

8 MR. ARMSTRONG: It will be Phase
9 I.

10 MR. MULLEN: Yes. But that's
11 part of the HOP.

12 MR. BAXTER: And that would not
13 be township maintained.

14 MR. MULLEN: Nope. State
15 highway.

16 MR. McHALE: If PennDOT does
17 require something different than what's reflected
18 here, then that plan will just be modified
19 accordingly.

20 MR. ARMSTRONG: And I guess a
21 way to cover that is in your recommendation,
22 they're going to comply with all --

23 MR. SINCAVAGE: Yes.
24 MR. ARMSTRONG: Okay. Any other
25 questions or comments from the commission?

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1 So what I'll try to do is if the
2 commission, the planning commission did want to
3 entertain a motion to recommend that the board
4 approve the proposed plan, it could be -- actually,
5 yeah, before I do that, there are certain waivers
6 that are being requested as shown in the May 1st,
7 2013 engineer review letter. Those waivers are,
8 from SALDO Section 135.15.B.2; SALDO Section
9 135.15.B.3 and stormwater Sections 124.14.D and
10 124.19.B. Does the applicant want to --

11 MR. McHALE: They're also
12 indicated on the cover sheet of the drawings. If
13 you look they'll list the waivers requested. And
14 essentially 3 of the 4 relate to the size of the
15 drawings and that type of thing. The only one
16 that's of any consequence is the construction of
17 any emergency overflows and they have these basins
18 that are actually in fill areas.

19 MR. MULLEN: Fill areas.

20 MR. McHALE: And so physically
21 they can't make those in a cut area, so that's why
22 the waiver, but they'll be structurally designed in
23 a manner to allow those flow -- it's designed storm
24 vents that flow through that structure.

25 MR. ARMSTRONG: Okay.

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1 MR. SINCAVAGE: You want us to

2 approve the waivers first?

3 MR. ARMSTRONG: Yeah, you can do
4 the waivers first.

5 MR. SINCAVAGE: I'll entertain a
6 motion to approve the waivers as requested.

7 MR. BAXTER: So moved.

8 MS. LAMBERTON: Second.

9 MR. SINCAVAGE: Motion and
10 seconded. All in favor please say aye.

11 MS. LAMBERTON: Aye.

12 MS. RINEHIMER: Aye.

13 MR. BAXTER: Aye.

14 MR. SINCAVAGE: Aye.

15 MR. ARMSTRONG: And then if the
16 commission were to entertain a motion to recommend
17 approval of the proposed plan of Kalahari Resorts
18 Project No. 2012-003, the planning commission may
19 want to condition that recommendation on the
20 applicant complying with all the comments and
21 requirements set forth in the May 1, 2013 township
22 engineer review letter; further conditional upon
23 the applicant revising the plan to show the
24 building envelope for the zoo area and the outdoor
25 water park area and to work with the zoning officer

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1 and building official when the applicants is
2 prepared to locate those buildings within the
3 outside water park and the zoo area in a manner
4 acceptable to the township zoning officer and the
5 building official; further conditional upon the
6 land development plan being recorded after the
7 subdivision plan that has previously been before

8 the township as the lot needs to be created in
9 order for this land development plan to proceed;
10 further conditional upon the township and the
11 applicant coming to terms and agreeing upon the
12 maintenance and process of the dedication of
13 Kalahari Boulevard to the township; and further
14 conditional upon the applicant providing the
15 appropriate right of ways for the sewer line and
16 the water line to service the property; further
17 conditional upon the applicant complying with any
18 and all PennDOT requirements and approvals and
19 permits for Phases I, II and III; and further
20 conditional upon the applicant working with and
21 complying with all zoning ordinance requirements
22 for purposes of the proposed signage on the
23 property; and any other required permits and
24 requirements of the township ordinances, the state
25 and or federal government, if the planning

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1 commission so chooses.
2 MR. SINCAVAGE: Do I have a
3 motion?
4 MS. LAMBERTON: So moved.
5 MR. BAXTER: Second.
6 MR. SINCAVAGE: Second to the
7 motion. Any questions, comments? All those in
8 favor please say aye.
9 MS. LAMBERTON: Aye.
10 MR. BAXTER: Aye.
11 MS. RINEHIMER: Aye.
12 MR. SINCAVAGE: Aye.
13 Congratulations, gentlemen, we got through that
14 process. It's been a pleasure working with you.

15 MR. MULLEN: The same here.
16 MR. SINCAVAGE: Just a question
17 in general. Was it easier for you to submit plans
18 like this as opposed to the large plans?
19 MR. MULLEN: Oh, yeah.
20 MS. LAMBERTON: They should
21 change it.
22 MR. SINCAVAGE: This is just
23 much more convenient.
24 MS. HAASE: We like this size.
25 This size is great.

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1 MR. MULLEN: We do electronic.
2 MS. LAMBERTON: I was going to
3 say, I don't even think we need the paper.
4 MS. MINNICK: Yeah, send them
5 electronically, if you don't mind.
6 MR. MULLEN: Absolutely.
7 MR. SINCAVAGE: Oh, okay, thank
8 you. Anything further from you?
9 MR. MULLEN: Thank you.
10 MR. SINCAVAGE: Okay. Good
11 luck. Thank you.
12 Wendi, you didn't have any
13 comment on that, did you?
14 MS. WENDI FREEMAN: No, thank
15 you.
16 MR. SINCAVAGE: Okay. Thank
17 you. I thought I called for comment, but I looked
18 this way and I didn't look this way.
19 Next item on our agenda is the
20 visioning process.

21 MS. HAASE: I provided to the
22 commission members and our solicitor and also Bob a
23 copy of Barrett Township's Design Guidelines. We
24 had discussed at our last meeting that we would do
25 an ordinance for the visioning and then break it

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1 down in specifics I believe to the eastern, western
2 and central areas. The only thing different,
3 thinking about this, of course out in Blakeslee
4 we're looking at a walkable area, residential
5 commercial, where out at the eastern end, of
6 course, I think it's going to be somewhat
7 different. Lots are spread out. I think it's
8 going to be more commercial than residential. So I
9 just wanted to provide the Barrett Township
10 Guidelines to you folks. I think it's well done,
11 very reasonable. And then we've certainly been
12 working Pat overtime with all the agreements that
13 we need, but hopefully before our next commission
14 meeting we can have something to present to you,
15 just a general overlay of what we are looking at,
16 as I look at Pat because he's going to be authoring
17 it.

18 But I think there's been some
19 discussion before about Barrett. It was my
20 interpretation that it was something that you folks
21 were gearing towards. You liked that feel in that
22 area.

23 MR. ARMSTRONG: Just so I'm
24 clear, the planning commission, you like -- I mean
25 clearly what's going to happen is there'll be -- I

1 mean, you just went through an exhaustive process
2 of amending -- putting together a proposed zoning
3 ordinance amendment.

4 MS. LAMBERTON: We're just
5 talking about an overlay right now.

6 MR. ARMSTRONG: Right. But the
7 overlay will be a zoning ordinance.

8 MS. LAMBERTON: Understood.

9 MR. ARMSTRONG: So you're
10 looking at like a -- you would like a draft of
11 village commercial style overlay?

12 MS. LAMBERTON: Yes.

13 MR. ARMSTRONG: For the township
14 to consider for certain pockets.

15 MS. LAMBERTON: We should move
16 on that quick.

17 MR. McHALE: As a part of the
18 Blakeslee visioning was there any guidance or
19 template that was provided for how that might begin
20 to look? Do you all recall?

21 MS. LAMBERTON: There was a
22 design.

23 MS. HAASE: How it might look?
24 There was a design.

25 MS. LAMBERTON: There was an

1 ordinance written.

2 MS. HAASE: There was an
3 ordinance. There was a design that was provided by
4 Mark and I can't remember the other name. I do
5 remember there was a master plan.

6 MR. McHALE: They had that but I
7 didn't know if they had put together any --

8 MS. LAMBERTON: Yeah. He had an
9 actual booklet that Phil Eckert and --

10 MR. SINCAVAGE: Right.

11 MS. LAMBERTON: I can't see that
12 far.

13 MR. SINCAVAGE: I knew what Bob
14 was talking about.

15 MR. ARMSTRONG: Did they send
16 like a draft ordinance?

17 MS. LAMBERTON: I don't think
18 so, no.

19 MS. HAASE: There was discussion
20 about a grant that was available and I don't
21 believe that we went any further with that. I was
22 really not involved with that part of it.

23 MR. SINCAVAGE: We got that far
24 and then we kind of stopped because we wanted to
25 address the zoning ordinance. So we stopped the

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1 process with them. It may be appropriate to
2 contact them again.

3 MS. HAASE: We did contact the
4 county today.

5 MR. SINCAVAGE: Not the county
6 the design consultant.

7 MS. LAMBERTON: Mark and Phil.

8 MS. HAASE: Okay. I don't know
9 if our agreement is still active with them, but we
10 certainly can look at that.

11 MS. LAMBERTON: We had money
12 left in that fund, to be honest with you.

13 MS. HAASE: I believe from the
14 donations, yes.

15 MR. SINCAVAGE: Oh, the
16 donations, yeah.

17 MR. ARMSTRONG: I'm assuming
18 your contract, the township's contract with that
19 entity was probably only to do certain projects.
20 I'm assuming it didn't involve drafting an
21 ordinance?

22 MR. SINCAVAGE: No, but if they
23 have something that they would submit to us.

24 MS. HAASE: Maureen spoke to
25 Christine today down at the county and Christine

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1 did email Chestnuthill's. It's really brief like
2 maybe four paragraphs, five paragraphs and it's in
3 a raw draft form.

4 MR. McHALE: We should probably
5 get that Blakeslee visioning literature to Pat.

6 MR. ARMSTRONG: I mean, I'll
7 tell you what I'm thinking is they do a lot of work
8 for Doylestown Township.

9 MS. HAASE: Yes. Reaching out?

10 MR. ARMSTRONG: Doylestown
11 Township has their codification likely on their
12 website. So you can look at their village
13 commercial or village overlay districts. Would the
14 commission like us to maybe forward a number of
15 them for you to look at or do you want us to
16 actually tweak something that we think Tobyhanna
17 Township is looking for?

18 MS. LAMBERTON: Yeah, why don't

19 you tweak something. You have a better vision --

20 MS. HAASE: But we're just
21 looking at building guidelines. That's what we're
22 looking for initially.

23 MS. LAMBERTON: I can envision
24 sidewalks coming down 940 past All Angles --

25 MR. ARMSTRONG: This is what

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1 you're going to see. With Village Commercial type
2 overlay districts you're going to see regulations
3 requiring the parking in the back and the building
4 go out to the front towards the street. You're
5 going to see -- we talked about the type of signs
6 before. You're going to see a push to have both
7 commercial and residential in the same structures.

8 MS. LAMBERTON: Right.

9 MR. ARMSTRONG: That's what
10 you're going to see.

11 MR. BAXTER: Pedestrian
12 sidewalks.

13 MR. ARMSTRONG: Pedestrian
14 sidewalks. But the biggest difference is you're
15 going to have those structures come close to the
16 street and the parking go in the back.

17 MR. SINCAVAGE: But then you get
18 into lighting and --

19 MR. McHALE: Landscaping.

20 MR. ARMSTRONG: Yep. You're
21 going to require -- you're going to see a lot of
22 requirements for street -- we had this discussion
23 last year when we were going through the zoning
24 ordinance about requiring street trees, you know,
25 between the sidewalk and the street, usually,

1 typically. Some townships like to require them,
2 for some reason, on the other side of the sidewalk,
3 but if that's what you guys are looking for.

4 MR. BAXTER: Yes.

5 MS. LAMBERTON: Okay girls.

6 MS. HAASE: Were on it with the
7 help of Pat.

8 MR. SINCAVAGE: Just to wrap up,
9 though, could we reach out to the previous
10 consultants, just get some feedback from them and
11 say, you know, we're here and now we're ready to
12 take the next step. What is the next step? Is
13 there something that they would recommend doing or
14 do we go to the attorneys now and start drafting?

15 MS. HAASE: I do have a
16 breakdown which I would be more than happy to send
17 all the commission members of what they had
18 proposed back in 2008, 9, it's a while ago, maybe 9
19 or 10, so you can take a look at that. I'll also
20 speak to our treasurer and see where we're at as
21 far as funding.

22 MS. LAMBERTON: There should be
23 some money.

24 MS. HAASE: Okay. And I also
25 had spoken to Pat today about we had discussed

1 earlier maybe doing an overlay out in Pocono Summit
2 area where the limited access down by the 84 Lumber
3 area. So Pat and I are going to get together this

4 week and we're going to go over some additional
5 signage and lessen up some of the restrictions in
6 that area.

7 MR. BAXTER: We also talked
8 about something similar to Pocono Pines, right?

9 MS. HAASE: Correct. This is
10 going to be an overlay I guess for all three areas
11 and then maybe have different specifications in
12 each, because like I said, in Blakeslee it's a
13 walkable area versus out in Pocono Summit, not so
14 much.

15 MR. ARMSTRONG: For such a sign
16 overlay area, everyone's agreeable it's going to be
17 940 in certain pockets. We talked about 380 and
18 940. Is there another use at Pocono Pines.

19 MS. LAMBERTON: 423 and 940,
20 right at the traffic light, right down there at --

21 MS. HAASE: For the signage?

22 MS. LAMBERTON: No.

23 MS. HAASE: I thought you were
24 talking about signage?

25 MS. LAMBERTON: Oh, I apologize.

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1 MS. HAASE: Yes.

2 MS. LAMBERTON: We were talking
3 monument, but that'll be in the zoning.

4 MS. HAASE: This is a specific
5 overlay for additional signage.

6 MR. ARMSTRONG: Off premise
7 billboard type signs.

8 MS. HAASE: Somewhat.

9 MR. ARMSTRONG: Okay.

10 MS. LAMBERTON: Okay. That

11 makes sense out there. That's where it's going to
12 grow.

13 MR. SINCAVAGE: Okay. Are you
14 guys okay? You have some direction?

15 MS. HAASE: Yes, we're fine.

16 MR. SINCAVAGE: The supervisors
17 gave us some money to pursue this?

18 MS. HAASE: It was discussed
19 with the supervisors. They just said to move
20 forward but did not give a specific amount of
21 monies.

22 MR. SINCAVAGE: Okay.

23 MR. ARMSTRONG: So the
24 commission's aware, one of my notes here in
25 asterisks is follow up with the board of

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1 supervisors regarding authority to approve the
2 drafts.

3 MR. SINCAVAGE: No, we got the
4 authority.

5 MS. HAASE: We discussed that at
6 the work session.

7 MS. LAMBERTON: We were good.

8 MS. SINCAVAGE: Okay. Anything
9 else?

10 MR. BAXTER: Just unofficially,
11 nothing to do with anything we've been working on,
12 but next Thursday which is May 9th, there's an
13 unofficial community day that's getting started in
14 Blakeslee. There's a group of people that are
15 going to descend upon the Blakeslee Community
16 Center to do a good outside, inside outside

17 revamping, mostly outside. And any and all
18 volunteers are appreciated. It will run from
19 probably 8:30, 9 o'clock in the morning till 4, 5
20 o'clock, to the end of the day.

21 MS. HAASE: I believe that's
22 underway right now as well. There is some work
23 being done out there.

24 MR. BAXTER: Yep. It's going to
25 get started ahead of that and go beyond it, but

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1 that's kind of a core day where 30, 40 people are
2 getting coordinated and hopefully going to descend
3 and get a lot done that day.

4 MR. SINCAVAGE: It would be nice
5 to get the Blakeslee Community Center back to this,
6 because this is what it originally looked like.

7 MS. LAMBERTON: Is that right?

8 MR. SINCAVAGE: Well, they had
9 the full wrap around porch, but, I mean, it had
10 the -- I don't know what you call that.

11 MS. LAMBERTON: Gable?

12 MR. SINCAVAGE: No, but the
13 siding, like wooden -- because they put aluminum
14 siding on it to protect the building and obviously
15 if that came off -- it was the brown wood with the
16 pillars in the front.

17 MS. LAMBERTON: Very nice. It's
18 like the old Pocono Crest look.

19 MR. SINCAVAGE: Yes. That's the
20 style it was built in when you look at the old
21 pictures of it. That's what it was.

22 MR. BAXTER: Well, this is the
23 first of what hopefully will become an annual

24 workday that will be coordinated.

25 MR. SINCAVAGE: Anything else to

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1 come before the commission?

2 We stand adjourned.

3 (Hearing concluded at 3:01 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.

JOSEPHINE HOLLMAN, C.R.

Before

THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

In Re: Regular Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Thursday, June 6, 2013, 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

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1 MR. SINCAVAGE: I now call the
2 regularly scheduled meeting of the Tobyhanna
3 Township Planning Commission to order. Any public
4 comment? Hearing none, then we'll -- I thought we
5 had minutes?
6 MS. HAASE: Yes, we did, sir,
7 and they're not on the agenda.
8 MR. SINCAVAGE: I know we had
9 them.
10 MS. HAASE: Yes, we did.
11 MR. SINCAVAGE: Did you review

12 them, Phyllis?
13 MS. HAASE: I did. I did not
14 find any changes.
15 MR. SINCAVAGE: Can you give me
16 a date?
17 MS. HAASE: Yes. May 2nd.
18 MR. SINCAVAGE: I'll entertain a
19 motion to approve the May 2nd, 2013 minutes as
20 submitted.
21 MS. LAMBERTON: So moved.
22 MR. SINCAVAGE: I have a motion.
23 Do I have a second to the motion?
24 MS. RINEHIMER: Second.
25 MR. SINCAVAGE: Motion and

3

1 seconded. All those in favor please say aye.
2 MR. BAXTER: Aye.
3 MS. LAMBERTON: Aye.
4 MS. RINEHIMER: Aye.
5 MR. SINCAVAGE: Aye.
6 MR. MILLER: I abstain.
7 MR. SINCAVAGE: Anything on
8 Wee-Wons?
9 I'll entertain a motion to table
10 Wee Wons land development plan.
11 MR. BAXTER: So moved.
12 MS. LAMBERTON: Second.
13 MR. SINCAVAGE: Motion and
14 seconded. All in favor please say aye. Aye.
15 MR. MILLER: Aye.
16 MR. BAXTER: Aye.
17 MS. LAMBERTON: Aye.
18 MS. RINEHIMER: Aye.
19 MR. SINCAVAGE: Anything on
20 Locust Ridge Quarry?
21 I'll entertain a motion to table
22 the Locust Ridge Quarry land development plan.
23 MR. MILLER: So moved.
24 MS. LAMBERTON: Second.
25 MR. SINCAVAGE: Motion and

1 second. All those in favor please say aye.

2 MR. MILLER: Aye.

3 MR. BAXTER: Aye.

4 MS. LAMBERTON: Aye.

5 MS. RINEHIMER: Aye.

6 MR. SINCAVAGE: Aye.

7 Okay, the visioning, Eastern

8 Gateway, we're going to repeat that.

9 Okay. We're going to jump to
10 new business. Let's get over the Deane minor
11 subdivision lot consolidation.

12 Are you here, sir?

13 MR. SEAN DEANE: Sean Deane.

14 What I want to do, and you can

15 see from the plan is I want to add a half an acre

16 parcel behind my house to my existing one acre.

17 It's my father in-laws property. It's kind of

18 unusable property for him and he was telling me for

19 years now to add this chunk. This is my property

20 right now, one acre. And this is all his right now

21 that exists. He said he wanted me to have this

22 added to this.

23 MR. MILLER: Does that include

24 the strip going up to the road?

25 MR. SEAN DEANE: From what I was

1 told from Brian, who did the plan, because it

2 exists now like this, this must be attached to that

3 is what I was told.

4 MR. BAXTER: So this becomes a

5 new boundary here?

6 MR. SEAN DEANE: Yes, that's all

7 it really is. We are running a boundary line

8 across here.

9 MR. MILLER: So that parcel A

10 down here, this one plus acres, that includes the

11 strip going up.

12 MR. SEAN DEANE: Exactly.
13 MS. LAMBERTON: Makes sense to
14 me.
15 MR. SINCAVAGE: Janet Sutliff
16 has access off of that.
17 MR. SEAN DEANE: Yes. Has for
18 25 years.
19 MR. SINCAVAGE: I read in the
20 review letter that -- who maintains the road?
21 MR. SEAN DEANE: Lot owners 1, 2
22 and 3.
23 MR. ARMSTRONG: Is there an
24 agreement to that effect?
25 MR. SEAN DEANE: There was one

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1 when we did the -- this used to be all my father
2 in-laws and back 25 years ago he subdivided these 3
3 lots off.

4 MR. SINCAVAGE: There was notes
5 according to the review letter, the original
6 subdivision.

7 MR. McHALE: They should
8 transfer whatever notes were on that. I mean, what
9 we received was this. Let me show you mine. This
10 is what we got as part of the package. And, you
11 know, if there's maintenance notes or whoever is
12 supposed to -- I would imagine this subdivision was
13 created when the three lots here were created, 1, 2
14 and 3.

15 MR. SINCAVAGE: Right.

16 MR. McHALE: And what he made
17 mention of is right here, is that the right to use
18 and maintenance of the private driveway shall
19 remain under and subject to the notes and covenants
20 as established on Plat Book 60, Page 169. But if
21 we don't know what those are and you can't read
22 them off of that drawing -- we should have those on
23 this drawing, whatever they are.

24 MS. LAMBERTON: You're saying
25 you need additional notes put on it, Bob?

1 MR. McHALE: Just to make sure.

2 MR. ARMSTRONG: Do you
3 understand that?

4 MR. SEAN DEANE: Yes. You know,
5 that's the way it was since for the past 25 years.

6 MR. ARMSTRONG: But what he's
7 saying is to get those notes on that plan and have
8 them placed on this plan.

9 MR. McHALE: I forwarded Brian a
10 copy of the review letter this afternoon, so he's
11 aware. A lot of this is just notations and such
12 that he needs to do.

13 MR. SINCAVAGE: Was that one of
14 your notes, Bob?

15 MR. McHALE: Yes, sir.

16 MR. SINCAVAGE: And the highway
17 occupancy permit for Marian Road, can you produce
18 that?

19 MR. SEAN DEANE: I think so.
20 Like I said, it's been a road for 25 years. It's
21 not something new.

22 MR. ARMSTRONG: You're not
23 proposing to change the use back there?

24 MR. SEAN DEANE: No.

25 MR. ARMSTRONG: Just maintain it

1 as a residence, just adding some additional land.

2 MR. SEAN DEANE: Yep.

3 MR. SINCAVAGE: Well, one of the
4 notes in the engineer's review letter is that you
5 need to provide the township with an HOP for that
6 road.

7 MR. McHALE: That is in the
8 SALDO, under Section 135.15.A.

9 MS. LAMBERTON: Are you serious?

10 MR. McHALE: That's what it
11 says.

12 MS. LAMBERTON: That's
13 ridiculous, no offense. There's no change.
14 MR. McHALE: It's just to
15 provide it, a copy of it. That's what it says. If
16 an existing driveway, a copy of a PennDOT or if
17 it's a township road.
18 MS. LAMBERTON: Do you have an
19 HOP, Sean?
20 MR. SEAN DEANE: Like I said, we
21 did this 25 years ago.
22 MS. LAMBERTON: That's my point.
23 That's the only reason I'm asking.
24 MR. SEAN DEANE: I don't know.
25 MS. LAMBERTON: Do you have one,

9

1 Joe for your driveway?
2 MR. MILLER: What?
3 MS. LAMBERTON: Do you have one
4 for your driveway?
5 MR. MILLER: No idea.
6 MS. LAMBERTON: Right. I'm just
7 saying.
8 MR. SINCAVAGE: This goes under
9 Locust Ridge Road, correct?
10 MR. SEAN DEANE: Yes.
11 MR. SINCAVAGE: Is that a
12 township road?
13 MS. HAASE: State.
14 MR. BAXTER: Is there a point in
15 time at which when people reviewed something ages
16 ago --
17 MS. LAMBERTON: They're not
18 changing anything.
19 MR. BAXTER: -- never got it
20 because it was never required? I mean, with no
21 change or anything here, does that trigger --
22 because I'm going to guess there probably isn't
23 one. I don't know.
24 MR. McHALE: I don't know
25 either.

1 MS. LAMBERTON: So if there is
2 not one, you're going to make him go and get an
3 HOP?

4 MR. McHALE: If there's not one
5 it's left to you all to decide if you want to waive
6 that or not.

7 MS. LAMBERTON: The engineering
8 fees.

9 MR. McHALE: Before we go down
10 that track too far, I just want to mention that it
11 is under the SALDO, so if you all decide that you
12 want to make a recommendation to waive that, it's
13 certainly within your bounds to do such a thing.

14 MS. LAMBERTON: I'm just saying
15 I understand, like when Phyllis, when I first got
16 involved with this, when a business comes in and
17 there's a change of use and the volume is
18 different, that I understand. This is the same
19 thing that they've had since the beginning of time.
20 They're not changing anything outside of a lot
21 line. And my opinion is that it's kind of asking a
22 little bit more than necessary for these folks to
23 obtain an HOP.

24 MR. SEAN DEANE: If it did,
25 where would it be?

1 MS. LAMBERTON: PennDOT,
2 correct?

3 MR. McHALE: What we are asking
4 for is what it states in the ordinance and that is
5 simply to provide a copy if it's an existing
6 driveway. That's it.

7 MR. SEAN DEANE: But where would
8 I get it?

9 MR. McHALE: If PennDOT does not
10 have a copy then it's left to this board to say we
11 are going to waive it or we are not going to waive

12 it and you have to go get an HOP. So it's really
13 left to you all to decide what you want to do. But
14 we need to know from you first, is there a copy in
15 existence and if there is, PennDOT's office could
16 tell you that.

17 MR. ARMSTRONG: Brian Courtright
18 would probably direct you in the right direction.

19 MS. LAMBERTON: Way back when,
20 Sean?

21 MR. SEAN DEANE: I don't know.
22 To be honest with you, I really don't know.

23 MS. LAMBERTON: That stuff
24 didn't exist.

25 MR. ARMSTRONG: But I think what

12

1 Bob was saying is that if you and Brian Courtright
2 can't track one down, if you were to request a
3 waiver of that requirement of the SALDO based on
4 the fact that you're not changing a use, based on
5 the fact that you're not adding a use, based on the
6 fact that this is really a lot consolidation, it's
7 probably -- it's up to the commission.

8 MS. LAMBERTON: That's fair
9 enough. I just got a little defensive there,
10 sorry. I'd do the same for anybody else.

11 MR. McHALE: We weren't asking
12 you to go out and get an HOP, we were trying to get
13 the copy if it's in existence. That's what it
14 says.

15 MR. SEAN DEANE: I don't have
16 one or I would have --

17 MR. McHALE: But PennDOT might
18 have one. So if you go through that exercise and
19 you check it out and PennDOT comes back and says we
20 do not have a PennDOT HOP for that particular
21 roadway, then it's left to the board to decide how
22 they want to go.

23 MS. LAMBERTON: And you can
24 request a waiver.

25 MR. McHALE: There's about

1 another 6 or 8 waivers that they're going to need
2 to request, so they can just add it to the list and
3 put it on the drawing.

4 MS. LAMBERTON: But we're
5 willing to work with you. I am.

6 MR. SINCAVAGE: I just want to
7 point out for the record that the township has
8 forced the closure of several roads in Blakeslee
9 because there was not HOPs for those roads. This
10 is a very similar situation.

11 MS. LAMBERTON: That's crazy.

12 MR. SINCAVAGE: The roads were
13 closed in Greenwood Acres.

14 MR. BAXTER: But there was other
15 access available.

16 MR. SINCAVAGE: But they were
17 there for years. There was a road that's been
18 there for years, so there was no change in use.

19 MS. LAMBERTON: See, that's why
20 I think you should have some flexibility. I wasn't
21 on any board then, was I Mark?

22 MR. SINCAVAGE: I know you
23 weren't. You would have brought it up.

24 MS. LAMBERTON: That's my
25 opinion. I would have brought it to your

1 attention.

2 MR. McHALE: The two access
3 points that Greenwood Acres has is directly on
4 the state roads. The township does not have
5 authority over those state roads.

6 MS. LAMBERTON: And I understand
7 that. The same with Locust Ridge Road.

8 MR. McHALE: The township didn't
9 close those roads.

10 MR. SINCAVAGE: It may be the
11 state closed them.

12 MR. McHALE: PennDOT.
13 MR. SINCAVAGE: I was under the
14 impression that the township brought up the issue
15 and asked to produce the HOP, similar to what we
16 are facing right now and they couldn't produce an
17 HOP because it was done in the 60s.
18 MS. LAMBERTON: Let me ask a
19 question then.
20 MR. SINCAVAGE: So, well, okay.
21 I'll rephrase it for the record. It was not the
22 township that closed it but the township did bring
23 up the issue similar to the issue being brought up
24 here.
25 MR. McHALE: And that's because

15

1 it's in the ordinance.
2 MR. SINCAVAGE: You're
3 absolutely right.
4 MS. LAMBERTON: I understand.
5 Mark that one down, Mark. We need to change that.
6 MR. SINCAVAGE: I don't think
7 you can.
8 MS. LAMBERTON: I'm only
9 kidding. I'm just saying we need to be reasonable
10 here. Here's my question, though. If you're
11 telling me on 115 and 940 the state can move in,
12 what's to say they can't come in to Locust Ridge
13 Road and do the same?
14 MR. McHALE: They can do the
15 same.
16 MS. HAASE: They can.
17 MS. LAMBERTON: Even though we
18 waive it?
19 MR. McHALE: It doesn't matter
20 what we -- if we waive it, that's fine. The state
21 could still come in and say do you have a permit
22 for this roadway? They can do that any time.
23 MR. SINCAVAGE: If it was just a
24 driveway for one house, I think we can overlook it.
25 But since there is two other lots that use the same

1 driveway, then the exposure to the state as well
2 possibly to the township, I'm not sure about to the
3 township, does exist if we don't ask for the HOP,
4 if there was an accident past the interchange.

5 MR. ARMSTRONG: If this -- I
6 mean, if this was a subdivision creating more than
7 one lot, but this is a lot consolidation. You're
8 not creating an additional lot, you're not creating
9 an additional --

10 MR. SINCAVAGE: Traffic flow.

11 MR. ARMSTRONG: Right.
12 Nothing's changing except you're adding 1.04 acres
13 to the existing lot. I mean, at this point in time
14 there may exist an HOP, you're just not aware of
15 it. So I would suspect you would reach out to
16 Brian Courtright because he'll know where to go and
17 where to see if there's a copy of it. And see --
18 you know, this whole exercise could be moot, if he
19 reaches out and there's an existing HOP permit.

20 MS. LAMBERTON: True.

21 MR. ARMSTRONG: In the event
22 there is not, that's something you can request the
23 waiver and see how the planning commission and the
24 board would respond to it.

25 MR. SINCAVAGE: Okay. You want

1 to go through the letter? Do you have anything
2 else you want to highlight or did you have any
3 comments or questions on the letter that was
4 submitted?

5 MR. SEAN DEANE: I just got it
6 two minutes ago.

7 MR. McHALE: Mark, these are
8 standard items that Brian will be able to address
9 either by notations on the drawings or supplying a
10 little bit of information. Nothing insurmountable.

11 MR. ARMSTRONG: We don't have a

12 full list of the waivers or do we?
13 MR. McHALE: They're highlighted
14 in here.
15 MR. ARMSTRONG: There's eight?
16 I don't think I saw these.
17 MR. McHALE: Well, there is 5
18 right here.
19 MR. ARMSTRONG: Okay.
20 MR. McHALE: There's 7, plus the
21 stormwater and if you all decide to go with the HOP
22 that'll be 9.
23 MR. SEAN DEANE: What do we need
24 a stormwater for?
25 MR. McHALE: If you develop and

18

1 add impervious cover later on, you're not -- I
2 understand that, sir. I understand you're not
3 doing anything. It's in the ordinance and you go
4 through the entire ordinance to see if you comply.
5 That's all it is. So a waiver may be formally
6 requested to denote that you put a note on the plan
7 saying that any future development you're going to
8 comply with Chapter 124 which has been in place,
9 that's all. No one is asking for stormwater
10 calculations.
11 MR. SEAN DEANE: Okay. Thank
12 you.
13 MR. ARMSTRONG: Does the
14 commission -- are you going to -- you see yourself
15 making a recommendation tonight or do you want to
16 wait?
17 MS. LAMBERTON: No, I don't
18 think we should hold it up.
19 MR. McHALE: I spoke with Brian
20 this afternoon and I asked him if it was his intent
21 to request in writing these waivers and he said
22 yes. And I said are you going to denote those on
23 the plans and he said yes. So this is just a
24 normal process that we do on every application that
25 comes in here, is to have whatever that the

1 applicant feels like -- providing information
 2 within 500 feet of the location of a minor
 3 subdivision, that doesn't seem applicable for this
 4 size of a development. So you waive those things.
 5 And you've been doing that for years. So this
 6 isn't anything out of the ordinary. So if you all
 7 are ready to do that you can do that with these
 8 waivers and Brian will just have to go through and
 9 make sure he adds the notes and clean it up and get
 10 it back to us. It's not a difficult process.

11 MS. LAMBERTON: I'll make a
 12 motion if you want to say it, Pat.

13 MR. ARMSTRONG: I guess I'll
 14 start with the waivers. If the planning commission
 15 wanted to entertain a motion recommending the
 16 approval of the requested or to be requested
 17 waivers of the subdivision and land development
 18 ordinance, those sections of the SALDO with respect
 19 to the waiver would be Section 135.12.D.2, Section
 20 135.15.A.15, Section 135.17.G.I.K.L and M, and
 21 Section 135.18.B.15, with the condition that a note
 22 should be added to the plan to indicate that any
 23 future development that is defined as a regulated
 24 activity in Chapter 124, Part II, Tobyhanna Creek
 25 Watershed Plan shall comply with the requirements

1 of that chapter; with additional condition that in
 2 the event that the applicant cannot secure and or
 3 track down an existing PennDOT HOP that the
 4 recommendation would also be to approve a waiver
 5 from Section 135.17.A.A, given the understanding
 6 that the applicant will not be changing the use,
 7 adding a use and or further subdividing the
 8 property as well as the fact that this is to be
 9 considered a lot consolidation plan.

10 MS. LAMBERTON: So moved.

11 MR. BAXTER: Second.

12 MR. SINCAVAGE: I have a motion
13 and seconded. All those in favor?
14 MR. MILLER: Aye.
15 MR. BAXTER: Aye.
16 MS. LAMBERTON: Aye.
17 MS. RINEHIMER: Aye.
18 MR. SINCAVAGE: And I'm going to
19 vote no. I don't feel we should be granting the
20 waiver for the HOP. Okay, we'll move on to the --
21 MR. ARMSTRONG: Those were the
22 waivers.
23 MR. SINCAVAGE: Those were the
24 waivers, right. We're going to move on to the
25 approval -- recommended approval for the minor

21

1 subdivision and lot consolidation plan.
2 MR. ARMSTRONG: Just subject to
3 the review letter.
4 MR. SINCAVAGE: And the notes --
5 did he put the notes have to be transferred? That
6 was in there.
7 MR. McHALE: That's in there.
8 MR. SINCAVAGE: Okay. I'll
9 entertain a motion to recommend approval for the
10 minor subdivision and a lot consolidation plan
11 subject to the applicant meeting the requirements
12 of the township engineer's letter dated June 6,
13 2013.
14 MS. LAMBERTON: So moved.
15 MR. SINCAVAGE: I have a motion.
16 Do I have a second to the motion?
17 MR. MILLER: Second.
18 MR. SINCAVAGE: Motion and
19 seconded. All those in favor please say aye.
20 MR. MILLER: Aye.
21 MR. BAXTER: Aye.
22 MS. LAMBERTON: Aye.
23 MS. RINEHIMER: Aye.
24 MR. SINCAVAGE: Aye.
25 The Village Center Zoning

1 District.

2 Pat gave us some very basic
3 outlines. You want to go over that for us, Pat?
4 MR. ARMSTRONG: Sure. If you
5 recall, at the last meeting you had requested that
6 I would circulate a form bare bone type of village
7 commercial district ordinance amendment to consider
8 and what I did was I looked at a couple different
9 townships. You have to understand this is basic.
10 It's to be filled in yet with respect to certain
11 regulations. There are township and municipalities
12 with very basic type VC, village commercial
13 regulations which are similar to this. There are
14 townships and municipalities with very extensive
15 and long winded and more detailed descriptions and
16 regulations than this. But I thought this would be
17 a good place at least for you guys to start looking
18 and start to see which direction you wanted to go.
19 I did include, if you can see the permitted uses,
20 permitted special exceptions that -- at least some
21 of the common ones with respect to these types of
22 districts, but clearly you can subtract or add to
23 those lists as you see fit. Also, which is common
24 in these VC Districts is the signage and other
25 general requirements, lot width, minimums, building

1 coverage ratios, pervious surfaces ratios. Those I
2 left blank as well as other additional standard
3 type regulations, with respect to putting the
4 parking towards the back in these VC Districts,
5 pushing the buildings closer to the road. You know
6 the -- go ahead.

7 MS. LAMBERTON: Does this cover
8 mixed use?

9 MR. ARMSTRONG: I believe I did
10 include -- did I?

11 MR. SINCAVAGE: Yeah, you did.

12 There is a comment, C -- what is it?
13 MR. ARMSTRONG: Multiple uses on
14 the property.
15 MR. SINCAVAGE: That's correct.
16 MS. LAMBERTON: That means the
17 same thing?
18 MR. ARMSTRONG: Multiple uses
19 you could have residential, commercial. Sometimes
20 these ordinances, you will -- if it's going to be
21 more than one use you can specify the types of uses
22 you're okay with being multiple uses.
23 MS. LAMBERTON: My only question
24 is like for one structure, you know, not on a tract
25 but in one building, does that mean the same? Do

24

1 you know what I mean, Mark.
2 MS. HAASE: Yeah, I think that
3 probably should be spelled out. A few things that
4 I found in here, and I get that this is just the
5 bare bone and I'm okay with this, I don't think it
6 was the intent of this project to allow new single
7 family dwellings in the commercial districts. I
8 think our intent was we wanted residential on the
9 second or third floor, and getting that mixed use
10 and not allowing the new single family dwellings in
11 because, A, we want to get more conformance, but B,
12 we also don't want to take commercial land and turn
13 it into residential and affect our taxation base.
14 So I think that that's something that the
15 commission needs to look at and consider. But I
16 think we do need to spell out what Anne had
17 mentioned, allowing it in the same. Certainly, I
18 understand it being in this position now, but the
19 next officer coming in, I think it needs to be
20 clear in the same building it's allowed to be
21 mixed.
22 MR. ARMSTRONG: So am I
23 getting -- Phyllis and the commission, are you
24 agreeable, it looks like under permitted uses to
25 remove single family detached dwellings?

1 MR. SINCAVAGE: Yes.

2 MS. HAASE: And the semi and the
3 multi family.

4 MR. SINCAVAGE: Wait, wait,
5 wait. It depends on how we define the district,
6 though. There are some R-2 Districts that are
7 going to fall in that.

8 MS. HAASE: Well, what has been
9 presented to me right now is basically the
10 commercial area and that's why I have put some --
11 when we are talking about the eastern end and the
12 western, that's not residential that we're going up
13 to. What was done by Mark Evans, those areas
14 weren't denoted into residential district. That
15 was really the areas on 115 and 940.

16 MR. SINCAVAGE: I'm sorry, they
17 didn't go in residential districts?

18 MS. HAASE: No. But it's not
19 saying that we could not, but if we are strictly
20 staying in the commercial -- now the eastern end,
21 the commercial and commercial industrial, I ask the
22 commission removing single family dwellings.
23 Certainly if there is one current that could
24 continue. So that was one comment I had.

25 Also for this rough draft it

1 speaks to special exceptions for residential
2 conversion, a bed and breakfast, a place of worship
3 and a private organization or community center. I
4 don't know necessarily if that's something we
5 really need to do. If it's a residential
6 conversion it's coming in front of you folks anyway
7 for land development or going from residential to
8 commercial. So making them go through that extra
9 step to the zoning hearing board for special
10 exception, I don't know if that's a necessary
11 additional step that's required.

12 What's your thought, Pat?
13 MR. ARMSTRONG: Like I said,
14 when you come up with the lists, these lists are
15 going to depend upon what the planning commission
16 and what the board wants. I've seen -- these are
17 just common uses that I see on VC District
18 ordinances. It's not to say that you need them,
19 it's just I've seen them before. So if it's not
20 something you think is applicable up here, you
21 know, there's no problem removing it.

22 MS. HAASE: And I have looked at
23 other ones over the last week and Pat is correct,
24 many of them do speak to single family dwellings
25 and do speak to special exceptions. I just know

27

1 the feel of our governing body and the planning
2 commission. We've tried to make things as friendly
3 as possible.

4 MR. ARMSTRONG: I guess the
5 single family detached dwelling that I guess are
6 intended for purposes of the VC is not your typical
7 current subdivision out in the middle of nowhere.
8 It's the traditional village which you don't see
9 much any more. But I guess that's the intent for a
10 lot of the village commercial districts, but, like
11 I said, that's not something that we are looking
12 for here. We are looking for more of a commercial
13 first floor, if anything residential second floor
14 and maybe that's something you don't want in your
15 VC District provisions.

16 MR. SINCAVAGE: What about multi
17 family homes?

18 MS. HAASE: Well, apartments are
19 allowed in a commercial district. We certainly
20 could intergrade apartments into that.

21 MS. LAMBERTON: That being
22 different kind of multi --

23 MR. SINCAVAGE: Townhouses.

24 MS. LAMBERTON: Yeah.

25 MR. McHALE: They're viewed

1 differently, correct?

2 MS. HAASE: Yes, sir.

3 MR. McHALE: In the commercial
4 district.

5 MS. LAMBERTON: Like a townhome,
6 just because of the title.

7 MR. McHALE: You can have
8 apartments in a commercial district, but townhouses
9 you cannot.

10 MS. HAASE: Well, the way our
11 current ordinance -- and initially when I first met
12 with a developer that was interested in a property
13 on the corner that wanted to put apartments in
14 there, and I said that was fine. Townhouses were
15 not. When I went back and researched it, there is
16 a sentence or two in the apartments that does speak
17 to townhouses and condos. So the way it's
18 currently written to this date, yes, it would be.
19 I don't know if that's something that we had
20 changed moving forward.

21 MS. LAMBERTON: Will this
22 overlay supercede our ordinance? Like if we make a
23 special -- right Patrick, isn't that the purpose
24 of --

25 MR. ARMSTRONG: That's the

1 intent.

2 MS. LAMBERTON: So we could do
3 townhomes -- am I understanding --

4 MR. BAXTER: Condo.

5 MS. LAMBERTON: Right. However
6 we want to write it up.

7 MR. SINCAVAGE: Yeah, but I'm
8 asking -- is that what we want to recommend? Is
9 that what we want in there, townhomes?

10 MS. LAMBERTON: That's food for
11 thought. Something to mull over.

12 (At this time Brian Courtright
13 arrived. Off record discussion held.)
14 MR. SINCAVAGE: Back on.
15 MS. HAASE: Another item that I
16 wanted to bring to your attention, I had brought
17 this up when we were going through -- I apologize
18 for this, but it's kind of an elementary little
19 sketch, it was my arts and crafts this afternoon,
20 so I do apologize about that, but when we were
21 reviewing the ordinances I had brought up the fact
22 that we have many lots out in the eastern end that
23 are split zone. And the first page you'll notice
24 200 feet from the line back is commercial. The
25 remainder of the property is commercial industrial.

30

1 On the opposite side of the road is commercial and
2 R-2 Districts. So that's that whole strip on that
3 border. Then on the second page you're out to the
4 far end of the township where it's all commercial
5 industrial which commingles then with R-2. And
6 then there is commercial across the street.

7 MR. BAXTER: But this is not
8 actually zoned commercial.

9 MS. HAASE: Yes, sir. This is
10 commercial here.

11 MR. BAXTER: Okay. That map
12 is not --

13 MS. HAASE: Yes.

14 MR. McHALE: It's the strip
15 right there, the gray one.

16 MS. LAMBERTON: Actually,
17 that'll be an easy one to do.

18 MS. HAASE: That's Sullivan.
19 That's all commercial. So we had talked about
20 possibly looking at running the district down the
21 lot lines and we kind of stopped that discussion,
22 but you are taking away some of the land if certain
23 uses aren't allowed in a commercial industrial
24 district. It's just something to think about.

25 MR. BAXTER: The other thing

1 that exists on some of these lots is that they have
2 residential restrictions from Stillwater Estates.
3 These all came out of that subdivision.

4 MS. HAASE: Some of them did,
5 but really it's almost all developed now
6 commercial. They've allowed commercial on them.

7 MS. LAMBERTON: The ones on 940
8 were all part of Stillwater Estates?

9 MR. BAXTER: They're lots --
10 when people bought originally they just simply
11 asked to be able to have a business on it and it
12 was granted. If they didn't ask they were given
13 residential restrictions. And my understanding
14 from several attorneys was that residential
15 restrictions applied regardless of zoning. It
16 would take all of the owners in the association to
17 allow that deed restriction.

18 MS. HAASE: If there is a deed
19 restriction, yeah, it is written like that.

20 MR. ARMSTRONG: It's a private
21 property, right.

22 MR. BAXTER: But some of the
23 remaining undeveloped ones do have those
24 restrictions. I know the two specifically to the
25 left of the dental facility have residential

1 restrictions. They have not been developed yet.

2 MR. McHALE: Dr. Viechnicki's.

3 MR. BAXTER: Yes.

4 MS. LAMBERTON: Between it and
5 Classic Home? So that's residential.

6 MR. BAXTER: Those have
7 residential restrictions, because we had someone
8 working on them.

9 MS. LAMBERTON: Why do we have
10 it zoned commercial then?

11 MS. HAASE: We have that issue

12 on Hemlock Hill. Hemlock Hill, that corner
13 property is listed in a commercial district,
14 however there is deed restrictions there can be no
15 commercial use. So I've had many individuals come
16 in to speak with me wanting to put a business on
17 their property and yes it meets our qualifications
18 but the only way it can get changed is everyone in
19 Hemlock Hill, in that subdivision, needs to
20 authorize it. And there are a few individuals that
21 said it will never happen. So even though, yes,
22 it's zoned commercially, it still has those
23 restrictions.

24 MR. SINCAVAGE: Doesn't the
25 property owner have to pay commercial taxes on

33

1 them?

2 MS. HAASE: I don't know how
3 they're being taxed.

4 MR. SINCAVAGE: Well, the
5 assessor's office goes by the township zoning,
6 right?

7 MR. ARMSTRONG: If it's a
8 commercial use, the assessment office is probably
9 aware of it.

10 MR. SINCAVAGE: I'm just
11 curious.

12 MS. LAMBERTON: That's a good
13 question.

14 MR. BAXTER: If you went in with
15 your residential restrictions it's a residential
16 use.

17 MR. SINCAVAGE: Right.

18 MS. HAASE: It may change the
19 classification.

20 MR. SINCAVAGE: Right.

21 MR. BAXTER: So if somebody came
22 in there -- here's the other dilemma. Somebody
23 wants to build a house on one of these lots that is
24 restricted to residential use and it's zoned
25 commercial.

1 MR. McHALE: Then you can't put
2 a single family dwelling on it.

3 MS. HAASE: They'd have to come
4 to the township for relief. I have actually
5 discussed that with a few people. And they opted
6 not to do that because it was on 940. But that's
7 just something for you folks to think about that
8 that's just another part of the equation that we
9 should think about, how it would affect --

10 MS. LAMBERTON: How does that
11 work when you have a mixed use, because we're still
12 recognizing residential.

13 MR. ARMSTRONG: For the mixed
14 use, if you look under the mixed use section,
15 there's only those uses permitted in sections.
16 Blank shall be allowed in multiple uses. So I left
17 that blank because you can decide what the multiple
18 uses you want to allow this VC District to be. It
19 sounds like -- is it the consensus that commercial
20 first floor, residential second floor when it's
21 multiple use or do you want to allow a little bit
22 more of a mix in that?

23 I mean you can -- there's
24 different ways to come out with it. You can -- you
25 know, by percentage or by use. There's different

1 ways to split it up.

2 MS. LAMBERTON: I wouldn't be
3 opposed to keeping all the commercial on the first
4 floor or second floor, but if they want to do a
5 mixed use, have the residential on the second. Let
6 the commercial be wherever the property owner would
7 prefer, but residential should at least be on the
8 second floor or higher to keep that walkable --

9 MR. BAXTER: It would preclude
10 any residential on the first floor?

11 MS. LAMBERTON: In my mind

12 that's how I view a village commercial area.
13 MR. SINCAVAGE: What about an
14 apartment building --
15 MS. LAMBERTON: Well then that
16 would be treated differently.
17 MR. ARMSTRONG: That wouldn't be
18 a mixed multi use.
19 MS. LAMBERTON: It would just be
20 an apartment.
21 MR. ARMSTRONG: It would just be
22 an apartment.
23 This specific provision is --
24 MR. SINCAVAGE: That makes
25 sense. You're right.

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1 MR. ARMSTRONG: When you're
2 mixing commercial with --
3 MR. SINCAVAGE: But then can you
4 allow an apartment building right next to a mixed
5 use building?
6 MS. LAMBERTON: You'd have to be
7 able to.
8 MR. SINCAVAGE: You can.
9 MR. ARMSTRONG: If they're both
10 permitted uses in the VC, yes.
11 MS. HAASE: But if you think
12 about it, right now an apartment could go next to a
13 business in a commercial district.
14 MR. SINCAVAGE: Right.
15 MS. LAMBERTON: Okay. That's
16 true.
17 MS. HAASE: It's currently
18 allowed.
19 MR. BAXTER: Are condominiums
20 the same as apartments in terms of what's allowed
21 where?
22 MS. HAASE: The way our
23 ordinance is written currently.
24 MS. LAMBERTON: The only thing
25 that's different is the townhomes.

1 MS. HAASE: The townhomes are
2 part of the apartment definition and I did not
3 realize that.

4 MR. SINCAVAGE: So the only
5 thing that's not allowed is a single family
6 detached --

7 MS. LAMBERTON: Which makes
8 sense. Why would you want a house in the middle
9 of --

10 MR. SINCAVAGE: -- is not
11 allowed in a commercial district.

12 MS. HAASE: That is correct or
13 semi family detached.

14 MR. SINCAVAGE: Or a semi
15 detached.

16 MS. LAMBERTON: What is a semi
17 detached? Kind of sort of detached?

18 MS. HAASE: Kind of sorted.

19 MS. LAMBERTON: Like how is it
20 somewhat attached? Like a breezeway or a --

21 MS. HAASE: Well, right now the
22 definition is more into a duplex. I think the way
23 it was changed when Carson put definitions in, I
24 think that's different. But again you're allowing
25 those uses to continue that are there. It's do you

1 want to take away your taxation for commercial and
2 give it to residential.

3 MS. LAMBERTON: No.

4 MR. SINCAVAGE: Right. We
5 don't.

6 MR. BAXTER: And might we also
7 then would want to look at the densities if we are
8 looking now at opening up uses and mixing
9 commercial and residential, where right now we've
10 got fairly small numbers. For instance, with
11 apartment or unit numbers, that was one of the

12 things on the corner, maybe we look at in the right
13 type of project, however we get this worded, a
14 little bit greater densities.

15 MR. SINCAVAGE: Especially with
16 the central sewer in there.

17 MS. HAASE: What I had mentioned
18 to Rob and Joe prior to the meeting is, going over
19 this now for weeks and weeks and weeks, I'm still
20 having a hard time visualizing the eastern end
21 because it's commercial industrial. I can't work
22 through that.

23 MS. LAMBERTON: But the front
24 section of it is just commercial.

25 MS. HAASE: Commercial

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1 industrial.

2 MR. SINCAVAGE: The far part.

3 MS. HAASE: From the gateway
4 entrance of the township, the eastern end, is all
5 commercial industrial.

6 MS. LAMBERTON: You're talking
7 about the other piece. Why didn't you just say
8 Mount Pocono auction thing.

9 MS. HAASE: That's it, Mount
10 Pocono auction thing. So that's where I'm having a
11 hard time and I know that we had discussions for
12 many, many years about the aesthetics of the
13 building, the color of the building. I know when
14 our previous solicitor was here you had me looking
15 with him whether we can restrict the color and I
16 know the discussion came back unless we had an
17 overlay or historic district we certainly can
18 recommend, we can't demand. I just want to make
19 certain that our intent is still to keep that
20 village feel out there or is it more that we want a
21 certain feel of color or architecture. Because
22 that's different because it's not going to be a
23 walkable area out there.

24 MS. LAMBERTON: No.

25 MR. SINCAVAGE: And you know,

1 with the Kalahari project coming in and possibly
2 Pocono Manor, from what I understand both projects
3 are moving forward --

4 MS. LAMBERTON: We might want to
5 keep village commercial on this side of 380.

6 MS. HAASE: More like starting
7 in Pocono Summit.

8 MR. SINCAVAGE: Just leave that
9 commercial industrial along the interchange, but --

10 MS. LAMBERTON: But can we put
11 some sort of building suggestion?

12 MR. SINCAVAGE: Especially
13 landscaping. I think Kalahari and Pocono Manor
14 will probably do nice landscaping for their
15 projects, I'm sure they will. So can we make the
16 other commercial industrial areas out there --

17 MS. LAMBERTON: Dress it up a
18 little bit.

19 MR. SINCAVAGE: Just dress it
20 up.

21 MS. HAASE: Well, when you take
22 them out of the equation there's not too many lots
23 out there that have not been developed. You have
24 the two lots there in front of the bowling alley.
25 One is being utilized but does not have a structure

1 on it. Then you have a property by Cramer's. So
2 for that stretch, and then you have that little eye
3 brow that's commercial industrial that's across by
4 314. So you don't have a lot of area out there to
5 develop.

6 MR. BAXTER: Well, there's --
7 the Mount Pocono Auto Auction is two separate lots.

8 MS. HAASE: That is correct.

9 The L shaped is the lot that the
10 signage, the billboard is on.

11 MR. BAXTER: Right. So that

12 could still be developed.
13 MS. HAASE: Yes.
14 MR. SINCAVAGE: But there's
15 always been the problem of accessing that site.
16 MS. HAASE: Right.
17 MR. SINCAVAGE: When anybody
18 looks at that site, it's the access.
19 MS. HAASE: Yep. And the answer
20 is yes it could be. Realistically, do I think
21 somebody is going to invest there with the
22 restrictions right now? I don't think you will get
23 an investor to do that.
24 MR. SINCAVAGE: Park.
25 MS. LAMBERTON: When we start

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1 generating some revenue from the taxable product
2 that's coming our way, we will have funds to do
3 some things like that. How nice would that be if
4 that was township property, if we can afford to do
5 it.
6 MR. BAXTER: That'll make all
7 these people happy.
8 MS. LAMBERTON: Oh, they would
9 be thrilled. It's food for thought.
10 MS. HAASE: Does it seem more
11 reasonable that we move more towards Pocono Summit?
12 MR. SINCAVAGE: Can I finish up
13 one thought on that lot? Who owns that lot? Is
14 that still owned by Harding?
15 MS. HAASE: No. A doctor from
16 Scranton area, Dr. Wesmar (phonetic).
17 MR. SINCAVAGE: I was just
18 curious.
19 MS. HAASE: Okay. So it just
20 seems more appropriate that we move into Pocono
21 Summit if we're going to get that neighborhood
22 district kind of feel.
23 MR. SINCAVAGE: Yes.
24 MS. HAASE: Now the difference
25 too in the two areas is one is central and one is

1 on lot. So we're going to have to look at
2 different specs for that as well.

3 MR. SINCAVAGE: Right.

4 MR. ARMSTRONG: Did I have
5 something here with sanitary sewers?

6 MR. SINCAVAGE: Yeah, you did,
7 because out in this area -- that was my other
8 question. Is the sewer line that's going to go to
9 Kalahari and Pocono Manor is that going to be made
10 available in that area?

11 MS. HAASE: Currently, no.

12 MR. SINCAVAGE: So this area
13 that we're looking at on this map would require on
14 lot systems.

15 MS. HAASE: At this time, yes.

16 MR. ARMSTRONG: And the
17 provision I put in there is that if they are to be
18 served by on lot they are to be served by on lot
19 water and sewer only until such time as the public
20 sewer and public water is available.

21 MR. SINCAVAGE: But we can't
22 increase the density out there. It's really
23 restricted by what you can do on site there. What
24 was that one project that they were doing the rain
25 garden on the roof?

1 MS. HAASE: Shikhman?

2 Yeah. We are going to have a
3 submittal for Dollar General going on that site.

4 MR. SINCAVAGE: Yeah, but wasn't
5 there a problem with the sewer there? I mean, they
6 were looking all over the place --

7 MS. HAASE: Infiltration there
8 was a problem.

9 MR. SINCAVAGE: -- to try to
10 find a place to infiltrate.

11 MS. HAASE: They feel they can

12 meet the requirements.
13 MR. McHALE: And they had to
14 have a backup.
15 MR. SINCAVAGE: Yeah, and they
16 have to have a backup for commercial.
17 MS. HAASE: So now if we're
18 looking at the Pocono Summit area, again being
19 realistic, the majority of those lots again are
20 already developed.
21 MR. SINCAVAGE: Right. Yes.
22 MS. HAASE: So I know the
23 feeling was we were going to have the two gateways
24 and then central, but then when you start breaking
25 this apart how realistic is this?

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1 MS. LAMBERTON: I'm still stuck
2 on the moss on the roof. I just have a problem
3 with that. I'm thinking would you want to live
4 under it?
5 MS. HAASE: A lot of discussions
6 today about moss, right?
7 MR. McHALE: I think the
8 Tobyhanna Army Depot is utilizing those green roofs
9 as I understood. It's supposed to keep the
10 buildings cooler. One of the reasons they used
11 that was because of stormwater issues on the lot.
12 They didn't have infiltration capacity.
13 MS. HAASE: So that's where I'm
14 saying I've been trying to break this down of what
15 really is realistic.
16 MR. SINCAVAGE: The other thing
17 I wanted to bring up was -- did you have anything
18 else, Phyllis that you wanted to bring up at this
19 time?
20 MS. HAASE: Just one more thing.
21 MR. SINCAVAGE: Yeah, go ahead.
22 MS. HAASE: Our intent of all
23 this was certainly to improve Tobyhanna Township
24 and I'm just going to run something past you folks
25 and hopefully I get your support. I'm going to run

1 it past the supervisors on Monday. Surprise.

2 What I would like to propose is
3 that in our gateways right now that we search for a
4 small portion of someone's property that they will
5 allow us to put some type of a signage, some
6 landscaping, welcome to Tobyhanna Township, our
7 beautiful area, however we want to word that and at
8 least getting a welcoming stance coming in to the
9 township of our gateways. The intent was to
10 improve our gateways. This is going to take years
11 to do. We can accomplish something this year by at
12 least getting a welcoming feel for our tourists
13 that are coming into our area. So I just wanted to
14 run past the planning commission and something I'd
15 like to run past the board as well.

16 MR. SINCAVAGE: This board
17 talked about that years ago and it was just that
18 the funding wasn't there.

19 MS. HAASE: Okay.

20 MR. SINCAVAGE: That's why we
21 just never really made it happen.

22 MS. HAASE: If I could find a
23 way to make the funding happen or get support from
24 the board is the commission acceptable with that?

25 MR. SINCAVAGE: The commission

1 was ready to move forward -- we were ready to move
2 forward with it, but the supervisors were --

3 MS. LAMBERTON: A nice monument
4 sign.

5 MR. SINCAVAGE: Exactly. The
6 one in Blakeslee is there, you know, that was put
7 up by the Top O Mountain Rotary.

8 MS. HAASE: I thought that would
9 be a good example for the monument. I have to
10 think how we're going to make that work because on
11 some of the road systems, of course the elevation

12 is much different from the road, like Cramer area,
13 it's sunk down. So I don't know if a monument sign
14 is going to work. But I have a couple properties
15 right now I'm thinking about. If I get the go
16 ahead from the board, then I'll speak to Pat on how
17 we achieve some type of agreement with these
18 property owners if need be.

19 MR. ARMSTRONG: I'm assuming the
20 township doesn't own any open space or anything
21 anywhere in those areas?

22 MS. HAASE: Not directly in
23 those areas, but I have --

24 MR. ARMSTRONG: So you're
25 looking for a property owner with like frontage

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1 along 940 and 115.

2 MS. HAASE: And 115 that would
3 give us like, you know --

4 MR. ARMSTRONG: Yeah. It would
5 be like -- basically it would just be a very small
6 little easement type agreement.

7 MS. HAASE: Right.

8 MR. SINCAVAGE: I think you can
9 keep it down by the hotel, I think you could work
10 with the Rotary.

11 MS. HAASE: I have a couple land
12 owners that I think --

13 MR. SINCAVAGE: I think we'd go
14 along with that. You should let the Rotary do it
15 and there's no need for a formal agreement.

16 MS. HAASE: Yep. Out at the
17 eastern end there is a parcel of land the Pocono
18 Manor owns on the right side coming into Tobyhanna
19 Township, so that's certainly a possibility that I
20 could hit Mr. Bailey up or Mr. Cahill.

21 MR. SINCAVAGE: What about
22 115 --

23 MS. LAMBERTON: On the right
24 side?

25 MS. HAASE: Yes.

1 MS. LAMBERTON: By Stillwater.

2 MS. HAASE: Before Stillwater.

3 It's actually -- I just found this the other day.

4 It's actually this long parcel in here across the
5 street.

6 MS. LAMBERTON: Okay.

7 MS. HAASE: And that will be a
8 great location for us because it's just past that
9 overpass there. We've got the Blakeslee Inn,
10 they've got that vacant lot, I thought possibly
11 that might be a possibility. We also have our pump
12 station close to there, that's our property. We
13 want to make certain it's a nice looking -- so
14 that's a possibility. I can feel that out.

15 MR. McHALE: Welcome to
16 Tobyhanna Township and our pump station.

17 (Inaudible group discussion.)

18 MS. HAASE: We have to be
19 cautious about that one.

20 MR. SINCAVAGE: How about 115
21 towards Wilkes-Barre.

22 MS. HAASE: Starting like the
23 New Venture area?

24 MR. SINCAVAGE: No, no.

25 MR. McHALE: As you cross the

1 Lehigh River there's an area there where the people
2 turn off to park cars and fish and things right
3 there, that might even be township.

4 MS. HAASE: I'm not certain who
5 owns that but I'm certain that's a good area for us
6 to start to scout around, but as long as the
7 commission is happy about it, then it's something
8 that I'll move forward with the board.

9 MR. SINCAVAGE: I would be
10 thrilled. So many other townships have it and
11 communities have it.

12 MR. McHALE: Mountain Pocono has
13 a clock as you face 196 and 611 on the back side of
14 the Bill's grocery -- not grocery, gas station. It
15 looks nice.

16 MS. LAMBERTON: That does look
17 nice.

18 MR. SINCAVAGE: You can put a
19 clock tower there.

20 MS. LAMBERTON: I'm actually
21 thinking Dr. Wesmar, but that sits low. We'd have
22 to --

23 MR. SINCAVAGE: Clock tower,
24 welcome to Tobyhanna Township.

25 MS. LAMBERTON: I like the

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1 tower.

2 MS. SINCAVAGE: Did you have
3 anything else, Phyllis?

4 MS. HAASE: No, sir.

5 MR. SINCAVAGE: Bob brought this
6 up. It's a town center book from the Monroe
7 County -- Montgomery County Planning Commission.
8 It kind of follows with our Village Center idea.

9 MR. McHALE: It contains a model
10 ordinance also. I'll email that to you all.

11 MR. SINCAVAGE: Monroe County
12 doesn't have this?

13 MR. McHALE: I don't know.

14 MS. HAASE: I reached out to
15 Christine at the county and asked her where they
16 were at with the model ordinance. What they are
17 using is Chestnuthill Township. What they are
18 putting together at this time will be their model
19 ordinance for the county. They're still working on
20 it. It's in draft form.

21 MR. SINCAVAGE: That's been a
22 while.

23 MS. HAASE: Yes. It has not
24 been moving forward too quickly.

25 MR. McHALE: One thing that the

1 commission may want to consider with this style is
2 if you just thumb through the model ordinance
3 section of it which is towards the middle to the
4 end, it has in the center column -- there's three
5 columns. In the center it pretty much identifies
6 the design standards or the criteria of the
7 ordinance itself. And on the left hand side you
8 can put pictures like out of our Village of
9 Blakeslee master plan or you can have schematics or
10 whatever to help further define what you're looking
11 for or you can have two columns of -- if you want
12 to have a third for commentary, you can do that as
13 well. But the county provides the right hand
14 column for their comments to kind of elaborate on a
15 few things. But I'll email that to you all. It's
16 something to think about.

17 MR. SINCAVAGE: Just a general
18 question before we go off. Is this something that
19 the supervisors want us to move forward on?

20 MS. LAMBERTON: Oh, I believe
21 so, it's my understanding, because with development
22 coming, we want to look at it now and not do, would
23 have, could have, should have.

24 MR. SINCAVAGE: Okay. Anything
25 else to come before the commission?

1 MS. HAASE: No, sir.

2 MR. ARMSTRONG: Well, should I
3 hold off on doing anything further? You're going
4 to look at the Montgomery County.

5 MS. LAMBERTON: Yes and maybe
6 have some suggestions.

7 MR. SINCAVAGE: Let's digest
8 Montgomery County --

9 MS. LAMBERTON: I agree.

10 MR. SINCAVAGE: -- comments. I
11 don't know if you all had a chance to read through

12 Pat's starting points.

13 MS. LAMBERTON: I did not. I
14 apologize.

15 MR. SINCAVAGE: All right. So
16 let's do that for the next meeting, which will be
17 July the 11th. So that gives us like 5 weeks. If
18 we don't have anything on the agenda we'll still
19 meet and just discuss that.

20 MS. LAMBERTON: I agree.

21 MR. SINCAVAGE: We stand
22 adjourned. Thank you.

23 (Meeting concluded at 6:13 p.m.)

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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

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JOSEPHINE HOLLMAN, C.R.

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Before

THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

In Re: Regular Meeting/Special Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania, 18350
Monday, July 1, 2013, beginning at 6:04 p.m.

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

ROBERT McHALE, P.E.,
Township Engineer

ALSO PRESENT: Phyllis Haase, Zoning Officer

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

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1 MR. SINCAVAGE: Okay. I'm going
2 to call the special meeting of the Tobyhanna
3 Township Planning Commission to order for July 1,
4 2013. The item on our agenda is to consider the
5 Jack Williams special exception. We received a
6 memorandum from our solicitor, Pat Armstrong.

7 To get us started, I believe
8 you, gentlemen, submitted a letter addressing
9 the --

10 MR. MILLER: Yep.

11 MR. SINCAVAGE: -- motor vehicle
12 service station, Paragraph 155 dash 88 saying that
13 you would comply with all of the requirements or
14 most of them.

15 I just want to know what you

16 would not be complying with.

17 MR. DAVID SUTTON: As far as the
18 requirements go, we comply with all the
19 requirements. We're asking for a waiver on some of
20 the items that were required on a site plan,
21 because it's an existing facility.

22 MR. SINCAVAGE: So they're -- go
23 ahead.

24 MS. HAASE: They do meet the
25 requirements of the ordinance and what David stated

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1 was correct. What they have utilized is the 84
2 Lumber site, they took a snapshot using it as an as
3 built. So there's some items that call out in that
4 section of the code for specific details that
5 really is not going to pertain to them, they're not
6 doing any change to the building. This is going to
7 be a temporary site for four to the five months.
8 So there's no proposed changes.

9 The only item that they will
10 need to address, the drive coming into the site

11 currently is one way, so that is going to be
12 changed now back to a two way traffic.

13 MR. SINCAVAGE: Um-hum.

14 MS. HAASE: So it's just some
15 markings in the parking lot for directing traffic.
16 That's the only thing that's going to be changing.

17 MR. SINCAVAGE: Okay.

18 MS. HAASE: And it's my
19 understanding they're looking at probably four and
20 a half to five months for a rebuild.

21 MR. SINCAVAGE: So do we have a
22 written request of the waivers?

23 MR. DAVID SUTTON: It was on the
24 application.

25 MS. HAASE: Yes. That is

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1 actually something that's been sent over the zoning
2 hearing board.

3 MR. SINCAVAGE: Okay.

4 MS. HAASE: So it's more the use
5 that's being reviewed by --

6 MR. SINCAVAGE: So their
7 request's to the zoning, not to the --

8 MS. HAASE: Correct.

9 MR. SINCAVAGE: -- SALDO.

10 MS. HAASE: Yes, the zoning
11 hearing board, that's correct.

12 MR. SINCAVAGE: Okay. So we
13 really don't have any input on that. The only
14 other item that was brought up was meeting the
15 requirement --

16 (Ms. Lamberton entered the
17 room.)

18 MR. SINCAVAGE: Hi, Annie.

19 MS. LAMBERTON: Hi. Sorry,
20 gentlemen, I'm late.

21 MR. SINCAVAGE: -- was the
22 building code issues, was that going to be brought
23 up with Bureau Veritas?

24 MS. HAASE: Bureau Veritas is in
25 the process of reviewing the plans.

1 MS. LAMBERTON: What do they
2 need from us? Can we help in any way? I know
3 we're kind of just you giving our blessing.

4 MR. SINCAVAGE: Yes,
5 basically.

6 MR. SCOTT WILLIAMS: That helps.

7 MS. LAMBERTON: No worries.

8 MS. HAASE: Bill Burton took the
9 plans with him a few minutes ago.

10 MR. SINCAVAGE: Okay.

11 MS. HAASE: So he will be
12 reviewing them this coming week. What they're
13 going to be doing is bringing in portable lifts. I
14 have authorized them to install the lifts once it's
15 been approved by Bill Burton. They technically
16 would be able to sell the tires and install them
17 without the approval of the zoning hearing board
18 because that's considered retail, that's not
19 mechanical work on the engine.

20 MR. MILLER: Yeah.

21 MS. HAASE: But they would like
22 to pursue with the permission of the planning
23 commission, of the zoning hearing board to do also

24 engine repair work until their facility is rebuilt.

25 So that is why they're going for the special

6

1 exception.

2 MR. DAVID SUTTON: You really

3 don't get into a lot of engine repair work --

4 MR. SINCAVAGE: No.

5 MR. DAVID SUTTON: -- but

6 changing brakes is considered repair work, a tie

7 rod end is vehicle repair work; and according to

8 the zoning ordinance any repair work in that zoning

9 district requires a special exception. And I -- I

10 don't want to jump in on you --

11 MS. HAASE: No, go right ahead.

12 MR. DAVID SUTTON: -- Phyllis,

13 but I happen to be involved in a township myself.

14 The planning commission has to -- on anything like

15 this that goes to the zoning hearing board, they

16 have to ask for comments from the planning

17 commission.

18 MR. SINCAVAGE: Um-hum.

19 MS. HAASE: Um-hum.

20 MR. DAVID SUTTON: That's why
21 we're here.

22 MR. SINCAVAGE: Um-hum.

23 MS. LAMBERTON: My comments are
24 to help you get into business, absolutely I feel --

25 MR. DAVID SUTTON: We appreciate

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1 that.

2 MS. LAMBERTON: If our township
3 could help, I'd be more than willing to.

4 MS. HAASE: The supervisors have
5 submitted a letter of support for the project.

6 MS. LAMBERTON: Yes.

7 MS. HAASE: They are aware that
8 there will be certain requests for waivers for
9 their site plan through zoning, they're
10 acceptable -- they're acceptable to the changes, as
11 well as the use to move forward with that.

12 MR. SINCAVAGE: Any questions
13 from the commission? Further comment?

14 MR. MILLER: No. Seems like a
15 no-brainer to me.

16 MS. LAMBERTON: Exactly, being
17 neighborly. Maybe we can bring them over, you
18 know, to Toby for good.

19 MS. RINEHIMER: Well, we're
20 getting closer.

21 MR. SCOTT WILLIAMS: You never
22 know. You might.

23 MS. LAMBERTON: We'd love to see
24 a Jack Williams in Tobyhanna Township.

25 MS. RINEHIMER: Just watch the

8

1 gate once --

2 MR. DAVID SUTTON: Give them
3 access -- give them access off of 940 --

4 MS. LAMBERTON: That's right,
5 yeah.

6 MR. DAVID SUTTON: -- that might
7 be a possibility.

8 MR. SCOTT WILLIAMS: Right.

9 Presentable.

10 I think the question is, so
11 you've authorized us to install the lifts so we can
12 pick vehicles up and we'd also install tire
13 changers and balancers, all that is portable, it
14 just plugs into the wall.

15 MR. MILLER: Yeah.

16 MR. SCOTT WILLIAMS: But I'm
17 understanding we need a permit for the electrical
18 that we have to install to all that equipment.

19 MS. HAASE: You're still going
20 to need recommendation from the
21 planning commission, approval from the zoning
22 hearing board to move forward with the oil changes,
23 move forward with the brake repairs, et cetera.

24 MR. SCOTT WILLIAMS: Right.

25 MS. HAASE: And that's what's

9

1 going to occur on Wednesday. That's in front of
2 the zoning hearing board.

3 MS. LAMBERTON: Is that this

4 Wednesday?

5 MS. HAASE: Next.

6 MS. LAMBERTON: The next one.

7 All right. I'll be out the 4th to the 10th.

8 MR. DAVID SUTTON: The tenth.

9 MS. HAASE: In the interim, you
10 are allowed to bring the lifts in, to begin to set
11 them up once that's been approved by Bill Burton.

12 MR. SCOTT WILLIAMS: Okay.

13 MR. DAVID SUTTON: And they can
14 start the electrical as long as he says --

15 MS. HAASE: Correct.

16 MR. DAVID SUTTON: -- it's okay.

17 All right.

18 MR. SCOTT WILLIAMS: And that's
19 whenever he says it's okay?

20 MR. MILLER: Right. Um-hum.

21 MR. SINCAVAGE: The electrical
22 was all enforced with Bureau Veritas. We don't get
23 involved with the building issues, electrical --

24 MR. SCOTT WILLIAMS: There's no
25 waiting period? I mean, once he approves the

1 plans, we can just pull the permit and that's it?

2 MS. HAASE: For the electrical,
3 yes, that's correct.

4 MR. DAVID SUTTON: Good.

5 MR. SCOTT WILLIAMS: That will
6 at least get us started and in business with --

7 MR. MILLER: Um-hum.

8 MS. LAMBERTON: Working.

9 MR. SINCAVAGE: Any other
10 questions from the applicant?

11 MR. SCOTT WILLIAMS: I don't
12 think so.

13 MR. SINCAVAGE: Okay. So I'll
14 entertain a motion to recommend to the zoning
15 hearing board that they accept the special
16 exception for the motor vehicle service station for
17 Jack Williams Tire, contingent upon them applying
18 with all requirements of Section 155 dash 88 and
19 with building code requirements --

20 MS. LAMBERTON: So moved.

21 MR. SINCAVAGE: -- of Bureau

22 Veritas.

23 MS. LAMBERTON: So moved.

24 MR. SINCAVAGE: I have a motion.

25 Do I have a second to the motion?

11

1 MR. MILLER: Second.

2 MR. SINCAVAGE: Motion and

3 seconded.

4 All in favor, please say aye?

5 THE BOARD: Aye.

6 MR. SINCAVAGE: Anything else?

7 MR. DAVID SUTTON: Thank you.

8 MR. SCOTT WILLIAMS: Thank you.

9 MS. LAMBERTON: Can we -- can we

10 go to the meeting and show support or does that

11 help at all? I don't know. I've never been to a

12 zoning hearing.

13 MS. HAASE: Actually the

14 supervisors did send over a letter of support,

15 so we should be --

16 MS. LAMBERTON: We're okay?

17 MS. HAASE: -- pretty good.
18 MS. LAMBERTON: All right.
19 MS. HAASE: But certainly if you
20 would like to --
21 MS. LAMBERTON: Let us know if
22 we can help.
23 MS. HAASE: -- participate, that
24 would be fine.
25 MR. SCOTT WILLIAMS: That's a

12

1 week Wednesday?
2 MR. DAVID SUTTON: It's on the
3 10th, at five o'clock.
4 MS. HAASE: 5:30, I believe, 5
5 or 5:00 -- 5 or 5:30.
6 MR. DAVID SUTTON: I'll be here
7 at five o'clock.
8 MS. HAASE: We'll double-check
9 on that one for you.
10 MS. LAMBERTON: Well, good luck.
11

24 MR. SINCAVAGE: Is there anything else

--

25 MS. LAMBERTON: That's okay

13

1 MR. SINCAVAGE: -- that comes

2 before the board?

3 MS. HAASE: Yes --

4 MR. DAVID SUTTON: You gotta

5 wait till the meeting's adjourned.

6 MS. HAASE: We do need to

7 discuss the visioning --

8 MR. SINCAVAGE: Yes.

9 MS. HAASE: -- as well.

10 MR. SINCAVAGE: Yes.

11 MS. HAASE: As we briefly --

12 MR. SINCAVAGE: Gentlemen, we're

13 through with you.

14 MS. LAMBERTON: Yeah.

15 MR. SCOTT WILLIAMS: Okay.

16 MS. LAMBERTON: Yeah.

17 MR. SINCAVAGE: You're

18 welcome --

19 MR. SCOTT WILLIAMS: Can we go?

20 MR. SINCAVAGE: -- to stay --

21 MR. DAVID SUTTON: Yeah, we're
22 good.

23 MR. SINCAVAGE: -- if you want
24 to listen to us, stay --

25 MR. SCOTT WILLIAMS: Okay.

14

1 MR. SINCAVAGE: -- and talk
2 but --

3 MR. SCOTT WILLIAMS: Okay. I
4 think -- we'll -- we'll bail.

5 MS. LAMBERTON: Yeah.

6 MR. SINCAVAGE: Okay.

7 MS. HAASE: We look forward
8 to --

9 MS. LAMBERTON: And Bill was
10 here tonight.

11 MR. DAVID SUTTON: Good night,
12 fellas, I appreciate --

13 MS. LAMBERTON: Good luck, guys.

14 MR. SCOTT WILLIAMS: Thank you.

15 Okay.

16 MR. DAVID SUTTON: You're

17 great --

18 MS. LAMBERTON: Let us know if

19 we can do anything.

20 MR. SINCAVAGE: Yep, definitely.

21 MR. SCOTT WILLIAMS: Okay.

22 MS. LAMBERTON: All right, guys.

23 MR. SCOTT WILLIAMS: Okay.

24 MS. LAMBERTON: Nice to see you.

25 MR. SCOTT WILLIAMS: Nice

15

1 meeting you.

2 MR. SINCAVAGE: Thank you. See

3 ya.

4 MS. LAMBERTON: Good to see ya.

5 Bye-bye. Take care.

6 MS. HAASE: As we briefly

7 discussed out in the hallway, I spoke to the

8 supervisors and it definitely seems to be a

9 different direction that not just this group, per

10 se, and the board, but individuals on both are
11 going; so I think it's really important that we
12 kind of sit down and figure out exactly what
13 direction we're looking at.

14 It was recommended that we
15 schedule a joint meeting to go over what your
16 vision is and also what the board is and then come
17 to some agreement so we can get some prices for
18 some planners to come in and give us some quotes.
19 If maybe we could have like maybe three or four
20 days and then I can shoot it over to the
21 supervisors and find a time that everybody's in
22 agreement, I don't know what your schedule looks
23 like or do you have any vacations planned?

24 MS. LAMBERTON: I'm better at
25 the end of the month. I mean, most of my things

16

1 are the first week or two of each month.

2 Do you find that, Mark, or --

3 MR. SINCAVAGE: Um-hum.

4 MS. LAMBERTON: So we --

5 MR. SINCAVAGE: No, my subs --

6 MS. LAMBERTON: Wait, you're all
7 month.

8 MS. HAASE: Till the 27th?

9 MS. RINEHIMER: Yeah.

10 MR. MILLER: What day is that?

11 MS. HAASE: Well, the 27th is a
12 Saturday.

13 MS. RINEHIMER: Yeah.

14 MS. HAASE: So I don't think
15 that's -- I can tell you that's probably not going
16 to be because you're coming back.

17 MS. RINEHIMER: That's when I
18 come back --

19 MS. LAMBERTON: Oh.

20 MS. RINEHIMER: -- so after that
21 I'm clear --

22 MS. LAMBERTON: Okay.

23 MS. RINEHIMER: We take two,
24 we're gone for --

25 MS. LAMBERTON: So let's do the

1 30th; Tuesday, the 30th, and the 31st.

2 Is that good with you guys?

3 MS. RINEHIMER: That works for
4 me, that wouldn't be bad.

5 MS. LAMBERTON: Yeah, Monday
6 night the 29th I have COG; so Tuesday and Wednesday
7 I'm open.

8 MS. RINEHIMER: Okay.

9 MS. LAMBERTON: And then the
10 next would be our PC meeting.

11 Why don't they come to our PC
12 meeting?

13 MR. SINCAVAGE: Well, we have a
14 PC meeting scheduled for next week, which I haven't
15 cancelled yet because I wanted to talk --

16 MS. LAMBERTON: Do you want to
17 do that?

18 MS. RINEHIMER: That's --

19 MS. LAMBERTON: Let's combine --
20 well, see what they're up to, those people, you
21 know, that other board.

22 MR. SINCAVAGE: Right.

23 MS. HAASE: You know, that sums
24 it up.

25 So how about I first extend an

18

1 invitation for the 11th? I believe --

2 MR. SINCAVAGE: 5:30.

3 MS. LAMBERTON: Okay.

4 MR. SINCAVAGE: 5:30.

5 MS. LAMBERTON: Yeah, that'll
6 work, yeah.

7 MS. HAASE: That works. If
8 not --

9 MS. LAMBERTON: Are you still
10 here, Patty --

11 MS. HAASE: -- the 31st --

12 MS. LAMBERTON: -- or --

13 MS. RINEHIMER: Yeah, I don't
14 leave until the 13th.

15 MS. LAMBERTON: Okay.

16 MS. RINEHIMER: I'm here for
17 that one.

18 MS. LAMBERTON: Okay.
19 MS. HAASE: Then if that doesn't
20 work with the supervisors, then the 30th or 31st?
21 MS. LAMBERTON: Then the 30 or
22 31st, yeah.
23 MS. HAASE: What time?
24 MS. LAMBERTON: That way Patty's
25 home.

19

1 MS. HAASE: What time, still 5
2 or 5:30?
3 MR. SINCAVAGE: 5:30 okay?
4 MS. LAMBERTON: That actually
5 works.
6 MR. SINCAVAGE: Okay.
7 MS. LAMBERTON: Yeah, because
8 then we're not here so late.
9 MR. SINCAVAGE: Right.
10 MS. LAMBERTON: But you've got
11 to give me time, you know, at least 10 minutes --
12 MR. SINCAVAGE: Right.

13 MS. LAMBERTON: -- to get up
14 here from Stroudsburg.

15 Don't put that on there either.
16 Did you see Joe's face? He's
17 like, ten minutes from Stroudsburg?

18 MS. RINEHIMER: Yeah, pretty
19 much --

20 MS. LAMBERTON: And that's not a
21 helicopter, Joe.

22 But let me -- can I just say the
23 main thing I think that everybody was kind of
24 looking at as differences? Like I consider
25 Blakeslee way different than 940 and Pocono Summit,

20

1 because when Phyllis showed us those maps and
2 showed us how they were all sectioned with -- I
3 think that's going to have a whole different idea
4 with design.

5 MR. SINCAVAGE: Yes.

6 MS. LAMBERTON: You know? Maybe
7 we do just want to look at just like a streetscape

8 there --

9 MS. RINEHIMER: Um-hum.

10 MS. LAMBERTON: -- and not maybe
11 make it so village commercial and leave that for
12 out in Blakeslee.

13 MR. SINCAVAGE: Yeah, I --

14 MS. LAMBERTON: You know, just
15 to get something off the ground quickly out there,
16 and, you know, when Kalahari, if they kick in, and
17 we could at least get a little bit of a sidewalk
18 walkability at least up past All Angles or
19 something.

20 MR. MILLER: How is that
21 Kalahari doing, by the way?

22 MS. LAMBERTON: We're working on
23 it.

24 MR. MILLER: Is it --

25 MS. LAMBERTON: We're working on

21

1 it.

2 MR. MILLER: Is it moving?

3 MS. LAMBERTON: One or two
4 little hurdles and we're getting there. But
5 we're -- we're -- we're making some good strides.

6 MR. MILLER: Are they gonna
7 start digging ground this summer?

8 MS. LAMBERTON: I'm hoping July.
9 I'm hoping July.

10 MR. SINCAVAGE: That's today.

11 MS. LAMBERTON: The next July.

12 The next day in July. No, maybe the end of July,
13 beginning of August is seriously what their goal
14 is.

15 MR. SINCAVAGE: That's what
16 their goal is.

17 MS. LAMBERTON: Um-hum, so --
18 and if everything goes well that very well could
19 happen, so, put some people to work immediately.

20 (Mr. McHale entered the room.)

21 MR. SINCAVAGE: Well, going back
22 to the visioning, on your attachment there, is what
23 I sent to Phyllis. I copied you all in on it too,
24 on what I was looking for in a consultant, and
25 maybe I will -- overreached --

1 MS. HAASE: Well --

2 MS. LAMBERTON: I remember that

3 e-mail.

4 MS. HAASE: -- I don't know

5 because everybody has different opinions on this,

6 of what they want.

7 MR. SINCAVAGE: I'm sorry, say

8 that again?

9 MS. HAASE: Everyone does

10 have -- seem to have different opinions --

11 MR. SINCAVAGE: Right.

12 MS. HAASE: -- about the course

13 they'd like to take.

14 MR. SINCAVAGE: We've got to

15 come to a consensus.

16 MS. LAMBERTON: Um-hum.

17 MR. SINCAVAGE: So being as we

18 can't hire a consultant without having some sort

19 of --

20 MS. HAASE: Exactly.

21 MR. SINCAVAGE: -- goal.

22 MS. LAMBERTON: Right. Or a
23 path for them to at least design for us.

24 MR. SINCAVAGE: Right.

25 MS. HAASE: I have reached out

23

1 to a few individuals.

2 MS. LAMBERTON: Excuse me.

3 MS. HAASE: Mark Evans, who was
4 in previously, he's interested in coming in to
5 speak with us. It sounds like he wants to recreate
6 what we already did out in Blakeslee, the whole
7 meetings and the -- the woman from Lower Macungie
8 Township, Sara Pandi, she was great to talk to, had
9 really a nice personality; however, she is a full
10 time employee of the township and she said she
11 doesn't really think that her schedule is going to
12 be able to allow her to come in to work with us.

13 MR. SINCAVAGE: So would she be
14 able --

15 MR. McHALE: Is she the one that

16 Pat had recommended?

17 MS. HAASE: Yes.

18 MS. LAMBERTON: Yeah.

19 MS. HAASE: But she did say once

20 we have an idea of exactly what we're looking for,

21 to send it over to her and she will take a look at

22 it. But she had a great personality.

23 MR. SINCAVAGE: Could she

24 recommend anyone?

25 MS. HAASE: She did not.

24

1 MS. LAMBERTON: Who worked with

2 her?

3 MS. HAASE: Pat. Pat actually

4 recommended her.

5 MS. LAMBERTON: I mean --

6 MR. McHALE: Pat Armstrong.

7 MS. LAMBERTON: Our Pat --

8 MR. McHALE: Pat Armstrong.

9 MS. LAMBERTON: -- worked with

10 her to do the design --

11 MS. HAASE: That he didn't --
12 MS. LAMBERTON: -- or just
13 ordinance, maybe?
14 MS. HAASE: That he didn't say.
15 MS. LAMBERTON: He didn't say.
16 Okay.
17 MS. HAASE: We were discussing
18 it that evening --
19 MS. LAMBERTON: That might be
20 something we could look into. Maybe there's
21 somebody there that worked with her --
22 MS. HAASE: Um-hum.
23 MS. LAMBERTON: -- that might
24 have some --
25 MS. HAASE: He had just thrown

25

1 her --
2 MS. LAMBERTON: Okay.
3 MS. HAASE: -- name out.
4 MS. LAMBERTON: Okay.
5 MR. McHALE: Thinking that she

6 might subconsult.

7 MR. SINCAVAGE: Right.

8 MS. LAMBERTON: Right.

9 MR. SINCAVAGE: Anyone else?

10 MS. LAMBERTON: Yeah.

11 MS. HAASE: Those were the -- I

12 did have another gentleman that I reached out to.

13 He did not return my phone call.

14 MR. SINCAVAGE: Did you check

15 with the Monroe County Planning Commission?

16 MS. HAASE: I did speak to

17 Christine.

18 MR. SINCAVAGE: Um-hum.

19 MS. HAASE: I asked Christine if

20 there's any direction that she could send us.

21 Basically what they're working off is an ordinance

22 from Chestnut Township -- Chestnuthill, and that's

23 what they're using.

24 MR. SINCAVAGE: Who did theirs?

25 Who did Chestnuthill?

1 MS. HAASE: I'd have to look at
2 actually who put it together. I don't think it --
3 I think Carson may have had his hands in it --

4 MR. SINCAVAGE: Right.

5 MS. HAASE: -- but I don't
6 think --

7 MS. LAMBERTON: That just --

8 MS. HAASE: -- that he --

9 MS. LAMBERTON: -- gave me the
10 chills.

11 MS. HAASE: -- was the final
12 decision on these.

13 MR. SINCAVAGE: I know.

14 MS. HAASE: (Inaudible).

15 MS. LAMBERTON: There was a
16 little shock there. Do you feel that down there?

17 MS. RINEHIMER: I think we did
18 that too.

19 MS. LAMBERTON: I can't do that.

20 MR. SINCAVAGE: No, we can't.

21 MS. LAMBERTON: Okay, good.

22 MR. SINCAVAGE: We're not doing
23 that, uh-uh. I'm not doing that.

24 MS. LAMBERTON: Well, you

25 know --

27

1 MS. HAASE: So --

2 MS. LAMBERTON: -- if we find

3 something -- I'm sorry, I didn't mean to talk over

4 you -- the -- if we find an area like -- Bob, what

5 did we go back to? What was the name of that

6 township?

7 MR. SINCAVAGE: Montgomery?

8 MS. LAMBERTON: No.

9 MR. McHALE: Manor Township.

10 MS. LAMBERTON: Manor Township.

11 MR. SINCAVAGE: Manor.

12 MS. LAMBERTON: I said maybe we

13 need to --

14 MR. McHALE: Oh, I didn't think

15 of that. We could look for a consultant --

16 MS. LAMBERTON: From there who

17 designed them.

18 MR. McHALE: And there's

19 several --

20 MS. LAMBERTON: Because --

21 MR. McHALE: -- around that

22 Lancaster area that are very, very good.

23 MS. LAMBERTON: Yeah. Maybe

24 that might be an avenue for it.

25 MR. McHALE: All right.

28

1 MS. HAASE: Okay.

2 MR. McHALE: Check with Manor

3 Township.

4 MS. LAMBERTON: Yeah. Because

5 we --

6 MR. McHALE: Sandy Kime --

7 MS. LAMBERTON: Pulled a lot of

8 things --

9 MR. McHALE: -- comes to mind.

10 MS. LAMBERTON: -- from them

11 that everybody seemed very amicable about --

12 MR. McHALE: Um-hum.

13 MS. LAMBERTON: -- and the look,

14 and they went from nothing, like from a starving
15 economic development standpoint to a very nicely
16 built, thriving commercial -- village commercial
17 district, so, I mean, if that's what we want to
18 achieve, that's who we should be looking at, people
19 like that, that designed that.

20 MS. HAASE: If it's acceptable
21 for your folks, I think the first thing probably
22 should occur is we find out at this joint meeting
23 what direction you folks want to go to --

24 MS. LAMBERTON: Um-hum.

25 MS. HAASE: -- and then I can

29

1 put something together, send it out to everyone and
2 ask them to respond to it.

3 MS. LAMBERTON: I agree.

4 MS. HAASE: But I'll do some
5 scanning around about Manor Township and then
6 we'll find out what comes out of your meeting.

7 MR. SINCAVAGE: Can we use my
8 comments as the basis?

9 MS. HAASE: Sure.

10 MR. SINCAVAGE: Or --

11 MS. HAASE: I -- absolutely.

12 MR. SINCAVAGE: Okay.

13 MS. HAASE: I did read that

14 today at the meeting --

15 MR. SINCAVAGE: Okay.

16 MS. HAASE: And I'll have that

17 available at our joint meeting and then you folks

18 could add, delete --

19 MS. LAMBERTON: Um-hum.

20 MS. HAASE: -- whatever you so

21 choose to.

22 MR. SINCAVAGE: Right. I mean

23 was this more --

24 MS. LAMBERTON: No, I read it.

25 I thought it was great. It's a great -- we need

30

1 somewhere to start.

2 MR. SINCAVAGE: Right. Did they

3 want more or less, the supervisors?

4 MS. LAMBERTON: Well, I think --
5 I think -- personally I think that they want just a
6 basic design, you know? Like you can get into the
7 whole architectural thing down the road, but you
8 have to look at your -- your roads and how your
9 lots are built now in order to --

10 MR. SINCAVAGE: Yes.

11 MS. LAMBERTON: Like I look at
12 Pocono Summit completely different than I look at
13 Blakeslee.

14 MR. SINCAVAGE: Yes.

15 MS. HAASE: That's what these
16 folks --

17 MS. LAMBERTON: That's what we
18 need to fine-tune.

19 MS. HAASE: -- assigned with
20 this task -- I mean, I had an awful time trying to
21 figure this out.

22 MS. LAMBERTON: Like honestly --

23 MR. SINCAVAGE: I think --

24 MS. LAMBERTON: I could see --
25 I'm sorry. I could see 940 a boulevard in Pocono

1 Summit, and you just would -- you know, like some
2 nice streetscape on the side and let those
3 businesses thrive, and when they build new maybe
4 bring them a little closer, pull their parking
5 behind the back --

6 MR. SINCAVAGE: Yes.

7 MS. LAMBERTON: -- make it very
8 simplistic.

9 MR. SINCAVAGE: Yes.

10 MR. McHALE: Yeah.

11 MR. SINCAVAGE: Yes.

12 MR. McHALE: One thing I thought
13 I heard John kind of clarifying, John Kerrick, was
14 that his intent was to kind of start just with the
15 Kalahari and the huge commercial center that Pocono
16 Manor -- and then expand as you all go to develop
17 that corridor to try to get something on paper and
18 get it moving ahead --

19 MS. LAMBERTON: Um-hum.

20 MR. McHALE: -- is what I was
21 hearing --

22 MS. LAMBERTON: Um-hum.

23 MR. McHALE: -- a little bit

24 today, saying --

25 MS. LAMBERTON: Um-hum.

32

1 MR. McHALE: -- you know.

2 MS. LAMBERTON: I do understand

3 your concern, though, with like across the street,

4 the Mount Pocono option. We need to leave that

5 alone. We need to come across 380 because --

6 MR. McHALE: We --

7 MS. LAMBERTON: -- what do you

8 do with that?

9 MR. McHALE: We need to have

10 access there.

11 MS. LAMBERTON: Yeah, well,

12 we're working --

13 MR. McHALE: We need Pocono

14 traffic --

15 MS. LAMBERTON: Work with me,

16 buddy.

17 MS. HAASE: And realistically,

18 as far as Kalahari --

19 MR. McHALE: I'm trying.

20 MS. LAMBERTON: Me too.

21 MS. HAASE: -- that's a done

22 deal, that's already been approved --

23 MS. LAMBERTON: Yes.

24 MS. HAASE: -- so the retail on

25 Pocono Manor --

33

1 MS. LAMBERTON: West.

2 MS. HAASE: -- could be

3 addressed.

4 MS. LAMBERTON: Go west.

5 MS. HAASE: But Kalahari's done.

6 MR. SINCAVAGE: Yeah, but

7 Kalahari basically did what we would be looking

8 for. They have the streetscape. I mean, from

9 what --

10 MS. LAMBERTON: And the

11 boulevard.

12 MR. SINCAVAGE: -- I saw, the
13 boulevard's landscape --

14 MS. LAMBERTON: Yes.

15 MR. SINCAVAGE: -- with
16 sidewalks and setbacks and --

17 MS. LAMBERTON: Look how wide
18 that is --

19 MR. SINCAVAGE: Looks like the
20 road finally got designed properly for snow
21 removal, right?

22 MS. LAMBERTON: Yep.

23 MR. McHALE: Yes.

24 MR. SINCAVAGE: I mean, there
25 were concerns about that. So I think that's all

34

1 designed fine and what I would envision you would
2 do in that area.

3 MS. LAMBERTON: Maybe we should
4 take that boulevard and put it down 940.

5 MR. SINCAVAGE: Right. But we
6 need to enact the ordinance.

7 MS. LAMBERTON: Or see if
8 everybody -- yes, but have it drawn that it's
9 something similar, if everybody can agree, that
10 that -- maybe that's our starting point.

11 MR. McHALE: I shared with
12 Phyllis that at the Dollar General they're looking
13 to go in where Shikman's had gone in -- or was
14 approved to go in. Shikman's two months ago, or
15 back in April, I think it was, they requested
16 PennDOT just drop their HOP, so now they have no
17 HOP. They're starting over again with Dollar
18 General.

19 MS. LAMBERTON: Oh, that's so
20 sad.

21 MR. McHALE: What did come out
22 of the meeting was that corridor, Tom Walter, who's
23 the district traffic engineer, said that it's been
24 designated by the district executive that any
25 development along that corridor of 940 will get a

1 left turn lane. Whether it warrants or not,

2 they're going to be putting left turns in --

3 MS. LAMBERTON: Okay --

4 MR. McHALE: -- all the way
5 through --

6 MS. LAMBERTON: -- but we have
7 the width.

8 MR. McHALE: I mean, well,
9 that's something we just heard about, you know,
10 to -- that it wasn't just defined by the Warren
11 analysis, but just that --

12 MR. SINCAVAGE: How do we do a
13 streetscape along a state highway?

14 MR. McHALE: I don't know. I
15 really don't.

16 MS. LAMBERTON: Don't we have a
17 right away somewhere there? We got nothing.

18 MR. SINCAVAGE: That's what I'm
19 saying.

20 MS. LAMBERTON: Yeah.

21 MR. SINCAVAGE: I agree, 940
22 from 380 --

23 MS. LAMBERTON: Wouldn't that be
24 great?

25

MR. SINCAVAGE: -- which should

36

1 be a boulevard.

2 MS. LAMBERTON: Correct.

3 MR. SINCAVAGE: But how do we

4 work with the state --

5 MS. LAMBERTON: I guess we

6 would --

7 MR. SINCAVAGE: -- to achieve

8 it?

9 MS. LAMBERTON: -- contact

10 PennDOT and find out.

11 MR. SINCAVAGE: Well, yeah, I

12 mean, that was one of the things I had, you've got

13 to talk to PennDOT, you've got to --

14 MS. LAMBERTON: I'm okay with

15 that.

16 MR. SINCAVAGE: -- talk to DEP.

17 MS. LAMBERTON: Yeah,

18 absolutely.

19 MR. SINCAVAGE: But my point is,

20 the township cannot dictate standards for a state
21 highway.

22 MR. McHALE: Correct.

23 MS. LAMBERTON: You can highly
24 suggest.

25 MR. McHALE: But the state

37

1 might -- they're looking for beautification --

2 MR. SINCAVAGE: Right.

3 MS. LAMBERTON: Right.

4 MR. McHALE: -- they have an act
5 that they're trying --

6 MS. LAMBERTON: Right.

7 MR. McHALE: -- trying to
8 uphold.

9 MS. LAMBERTON: Wouldn't that
10 slow traffic down? Wouldn't that calm traffic
11 down?

12 MR. SINCAVAGE: Yes, yes,
13 definitely.

14 MS. LAMBERTON: So we'd have to

15 go slower through there, is what we're saying?

16 MS. HAASE: We?

17 MR. SINCAVAGE: You're going to
18 have to go to Blakeslee --

19 MS. LAMBERTON: You're going to
20 have to take 80 all the way out to --

21 MR. SINCAVAGE: -- and come
22 back.

23 MS. LAMBERTON: -- Blakeslee.

24 MR. McHALE: It's 45 posted.

25 MS. LAMBERTON: I know.

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1 MR. McHALE: Some people go
2 faster.

3 MS. LAMBERTON: I don't -- I
4 think those signs are wrong.

5 MR. SINCAVAGE: Okay. Well,
6 let's shoot for those dates --

7 MS. LAMBERTON: Great. Oh --

8 MR. SINCAVAGE: -- and give it
9 some more thought on what I have written here; and

10 if you guys have any input, maybe we can shoot it
11 to Phyllis to start getting some ideas together --

12 MS. LAMBERTON: Yeah.

13 MR. SINCAVAGE: -- maybe the
14 supervisors --

15 MS. LAMBERTON: Yeah.

16 MS. HAASE: What I'll do is,
17 I'll shoot an e-mail to --

18 MS. LAMBERTON: Everybody.

19 MS. HAASE: -- the supervisors
20 as well.

21 MS. LAMBERTON: Yep.

22 MS. HAASE: Maybe they can add
23 onto the --

24 MS. LAMBERTON: Input welcomed.

25 MR. SINCAVAGE: Yes, definitely.

39

1 MS. LAMBERTON: Yeah.

2 MR. SINCAVAGE: And -- but I
3 agree that -- I think --

4 MS. LAMBERTON: Can we call

5 PennDOT? Can we call PennDOT --

6 MR. SINCAVAGE: Sure we can call
7 PennDOT --

8 MS. LAMBERTON: -- just find
9 out what their -- you want me to call PennDOT?

10 MR. SINCAVAGE: I think Bob
11 should do it as an engineer --

12 MS. LAMBERTON: I'm only
13 kidding.

14 MR. SINCAVAGE: -- and say --

15 MS. LAMBERTON: I'm fine with
16 that.

17 MR. McHALE: And you want to
18 look to ask them what --

19 MS. LAMBERTON: This is what --

20 MR. McHALE: -- we can do.

21 MS. LAMBERTON: -- our vision,
22 how would you look at this as far as us
23 beautifying --

24 MR. SINCAVAGE: We --

25 MS. LAMBERTON: -- your right of

1 way?

2 MR. SINCAVAGE: Let's -- we want
3 to make 940 look like Kalahari Boulevard.

4 MS. LAMBERTON: Right.

5 MR. McHALE: Okay. Well, I
6 mean --

7 MS. LAMBERTON: Yeah.

8 MR. McHALE: That's a good way
9 to point to it --

10 MS. LAMBERTON: Yeah, it is.

11 MR. McHALE: -- because they're
12 familiar with the -- the permitting and the
13 processing --

14 MS. LAMBERTON: Correct.

15 MR. McHALE: -- I think so.

16 MR. SINCAVAGE: So how do we go
17 about doing that with you?

18 MS. LAMBERTON: I like it.

19 MS. HAASE: And how do we do
20 that with zoning legally?

21 MR. SINCAVAGE: Right.

22 MS. HAASE: You know, those are

23 things that we have to look at too, because we were
24 able to put certain standards with the overlay, as
25 we found out with the 84 Lumber, when Clark was

41

1 here and we investigated that. Unless you had an
2 overlay or it was a historical district, it was
3 very difficult to mandate these things.

4 MS. LAMBERTON: Couldn't we
5 still consider that an overlay? We would just --

6 MS. HAASE: And that's what I'm
7 saying, we need to find out.

8 MS. LAMBERTON: We'll name it
9 something different --

10 MR. SINCAVAGE: Well, I think --

11 MS. LAMBERTON: -- instead of a
12 village commercial overlay.

13 MR. SINCAVAGE: -- what I'm
14 hearing is that the supervisors really just want
15 the streetscape addressed in --

16 MS. LAMBERTON: He --

17 MR. SINCAVAGE: -- Pocono

18 Summit.

19 MS. LAMBERTON: -- wants them to
20 get started now. Yeah.

21 MR. McHALE: How far would you
22 want to go, like, when we're asking them these
23 questions in Pocono Summit? Do you want to go --

24 MS. LAMBERTON: Pocono Mountain
25 School District.

42

1 MR. SINCAVAGE: To the school
2 district, the traffic light, and then have it all
3 going --

4 MR. SINCAVAGE: East.

5 MR. McHALE: Well, from 380
6 going east, do you want to do anything there?

7 MS. LAMBERTON: No, I think we
8 should let that side of it alone.

9 MR. McHALE: Just stay --

10 MR. SINCAVAGE: No, they just
11 redid all that.

12 MS. LAMBERTON: Yeah.

13 MR. SINCAVAGE: But I think

14 that's --

15 MR. McHALE: So you would

16 just --

17 MR. SINCAVAGE: Well, I think we

18 have to work on -- I always forget that number.

19 Three --

20 MS. LAMBERTON: 314.

21 MR. SINCAVAGE: 314?

22 MS. LAMBERTON: Well --

23 MR. SINCAVAGE: Would we be able

24 to --

25 MS. LAMBERTON: -- actually

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1 that's all Pocono Manor property. They could be

2 bringing something in to us very shortly.

3 MR. SINCAVAGE: From 380 to --

4 MS. LAMBERTON: 314.

5 MR. SINCAVAGE: 314.

6 MS. LAMBERTON: That's all

7 Pocono Manor.

8 MR. SINCAVAGE: That's all

9 Pocono Manor.

10 MS. LAMBERTON: And the other
11 side is all 84 Lumber up to Dr. Holtzman, which is
12 where you come on that ramp there.

13 MS. HAASE: I mean, you have the
14 pockets of commercial, right here is Pinecrest
15 Area; so you have commercial, commercial, and then
16 commercial industrial, and then you'd have
17 commercial.

18 MS. LAMBERTON: Right.

19 MS. HAASE: So you do have
20 pockets --

21 MR. SINCAVAGE: Yeah.

22 MS. HAASE: -- from Pocono Pines
23 down, but there's --

24 MR. McHALE: So really there --

25 MS. HAASE: We're worried

44

1 about --

2 MR. McHALE: Already is a

3 corridor sort of already.

4 MS. LAMBERTON: Right, right.

5 That's what I'm saying. We should concentrate on
6 that corridor and get something ready with a little
7 overlay, and then that way as we --

8 MR. SINCAVAGE: Even if it's the
9 streetscape.

10 MS. LAMBERTON: Even if it's
11 just a streetscape.

12 MR. SINCAVAGE: For there.

13 MS. LAMBERTON: And that's --

14 MR. SINCAVAGE: As for Blakeslee
15 work on doing the village visioning center, the
16 whole thing, in terms of architectural streetscapes
17 and then we can use that as a model for other
18 areas.

19 MS. LAMBERTON: Yes, like maybe
20 the hub of Poci Pines --

21 MR. SINCAVAGE: Right.

22 MS. LAMBERTON: -- when you get
23 into 423 and 940.

24 And I remember what Patty had
25 said to me once, you know, like with traffic, if

1 you're pulling -- if you're pulling Kalahari
2 traffic, you want them to go west. So if you start
3 doing construction and you're bringing people west,
4 we're going to eventually have them going out
5 through Blakeslee.

6 MR. SINCAVAGE: Right.

7 MS. LAMBERTON: And that's what
8 you want, and we'll keep them out of the hub of
9 Mount Pocono for you.

10 Do you know what I mean, though?
11 I mean, I had thought about that a lot --

12 MS. RINEHIMER: Um-hum.

13 MS. LAMBERTON: -- after you had
14 said that, I'm thinking that makes a lot of sense,
15 but you have to have visual to pull people.

16 MR. McHALE: How are you drawing
17 them, though?

18 MR. SINCAVAGE: Instead of going
19 through the five points, come -- go west through
20 Blakeslee --

21 MS. LAMBERTON: You want to come
22 in through our town.

23 MR. SINCAVAGE: -- to get on 80,
24 if they want to go back on 80.

25 MR. McHALE: To get on 80.

46

1 MR. SINCAVAGE: You know --

2 MR. McHALE: So you want --

3 MR. SINCAVAGE: -- so there's
4 the pro -- if you're going to attract them with
5 shops and restaurants --

6 MR. McHALE: Yeah.

7 MR. SINCAVAGE: -- you know --

8 MS. LAMBERTON: My point is, if
9 they see developments starting --

10 MR. SINCAVAGE: Right.

11 MS. LAMBERTON: -- you get an
12 interest.

13 MR. SINCAVAGE: To go start.

14 MS. LAMBERTON: Exactly.

15 MR. SINCAVAGE: All right.

16 MS. LAMBERTON: Exactly. And I
17 mean, Kalahari has said that to me a number of
18 times too with people that will then have an area
19 grow so we want to show it where we want it to
20 grow.

21 MR. SINCAVAGE: Right. And we
22 want it to grow into the township.

23 MS. LAMBERTON: Correct.
24 Correct. Correct.

25 MR. SINCAVAGE: Rather than

47

1 Coolbaugh.

2 MS. LAMBERTON: Demographically,
3 the way the lots are set up, it'll work better for
4 us --

5 MR. SINCAVAGE: Yes.

6 MS. LAMBERTON: -- just to go
7 west on 940.

8 MR. SINCAVAGE: Yes.

9 Does that make sense, Bob?

10 MR. McHALE: Um-hum.

11 MS. LAMBERTON: I mean, also,
12 too, you've got to look at -- the Pocono Manor
13 Investors are looking about Long Pond Road down --
14 so that -- that will tie in really nicely there
15 when they do that upgrade for that traffic light
16 there. We've got to hit while the iron's hot.

17 MR. SINCAVAGE: Yes.

18 MS. LAMBERTON: But I'd like to
19 know what PennDOT has to say about that, you know?

20 MR. SINCAVAGE: You know, can we
21 make a -- can we come up with streetscape standards
22 and then ask for contributions from anyone that
23 develops along that corridor just like PennDOT
24 does?

25 MS. LAMBERTON: Or give them

48

1 some sort of --

2 MR. SINCAVAGE: We might --

3 MS. LAMBERTON: -- discount --

4 MR. SINCAVAGE: -- have to get

5 into --

6 MS. LAMBERTON: -- to do it.

7 MR. SINCAVAGE: -- what's

8 that -- right, to take care of --

9 MS. LAMBERTON: Right.

10 Incentive.

11 MR. SINCAVAGE: -- their HOP.

12 MS. LAMBERTON: Absolutely.

13 MR. SINCAVAGE: Right.

14 What's that one regulation that

15 the township has to study the highways?

16 MR. McHALE: Act 209.

17 MR. SINCAVAGE: Is that 209?

18 MR. McHALE: Yeah.

19 MR. SINCAVAGE: And then you can

20 collect the --

21 MR. McHALE: You have to

22 evaluate that section of the township --

23 MR. SINCAVAGE: Right.

24 MR. McHALE: -- and you have to

25 identify all levels of service and those kind of

1 things, what improvements are needed now to bring
2 certain levels of service, and then you project all
3 the development you're anticipating and then you
4 can assign based -- well, you can't make people
5 bring those levels of service up.

6 I mean, if you're failing now,
7 the township is required to bring them up to a
8 certain standard, but then once you get to that
9 point you can then collectively look at all the
10 development trip generation from each of those
11 developments and then you can assign an impact fee,
12 and that's what --

13 MR. SINCAVAGE: The Act 209
14 does. Is that -- is 940 in a failed condition now?
15 I don't think it is.

16 MS. LAMBERTON: What classifies
17 it as being --

18 MR. McHALE: No, I don't --

19 MS. LAMBERTON: -- failed?

20 MR. McHALE: -- believe so.

21 MR. SINCAVAGE: The warrants --

22 MR. McHALE: I think the levels
23 of service are pretty -- pretty good throughout

24 there.

25 MR. SINCAVAGE: Yeah, that's

50

1 what I think.

2 MR. McHALE: Long Pond has some
3 concerns, but going --

4 MS. LAMBERTON: Oh, I see.

5 MR. McHALE: -- further west --

6 MS. LAMBERTON: So the flow is
7 inadequate. That's what you mean. Not a failure.

8 MR. McHALE: Right.

9 MR. SINCAVAGE: Right.

10 MS. LAMBERTON: Okay. Okay.

11 MR. SINCAVAGE: So if it's
12 not in a failed condition, then we can, you know,
13 start from there and build it up. Can -- I wonder
14 if you can conclude the streetscape improvement,
15 sidewalks, lighting, trees, tree line in a 209,
16 yeah, I don't know. I think that's a PennDOT
17 question, too.

18 MS. LAMBERTON: I think that'd

19 look awesome.

20 MR. McHALE: Maybe we should
21 have somebody from PennDOT with us. I mean, once
22 we get some preliminary data, sit down and --

23 MR. SINCAVAGE: Well, the
24 consultant has to meet with them. You know, I
25 mean, the consultant's going to have to work with

51

1 them and DEP because then you get into storm water,
2 what are you going to do with the storm water,
3 because if you're going to be putting in a lift --

4 MS. LAMBERTON: Just little
5 sidewalks.

6 MR. SINCAVAGE: Right. Based on
7 if he can have a half mile --

8 MS. LAMBERTON: Well, you know,
9 no, no. We're only going to put five feet in at a
10 time. They're individual permits, Mark.

11 MR. SINCAVAGE: So it's --

12 MS. LAMBERTON: Work with me.

13 MR. SINCAVAGE: It's under the

14 5,000 --

15 MS. LAMBERTON: Yes.

16 MR. SINCAVAGE: -- feet, square

17 feet in the --

18 MS. LAMBERTON: Yes.

19 MR. SINCAVAGE: -- back. Right.

20 We've got to talk about that and you've got to talk

21 about water, you've got to talk about sewer. And

22 we have --

23 MS. LAMBERTON: We have to.

24 MS. HAASE: And that's the one

25 thing that I was talking to the planners --

52

1 MR. SINCAVAGE: Sewer.

2 MS. HAASE: I did mention the

3 fact that this is on-lot, so you --

4 MR. SINCAVAGE: Yeah.

5 MS. HAASE: -- you do have some,

6 but --

7 MS. LAMBERTON: Yeah, that's

8 another thing we need to get going. We need to see

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 7, 2013, beginning at 5:34 p.m.

PRESENT: MARK SINCAVAGE, Chairperson
ROBERT BAXTER, Board Member
ANNE LAMBERTON, Board Member

ROBERT McHALE, P.E., Township Engineer

PATRICK ARMSTRONG, ESQUIRE, Solicitor

ALSO
PRESENT: Maureen Minnick, Assistant Zoning
Officer

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

2

1 MR. SINCAVAGE: Okay. I'll call
2 the regularly scheduled meeting of the Tobyhanna
3 Township Planning Commission to order for November
4 7, 2013. I don't see any public here, so we'll
5 move on to consideration of the minutes of
6 September the 5th, 2013.
7 There are some -- two
8 corrections, first one being on Page 21, Line 19,
9 it should read, a lot of folks, not a lot a folks.
10 And on Page 22, Line 1, it should -- it says
11 Blakes, it should be Blakeslee, to finish off the
12 word.
13 With those two corrections, do I

14 have a motion to approve the minutes?
15 MR. BAXTER: So moved.
16 MR. SINCAVAGE: So moved? Do I
17 have a second to the motion?
18 MS. LAMBERTON: Second.
19 MR. SINCAVAGE: Motion and
20 second. All those in favor, please say aye?
21 THE BOARD: Aye.
22 MR. SINCAVAGE: Wee Wons. Did
23 we hear of anything? Did you send them a letter?
24 MR. ARMSTRONG: I did.
25 MR. SINCAVAGE: Okay.

3

1 MR. ARMSTRONG: We have not
2 heard anything from Wee Wons. I sent Wee Wons a
3 letter -- Wee Wons, right?
4 MR. SINCAVAGE: Yep.
5 MR. ARMSTRONG: -- September 6,
6 2013. It was addressed to Miss Guydish
7 indicating -- reminding her that she has a current
8 plan pending before the planning commission that
9 has been dormant for an extended period of time and
10 that there has been no activity on the plan since
11 August 2007. And it further went on to indicate
12 that unless there is a resubmission or a resolution
13 of all outstanding issues, the planning commission
14 will make the appropriate recommendation to the
15 board of supervisors at its November 7, 2013
16 meeting which will likely be a recommendation to
17 deny the plan.
18 I have not received their
19 response to this letter. With the understanding
20 that there has been no resubmissions on the plan,
21 there are a number of outstanding items, as I
22 recall. If the planning commission's still of the
23 opinion that you will make the appropriate
24 recommendation to the board of supervisors to deny
25 the plan accordingly, you can do so, if you like.

4

1 You don't have to, but you can.
2 MR. SINCAVAGE: We gave them 60

3 days plus several years, so --

4 MS. LAMBERTON: Yeah. I think
5 we have -- my only question was about whatever fees
6 they already paid for and funds, and -- I mean, I
7 hate to see somebody --

8 MR. ARMSTRONG: That I don't
9 know. I don't know where we are with respect to
10 any outstanding fees that they may have. I don't
11 know where their escrow --

12 MS. LAMBERTON: No, not that
13 they owe, I mean that they've already paid to
14 submit their plans and all, you know what I mean?
15 That was my only concern when we talked about this
16 eons ago.

17 MR. SINCAVAGE: Well, they will
18 probably lose their fees --

19 MS. LAMBERTON: Right.

20 MR. SINCAVAGE: -- but any
21 escrow monies would get refunded --

22 MS. LAMBERTON: Right.

23 MR. SINCAVAGE: -- to the
24 balance of the escrow --

25 MS. MINNICK: That's correct.

5

1 MS. LAMBERTON: But if they go
2 to submit again, they repay them and they start all
3 over.

4 MR. SINCAVAGE: Right.

5 MS. LAMBERTON: How much do you
6 think that is? How much do you think the
7 application fees were for their original --

8 MS. MINNICK: It was -- the
9 application fee was probably about 450. I'm
10 thinking the escrow was -- the original was
11 probably 15 or 1250 --

12 MS. LAMBERTON: Which they'll
13 get back.

14 MS. MINNICK: Which they'll get
15 back. And then --

16 MS. LAMBERTON: Okay. That was
17 what I wanted --

18 MS. MINNICK: -- whatever they

19 spent along the way --
20 MS. LAMBERTON: Okay. That's
21 fine. Okay. I just didn't want it to be a huge
22 amount, you know what I mean? Like I didn't want
23 to see anybody --
24 MR. SINCAVAGE: Agree.
25 MS. LAMBERTON: -- spend

6

1 money --
2 MR. SINCAVAGE: We probably
3 spent that much on Pat.
4 MS. LAMBERTON: And maybe we
5 should charge them. No, kidding. No, that's okay.
6 I understand. I just had that question.
7 MR. SINCAVAGE: So based on the
8 lack of submission and lack of response to a letter
9 that was sent on September --
10 MR. ARMSTRONG: September 6, I
11 believe.
12 MS. LAMBERTON: 6th.
13 MR. SINCAVAGE: -- what's the
14 pleasure of the board?
15 MR. BAXTER: Should we keep them
16 waiting any longer?
17 MS. LAMBERTON: No. I'm fine.
18 I'll make a motion to make recommendation
19 for request --
20 MR. SINCAVAGE: For denial.
21 MS. LAMBERTON: -- for denial.
22 MR. BAXTER: I'll second.
23 MR. SINCAVAGE: Motion and
24 seconded.
25 All those in favor, please say

7

1 aye?
2 THE BOARD: Aye.
3 MR. SINCAVAGE: Okay. That
4 brings us to Creek View.
5 MR. ARMSTRONG: Well, just for
6 purposes of the record, do you want to indicate
7 Locust Ridge?

8 MR. SINCAVAGE: Oh, I'm sorry, I
9 skipped over --
10 MS. LAMBERTON: I did see that.
11 MR. SINCAVAGE: -- Locust Ridge,
12 yes. I saw their letter.
13 MS. LAMBERTON: I saw the
14 letter.
15 MR. SINCAVAGE: I'm sorry. We
16 saw that Locust Ridge officially withdrew via
17 letter dated October 29, 2013, withdrew their land
18 development plan, so we can note that in the
19 record.
20 Is that sufficient?
21 MS. LAMBERTON: Do we need to
22 make a motion?
23 MR. ARMSTRONG: You can, if you
24 want to make a motion for recommendation to --
25 MS. LAMBERTON: For

8

1 recommendation for denial?
2 MR. ARMSTRONG: -- to accept --
3 well, accept --
4 MS. LAMBERTON: Their letter,
5 their withdrawal.
6 MR. SINCAVAGE: Okay. Do I have
7 a motion to that?
8 MS. LAMBERTON: I'll make a
9 motion to recommend to the board of supervisors to
10 accept the letter of withdrawal from Hanes and
11 Kibblehouse for their preliminary land development
12 plan.
13 MR. SINCAVAGE: Okay. I have a
14 motion. Do I have a second to the motion?
15 MR. BAXTER: Second.
16 MR. SINCAVAGE: Motion and
17 second.
18 All those in favor, please say
19 aye?
20 THE BOARD: Aye.
21 MR. BAXTER: Question, does that
22 actually go forward to the supervisors or does it
23 just really stop here?

24 MR. ARMSTRONG: What will
25 probably happen is, at the next supervisor meeting,

9

1 I'll just --

2 MS. LAMBERTON: Mention it?

3 MR. ARMSTRONG: -- mention it.

4 And I don't know if there'll actually be a motion
5 because they've withdrawn the plan per the letter,
6 but at least they can acknowledge it on the record.

7 The board can acknowledge it on the record.

8 MR. BAXTER: Okay.

9 MR. SINCAVAGE: Now we go to
10 Creek View.

11 MS. LAMBERTON: I'm sorry.

12 MR. SINCAVAGE: All right.

13 MR. MIKE BERARDI: I'll just
14 explain what I'm doing?

15 MR. SINCAVAGE: That's what
16 you're here for.

17 MR. MIKE BERARDI: That's what
18 we're here for.

19 MR. SINCAVAGE: That's what
20 we're here for.

21 THE REPORTER: Sir, could I have
22 your name, please?

23 MR. MIKE BERARDI: Mike Berardi.

24 THE REPORTER: Can you spell
25 your last name?

10

1 MR. MIKE BERARDI: Yeah,
2 B-E-R-A-R-D-I.

3 THE REPORTER: Thank you.

4 MR. MIKE BERARDI: You're aware
5 that I'm one of the owners, and Jerry Gay is the
6 other owner. We've had the property for a number
7 of years. We've been trying to sell it. The
8 township picked up a piece of it, et cetera, et
9 cetera.

10 We continually refer to the
11 property as Creek View Estates when -- I mean, I
12 don't know what that means, because to me it's not

13 Creek View Estates. It's nothing but a piece of
14 property. It's a commercial piece of property.
15 There is no subdivision plan for it or anything.
16 And I think that was the -- I think that was the
17 name the original developer had come in with when
18 he was going to do something and that plan was
19 scratched, and I think that name just continued on.
20 It's actually just the property of Mack Services,
21 you know what I'm saying? It's not really a
22 subdivision of any kind.
23 And the reason that I'm looking
24 to do what's here is, not realizing when we
25 subdivided the property originally that we actually

11

1 landlocked that one piece in there. Let me just
2 see -- no, I got the original plan here.
3 What we did was -- on this one,
4 these are these two lots originally, and this is
5 the piece that was cut off from that original piece
6 when we sold the township this piece.
7 MR. BAXTER: Right.
8 MR. MIKE BERARDI: Let me just
9 refresh your memory. Okay? This was the original
10 two lots here. This is the piece we cut off to
11 sell to the township. So what it did is, it
12 really -- it really created a lot that was
13 isolated -- okay? -- from the standpoint of a lot.
14 And I don't even know why it was done that way, why
15 it wasn't all actually one, because right now
16 it's --
17 MS. LAMBERTON: Okay.
18 MR. BAXTER: How did we allow a
19 landlock --
20 MR. MIKE BERARDI: A landlocked
21 piece, that's what I'm saying. That didn't make
22 sense.
23 MR. BAXTER: Normally we
24 wouldn't have a --
25 MR. SINCAVAGE: It's not land --

12

1 MS. LAMBERTON: Yeah, I didn't
2 think it was --
3 MR. SINCAVAGE: It's not
4 landlocked because there was an access road shown.
5 MR. McHALE: This is the
6 easement --
7 MR. SINCAVAGE: Right.
8 MR. McHALE: This is the
9 Property Lot 1 and this is Property Lot 2.
10 MR. SINCAVAGE: Right. And this
11 was --
12 MR. McHALE: This was the
13 proposed access. That's what the original plan
14 shows.
15 MR. ARMSTRONG: Yeah. Your
16 plan, from probably back in 2007 or 2006, whenever
17 this -- the prior subdivision plan was approved
18 by -- at least recommended for approval by this
19 planning commission and approved by the board, that
20 prior plan showed an actual access easement through
21 Lot 1 into Lot 2 and all the way to the --
22 MR. MIKE BERARDI: Is this the
23 one we did when we did the sub -- the township
24 plan --
25 MR. ARMSTRONG: Yes. This is

13

1 the 2007 --
2 MS. LAMBERTON: It's not showing
3 on this paperwork.
4 MR. SINCAVAGE: Right.
5 MS. LAMBERTON: Okay.
6 MR. MIKE BERARDI: Is that what
7 we did?
8 MR. ARMSTRONG: It's dated
9 October --
10 MR. MIKE BERARDI: 2007?
11 MR. SINCAVAGE: 2007. That's
12 when the signatures are, so, yes.
13 MR. MIKE BERARDI: Okay.
14 (Inaudible conversation.)
15 MR. ARMSTRONG: Time flies.
16 MR. MIKE BERARDI: Well, anyway,
17 let me go further.

18 MS. LAMBERTON: Okay.
19 MR. MIKE BERARDI: What I'm
20 trying to do is, I'm trying to create my own estate
21 with Jerry. We're not -- we're not selling the
22 property, so what I wanted to do was to split the
23 property down with the sub -- with the lines that
24 are given so that Jerry takes one piece and I take
25 the other piece. Then I can get it financed -- my

14

1 own finance, and he can get his own finance, okay?
2 So we can separate the two pieces. So that was the
3 reason for the subdivision, not to develop it,
4 because I have no intention of doing any
5 development at this time. And that was the whole
6 reason for my application, what I was trying to do.
7 That's -- that's basically my -- what I was trying
8 to do.

9 This here, we took this right
10 down the middle here so that they would both have
11 equal amount of roadside, so both pieces have the
12 adequate roadside. They both -- I think they both
13 meet commercial frontage as far as -- as far as
14 frontage on the road is concerned. It even far
15 exceeds it, I think, from a commercial standpoint.

16 MR. McHALE: One of the things,
17 just to go back in time here a little bit, as far
18 as the original plan, when this was all one tract,
19 if you remember, just to refresh memories, this was
20 not -- this back 25 acres or so was zoned
21 residential.

22 MR. MIKE BERARDI: That's
23 correct.

24 MR. McHALE: And as a part of,
25 you know, creating a little more commercial, to

15

1 benefit not only the property owner, but the entire
2 surrounds, the township rezoned this to move the
3 commercial district back to this line. Then there
4 was a need for access back here because currently
5 these are separate parcels. So when the 50 acres

6 came into play, then as far as commercial, it was
7 discussed and coordinated with PennDOT at the time,
8 that we not carve the property up to where we get
9 all these multiple access points all along 115.

10 The goal is to have -- where the
11 main roads are every thousand feet, we can
12 potentially have a traffic signal, so that's why
13 this came into play, where the access into all this
14 property would come, at some point in time in the
15 future, to align with Fern Crest and then interior
16 roads as they may wish.

17 You can still do what you're
18 talking about doing, but you'll just need to
19 provide the access road and then your access into
20 their road, if you want to split the land.

21 MR. MIKE BERARDI: You lost me.
22 How would I do that? Say that again? How would
23 I --

24 MR. McHALE: You can still split
25 the land here and reconfigure your lot lines, but

16

1 then you can bring the drive down here, the drive
2 can go up here. You can turn this and go this
3 direction parallel. And that way you would provide
4 access to both properties and the back, but that's
5 what was agreed upon when we went to changing
6 zoning and --

7 MS. LAMBERTON: I remember that
8 now.

9 MR. McHALE: -- reconfiguring --

10 MR. ARMSTRONG: But we still --

11 MR. McHALE: We don't want to
12 create multiple accesses upon --

13 MR. ARMSTRONG: The idea would
14 be one access on 115, not two.

15 MR. MIKE BERARDI: How long is
16 this property?

17 MR. BAXTER: It's not showing --

18 MS. LAMBERTON: It's not to
19 scale.

20 MR. McHALE: PennDOT also asks
21 when we go through subdivisions like this, that --
22 you know, that a traffic study should be submitted,

23 really, to look at the entire development as to
24 what the property owner intends to do and then
25 PennDOT looks at it. They want to look at it as

17

1 one project. They don't want the township to carve
2 up multiple lots and then go to PennDOT saying, oh,
3 well, they need access at two, three, four, five
4 different locations on 115.

5 So if we want to go back to
6 PennDOT, look at traffic studies and everything
7 else for the entire tract, that's one thing, but --

8 MS. LAMBERTON: How can you do a
9 traffic study when you don't know what's going to
10 be built there?

11 MR. McHALE: PennDOT would go
12 with worst case scenario.

13 MS. LAMBERTON: Oh, boy.

14 MR. McHALE: They'd look at
15 commercial and they'd say, you've got to come up
16 with some worst case scenario that would work and
17 justify your -- your access location and such.

18 So, I mean, we can go that route
19 if they want to, but it seemed easier just to show
20 a potential access that would service all the
21 properties and then come off with interior streets
22 or driveways that would be able to service those
23 parcels and have the one access point that
24 eventually would be probably a traffic signal.

25 MS. LAMBERTON: Bob's trying to

18

1 save you quite a bit of money.

2 MR. McHALE: For 50 acres of
3 commercial, and that's probably going to be a high
4 volume driveway.

5 MS. LAMBERTON: Right. That's
6 what I'm saying. Worst case scenario --

7 MR. McHALE: Exactly. And we
8 don't want to have -- like Mr. Berardi comes in
9 right now and he -- they split this without that
10 access being there. What could happen is, he could

11 come in, put an access point right here. Well,
12 then if he justifies the traffic signal and then
13 Mr. Gay comes in and he wants to put one here, now
14 we got traffic signals that are 400 feet apart and
15 500 feet apart or something like that, and you
16 don't want to do that through that corridor 115.
17 MR. SINCAVAGE: No.
18 MR. BAXTER: Probably have a
19 little less than 1200 feet total frontage.
20 MR. MIKE BERARDI: 1200?
21 MS. LAMBERTON: So you figure
22 you've got six each month, and Bob's idea really is
23 the best way to save you the most money. If you
24 look at going to put that paper access road in
25 now --

19

1 MR. McHALE: They have the
2 latitude to adjust that access road --
3 MS. LAMBERTON: Right.
4 MR. McHALE: -- that you're
5 saying.
6 MS. LAMBERTON: Right. Right.
7 That seems to be the most feasible way to split
8 those two properties and gain access.
9 MR. McHALE: And that wasn't
10 locked in. That was just a form to show that
11 access is gonna be provided to all those lots and
12 revising or the reconfiguring of the lots --
13 reconfiguration of the lots is not a problem.
14 MR. MIKE BERARDI: So what
15 you're saying is that -- let's say we leave this
16 here and -- and we take and turn this and then
17 follow that straight in like that?
18 MR. McHALE: That will work.
19 MR. MIKE BERARDI: Like that?
20 MS. LAMBERTON: That makes
21 sense.
22 MR. MIKE BERARDI: Then it would
23 just be a matter of us deciding what the value is
24 in creating our own between two accesses.
25 MS. LAMBERTON: Yep.

1 MR. MIKE BERARDI: So come in
2 here and turn, and this could even be left like as
3 a pad of some sort.
4 MR. BAXTER: You move that whole
5 thing right up along the parallel with existing
6 drive into that other place.
7 MR. MIKE BERARDI: So say to go
8 here?
9 MR. BAXTER: The bottom of 115.
10 MR. MIKE BERARDI: Yeah.
11 MR. BAXTER: You could move that
12 entrance --
13 MR. McHALE: Well, that aligns
14 with Fern Crest.
15 MS. LAMBERTON: Yeah, they want
16 to align Fern Crest.
17 MR. BAXTER: Oh, okay.
18 MS. LAMBERTON: That's why he's
19 here -- you have the right idea. Take your road
20 and go to the right --
21 MR. MIKE BERARDI: Okay. So
22 we --
23 MS. LAMBERTON: -- and then go
24 along those properties.
25 MR. MIKE BERARDI: And then turn

1 and then go straight back in here to give access to
2 the back of the property.
3 MS. LAMBERTON: Yes. And then
4 you can go left or right to access --
5 MR. MIKE BERARDI: Yeah.
6 MS. LAMBERTON: Do what you need
7 to do.
8 MR. MIKE BERARDI: You gotta do
9 what you gotta do.
10 MS. LAMBERTON: And then you're
11 aligned with Fern Crest, you have one
12 intersection --
13 MR. McHALE: Because the next
14 intersection up would be -- Chestnut would be a
15 thousand feet from -- here's the property line, so

16 if he does what he's saying and he does something
17 like this, he can create a path here, if he wants,
18 and then --

19 MR. MIKE BERARDI: Right.

20 Mr. McHALE: -- he can run the
21 access right along and then split the property line
22 and half could go on one side and half could go on
23 the other, if they want to do something like that.

24 MR. SINCAVAGE: Or you could
25 run -- bring that -- bring the access point in

22

1 across from Fern Crest Road and go parallel with an
2 access road along 115.

3 MR. McHALE: Correct. Yeah.

4 But we just --

5 MS. LAMBERTON: Oh. A sharp
6 right.

7 MR. MIKE BERARDI: If I gotta go
8 in, I think it's just as easy to make a pad out of
9 it, you know what I'm saying?

10 MR. SINCAVAGE: Either way.

11 MR. MIKE BERARDI: Yeah.

12 MR. McHALE: If you look at the
13 Wegmans in Wilkes-Barre, places like that, even the
14 old Kmart up off of Route 6 in Dickson City, they
15 come right in off the highway and they make a hair
16 pin --

17 MR. SINCAVAGE: Right.

18 MR. McHALE: -- so that's not --
19 that's for, you know, high volume driveways --

20 MR. SINCAVAGE: Right.

21 MR. McHALE: -- the signalized
22 intersection. So that can be done. But we just
23 need to make sure that if they --

24 MR. MIKE BERARDI: What was
25 the --

23

1 MR. McHALE: -- make those
2 turns, that they comply with, you know, the
3 subdivision regs for roadways or driveways and
4 PennDOT standards.

5 MR. MIKE BERARDI: So if we do
6 that -- I hear what you're saying. I can -- I can
7 do that. I think that could work. I think that
8 could work that way.

9 Now, with that would it be a
10 minor subdivision --

11 MR. ARMSTRONG: Well, you're
12 still --

13 MR. MIKE BERARDI: -- or a lot
14 line change? All I want --

15 MR. ARMSTRONG: What happened --

16 MR. MIKE BERARDI: All I want to
17 do is change this line to be this way.

18 MR. McHALE: The only -- I just
19 want to explain something. If you look at the
20 review letter, there is a section in the ordinance
21 that speaks to, if you're -- if you do a minor
22 subdivision and you're within six years -- which
23 you just missed by a month, is what it comes down
24 to, your submission. If you would have submitted a
25 month later, we wouldn't have had that --

24

1 MR. MIKE BERARDI: Well, I'll
2 resubmit it.

3 MR. McHALE: Well, what I'm
4 saying is --

5 MR. MIKE BERARDI: I mean, I can
6 wait three months.

7 MR. McHALE: I'm just saying,
8 according to the ordinance --

9 MS. LAMBERTON: Okay.

10 MR. McHALE: -- it says within
11 six years, it's considered a -- the second
12 submission for a subdivision.

13 MR. MIKE BERARDI: The second
14 submission is considered --

15 MR. McHALE: A major
16 subdivision.

17 MR. MIKE BERARDI: -- a major
18 subdivision.

19 MR. McHALE: And there's not
20 that much difference in the --

21 MR. MIKE BERARDI: I read it. I
22 read it, yeah.
23 MR. McHALE: -- criteria, I
24 mean, between --
25 MR. SINCAVAGE: Between a minor

25

1 and a major.
2 MR. McHALE: Right. The
3 definition is different and such, so that was the
4 only thing.
5 MR. ARMSTRONG: We would
6 classify this as a subdivision. You would have to
7 come before the board, not only -- I mean, I
8 understand what you're saying, maybe it's a lot
9 line change, but given the fact that you have these
10 other notes and recorded requirements on the prior
11 subdivision plan, specifically with respect to the
12 access road --
13 MR. MIKE BERARDI: I wouldn't
14 change -- I wouldn't change those.
15 MR. McHALE: If you keep all
16 those notes that we had on the original plan and
17 just transposed them onto the new plan, and if Pat
18 looks at the declaration of covenants that was done
19 originally and maybe it might be some updating or
20 whatever; but other than that, we weren't going to
21 ask them to go through drainage studies and traffic
22 studies and all those kind of things because that's
23 how we did the first one, and we were trying to
24 move the process along --
25 MS. LAMBERTON: Okay.

26

1 MR. McHALE: -- to reconfigure
2 the lot line without creating a lot of work and
3 issues. But as long as those notes are on there to
4 see what happened -- for some reason, it looks like
5 the surveyor that did the work for you had the old
6 plan, and he transposed some of the notes, but he
7 didn't do all of them.
8 MR. MIKE BERARDI: Well, this
9 was -- I was looking at this as a -- you know, as a

10 preliminary for discussion to see what to do and
11 what not to do, basically.
12 MS. LAMBERTON: Right. Good.
13 MR. MIKE BERARDI: So that's
14 okay.
15 MS. LAMBERTON: This is helpful.
16 MR. MIKE BERARDI: As far as I'm
17 concerned, that's okay. So if I have to resubmit
18 based on what needs to be done -- do you know what
19 I'm saying? -- then that's what I'll do.
20 MR. McHALE: This is just the
21 checklist of items to make sure that the --
22 MR. MIKE BERARDI: Right. So,
23 you know --
24 MR. McHALE: One of the most
25 important things, Mr. Berardi, is just to be

27

1 sure --
2 MR. MIKE BERARDI: I think --
3 right.
4 MR. McHALE: -- to look at the
5 notes --
6 MR. MIKE BERARDI: I think the
7 major thing that you're looking for is this
8 connection to -- to 115 to be here.
9 MR. McHALE: Hold that location.
10 MR. MIKE BERARDI: Because the
11 right of way to get to this property, it doesn't
12 matter if it's here or here or here or here or
13 here.
14 MS. LAMBERTON: That's correct.
15 MR. MIKE BERARDI: A right of
16 way can be moved one way or the other. So, okay, I
17 get -- so, again, if we maintain this, put the
18 notes we talked about, that we just talked about on
19 there and do what we're talking about, would that
20 then be considered a lot line change, a minor
21 subdivision? What would it be?
22 MR. ARMSTRONG: I think we
23 classify it as -- the township actually -- the
24 ordinance has like a resubdivision provision that
25 falls under the minor subdivision.

1 MS. LAMBERTON: Oh, okay.
2 MR. ARMSTRONG: I think we can
3 kind of look at it like that.
4 MS. LAMBERTON: Yeah.
5 MR. ARMSTRONG: Lot line -- I
6 mean, it is kind of a lot line adjustment, but
7 given the extent of the prior subdivision notes and
8 the significance of the changes between the prior
9 subdivision and this subdivision, I think we have
10 to look at it as at least a resubdivision activity,
11 which means all you -- you'd still come before this
12 planning commission. They'll make a recommendation
13 to the board of supervisors, but it likely won't
14 be -- given the fact that this plan was before them
15 seven years ago, and the fact that if you're
16 agreeing to keep all of the notes on the plan and
17 keep that accessway at least as discussed this
18 evening, come back with revised plans showing that,
19 I don't -- I can't speak for the planning
20 commission or the board, but I don't know if --
21 MS. LAMBERTON: I don't have a
22 problem with that at all.
23 MR. ARMSTRONG: The one thing I
24 do want --
25 MS. LAMBERTON: Sounds like it's

1 fair to both sides.
2 MR. ARMSTRONG: -- the township
3 owns the property directly behind the two lots,
4 correct?
5 MR. MIKE BERARDI: No. These
6 lots?
7 MR. ARMSTRONG: And the property
8 below it?
9 MS. LAMBERTON: Behind --
10 MR. MIKE BERARDI: No, behind
11 this here.
12 MS. LAMBERTON: Yeah.
13 MR. ARMSTRONG: What about
14 down -- I thought the township also owned --

15 MR. McHALE: They have their own
16 land down here, yes.
17 MR. ARMSTRONG: Is there any --
18 I see this is like a wetland creek. Are there any
19 paths or anything around there, like footpaths,
20 pedestrian paths, do we know of?
21 MS. LAMBERTON: I do not know
22 that answer.
23 MR. BAXTER: In the park there
24 is.
25 MR. SINCAVAGE: Yeah, in the

30

1 park, but not on their property.
2 MR. ARMSTRONG: Okay. Would
3 there be any interest in --
4 MR. McHALE: I think the
5 township has access to these parcels from 115 and
6 if they had some access here in the future, if they
7 wanted to utilize that --
8 MR. MIKE BERARDI: If the
9 township wants the property, I'd be happy to sell
10 it to them.
11 MS. LAMBERTON: If we had the
12 money, we'd be happy to buy it.
13 MR. MIKE BERARDI: You want a
14 piece of it? How about a piece of it?
15 MS. LAMBERTON: No, thank you.
16 MR. McHALE: You can change the
17 name from Creek View Estates to whatever you want.
18 It doesn't have to stay --
19 MR. MIKE BERARDI: Yeah, right.
20 MR. McHALE: They have it in on
21 the plans.
22 MS. LAMBERTON: I like the way
23 you simplified it for Mr. Berardi, Bob. That
24 was --
25 MR. MIKE BERARDI: Thank you.

31

1 MS. LAMBERTON: -- very much,
2 yes.

3 MR. MIKE BERARDI: Yeah. Thank
4 you.
5 MR. BAXTER: And we can drop the
6 Creek View Estates.
7 MR. MIKE BERARDI: What I'm
8 trying to do is separate -- the whole thing, I'm
9 trying to separate my assets from Jerry's. Jerry's
10 having some --
11 MS. LAMBERTON: Right.
12 MR. MIKE BERARDI: -- issues and
13 things and, God bless him, but I have to do what I
14 have to do, you know?
15 MS. LAMBERTON: Understood.
16 MR. MIKE BERARDI: I will have
17 my guy get in touch with your guy. I'll get the
18 surveyor that did this, just to give me some kind
19 of preliminary thing to discuss. I'll probably use
20 someone else to actually do what needs to be done
21 to make sure that what you want on there is on
22 there, okay?
23 MR. McHALE: Go through this as
24 a checklist.
25 MR. MIKE BERARDI: All right.

32

1 Okay. All right. All right. Thanks, guys. Thank
2 you.
3 MS. LAMBERTON: You're welcome.
4 You're welcome. Thanks for coming on top of the
5 mountain here.
6 MR. ARMSTRONG: So you're
7 planning on revising the plans?
8 MR. MIKE BERARDI: I'm going to
9 make a whole new submission.
10 MR. SINCAVAGE: I just want to
11 bring up something the solicitor just brought to my
12 attention. If you look at these -- the drawing,
13 where the wetlands are, on the southeast corner,
14 there's areas along that wetland that would not be
15 usable for the developer --
16 MR. MIKE BERARDI: Yes, I know
17 that.
18 MR. SINCAVAGE: 'cause it's kind
19 of landlocked in there.

20 MR. MIKE BERARDI: Yeah. That's
21 everything to this side of that line.
22 MR. SINCAVAGE: Right. And I
23 was wondering -- Pat's saying, would the developer
24 consider providing a -- just an easement across
25 there for pedestrian access into the township park?

33

1 MR. MIKE BERARDI: Where's the
2 park?
3 MR. SINCAVAGE: Right here.
4 MR. MIKE BERARDI: Where?
5 MR. SINCAVAGE: Here's the parks
6 down here.
7 MR. MIKE BERARDI: Oh. The
8 township has this -- owns this?
9 MR. SINCAVAGE: Yes.
10 MR. MIKE BERARDI: Oh, I didn't
11 know that. Okay.
12 MR. SINCAVAGE: Yeah, so the
13 township owns all of this piece down here. See
14 what I'm saying?
15 MS. LAMBERTON: They're going to
16 let you walk through wetland?
17 MR. SINCAVAGE: No, but along
18 there, you can see there's some upland right by the
19 property line.
20 MR. BAXTER: But right now
21 people can access --
22 MS. LAMBERTON: Is that like a
23 whole liability issue with other people's property?
24 MR. BAXTER: People can
25 access --

34

1 MS. LAMBERTON: I say --
2 MR. BAXTER: -- the back parcel.
3 MS. LAMBERTON: -- we let it
4 alone. Yeah. Just my opinion.
5 MR. BAXTER: People can
6 access --
7 MR. SINCAVAGE: The park.

8 MR. BAXTER: -- this back part
9 from the park.
10 MR. SINCAVAGE: Absolutely. And
11 in the future, if the township decides to, they can
12 utilize the easement, because you can't -- they
13 can't landlock that piece. So that road that he's
14 proposing still has to show access to that. The
15 township would have to do whatever work is
16 necessary, but there would be access to the lot.
17 It's going to be referred to as Lot 3 on here.
18 MR. McHALE: Unless the township
19 joined those properties, then that access needs to
20 remain, because if they were to sell that off and
21 let some big development for residential purposes,
22 then they would haven't an access, and that's why
23 it has to stay on the plan.
24 MS. LAMBERTON: Okay.
25 MR. SINCAVAGE: Okay? I just --

35

1 Pat just brought it to my attention, but I --
2 MS. LAMBERTON: That's okay.
3 Asked and answered.
4 MR. BAXTER: Well --
5 MR. MIKE BERARDI: So what's the
6 question? What --
7 MR. SINCAVAGE: I think the
8 board is saying we don't think that would be
9 beneficial because there's liability issues about
10 going across your property.
11 MS. LAMBERTON: Somebody else's
12 property.
13 MR. SINCAVAGE: Yeah.
14 MS. LAMBERTON: Yeah, and you
15 have the general public, and I respect that.
16 MR. MIKE BERARDI: Okay.
17 MS. LAMBERTON: That's a good
18 question, though.
19 MR. SINCAVAGE: Okay. All
20 right. So you're okay, sir?
21 MR. MIKE BERARDI: Yes, sir.
22 The development across the street -- there was a
23 development going on across the street on this
24 side. Did that ever get finished, does anyone

25 know?

36

1 MR. McHALE: Keswick Pointe?
2 MR. MIKE BERARDI: I'm not even
3 sure that it was --
4 MS. LAMBERTON: Was that the one
5 that was a bank and then --
6 MR. McHALE: Keswick Pointe is a
7 170 unit subdivision.
8 MR. MIKE BERARDI: Yeah, it was
9 a good size subdivision.
10 MR. McHALE: And they put in
11 their --
12 MS. LAMBERTON: That's Chuck
13 Hannig.
14 MR. McHALE: -- main access and
15 part of the road system, utilities and such, and
16 they can sell lots and --
17 MS. LAMBERTON: Just haven't
18 sold anything yet.
19 MR. MIKE BERARDI: They never
20 started developing -- I mean selling stuff, huh?
21 MR. SINCAVAGE: It's on the
22 market.
23 MR. MIKE BERARDI: It's on the
24 market, it's just not --
25 MR. SINCAVAGE: It's just the

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1 market, the market has not been positive.
2 Just to clarify Bob's point,
3 though, there are two commercial lots on the
4 frontage. There's two commercial lots on either
5 side of that entrance --
6 MR. MIKE BERARDI: I think we
7 owned them.
8 MR. SINCAVAGE: -- is that
9 correct?
10 MR. MIKE BERARDI: I think I
11 owned one of them at one time.
12 MS. LAMBERTON: No, it's north

13 of it, isn't it?
14 MR. SINCAVAGE: I thought there
15 was two, one on each side of the entrance, two
16 commercial lots?
17 MR. MIKE BERARDI: Is that next
18 to the sewer -- is that next to the sewer treatment
19 plant?
20 MR. BAXTER: No, this is farther
21 over.
22 MS. LAMBERTON: Yes. It's by
23 the sewer plant.
24 MR. MIKE BERARDI: Okay.
25 MR. SINCAVAGE: Because who owns

38

1 the --
2 (Inaudible discussion among
3 board members.)
4 MR. SINCAVAGE: Yeah, I know.
5 We're all talking at one time, so --
6 MS. LAMBERTON: Yeah, sorry.
7 MR. McHALE: That's further up.
8 MS. LAMBERTON: Is it? Okay.
9 MR. McHALE: On the same side of
10 the road, that parcel is by Keswick Pointe. Their
11 access drive -- I believe the traffic study back
12 when we did that was for a sit-down restaurant --
13 MR. SINCAVAGE: Yes.
14 MR. McHALE: -- and a bank on
15 the other side.
16 MR. MIKE BERARDI: You're aware
17 that we still have nine EDUs, correct?
18 MR. McHALE: Yes.
19 MR. MIKE BERARDI: We had to get
20 one on the property when we gave you guys the
21 property. We gave one to that property so it could
22 be done.
23 MR. SINCAVAGE: So there's one
24 for Lot 3 that's referred to on the original?
25 Okay.

39

1 MR. MIKE BERARDI: How is the

2 EDUs today, any idea? No?
3 MR. McHALE: Pretty much first
4 come first serve basis.
5 MR. MIKE BERARDI: Yeah.
6 MS. LAMBERTON: We'll sell you
7 more.
8 MR. MIKE BERARDI: Well, good, I
9 hope so, because I want to buy some.
10 MS. LAMBERTON: So do I.
11 MR. SINCAVAGE: So do we.
12 MR. MIKE BERARDI: Thank you
13 again.
14 MR. ARMSTRONG: So your plan is
15 to revise the plan pursuant to --
16 MR. MIKE BERARDI: Yeah, what
17 have I given -- I've given you a \$2,000 deposit.
18 Does that get transferred to the new one or what
19 happens?
20 MR. McHALE: We're just going to
21 continue with this plan, right?
22 MR. ARMSTRONG: Yeah. You'll
23 just revise it --
24 MR. MIKE BERARDI: Oh.
25 MR. ARMSTRONG: -- pursuant to

40

1 the review letter from the township engineer, as
2 well as the discussion tonight with respect to the
3 access.
4 MR. MIKE BERARDI: Okay. Is
5 that the way to do it? Okay.
6 MR. BAXTER: It's still the same
7 submission.
8 MS. LAMBERTON: Yeah.
9 MR. MIKE BERARDI: Oh, it's
10 still the same submission? Okay.
11 MS. LAMBERTON: Just make the
12 revision on the plan --
13 MR. MIKE BERARDI: Okay. All
14 right.
15 MS. LAMBERTON: -- Bob's
16 checklist and then that should --
17 MR. MIKE BERARDI: All right.

18 Thanks again. Goodnight.
19 MS. LAMBERTON: You're welcome.
20 MS. MINNICK: You're welcome.
21 MR. SINCAVAGE: Okay. We were
22 given the schedule for 2014.
23 Any problems with it as
24 proposed?
25 MS. LAMBERTON: I did not have

41

1 any.
2 MR. SINCAVAGE: I'll entertain a
3 motion to enter -- to accept the meeting schedule
4 for 2014 as submitted.
5 MS. LAMBERTON: So moved.
6 MR. BAXTER: Second.
7 MR. SINCAVAGE: Motion and
8 second.
9 All those in favor, please say
10 aye?
11 THE BOARD: Aye.
12 MR. SINCAVAGE: That's that.
13 And this was not on our agenda,
14 but it was given to us at the last minute for
15 the -- from the Town Planning Partnership, LLC.
16 It's the proposal letter dated October 2, 2013.
17 This is for the planning stages for the local
18 design guideline brochure that was discussed at our
19 September meeting.
20 I pointed out to Bob that if you
21 look at the study area on Page 2, they did not
22 include Blakeslee, it just includes the area from
23 the Twin Lakes, going back towards the Pocono
24 Summit and the 380 interchange, and then the Study
25 Area 2 is the 380 interchange area.

42

1 I'm not sure, Maureen, if you
2 know why they didn't include the Blakeslee Area in
3 this proposal?
4 MS. MINNICK: From what I
5 understand, it was just gonna be these two, because
6 Blakeslee was already done with the visioning, so

7 maybe that's why they didn't include it. They were
8 going to use the information that was provided with
9 the visioning and just --

10 MR. BAXTER: That's my
11 recollection, too. We only specified these two.

12 MS. MINNICK: -- move forward
13 with it.

14 MR. SINCAVAGE: We said we
15 wanted it -- this was priority because of the
16 Kalahari project, so this became our priority?

17 MS. LAMBERTON: I mean, I wasn't
18 here in September, but I remember that when we
19 first said to bring them in and they were going to
20 give us an overlay of what they were going to
21 study. Now, do I remember 380 going to the school?
22 That corridor, didn't it go all the way to Pocono
23 Mountain School?

24 MS. MINNICK: That's where it
25 went to.

43

1 MS. LAMBERTON: Okay.

2 MR. SINCAVAGE: Actually, the
3 study here goes to Twin Lakes, to Pocono Lake. The
4 new area goes to Pocono Lake.

5 MR. BAXTER: The lower map.

6 MR. SINCAVAGE: Oh, the lower
7 map.

8 MS. LAMBERTON: I'm sorry, yeah,
9 over on 380, didn't that -- because it's not
10 indicating it. Does it show that it goes all the
11 way to the school?

12 MR. SINCAVAGE: Doesn't that
13 show the school's property, Bob?

14 MS. MINNICK: Yeah, that's the
15 school's property.

16 MR. McHALE: Yes. Yeah, it's
17 part of it.

18 MR. SINCAVAGE: It's part of it,
19 though.

20 MS. LAMBERTON: Oh, okay. Okay.
21 Just curious, because that made sense.

22 MR. SINCAVAGE: The total cost

23 to do this, estimated for Study Area 1, is \$14,020,
24 and for Study Area 2 is 8,650, so that's, say,
25 \$23,000?

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1 MS. LAMBERTON: Twenty-two six,
2 yeah.

3 MR. SINCAVAGE: The township
4 should put that in the budget for 2014.

5 MS. LAMBERTON: You're going to
6 have to do something out in Pocono Summit if you
7 want to do an overlay before everything starts
8 happening.

9 MR. SINCAVAGE: I agree. You
10 know, so I think it would be money well spent. I
11 mean, and --

12 MS. LAMBERTON: Maybe we should
13 concentrate on Study Area 2.

14 MR. SINCAVAGE: Yep.

15 MR. BAXTER: I'll see if
16 (inaudible).

17 MS. LAMBERTON: Okay.

18 MR. BAXTER: -- and do them in
19 that sequence.

20 MS. LAMBERTON: You know? I
21 mean, maybe --

22 MS. MINNICK: Start with
23 something.

24 MS. LAMBERTON: -- you learn
25 from Study 2, that we can put Bob and Patrick to

45

1 work for Study 1.

2 MR. SINCAVAGE: Well, I see
3 he's -- if you look at their notes, I read through
4 this really --

5 MS. LAMBERTON: Right. You
6 don't have to reinvent the wheel each time.

7 MR. SINCAVAGE: Right. But if
8 you read their proposal, the information from Study
9 Area -- and I read this quickly tonight just while
10 I was sitting here --

11 MS. LAMBERTON: I did not read

12 it.
13 MR. SINCAVAGE: The area -- the
14 Study Area 1 is doing stuff that would be used in
15 Study Area 2, so it's backwards from what we're
16 saying.
17 MS. LAMBERTON: Okay.
18 MR. SINCAVAGE: That's why --
19 MS. LAMBERTON: That's why
20 that's higher.
21 MR. SINCAVAGE: Right.
22 MR. BAXTER: Okay.
23 MS. LAMBERTON: All right.
24 MR. SINCAVAGE: So I'm not
25 sure -- we might -- we would want to ask them to

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1 split that around and do Study Area 2 as the
2 priority and do that one first? Give us a price on
3 that and then do Study Area 1?
4 MS. LAMBERTON: I would think
5 so. It just makes more sense to me.
6 MR. SINCAVAGE: Yeah, it does.
7 Maureen, could you ask Town
8 Planning Partnership to resubmit this, in that
9 order, being Study Area 2 would be the primary area
10 and then Study 1 -- and this would be the secondary
11 area?
12 MS. MINNICK: Absolutely.
13 MS. LAMBERTON: That makes more
14 sense. Probably be looking at 15 for Study Area 2.
15 MR. SINCAVAGE: I don't think
16 we're going to see a change in the price --
17 MS. LAMBERTON: No, it just --
18 MR. SINCAVAGE: Right. But, I
19 mean, here it's November, so maybe we just --
20 MS. LAMBERTON: We all want to
21 work on this.
22 MR. SINCAVAGE: Right.
23 MS. LAMBERTON: We need to get
24 it done.
25 MR. SINCAVAGE: The budget isn't

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1 done --
2 MS. LAMBERTON: Not yet.
3 MR. SINCAVAGE: -- for 2014, so
4 we can get this in the budget.
5 MS. LAMBERTON: We're diligently
6 working on that.
7 MR. SINCAVAGE: Yes.
8 MS. LAMBERTON: Not a lot of
9 grass grows under Phyllis' feet.
10 MR. SINCAVAGE: Right. So let's
11 look at it. Let's ask them for that resubmission
12 and we'll see where it comes.
13 MS. MINNICK: Okay.
14 MR. SINCAVAGE: Okay.
15 MS. LAMBERTON: Yeah.
16 MR. ARMSTRONG: Just so I'm -- a
17 resubmission asking Town Planning to --
18 MS. LAMBERTON: Just look at
19 Study Area 2.
20 MR. ARMSTRONG: -- flip it,
21 Study Area 2 being the first --
22 MR. SINCAVAGE: Right.
23 MS. LAMBERTON: I'm sure they'll
24 just flip the cost, but that's okay. So we know
25 what we're going to do.

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1 MS. MINNICK: Just a quick
2 question on Berardi's plans. Nobody tabled them.
3 He's going to resubmit. Are we gonna start the
4 clock or --
5 MR. ARMSTRONG: You don't have
6 to table your plans; however, the planning
7 commission has had a practice of doing it in the
8 past. You can continue to do it, you don't have to
9 do it.
10 MS. LAMBERTON: It sounds harsh.
11 MR. BAXTER: Was this a formal
12 submission?
13 MR. ARMSTRONG: Hmm?
14 MR. BAXTER: Was this a formal
15 submission that --
16 MR. ARMSTRONG: Yes. Yes. It's

17 my understanding, it's a submission. If you don't
18 table it, it doesn't mean any -- it doesn't mean
19 that when he resubmits his plan, it's going to be a
20 new application. It's still part of the
21 application that was already submitted.

22 MS. LAMBERTON: Okay. So the
23 clock's already ticking, is that what you're
24 asking? Yeah.

25 MR. SINCAVAGE: So the time is

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1 ticking.

2 MS. LAMBERTON: Yeah.

3 MR. ARMSTRONG: Irregardless of
4 you tabling it or not tabling, the way the MPC
5 reads is, that time clock -- you're talking about
6 time clock as to action on this plan, is that what
7 you're referring to?

8 MS. LAMBERTON: I'm assuming.

9 MR. ARMSTRONG: That time clock
10 starts irregardless of what you do from the date --
11 it will start today, and if you wouldn't have met
12 before 30 days after its submission, it would
13 automatically start 30 days after he submitted it.

14 MS. LAMBERTON: Okay.

15 MR. ARMSTRONG: But because you
16 met tonight, it starts tonight.

17 MS. LAMBERTON: Right. There
18 you go.

19 MR. SINCAVAGE: So I'm fine with
20 that.

21 MS. LAMBERTON: Yeah.

22 MR. SINCAVAGE: I think we need
23 to change our practice for 2014.

24 MS. LAMBERTON: Yeah. We want
25 to be user-friendly. Table is just so

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1 (inaudible) -- it's rejection.

2 MR. SINCAVAGE: Okay. Anything
3 else?

4 MS. LAMBERTON: Don't put

5 anything down that I say.
6 MR. SINCAVAGE: Anything else to
7 come before the board?
8 MS. LAMBERTON: No.
9 Motion to adjourn?
10 MR. SINCAVAGE: I have a motion
11 to adjourn.
12 Do I have a second to the
13 motion?
14 MR. BAXTER: Second.
15 MR. SINCAVAGE: Motion and
16 seconded.
17 All those in favor, please say
18 aye?
19 THE BOARD: Aye.
20 (Meeting concluded at 6:09 p.m.)
21 ---
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7 I hereby certify that the
8 proceedings and evidence are contained fully and
9 accurately in the notes taken by me, to the best of
10 my ability, 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 JESSICA L. HOLT, C.R.
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9 if we can upgrade something that's in the near
10 vicinity.

11 MR. McHALE: After we get a
12 little further and get those final permits on
13 Kalahari, we've got to open that up to Aqua and see
14 if they want to duplicate or replicate what --

15 MS. LAMBERTON: Absolutely.

16 MR. McHALE: -- they did across
17 380, and I think they probably --

18 MS. LAMBERTON: Yeah,
19 definitely.

20 MR. McHALE: -- want to start
21 working on that.

22 MR. SINCAVAGE: Yeah, because
23 the plant in Stroudsburg can handle a lot of
24 sewers -- sewerage, right?

25 MR. McHALE: May I -- well --

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1 MS. LAMBERTON: Pocono's got two
2 million.

3 MR. McHALE: Pinecrest is

4 permitted to --

5 MS. LAMBERTON: That's --

6 MR. SINCAVAGE: That's

7 Pinecrest.

8 MR. McHALE: -- 500,000.

9 MR. SINCAVAGE: Right, right,
10 right. Right. They're permitted for 500,000 --

11 MR. McHALE: Gallons a day.

12 MR. SINCAVAGE: They're probably
13 only using not even a hundred, are they?

14 MR. McHALE: No, their -- their
15 first component is up to a hundred, but they are
16 only using like in the 40 to 50 range.

17 MR. SINCAVAGE: Right.

18 MS. LAMBERTON: Isn't that
19 allocated, though, just for that property?

20 MR. McHALE: Well --

21 MS. LAMBERTON: They're only
22 allowed to take like 75,000 gallons --

23 MR. McHALE: We're --

24 MS. LAMBERTON: -- off site
25 or --

1 MR. McHALE: Right. That's what
2 we -- we contend and we believe is that there's
3 77,000 gallons available off site, like Annie's
4 talking, but that's not to say that, you know, with
5 Pinecrest they might have the opportunity to do
6 land based application on their golf courses or
7 something -- spray irrigate, you know, there's any
8 number of things other than stream discharge and
9 increasing that number. I mean, first I think we'd
10 want to stay within the parameters of stream
11 discharge and then go from there, but, again --

12 MS. LAMBERTON: Some discussion
13 we need to open up and have.

14 MC. McHALE: I mean, because --

15 MR. SINCAVAGE: Well, if you
16 took at least --

17 MR. McHALE: -- in order for
18 that to blossom like we really --

19 MR. SINCAVAGE: Right.

20 MR. McHALE: -- you all are
21 hoping.

22 MS. LAMBERTON: We need sewer.

23 MR. SINCAVAGE: That's what I

24 was going to say. You need infrastructure. As

25 soon as you talk -- start talking about doing this

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1 type of thing to invite commercial into a

2 commercial development, you have to talk

3 infrastructure.

4 MS. LAMBERTON: Yeah, you could

5 just tie Stillwater right into it. They need

6 drastic --

7 MR. SINCAVAGE: They need a

8 drastic -- yeah.

9 MS. LAMBERTON: But I mean if we

10 can show the need, DEP should at least talk to us.

11 I'm going to go in with that

12 prep, you know, I mean, I'm just --

13 MR. SINCAVAGE: Yeah, you'll

14 take it --

15 MS. LAMBERTON: -- I'm just

16 going to go in with that --

17 MR. SINCAVAGE: You be positive,

18 Annie.

19 MS. LAMBERTON: -- and I will be

20 positive.

21 MR. SINCAVAGE: I've --

22 MS. LAMBERTON: I will.

23 MR. SINCAVAGE: I've banged my

24 head against the door down there too many times.

25 MS. LAMBERTON: I do okay down

56

1 there.

2 MR. SINCAVAGE: I'm done banging

3 my head.

4 MS. LAMBERTON: I do okay down

5 there. Yeah, no, I think it's good time for

6 conversation to start.

7 MR. SINCAVAGE: Well, it's a

8 different environment --

9 MS. LAMBERTON: Yes, very much.

10 MR. SINCAVAGE: -- from when I

11 was going down, so --

12 MS. LAMBERTON: Absolutely.

13 Strike while the iron's hot.

14 MR. SINCAVAGE: Yeah, I agree.

15 Okay?

16 MS. LAMBERTON: Okay, cool. I

17 think that gives you a little bit more direction

18 than we had.

19 MS. HAASE: Well, I'll circulate

20 your e-mail --

21 MR. SINCAVAGE: Um-hum.

22 MS. HAASE: -- also the dates

23 and we'll shoot for the 11th. If I can't secure

24 that date, then we will go for the --

25 MS. LAMBERTON: 30th.

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1 MS. HAASE: -- 30th and 31st.

2 MS. LAMBERTON: Right.

3 MR. SINCAVAGE: Right. Well,

4 with a --

5 MS. LAMBERTON: With a joint

6 meeting with --

7 MR. McHALE: Yeah, I'm sorry --

8 MS. LAMBERTON: You came in at
9 the end of it --

10 MR. McHALE: -- I didn't know
11 where you guys were.

12 MS. LAMBERTON: -- that's why I
13 was kind of like -- wanted to mention that to you.
14 Next Thursday we have a regular PC meeting planned.

15 MR. McHALE: Okay.

16 MS. LAMBERTON: So we're going
17 to try to bring the board of supervi -- keep that
18 meeting and keep it as a joint with board of
19 supervisors. If no one can make that, we're going
20 to shoot for the end of the month, for either the
21 30th or the 31st at 5:30.

22 MR. MILLER: So next -- next
23 week stands then at --

24 MS. LAMBERTON: Until we hear
25 from Phyllis.

1 MR. SINCAVAGE: At this point.

2 MS. LAMBERTON: Yeah, at this
3 point.

4 MR. SINCAVAGE: If the
5 supervisors can't make it, we have nothing on our
6 agenda, I'm not meeting.

7 MS. LAMBERTON: We'll cancel.
8 Yeah.

9 MR. SINCAVAGE: I'm not going to
10 waste our time by meeting, but if -- if they're
11 able to meet, then we'll meet, so --

12 MS. LAMBERTON: And then
13 Patty --

14 MR. SINCAVAGE: We'll let you
15 know.

16 MS. LAMBERTON: -- it's at the
17 end of the month -- she'll be refreshed and --

18 MR. SINCAVAGE: Right.

19 MS. LAMBERTON: -- back from
20 vacation.

21 MR. SINCAVAGE: Ready to go.

22 MS. LAMBERTON: Good.

23 Where's Robby? I didn't hear
24 from him.

25

Good.

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MR. SINCAVAGE: Anything else?

2 Okay.

3

We're adjourned. Thank you.

4

(Meeting concluded at 6:34 p.m.)

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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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JESSICA L. HOLT, 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, September 5, 2013, beginning at 5:30 p.m.

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

PATRICK ARMSTRONG, ESQUIRE, Solicitor

ALSO Phyllis Haase, Township Manager
PRESENT: Maureen Minnick, Secretary

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

2

1 MR. SINCAVAGE: I'll call the
2 regularly scheduled meeting of Tobyhanna Township
3 Planning Commission to order for September the
4 5th, 2013. I'm going to ask everyone to stand so
5 we can have a moment of silence for the victims of
6 Ross Township and for their families.

7 (Moment of silence.)

8 MR. SINCAVAGE: Thank you.

9 All right. The public's here,
10 so we'll move onto consideration of the June 6,
11 2013 minutes.

12 Do I have a motion for
13 approval?

14 MR. MILLER: I'll make a
15 motion.

16 MR. SINCAVAGE: I have a
17 motion.

18 Do I have a second to the
19 motion?

20 MR. BAXTER: Second.

21 MR. SINCAVAGE: Motion and
22 second.

23 All those in favor, please say
24 aye?

25 THE BOARD: Aye.

3

1 MR. SINCAVAGE: On the July 1st
2 I've been given some corrections. On Page 3, Line
3 11, it should read so that is going to, not do.
4 On Page 4 (sic), Line 4, it should be yes, not
5 yesh. On Page 5, Line 17, it should read without
6 the approval of the planning -- the zoning hearing
7 board. On Page 7 (sic), Line 20, it should read
8 to need recommendation from the planning
9 commission. On Page 11 (sic), delete Lines 11
10 through 23. We were supposed to be off the

11 record. And on Page 22, Line 12, it should read
12 about the course, not force.

13 With those corrections, do I
14 have a motion to approve the July 1, 2013 minutes?

15 MR. MILLER: So moved.

16 MR. BAXTER: Second.

17 MR. SINCAVAGE: Motion and
18 seconded. All those in favor, please say aye?

19 THE BOARD: Aye.

20 MR. SINCAVAGE: Anything on Wee
21 Wons?

22 MS. HAASE: No, sir.

23 MR. SINCAVAGE: Anything on the
24 Locust Ridge Quarry?

25 MS. HAASE: Sorry.

4

1 MS. MINNICK: Nothing.

2 MR. SINCAVAGE: Anything on
3 Locust Ridge Quarry?

4 MS. MINNICK: No.

5 MR. SINCAVAGE: No. Can we

6 send them a letter and get them on our --

7 MR. ARMSTRONG: Yeah. If the
8 commission wishes to send them a letter, almost
9 like an inquiry as to where they are on their
10 projects and do you want to give them a time frame
11 to act on those projects? If not, you can take
12 action and make the recommendation to the board of
13 supervisors.

14 MR. SINCAVAGE: I would like to
15 see action. We've had these on our agenda for
16 years, a few years.

17 MR. ARMSTRONG: If you recall,
18 actually a few years ago you used to have a
19 significant amount and what we did was, we started
20 sending letters to a handful of them and either
21 they started moving on them or they initially
22 said, no, we're done and that's it.

23 MR. SINCAVAGE: I would like
24 them to either move on it or withdraw their
25 applications. And if they don't withdraw it, then

1 we'll take action.

2 MR. ARMSTRONG: Should we give
3 them --

4 MR. MILLER: What kind of
5 action would we take?

6 MR. SINCAVAGE: It would be a
7 denial.

8 MR. ARMSTRONG: It would be a
9 recommendation for denial.

10 MR. MILLER: Okay.

11 MR. ARMSTRONG: If it was ready
12 for approval, they wouldn't still be before you.

13 MR. MILLER: Do they understand
14 that and we would write a letter --

15 MR. ARMSTRONG: I'll spell it
16 out for them. I'll tell them. I have a formal
17 letter that I know I did before for this
18 commission. We can send those letters and should
19 I give them until November? Sixty days?

20 MR. BAXTER: Yeah. Sixty days.
21 Let's do that.

22 MR. SINCAVAGE: For the
23 November meeting.

19 authorizing at least meeting with the board.

20 I know that the Chestnuthill
21 Township Ordinance was distributed between
22 everyone. I received some comments from some of
23 the board of supervisors on that with some
24 concerns and some of the provisions in that
25 ordinance, but aside from that, the board has

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1 met -- they've met twice in August and once
2 already in September and they have not brought it
3 up again.

4 But my understanding is that
5 the board, in theory, wants to move forward with
6 this. It's just a -- it's not -- I haven't been
7 involved in any active discussions on a board
8 level with respect to proceeding with any actual
9 amendments to the ordinance as of yet. It's not
10 to say that they don't want to. They want to.
11 It's just that they haven't discussed it at a
12 meeting since that joint meeting.

13 MR. SINCAVAGE: My

14 recollection -- and if any of the commission
15 members disagree or can correct my memory from
16 that long ago -- was that we had asked the board
17 of supervisors to authorize the solicitor to take
18 the Chestnuthill Ordinance and blend it with the
19 criteria that we had from Doylestown, I believe it
20 was?

21 MR. ARMSTRONG: Yes.

22 MR. SINCAVAGE: And to blend
23 those two together and you could come up with an
24 ordinance that we could start looking at. And I'm
25 assuming then, was that --

8

1 MR. MILLER: Yeah.

2 MR. SINCAVAGE: I thought
3 that's where we kind of wrapped it up, too.

4 MS. HAASE: If I may, you are
5 correct. That is what the planning commission
6 asked.

7 MR. SINCAVAGE: Right.

8 MS. HAASE: Unfortunately, the

9 board has not yet given direction to our
10 solicitor --

11 MR. SINCAVAGE: Right.

12 MS. HAASE: -- to move forward
13 with that, so it is something that I could bring
14 up with our board at our next meeting and get some
15 type of a consensus.

16 MR. ARMSTRONG: Unless -- yeah.
17 I think what the board wanted to do was to review
18 and digest that Chestnuthill Ordinance before they
19 gave me the green light. And since that meeting,
20 I think -- I know one supervisor had some
21 concerns, at least in an e-mail, that he wanted to
22 discuss. I think in the e-mail it said at one of
23 the next meetings, but it wasn't ever discussed,
24 to my knowledge, at any of the other board
25 meetings.

9

1 What I can do -- they're
2 meeting again on Monday. If you would like -- if
3 the commission would like for Phyllis and/or I to

4 revisit that topic with the board at that time to
5 see if they want -- I mean, after the
6 presentation --

7 MR. SINCAVAGE: Right.

8 MR. ARMSTRONG: -- tonight, you
9 might be in a better position as to how to
10 merge -- maybe not Chestnuthill. Maybe it's, you
11 know, taking what -- I mean, if you recall, a few
12 months ago I forwarded you just a draft
13 boilerplate village commercial-type ordinance with
14 some of the basics in there. Maybe take a hybrid
15 between that, Chestnuthill and maybe something
16 that the Town Planning Partnership may have for
17 you tonight.

18 But at this point in time, I
19 don't have -- I did not get the green light to
20 move forward with anything at this point in time.

21 MR. MILLER: Okay.

22 MR. SINCAVAGE: Well, why don't
23 we listen to the plan by Town Planning Partnership
24 for tonight and then we can decide if we want to
25 make a recommendation on how we want to proceed.

1 That was the main focus of why I wanted to meet
2 tonight. I know there was really nothing on our
3 agenda, but I wanted to keep this moving forward
4 because it was my belief that this commission
5 wanted to move forward with that, as well as the
6 board of supervisors.

7 So that brings us to you, Phil.

8 MR. PHIL EHLINGER: Good
9 evening. I'm pleased to be back at Tobyhanna
10 Township. Thanks for inviting me up to chat.

11 MR. SINCAVAGE: If you would
12 just identify yourself for the --

13 MR. PHIL EHLINGER: Certainly.
14 I'm Phil Ehlinger from Town Planning Partnership.
15 I'll give you a card so you can get the spelling
16 right.

17 We were made aware that you
18 folks were interested in maybe taking the next
19 step in implementing some of the earlier community
20 visioning work we had done, as well as creating
21 perhaps some new tools to use for guiding growth

17 in my experience, generally you get 70 -- 70
18 percent compliance because people want to do the
19 right thing. And there's also a delicate
20 negotiation that often goes on between the
21 township building and developers, because there is
22 a complex constellation of regulations that need
23 to be complied with. Almost nothing complies 100
24 percent, especially if it's a land development.
25 If there's an extensive subdivision land

12

1 development regulation, generally waivers are
2 required.

3 So by creating a nonbinding
4 design guideline that communicates to the
5 developer or the property owner what the general
6 expectations are of the community for new
7 development or redevelopment and then ask for
8 compliance as opposed to demand it, it creates
9 more of a cooperative relationship. And when you
10 get to land development and we get to these brass
11 tax issues and waivers are needed, there's a quid

12 pro quo, if you will. They give you quality, you
13 can give them -- you know, I'm not saying an
14 expedited review, but -- but certainly there's
15 considerations that can be given for their
16 cooperation within your jurisdiction, within --
17 within your charge. And it creates a more
18 cooperative relationship.

19 Time is money for these folks
20 and the prospect of not having to go through
21 perhaps another two or three month delay because
22 they gave you quality architecture, extensive
23 landscaping, nice site lighting, good materials up
24 front, it's worth it generally, in my experience,
25 that these folks will do that. And they'll bring

13

1 you quality if they know that they're not going to
2 get tied up and, you know, wrapped around the axle
3 for months and months and months, which they may
4 anyway. The quality of their submission is what
5 governs.

6 So I just outlined very briefly

7 one option which are kind of creating little --
8 you know, if you will, pamphlets or mini
9 guidelines for various areas of the township.
10 These would be very simple documents. And they
11 could be, and should be, also posted online where
12 they can be somewhat more -- they can have a
13 little more depth to them online because we're not
14 constrained by the real estate pieces of paper,
15 creating -- we can create perhaps a larger visual
16 library online of what's appropriate, with the
17 idea being you create both a digital and a paper
18 tool that could be given to applicants in
19 presubmission situations so they know what's
20 expected of them.

21 It does not create any more
22 regulation, but it does set expectations. And,
23 you know, maybe you'll get 90 percent compliance
24 with it. Ninety percent is still an A. And
25 you're going to have to -- if there's an aversion

1 to creating additional regulatory burdens, and

2 there generally is, you've got to accept it. Ten
3 percent's going to get away or maybe twenty
4 percent's going to get away, but that's the price
5 of not creating a whole 'nother level of
6 regulation.

7 So it's a -- it's a discussion,
8 it's a value equation that the government body and
9 their advisors, you, the planning commission, have
10 to work through; but it has been successful in
11 many communities creating these nonbinding design
12 guidelines. And I think that everyone is aware in
13 this day in age who holds all the cards. It's the
14 township. And so when you put that out there
15 without saying it's compliance, you know, it's
16 required, it's been my experience that generally
17 people want to do the right thing.

18 But there's flexibility because
19 it's not a 500 page or 100 page document.

20 There's -- you know, there's some flexibility and
21 there's the ability to horse trade, if you will,
22 and get the quality project without having the
23 mechanics of a heavy ordinance and that heavy
24 regulatory language.

1 just to talk about one option, one tool that you
2 may consider. The advantage of this light
3 document is it's much more affordable than
4 creating a very expensive extensive document. So
5 it actually may be, in the end, more affordable
6 for the -- for the township to create these
7 lighter documents more tailored toward specific
8 areas. If the board of supervisors and planning
9 commission decide to go that route, I'd suggest
10 that you select some areas -- and we really do
11 focused -- a focused survey and -- and kind of a
12 visioning workshop with that specific area.

13 Also do a survey of the
14 existing architectural fabric there. I think the
15 historic association probably has a lot of
16 information. We would also suggest that you do a
17 survey of the existing architecture, the newer
18 stuff that wouldn't necessarily be in the
19 historical record and try to distill from that,

20 what is the heritage character of that area.

21 Not -- we're not trying to create a historic
22 district, an Act 167 historic district, and we're
23 not trying to create another zoning regulation.

24 What we are is trying to
25 communicate, we being the township, to the

16

1 property owners and to the potential property
2 owners and developers, what the expectations are
3 if you want to build in -- in Tobyhanna Township.
4 So that's one idea. Certainly if there was an
5 ordinance model and the board of supervisors and
6 the planning commission wanted to explore what
7 actual hard regulatory tools we can create, we can
8 do that.

9 And there are -- the great
10 thing about zoning, it's been -- it's being done
11 everywhere and there's a lot of great models that
12 we can -- that we can borrow from around the
13 Commonwealth specifically, as far as creating
14 zoning design guidelines that are not necessarily

15 historic district guidelines, that you can create
16 integrated architectural standards in typical
17 zoning to an extent. And we've had some success
18 doing that in various communities.

19 So, I'm excited to chat with
20 you guys about it and if you have any questions or
21 we can continue the conversation.

22 MR. SINCAVAGE: I have a couple
23 questions, I'm sure some of the other commission
24 members do, too. How do you -- under the pamphlet
25 idea, you've referred to it as that, how do you

17

1 address the streetscape?

2 MR. PHIL EHLINGER: Well, in
3 Barrett, we did a document, and it was -- maybe it
4 was 15 or 20 pages, and that was the principles of
5 appropriate site design. In the Barrett document,
6 we really didn't deal with the buildings as much
7 as what is good site design. And in site design,
8 you're really talking about streetscape. You're
9 talking about hedging and edging the parking lots,

10 site lighting, trash, circulation, signage,
11 freestanding signage. So this -- these
12 document -- and depend on what you wanted this to
13 do. You'd have to define what the goal was,
14 define success and then we'll try to get there.
15 If we're trying to deal with the site and
16 streetscape issues, that's kind of one -- one
17 language, one lexicon we would use.

18 If we're trying to deal with
19 the building itself, the architecture, roof slope,
20 materials, window fenestration, how things are
21 detailed in this community as opposed to perhaps
22 other places. The width of the corner boards
23 around windows. There's a certain vernacular
24 that's -- that's very regional, that we could try
25 to capture and kind of create kind of a little

18

1 primer on what the local architecture is
2 characteristic of.

3 So we can go to -- we can talk
4 about the site, we can talk about parking lots and

5 where parking lots should be and how they should
6 be screened and landscaped or we can talk about
7 the building or we can -- if you can have the
8 packet -- the pamphlet get a little bigger and we
9 can talk about architecture and sites. So it
10 really depends on what your goal is. And it
11 probably should be a blending, to a certain
12 extent, of both of those things without keeping --
13 without creating a gigantic document, too.

14 The idea is to try to create
15 something readable that doesn't require three
16 hours of sitting down to plow through. You'd want
17 it to be visual -- be a lot of visual examples,
18 what's appropriate and less text.

19 MR. SINCAVAGE: And how does
20 that affect the current zoning for setbacks?

21 MR. PHIL EHLINGER: Well, this
22 is a -- this is a recommendation. And we
23 certainly would look at the existing zoning and if
24 we were suggesting something that was directly
25 contrary to what's permitted, we'd probably

1 reconsider suggesting it.

2 As far as these type of
3 guidelines, we really don't get into the mechanics
4 of, parking lot has to be set back 25 feet. We
5 talk about more general principles of site design,
6 about where landscaping should be, how landscaping
7 should be positioned.

8 MR. SINCAVAGE: I guess what
9 I'm saying though is, if our ordinance says your
10 building setback has to be 50 feet --

11 MR. PHIL EHLINGER: Right.

12 MR. SINCAVAGE: -- which it
13 currently does for most districts, but the site
14 design that we want to see in the village centers,
15 we want to bring the buildings up to the street
16 and have the parking lot behind --

17 MR. PHIL EHLINGER: Right.

18 MR. SINCAVAGE: -- as a design
19 idea.

20 MR. PHIL EHLINGER: Right.

21 MR. SINCAVAGE: How do you mesh
22 those two?

23 MR. PHIL EHLINGER: Well, you
24 would treat this type of design guide -- well, you
25 treat this type of design guideline like kind of a

20

1 mini comprehensive plan and you would use it
2 perhaps as an intellectual kernel for a zoning
3 ordinance amendment that would follow. If there
4 was consensus that the community and these focus
5 groups called vision sessions and the workshops,
6 said we really like the buildings that are within
7 the 10 or 15 feet small garden area creating what
8 we call a street wall and we want that parking set
9 back, which is what we did in the Barrett -- that
10 was one of the recommendations in the Barrett
11 document, too -- then you would go back and say,
12 well, we really maybe need to fix that zoning
13 ordinance provision.

14 The other option that I didn't
15 talk about is incentivizing this. Regulations we
16 talk about, you know, hitting you with a stick and
17 you've got a big ruler and we punish you if you

18 don't do it, but you can also operate with
19 carrots. And you can create mechanisms within
20 your ordinance that incentivize doing the stuff
21 and if we can create very simple systems, we can
22 create more complex systems. But basically if the
23 applicant complies with your pamphlet, the
24 architectural guideline pamphlet, and they meet
25 some threshold that we create, they get a little

21

1 bonus.

2 Maybe their setback now becomes
3 15 feet because they hit this, this, this and this
4 point within that system. So creating a bonus
5 system, as opposed to a regulation, it feels a lot
6 better. It feels like you're giving them
7 something as opposed to keeping them from doing
8 something. So generally, these -- in my
9 experience, these bonus systems go over a little
10 better than a regulation.

11 MR. SINCAVAGE: But does that
12 have to be put into an ordinance?

13 MR. PHIL EHLINGER: Yes.

14 MR. SINCAVAGE: Okay.

15 MR. PHIL EHLINGER: Yes, you

16 would --

17 MR. ARMSTRONG: They work

18 hand-in-hand.

19 MR. PHIL EHLINGER: Right.

20 MR. ARMSTRONG: The pamphlet's

21 not going to override the ordinance. The

22 ordinance is the governing body.

23 MR. SINCAVAGE: Right.

24 MR. PHIL EHLINGER: Right.

25 MR. SINCAVAGE: Since we're

22

1 going to --

2 MR. PHIL EHLINGER: Exactly.

3 It would have to be, because we're talking about

4 modifying the zoning ordinance, but it's voluntary

5 in that the existing zoning remains and that we

6 kind of create -- we could create a matter of

7 ways, but an overlay perhaps for that area and you

8 comply with this, you get the village bonus.

9 MR. SINCAVAGE: Right.

10 MR. PHIL EHLINGER: And if you
11 meet these architectural thresholds and use
12 certain materials on this list, I mean, we can
13 make a very simple formula, kind of five or ten
14 points, and we can give bonuses if you do it. And
15 so you're giving them something as opposed to
16 keeping them from doing something. It's a system
17 that works well. We've done it in -- with
18 architecture. We've also done it with green
19 building in the green points program. We've done
20 some green building incentive programs where you
21 actually get density bonuses for building green
22 buildings.

23 So that's another tool that we
24 could talk about that would be optional for any
25 zoning district. You would not be requiring

23

1 anyone to do it. You would essentially be
2 creating this -- this bonus system if -- if they

3 were interested in going down that route. So just
4 another -- another tool to think about. You know,
5 it's out there.

6 MR. BAXTER: So you mentioned
7 also tying that in with the village, the overlay,
8 which I think might be the way to do that. And I
9 really like the concept of incentivizing. I think
10 that's a really good approach. And I could see
11 how the pamphlet, the guidelines, the
12 nonrequirement approach, might also deter somebody
13 who simply isn't going to be willing to do that.
14 They might figure, okay, I don't really have to
15 follow this, but if that's what they want, maybe
16 it's not worth the bother, in which case we don't
17 get something we'd have to have a tug of war with,
18 you know, to try and regulate compliance.

19 MR. SINCAVAGE: Um-hmm. Any
20 other questions?

21 (No audible response.)

22 MR. SINCAVAGE: In your --
23 well, in this rough outline of the letter that you
24 sent to us, you have in here a citizen survey and
25 local conferences workshop.

1 Do you feel that we have to go
2 through that again or -- I'm looking at the
3 Blakeslee Area. We'll speak to that because we
4 already did that for the Blakeslee Area.

5 MR. PHIL EHLINGER: Exactly.
6 And I wouldn't suggest as -- comprehensive
7 workshops ordinarily as long. I think the idea
8 would be that we're talking about smaller, more
9 specific geographic areas or we could be. And we
10 can create online tools. It's always nice to
11 invite them to at least one, you know, town
12 meeting where they can come in and yell at you or
13 applaud or share their opinions, is really the
14 important -- the important thing, that you have a
15 transparent, open process.

16 Not everyone likes to go online
17 and click on things, so -- but in this day in age
18 we almost always use some type of online tool
19 because a lot of folks would much rather do it at
20 their computer than -- than shlep out to a

21 meeting, but you've got to create both options, I
22 think. That's why I kind of just said we have a
23 survey, which was really online. If you have a
24 newsletter, you can send it out if you want to do
25 some stuff in paper. But the easiest way, almost

25

1 everyone's online these days.

2 MR. SINCAVAGE: I think you did
3 a survey, didn't you, when we did the visioning?

4 MR. PHIL EHLINGER: That survey
5 was -- had a little bit different goals. And I
6 guess we haven't really defined what the goal is
7 here. We're talking about site design, we're
8 talking about architecture and buildings
9 themselves. We're talking about a little of both.
10 And certainly we would use all that data that we
11 could. I mean, I'd like to think that we'd
12 probably do a little better job on the survey. I
13 wasn't -- I wasn't a hundred percent happy with --

14 MS. HAASE: (Inaudible
15 comment.)

16 MR. PHIL EHLINGER: -- our own

17 selection --

18 MS. HAASE: Yeah.

19 MR. PHIL EHLINGER: -- of

20 images during that, just in kind of, you know,

21 table-topping what went down. I thought we could

22 have -- Town Planning could have done a better job

23 on that survey. So I don't know how much value

24 some of that survey would be for this type of

25 exercise. I'd much rather use, for the next

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1 round, more Blakeslee or more Tobyhanna Township,

2 Pocono images.

3 There was -- we were trying to

4 give people, in that survey, a taste of what's out

5 there in the world. You know, we were showing

6 stuff -- there was some stuff in Europe. I mean,

7 we were just trying to expand the vision of what

8 is possible. I think in this exercise, it would

9 be scaled down. It would be much more community

10 centric because you want -- we want credibility.

11 We want the document to be credible, so we really
12 have to ask the folks what they -- what they
13 think.

14 MR. SINCAVAGE: My personal
15 experience is that almost universally everyone is
16 anxious and wants to know when this is going to
17 happen.

18 MR. PHIL EHLINGER: Absolutely.

19 MR. SINCAVAGE: I mean, so I
20 don't think we're going to have opposition. We
21 want to take it -- if we don't put on a whole
22 layer of regulation, which I think is a good point
23 that you brought up tonight.

24 MR. BAXTER: Yeah, I think it
25 would be much more warmly received. We're not

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1 making up tons of new rules, but -- and I think
2 also as to the site versus architectural,
3 personally I'd like to be seeing both.

4 MR. SINCAVAGE: Yeah.

5 MR. BAXTER: I think we've got

6 a long way to go to make some improvements, I
7 think, in both characters.

8 MR. SINCAVAGE: Um-hmm.

9 MR. BAXTER: So some way to
10 merge or blend the both without doubling the size
11 of it.

12 MR. PHIL EHLINGER: And like I
13 said, there's a lot of great examples that we
14 could borrow from. In the public sector there's a
15 lot more sharing that goes on in the corporate
16 world. We're all non-for-profit here.
17 Nobody's -- we're trying to do the people's work
18 and so we can -- we can borrow some good examples
19 here and there.

20 The options also for the
21 pamphlet give you the ability to deal with some of
22 these bad renovations, too, that go on that, you
23 know, a lot of worst work happens when these
24 places get remodeled and so I think that even
25 things that aren't necessarily land developments,

1 that are just building permits, it's very helpful
2 to have that pamphlet to give some guidance to
3 the -- to the nonland developments where they're
4 not necessarily going to come in and see you guys.
5 I mean, they don't have to go to the board of
6 supervisors to get land development approval or
7 subdivision.

8 This is a simple building
9 permit, but they're about to do something really
10 regrettable that you're going to have to live
11 with, you know. And I think you're absolutely
12 right, you can't really separate streetscape and
13 site from building and architecture, but some
14 communities, they want to just focus on one or the
15 other so the message doesn't get too -- too noisy.

16 MR. SINCAVAGE: Right. I think
17 you were right about the -- we almost have to deal
18 with both because both are an issue.

19 MR. BAXTER: They're so
20 interrelated because we don't -- we're not going
21 to have enormous site development in most cases.
22 You know, I'm thinking about the corner here in
23 town. You've got a little -- two rather small

24 parcels and the architectural impact of that
25 building on the -- in the little village center is

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1 going to be as important as the -- as the
2 streetscaping in a lot of respects.

3 MR. PHIL EHLINGER: There's a
4 saying in this business, form follows funding.

5 And they will give you as much architecture and
6 building as they can afford. So that's where --
7 if there was incentivization, it would give them a
8 little more floor area ratio, a little more lot
9 coverage, more impervious surface, a little more
10 building envelope. You can ask for steep grooves
11 and brick as opposed to vinyl or synthetic siding.

12 So you can -- you can help them
13 fund this; otherwise you're just creating a
14 document and, you know, it's the math that drives
15 these projects. And if you can help make the math
16 work by giving them a little bit, density, give
17 them a little density, give them a little more lot
18 coverage, give them a little less something, you

19 can ask for a lot.

20 MR. SINCAVAGE: Phil, it's been
21 talked about during our discussion of this whole
22 thing over the years of -- about doing a tax
23 incentive saying forgiveness or give -- lowering
24 the percentage of your -- the local tax obviously,
25 the municipal tax.

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1 Do you have any experience with
2 that?

3 MR. PHIL EHLINGER: It's almost
4 impossible to do. It's very difficult to do. You
5 have multiple taxing entities to do that. And
6 time is money. You have the ability to be fast
7 and approve their project quickly and with some
8 certainty. Leverage that for as much as you can
9 and it won't cost you in cash. It won't cost her
10 budget, you know, general fund revenue, that
11 you're giving away. And in this day in age we
12 can't give away anything. The population is
13 tax-aversed.

14 They don't want it to go up,
15 but they don't necessarily demand that it goes
16 down for them. I think that where I've seen this
17 successful is when you can give them an expedited
18 land development review that you can -- for -- if
19 someone going through this incentive program, you
20 say it's going to be a preliminary final, assuming
21 you meet the ordinance, you say we're going to
22 try -- we'll waive preliminary and go right to
23 final, if you're ready, and save you, in theory,
24 90 days, up to 90 days.

25 MS. HAASE: Well, in Tobyhanna

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1 Township we allow them to do that already. They
2 do a preliminary final. That's their option.

3 MR. ARMSTRONG: They're --
4 yeah.

5 MR. PHIL EHLINGER: You don't
6 have to.

7 MR. ARMSTRONG: We don't have
8 to. And there is -- there is a project out there

9 now that wasn't ready for the preliminary final,
10 that just has the preliminary, but it's really
11 primarily --

12 MS. HAASE: But that was their
13 option.

14 MR. ARMSTRONG: -- the practice
15 of Tobyhanna.

16 MR. PHIL EHLINGER: Well, if
17 you're already being nice, then it's -- that's
18 good. That's a good thing. That's what you want.

19 MS. HAASE: We try very hard to
20 speed up to the process. The commission and the
21 board --

22 MR. PHIL EHLINGER: Right.

23 MS. HAASE: -- they certainly
24 recognize the fact, that they need to get out and
25 break ground; so we recognize that. The

1 unfortunate part where we don't have a lot of say
2 is with the outside agencies, with our
3 conservation district, DEP, with PennDOT. And out

4 of the three, we have a very good relationship
5 with two, and -- which they've actually come into
6 the house or we'll go and attend meetings to --
7 even to help the applicant move along. So we are
8 very, very friendly here for development.

9 MR. PHIL EHLINGER: So -- so
10 maybe there's not a lot of time you can save them.
11 So if you're already doing this about as fast as
12 you can statutorily, then, you know, maybe a
13 little bit of density bonuses is -- is the -- is
14 the way to go. You give them five percent more
15 lot coverage or something like that, that
16 statistically will have no impact. They still
17 need to deal with the impervious surface and
18 managing the storm water but you're --

19 MR. SINCAVAGE: Right.

20 MR. PHIL EHLINGER: -- giving
21 them the ability to build their lot out a little
22 more to help pay for the quality materials.

23 MR. SINCAVAGE: I was talking
24 -- I should have specified a little more clearly,
25 is that the tax incentive was for the remodel

1 idea. You know --

2 MR. PHIL EHLINGER: Well --

3 MR. BAXTER: I've got to say, I
4 really like the concept of not giving out money if
5 we don't have to.

6 MR. SINCAVAGE: I agree. I
7 agree, but I want to explore that possibility.

8 MS. HAASE: I don't know,
9 truthfully, if we can afford it, especially if
10 it's a remodel. If it's a matter of luring a
11 business here, you know, the size of it, but we
12 receive such little monies as it is, it's very
13 difficult to do that because the majority of the
14 money goes to the school district, where you just
15 receive such a small amount, that I think -- right
16 now I'm having a difficult time as it is.

17 MR. ARMSTRONG: And that's the
18 thing. It's -- I think, as Phil said, it's next
19 to impossible to do, because basically it's not
20 just Tobyhanna that's involved in that. Even
21 for -- even for taxes, I'd give an example like

22 for -- oh, I forget the -- farms aren't prevalent
23 up here, but there's a process down in Bucks
24 County that they can get their actual taxes
25 frozen, but even that requires the approvals of

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1 not just the township, the school district -- it's
2 a very -- it's not an easy thing to do, if you can
3 do it at all.

4 MR. SINCAVAGE: I wasn't
5 talking about the other taxing bodies. I was just
6 saying Tobyhanna Township --

7 MR. ARMSTRONG: Oh.

8 MR. SINCAVAGE: -- but --

9 MR. PHIL EHLINGER: Something
10 that can be explored without creating, what is it,
11 complex administrative problem, that's the other
12 thing, is that we can create this formula, but
13 then somebody's got to administer it and keep
14 track of it. When you do remodel your building,
15 unfortunately you do get reassessed and in theory
16 your taxes are going to go up --

17 MR. SINCAVAGE: Right.

18 MR. PHIL EHLINGER: -- because
19 you just improved the value.

20 MR. SINCAVAGE: Right.

21 MR. PHIL EHLINGER: You could
22 talk about how you could not -- on the township's
23 tax bill --

24 MR. SINCAVAGE: Right.

25 MR. PHIL EHLINGER: -- not have

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1 their tax go up, you know, some type of a tax
2 rebate or something. Again, the mechanics of that
3 gets very complicated because their assessment's
4 going up, so now you're going to have technically
5 a different millage for that property for just the
6 township's tax bill. But that would be an idea
7 that you -- that if they complied with whatever
8 threshold you create --

9 MR. SINCAVAGE: Right.

10 MR. PHIL EHLINGER: -- if their
11 tax bill went up, the township's tax bill would

12 not go up.

13 MR. SINCAVAGE: For a period of
14 time. Not for -- forever.

15 MR. PHIL EHLINGER: Right.

16 MR. SINCAVAGE: For a period of
17 time. You can do an incentive for --

18 MR. MILLER: Right. Five
19 years.

20 MR. PHIL EHLINGER: Right.

21 MR. SINCAVAGE: -- five years
22 or ten years, something like that. And just that
23 it wouldn't go up, so Phyllis really wouldn't lose
24 any money. It just wouldn't be coming in until a
25 little bit later on down the line.

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1 MR. PHIL EHLINGER: That's what
2 I was suggesting --

3 MR. SINCAVAGE: Similar to the
4 KOZ concept, but not all to be taxed --

5 MS. HAASE: So you're talking
6 about the difference of what they're currently

7 being taxed to what the improvements --

8 MR. PHIL EHLINGER: Their tax
9 bill went up 50 bucks or a hundred bucks, the
10 township's portion of their tax bill. The
11 township's saying, you're good to go, we're
12 gonna -- we're not gonna charge for that.

13 MR. BAXTER: For a -- for a set
14 amount of time.

15 MR. PHIL EHLINGER: For
16 whatever --

17 MR. SINCAVAGE: And --

18 MR. PHIL EHLINGER: --
19 Nonperpetuity but -- right.

20 MR. BAXTER: I'm thinking that
21 can be, you know, five years is maybe as long as
22 we really need to do that.

23 MR. PHIL EHLINGER: You'd
24 essentially be freezing their township taxes
25 because they complied with your design.

1 MR. SINCAVAGE: And to prevent

2 it from getting into all the administrative, with
3 trying to deal with the assessment and all that,
4 they could apply for a rebate, you know, to the
5 township.

6 MR. PHIL EHLINGER: Right.

7 MR. SINCAVAGE: I'm throwing
8 out an idea.

9 MR. BAXTER: So that we
10 would -- in that situation they wouldn't increase
11 tax, whatever it is, and they'd bill as they
12 normally would, but we would rebate them if they
13 choose to apply the difference.

14 MR. SINCAVAGE: The difference.

15 MR. BAXTER: It'd probably be
16 easier.

17 MR. ARMSTRONG: I have not been
18 involved in something like that. I'm not telling
19 you he can't do it. I'm not familiar with it.
20 I'd have to look to see if that's something that
21 you can do.

22 MR. SINCAVAGE: If they can do
23 KOZ, why can't we --

24 MR. ARMSTRONG: Well, the KOZ

25 is under a specific act.

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1 MR. PHIL EHLINGER: And that
2 involves all the taxing entities?

3 MR. ARMSTRONG: Yeah.

4 MR. PHIL EHLINGER: This would
5 be a challenge, I think, having just one part of
6 the tax bill be treated differently than the rest
7 of the tax bill. I don't know what your -- your
8 building permit fees are, but doing feebates is
9 another idea.

10 MR. SINCAVAGE: That's another
11 idea.

12 MR. PHIL EHLINGER: We do that
13 with the green -- with one of the versions of
14 green points that we use, that your building
15 permit fee goes down if you comply with --
16 essentially create a worksheet and you can get up
17 to 50 percent of your building permit feebated, as
18 we say.

19 MS. HAASE: But we're

20 contracted with third parties, so we have a
21 contract.

22 MR. PHIL EHLINGER: Yeah.

23 MS. HAASE: And so that's going
24 to be --

25 MR. ARMSTRONG: Perhaps it

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1 would be more in line with your land development
2 application fee. I mean, they're going to still
3 be paying the professional services for the
4 engineer, the solicitor, the zoning and so forth,
5 but the actual fee, if there's any wiggle room
6 with -- I don't know what your fee is.

7 MS. HAASE: \$450.

8 MR. ARMSTRONG: Is that what it
9 is?

10 MS. HAASE: Yeah.

11 MR. ARMSTRONG: Wow.

12 MS. HAASE: It's pretty --

13 MR. ARMSTRONG: That would be
14 more of -- I mean, maybe the answer to this is --

15 you know, you'd have to look at the budget to see
16 where you are with the fee, but if you're
17 increasing the fee in the next couple years and
18 maybe the incentive, the feebate, would be -- the
19 end result would be the 450.

20 MR. SINCAVAGE: See I'm not
21 worried about the land development because I think
22 we can hit them with the carrot and the stick. My
23 concern is the remodels. And there -- that's
24 where I think we have most of our problems.

25 MS. HAASE: And in all honesty,

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1 some of those remodels don't even hit the
2 township --

3 MR. SINCAVAGE: Right. But if
4 they have --

5 MS. HAASE: -- because it's
6 only a building permit, not a zoning.

7 MR. SINCAVAGE: Right. But
8 that's what I'm trying to get at. How can we get
9 that building permit -- how can we affect the look

10 under a building permit?

11 MR. PHIL EHLINGER: Well,
12 it's -- again, it has to be entirely carrot
13 because you're not in an Act 167 historic
14 district --

15 MR. SINCAVAGE: Right.

16 MR. PHIL EHLINGER: -- and you
17 cannot regulate the aesthetics of a building
18 outside of (inaudible) a historic district, so you
19 have to give them something.

20 MR. SINCAVAGE: Right.

21 MR. PHIL EHLINGER: The fees --
22 I don't know what the fee schedule is, but it's
23 nickels and dimes in the big picture for a
24 remodel. Like I said, even if -- now, you
25 probably can charge for more zoning permits even

1 though -- you can charge for a zoning review on a
2 lot of stuff that maybe you don't. And I would
3 say that where we've done these things, we have
4 suggested that they relook at their fees and jack

5 their fees up a little bit across the board
6 reflecting increased, you know, costs, and then --
7 then give people dispensation from that if they
8 play ball. And that helps offset the general fund
9 hit. I'm not trying to suggest we're, you know,
10 disreputable retailers where we jack everything up
11 and then create a sale, but that's kind of what we
12 do. We raise the revenue --

13 Don't put that on, please.

14 -- we raise the revenue a
15 little bit, but then also give some dispensation
16 someplace else, because frankly, that's the stick.
17 If you don't want to play ball, your fee is going
18 to be a little more pricey; but if you do play
19 ball, then you're kind of -- you're relieved from
20 that.

21 MS. HAASE: So --

22 MR. PHIL EHLINGER: Fees are a
23 lot easier than taxes.

24 MS. HAASE: -- how do we do
25 that when we have to justify our fee? So how do

1 you -- how do we raise the fee if we can't justify
2 it?

3 MR. PHIL EHLINGER: Well, I
4 don't know whether you guys are really valuing all
5 the administrative time it takes to process a
6 building permit.

7 MR. ARMSTRONG: If the land
8 development fee is 450, that's low, comparatively
9 speaking.

10 MS. HAASE: I'm talking about
11 zoning. I understand land development. I'm
12 talking about zoning, because we're pretty
13 competitive with the other municipalities. And I
14 have looked into the electric, the secretary's --

15 MR. ARMSTRONG: Subcode permit.

16 MR. PHIL EHLINGER: Oh, yeah.

17 MS. HAASE: -- I have. So I
18 don't know how there's a way that we do that when
19 we just -- in essence, we're not supposed to be
20 making more, is my understanding, is justifying
21 our fees.

22 MR. PHIL EHLINGER: And that's

23 a sensitive issue. There is a -- the
24 International Code Council does have a formula for
25 calculating the building permit fees and they are

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1 the model code agency that the Commonwealth has
2 adopted their code, originally BOCA, Southern
3 Building Code and Southern Building Conference.
4 That formula does give you the ability to put in
5 your overhead and kind of give you what is a
6 generally defensible building permit fee. So
7 that's an exercise you might want to look at.

8 Putting aside what your
9 neighbors are doing, that is a standard kind of
10 interna -- or national model that you can look at.
11 And maybe all your building --

12 MS. HAASE: Right.

13 MR. PHIL EHLINGER: -- permit
14 fees are low.

15 MS. HAASE: I'm not talking
16 about building. Our building permit fees, I don't
17 think, are low. I'm not talking about building.

18 I'm talking about zoning because, again, we sub
19 that out, so we're getting a very small percentage
20 of that. I'm looking at the zoning. If we're
21 talking about either change of use or refacing a
22 building or somebody just remodeling it, how are
23 we going to catch that to get them in for a
24 permit, number one --

25 MR. PHIL EHLINGER: Right.

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1 MS. HAASE: -- and when we're
2 talking about increasing the fees and then giving
3 a bonus if they meet this criteria, what I'm
4 thinking -- I'm all for if -- if we are
5 undercharging, to make something cover our
6 costs --

7 MR. PHIL EHLINGER: Right.

8 MS. HAASE: -- which I think
9 that we are. What I don't understand is how do
10 you increase the fees that you can't justify and
11 then give them the bonus to knock it down?

12 MR. PHIL EHLINGER: Well --

13 MS. HAASE: That's what I'm not
14 understanding.

15 MR. ARMSTRONG: Probably the
16 first step would be to reevaluate the
17 administrative cost that you're maybe not looking
18 at. And if you do that -- no matter who you are
19 out there, if you do that, chances are you're not
20 charging enough because unless you take a very --
21 if you really inspect everything that goes on with
22 each zoning application you have and each staff
23 member that spends time on it, it adds up. And if
24 you don't do that, you never really know how to
25 quantify it. But if you do that, I guarantee you,

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1 you are undercharging your zoning.

2 MS. HAASE: Well, we did that a
3 couple years ago. We took from the person taking
4 in the permit to the treasurer processing the
5 check to my time at that particular point. So we
6 did break it down. I'm not saying that it's not
7 something we should look at again, but if there's

8 something I'm not understanding, if there's a way
9 that we can, because that bonus does sound like an
10 interesting concept, it's just how do I do it and
11 still being in compliance with justifying the
12 fees?

13 MR. PHIL EHLINGER: Well,
14 you've got a third party agency, so it is -- it is
15 a little bit different economics in some
16 communities. I think we talked about this last
17 time because you've got to pay your building
18 inspector no matter what. And -- so he's a fixed
19 price if he's staff. If he's third party, it
20 changes the economics slightly. So that's -- I
21 think that's the dilemma here.

22 You've got a zoning permit,
23 which is an administrative permit, that I suppose
24 you guys review in-house.

25 MS. HAASE: Yes, we do.

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1 MR. PHIL EHLINGER: That should
2 be 100 or \$150. If it's not, it should be.

3 MS. HAASE: Depending upon what
4 it is.

5 MR. PHIL EHLINGER: Right. It
6 should be a significant fee.

7 MS. HAASE: Yeah, it is.

8 MR. PHIL EHLINGER: You spend a
9 lot of time, professional's time, looking at that.
10 I mean, at a market rate, that's probably even
11 cheap. So that is one fee that you are not going
12 to get billed for by anyone and you can -- you can
13 waive the zoning permit fee.

14 Subdivision land development,
15 it's not uncommon for significant -- you know,
16 significant land development or major subdivision,
17 that should be \$1500. \$450 is cheap. Now, I'm
18 talking maybe lower -- lower Pennsylvania, you
19 know, closer to -- to the metropolitan areas, but
20 \$1500 is not uncommon for a major land
21 development.

22 And that probably -- with the
23 amount of time you're handling plans, your staff
24 is sending stuff out to the various boards and
25 commissions, that's -- you're spending a lot of

1 time administratively working on that stuff. Yes,
2 you do have to pay for that anyway, you have to
3 pay for those people anyway, but that is something
4 you can give that doesn't affect her revenue.
5 She's still got the people, she still has to pay
6 their salaries no matter what. You can't give
7 away those internal processed services.

8 MS. HAASE: And just to be
9 clear, our fees do -- it's on a sliding scale, so
10 we go from 450, I think, up to 1250. So it is a
11 sliding scale, but, yeah.

12 MR. SINCAVAGE: What about a
13 change of use, Phil? How much is a change of use
14 permit, Phil?

15 MS. HAASE: A change of use
16 permit is \$35 dollars, but there's not a lot the
17 township is involved with that.

18 MR. SINCAVAGE: Right. But we
19 can change that or we can make --

20 MS. HAASE: Again, I have to

21 justify the fee.

22 MR. SINCAVAGE: Right.

23 MS. HAASE: So change of use,
24 the majority of it, is basically done by a
25 building code official.

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1 MR. ARMSTRONG: If you're
2 changing the use, doesn't the zoning officer look
3 at the zoning and make sure everything's
4 compliant?

5 MS. HAASE: Well, yes, but
6 it -- realistically when you're doing it long
7 enough, you know, like this, it meets the code or
8 it doesn't meet the code. If you're changing
9 it -- you know what I'm saying? So I mean, this
10 is something that we had addressed a few years
11 ago. There was a situation where somebody was
12 challenging me on our fees and by breaking it all
13 down for a change of use, the majority of that is
14 done by the building code official, which I'm not
15 given that revenue.

16 MR. SINCAVAGE: Well, okay. I
17 don't want to get stuck on this tonight.

18 MS. HAASE: No, because I like
19 his idea.

20 MR. SINCAVAGE: Yeah.

21 MS. HAASE: I like your
22 point --

23 MR. SINCAVAGE: Right.

24 MS. HAASE: -- about, you
25 know --

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1 MR. SINCAVAGE: That's what I'm
2 saying.

3 MS. HAASE: -- give and take.

4 MR. SINCAVAGE: I just want to
5 explore that as we go through the process, some
6 sort of incentive -- if not -- if -- I mean, if
7 not, just the density bonus, but also a financial
8 bonus and how can we work that.

9 MR. PHIL EHLINGER: It's been
10 my experience that you're never going to match

11 what they're going to spend extra in -- in

12 (inaudible) and costs with --

13 MR. SINCAVAGE: No, no.

14 MR. PHIL EHLINGER: And the
15 small -- even if it's a hundred dollars, that's a
16 really valuable hundred dollars to people, because
17 that's a -- I call it the stick-it-to-the-man
18 theory. A hundred dollars you don't give the
19 government --

20 MR. SINCAVAGE: Right.

21 MR. PHIL EHLINGER: -- is the
22 best hundred bucks you've got.

23 MR. SINCAVAGE: Right.

24 MR. PHIL EHLINGER: And so
25 it's -- it's -- it's amazing the psychological

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1 value of these small savings. So maybe it's only
2 token. Maybe it's 150 bucks, but it'll -- they'll
3 feel good about not giving, you know, you guys a
4 hundred bucks.

5 MR. SINCAVAGE: Right.

6 MR. PHIL EHLINGER: And, you
7 know, as I tell people, torture them to do that
8 stuff, it's your building. You end up with the
9 brick and the copper gutters and it's your value.
10 You're increasing the value of your property.
11 That's your equity. So you're not really giving
12 us anything, you're just building yourself a nicer
13 building. You are contributing to the community.
14 You're contributing to the streetscape, but you
15 really are fundamentally improving your own
16 property to perhaps a higher standard that you
17 will someday get back in theory.

18 So it's not a hard argument to
19 sell to get people to kind of upgrade their
20 buildings. And the whole idea is to try to get
21 the 70 percent that are going to do it anyway with
22 just a little nudging. And the next 20 percent,
23 they're a little harder. Then there's 10 percent
24 you're never going to get. They're going to do
25 what they want to do and if you don't have -- if

1 you don't have an ordinance or, you know, a club
2 to beat them with -- but, you know, 90 percent is
3 still an A.

4 MR. SINCAVAGE: Yeah. So I see
5 the first step is for the community architectural
6 survey. We think that the first step is for you
7 to submit a proposal to the township of cost.

8 MR. PHIL EHLINGER: Well, yeah.
9 The first step if -- three other steps happen
10 before this, which is the government body and the
11 planning commission recommends that some type of
12 design guideline gets created. The next step
13 that's not there is, we decide on what those
14 physical areas are, what the geographic boundaries
15 of those areas are. Is it one lot off the road,
16 is it a particular neighborhood? That's an
17 internal process of deciding what the targeted
18 areas are or there is no target. It's a general
19 document. That's an option too.

20 MS. HAASE: We have
21 designated --

22 MR. SINCAVAGE: Yes.

23 MS. HAASE: -- off of our last

24 meeting for the eastern, western and central
25 areas, so that is something we have accomplished.

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1 MR. PHIL EHLINGER: So you want
2 to create one of these documents for each area
3 and -- or maybe you don't. I -- I would suggest
4 maybe the township's small enough that one
5 document may -- may cover all the area, but if you
6 feel like there's some unique characteristics of
7 these three different areas that should be treated
8 differently, it's very easy. The idea of these
9 guidelines is that they're small enough that you
10 can tailor them to these smaller areas.

11 So we determine that we want to
12 do it, we determine what success is, that we want
13 to create this document, we want to put it online
14 and it's a -- whatever the mechanism is, and then
15 we start, you know, implementing the survey. And,
16 obviously, between that step, we give you a
17 proposal and we can figure out the scope and what
18 exactly you want to do.

19 MR. SINCAVAGE: Well, I think
20 we've identified the areas. In the Blakeslee
21 Area, I think we've identified what the
22 architectural should be because I think that came
23 out of the visioning process.

24 MR. PHIL EHLINGER: Yeah, it
25 did.

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1 MR. SINCAVAGE: So, to me,
2 Blakeslee is done. We may have to do it for the
3 Pocono Summit and the central area, I mean, to do
4 workshops and get that feedback. Yes?

5 MS. RINEHIMER: Yeah. I think
6 we talked about --

7 MR. SINCAVAGE: Because -- are
8 they different enough? Do you think Pocono, the
9 central area, is close enough to Blakeslee or --

10 MR. BAXTER: I think there's a
11 difference. We don't have the major
12 intersection --

13 MR. SINCAVAGE: That's true.

14 MR. BAXTER: -- and we don't
15 have the potential major development that already
16 exists there that could exist in -- in Pocono
17 Summit. You know, I think this is a little oasis
18 in a lot of ways of -- what's going to take place
19 in Pocono Pines is going to be small scale,
20 generally speaking, compared to the other two,
21 so --

22 MR. SINCAVAGE: Can we
23 associate Blakeslee and Pocono Summit?

24 MR. BAXTER: When we were
25 talking last time, when we were talking about

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1 Pocono Summit coming in, it's already -- maybe
2 it's the same as Blakeslee and there's already so
3 much stuff that's happened, you know, 84 Lumber
4 and Kalahari coming in, of course, but we do have
5 a couple other potential big projects there; so
6 maybe that is, to some extent, different than
7 Blakeslee. I think it's closer to Blakeslee
8 than -- than central.

9 MR. MILLER: Yeah. I think so.

10 MR. BAXTER: Whether that means
11 we need two or three, I don't know for sure.

12 MR. SINCAVAGE: Right. I'm
13 leaning towards two, just to cut down on cost.

14 MR. BAXTER: Yeah.

15 MR. SINCAVAGE: Two being --
16 one is already done.

17 MR. BAXTER: Right.

18 MR. SINCAVAGE: You know, so we
19 can apply Blakeslee to Pocono Summit and then
20 central would have to be its own entity or own
21 study area.

22 MR. ARMSTRONG: Yeah. The only
23 thing I would say is, you have a lot of the leg
24 work done at least somewhat done based on
25 visioning, so you probably have enough there to

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1 put something together for that area. And don't
2 forget, the whole process of this is going to be,
3 at least if it involves a slight zoning amendment,

4 to cooperate with that -- this pamphlet that we're
5 talking about, you're going to have a public
6 hearing on it. You're going to get public input
7 on it.

8 So maybe it's more of -- that
9 you have the tools in front of you at this point
10 in time, maybe start putting the actual documents
11 together as a plan. You can do that. You're the
12 planning commission. You can plan for Tobyhanna
13 Township. And then, you know, once you have this
14 physical document in front of you, that you can
15 discuss at public meetings, and at the end of the
16 day, a public hearing, you know, the public, if
17 they're interested in it, will show up and they'll
18 say, no, we don't like that 15 foot setback, we
19 want it more to be the 25, whatever.

20 You can hear that, you can
21 agree with them, you don't have to, but maybe that
22 would be -- I mean, it's up to the commission as
23 to how you want to proceed and the board as to how
24 they want to proceed; but then once you have that
25 one in place, you can kind of tell if it's working

1 and the minor -- you know Tobyhanna Township
2 better than anyone. Is it going to work in the
3 next section or what kind of tweaks do you have to
4 do to make it work for Pocono Summit or wherever
5 you want to --

6 MR. BAXTER: So to a certain
7 extent, the public meeting takes the place of the
8 workshops that we would otherwise be trying to
9 do --

10 MR. SINCAVAGE: Right.

11 MR. BAXTER: -- to some extent.

12 MR. SINCAVAGE: Right. And the
13 other issue that I heard during the joint meeting
14 was that the board of supervisors, and I think the
15 planning commission agrees, is that Pocono Summit
16 is going to move quickly with Kalahari coming in
17 and we need to be prepared out there, so we need
18 to have this done before Kalahari gets started.
19 And I hear Kalahari's supposed to break ground
20 October 1.

21 MS. HAASE: That's right.

22 MR. SINCAVAGE: There's

23 supposed to be a ground breaking, so --

24 MR. MILLER: I thought they

25 were done in August.

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1 MR. SINCAVAGE: Right. But now

2 I hear this is a set date.

3 MR. MILLER: Right.

4 MR. SINCAVAGE: I've heard it

5 from like two different entities, so, you know, we

6 need to move on Pocono Summit. So if we can do

7 Pocono Summit the same as Blakeslee, I think we'd

8 be in good shape. And then if, you know, it

9 doesn't work, we can always adjust as we go down

10 the line.

11 MS. HAASE: And there was also

12 an understanding that if we just did the

13 guidelines, we could do it as a pamphlet, and it

14 was suggested then that it was not regulatory --

15 MR. SINCAVAGE: Right.

16 MS. HAASE: -- so it wouldn't

17 have to be an ordinance or we could dovetail into
18 it.

19 MR. ARMSTRONG: Well, if it's
20 not going to be -- if you're not going to include
21 or incorporate the changes to the ordinance, you
22 need to make sure that whatever is in that
23 pamphlet doesn't contradict or conflict with the
24 ordinance.

25 MR. BAXTER: It probably

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1 will --

2 MR. SINCAVAGE: Right.

3 MR. BAXTER: -- with the letter
4 we're talking about.

5 MR. ARMSTRONG: Which -- what
6 that means is, if it's the zoning -- if it
7 conflicts with the zoning ordinance, they have to
8 go before the zoning hearing board for a variance;
9 but if have this pamphlet, they might be more
10 inclined to give the variance, the zoning hearing
11 board.

2 get better visual appeal and we don't have to get
3 into that change.

4 MS. RINEHIMER: I think the
5 pictures in the pamphlet is going to help, too.
6 It's going to kind of sway the people the way that
7 we're trying to get them to go.

8 MR. SINCAVAGE: It's similar to
9 what happened with Dollar General. I mean, they
10 were agreeable to do the monument sign, to do a
11 stone facade, and they agreed to that, and the
12 landscaping and leaving space for a sidewalk.

13 MR. ARMSTRONG: Right. The
14 pamphlet, correct me if I'm wrong, traditionally,
15 a land development applicant comes in and there's
16 a little bit of give and take through the process.
17 They want waivers, you want monument signs, you
18 want brick, you want nice landscaping, that's not
19 necessarily in the ordinance, but the applicant is
20 agreeable to do it, give and take.

21 This is a way to formally put
22 it down on paperwork what the township is looking
23 for without having it -- because certain things,
24 as you're well aware, you can't regulate. You can

25 try and -- there is an extent you can do -- there

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1 is an extent that you can, you know, play with it
2 in the subdivision and zoning, but there is a
3 limit. And this is a way to go beyond that limit,
4 to be a little more specific so long as it's not a
5 regulatory document.

6 The question I have is, you
7 said you did this in Barrett Township?

8 MR. PHIL EHLINGER: We did a
9 similar document, yeah.

10 MR. ARMSTRONG: Did they
11 incorporate it into the comprehensive plan or did
12 they add it as an appendix to the zoning -- did
13 they refer to it in the zoning ordinance? How did
14 they --

15 MR. PHIL EHLINGER: They
16 never -- we never got to the point of implementing
17 all of the ordinances. I wrote a package of
18 ordinances that implemented certain aspects of it;
19 for instance, lighting, there was a whole section

20 on lighting, sight lighting and -- with sky glow,
21 just the best practices of lighting. We wrote a
22 subdivision -- or actually it was a zoning
23 amendment implementing lighting standards
24 consistent with that. And so they never
25 actually -- I don't believe they actually adopted

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1 it because there was that same sensitivity to
2 creating more regulation.

3 We also created some other
4 landscaping standards that followed on into the
5 ordinance, but it exists as a guiding document.
6 And the idea is the presubmission meeting. And
7 before they get to hard lines, before they pay
8 their engineer a lot of money to do the land
9 development set, you give them this document, you
10 have a meeting with them and you say, this is kind
11 of what we expect somebody coming in working in
12 the township to do. And it generally gets the
13 ball three-quarters of the way down the field
14 before they go to hard-line engineering and before

15 they paid a guy a lot of money to do a set of
16 plans, if you guys want to change anything, it
17 doesn't cost them a fortune.

18 So the idea is to get them
19 early and communicate to them --

20 MR. MILLER: Yeah.

21 MR. PHIL EHLINGER: -- what you
22 expect early. And they know you hold all the
23 cards and people generally want to please.

24 MR. MILLER: Okay.

25 MR. PHIL EHLINGER: Unless it's

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1 an adversarial thing out of the box, they -- you
2 generally get what you want. If you can
3 communicate clearly -- as opposed to sitting down
4 and say we want it to be pretty, well, what does
5 that mean?

6 MR. MILLER: Right.

7 MR. PHIL EHLINGER: But if you
8 kind of show them some examples of what -- of what
9 you expect.

10 MR. BAXTER: And maybe -- you
11 know, I know we've worked really hard to be as
12 user-friendly as we can and developer-friendly.
13 Maybe instead of throwing that all at them at
14 once, we measure their compliance with this and as
15 they do, we give it to them in bits and pieces.
16 So instead of automatically, you could do
17 preliminary and final, okay, if you're doing this,
18 it's preliminary; but if you're going to do this,
19 then we're willing to take both together. Because
20 if we give it all to them at once and they don't
21 have to comply, then it becomes a little more of a
22 tug, where as what you're saying -- and I agree,
23 the sooner they get all that, the easier it is for
24 them, the less costly it is for them.

25 MR. SINCAVAGE: Well, Phyllis,

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1 you say you have a lot of people that just come in
2 inquiring about the township. I mean --

3 MS. HAASE: Correct.

4 MR. SINCAVAGE: -- even when

5 they're inquiring about development --

6 MS. HAASE: Years --

7 MR. SINCAVAGE: -- you hand
8 them the pamphlet.

9 MS. HAASE: You're correct.

10 Years ago we implemented an open door policy and
11 that's how, as a zoning officer, I operated for
12 six years. What we found very helpful, what I've
13 done in the past and we will continue to do in the
14 future, is when somebody comes in with a project,
15 we'll say, come in and meet with us. And we start
16 saying, you know what, the planning commission
17 really likes to see this. And the board of
18 supervisors, they're not too keen on this. And at
19 the end result, they're like, oh, this is great
20 because this is gonna help us, this and this.

21 So, you know, we're getting
22 across what we know that you folks like to see and
23 what a governing body would like to see. So I
24 think if we had written guidelines, this would be
25 even more successful for us and for them because,

1 mind you, if we can hit right away and say, you
2 know what, our planning commission, they want to
3 see more shrubbery in the front, and they're going
4 to want you to start buffering this and the day he
5 comes in with that plan, that's one less revision
6 you're going to have to make.

7 So I can see that that
8 guidelines, written guidelines, is even going to
9 help us get that across to, you know, the
10 potential project holder.

11 MR. SINCAVAGE: And as Patty
12 says, visual.

13 MS. RINEHIMER: Um-hmm.
14 Absolutely.

15 MR. SINCAVAGE: Like you say,
16 more specific to the area and not the general
17 ones.

18 MR. PHIL EHLINGER: I'm going
19 to hand out -- this is just a cut sheet showing
20 the page layout of the Barrett -- of the Barrett
21 document. This is -- these are reductions of
22 larger pages, so there's three or four pages on

23 each one. But you can see it's -- it's all
24 visual. There's -- it's kind of small, but the
25 way the page is laid out is that this is

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1 appropriate, this is not appropriate. And
2 there's -- these are -- in this case, I'm sorry, I
3 gave you one.

4 MS. MINNICK: Thank you.

5 MR. PHIL EHLINGER: You have to
6 type. You can't look at it.

7 But, again, the idea is to give
8 visual examples. Now, some of these things would
9 be applicable, you know, kind of the lighting
10 standards are general; but the idea was that it
11 would be a light document like this that's --
12 that's very visually oriented and not necessarily
13 heavy on text.

14 MR. SINCAVAGE: So it would be
15 similar to the visioning document, maybe, but not
16 in so many words?

17 MR. PHIL EHLINGER: And

18 drilling down one layer.

19 MR. SINCAVAGE: Right.

20 MR. PHIL EHLINGER: We were
21 talking -- we were talking, you know, road grids
22 and new -- new roads --

23 MR. SINCAVAGE: Right.

24 MR. PHIL EHLINGER: -- you
25 know, kind of where buildings would be placed.

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1 We're kind of drilling down as -- you know, screen
2 your dumpster and don't put wall packs on the
3 building, you know, shining out. Kind of stuff
4 that -- it's all the little things. You know, a
5 good development is a million little things done
6 well, and -- so as much guidance as we can give.

7 Now, the Barrett document had
8 maybe 15 or 20 different subjects. This is only
9 two -- two to three. And we would probably not do
10 some of those subjects here that we'd necessarily
11 need to worry about though, you know, how building
12 and parking lots are. We wouldn't necessarily

13 want to do this upper one when we're talking about
14 where buildings should be located on the lot
15 because it's starting to tread onto that height,
16 bulk and area regulation so that we really don't
17 want to start getting into. This was done with
18 the intent that we would actually do some zoning
19 amendments.

20 MR. BAXTER: Well --

21 MR. SINCAVAGE: Well, even if
22 you -- I'm sorry.

23 MR. BAXTER: Well, like I said,
24 we talked about doing that with the village
25 overlay, so I think, if we're truly going to be

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1 able to implement that, we've got to kind of do
2 this to be in conjunction with that and if this
3 comes first, then we then have to implement -- you
4 know, I think there's a chicken and egg thing
5 there, which --

6 MS. HAASE: I think you just
7 have to look at it as two separate documents if

8 you want to commingle one into the other, but I
9 think they need to be to standard with design
10 standards. And if you're talking about overlay
11 for the zoning district, then that's a little bit
12 more intensive.

13 MR. BAXTER: Yeah.

14 MR. SINCAVAGE: But I was going
15 to say, similar to what you said, Rob, is that
16 if -- if we took a design standard like this, this
17 parking lot shall be located, with the current
18 zoning, whatever that -- the setback is and all
19 that, but make it more land -- make a stronger
20 requirement for landscaping and trees inside and
21 that type of thing, which almost goes with the
22 storm water maintenance because they want to see
23 the rain gardens now inside the parking lots, so
24 that adds landscaping as a function of the storm
25 water.

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1 So I think we can go -- we can
2 get a visual of what we want without changing the

3 zoning or starting to affect the zoning, more of
4 the village overlay, so then you don't have
5 another layer of regulation, because it's my sense
6 that that's what the supervisors don't want. They
7 don't want the layout regulation.

8 MS. HAASE: They do not. And
9 the one thing I will say with Dollar General, it's
10 under construction now, that was a very big
11 concern of whether they wanted to move into the
12 Blakeslee Area because they heard about the
13 visioning and they didn't want any more
14 restrictions. And we had to meet with them
15 numerous times to assure them it wasn't adopted,
16 (inaudible). So I would agree with you. I think
17 this is being more receptive to the board because
18 we don't want to put -- the board is not going to
19 want to put additional restrictions.

20 MR. SINCAVAGE: Right. But
21 work with what we have, but make it look more
22 visually appealing.

23 MR. PHIL EHLINGER: Right. It
24 would be a visual design guideline. We'd also
25 probably want to create this with the idea that

1 it's modular. If we created this document, it was
2 very successful and you decided you wanted to
3 incentivize it, we'd kind of perhaps translate
4 this so it would plug into a worksheet and whereby
5 a project would be scored based on its compliance
6 with this document. And we get a numerical score
7 and that numerical score now gives some metric to
8 the bonus of what you get.

9 MR. SINCAVAGE: Right.

10 MR. PHIL EHLINGER: You gotta
11 get a 70 or better or whatever the -- you gotta
12 get a 10, whatever the scale we create. The idea
13 I would suggest you want to do is, create the
14 design guideline that can now -- you either comply
15 with that, you know, Section 2, or you don't
16 comply with Section 2, or you get a half score or,
17 you know, you get five points for Section 2, which
18 is lighting or you get no points. You can create
19 a very simple score sheet and then at the end of
20 the project, you get a score. If that score was

21 good, they got a bonus.

22 So we've used that scoring
23 system -- we're talking about, if you have one
24 side of one paper, is the score sheet. We're not
25 trying to create a complex --

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1 MR. SINCAVAGE: Right.

2 MR. PHIL EHLINGER: -- you
3 know, but you actually do create a worksheet and
4 they check -- they hit five out of ten or they hit
5 seven out of ten and they think they met the
6 minimum threshold, they get the bonus. It gives
7 them flexibility, too. They can't -- they can't
8 do this but they can do that. They go full hog on
9 this but they couldn't do that. So it does give
10 the property owner some flexibility, maybe the
11 worksheet -- and it doesn't create a lot of
12 administrative work because it's a very simple --
13 you either make the number or you don't.

14 MR. BAXTER: It makes it a lot
15 more objective --

16 MR. PHIL EHLINGER: Right.

17 MR. BAXTER: -- because it's
18 not somebody's interpretation.

19 MR. PHIL EHLINGER: Right.

20 MR. BAXTER: And they can go
21 down and figure out, I can do more here, or maybe
22 I can do a little bit more and what do I get for
23 what I'm going to do? I think it's a great idea.

24 MR. PHIL EHLINGER: Yeah. It
25 works pretty well in the real world, too, and it's

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1 well received, too.

2 MR. SINCAVAGE: Does our zoning
3 allow for mixed use?

4 MS. HAASE: Um-hmm.

5 MR. SINCAVAGE: So in the
6 Blakeslee Visioning, we wouldn't have to change
7 anything to have commercial on the lower level and
8 residential above it?

9 MS. HAASE: The way the
10 ordinance is written now --

11 MR. SINCAVAGE: Right.

12 MS. HAASE: -- that a secondary
13 residential structure can be built on the same lot
14 to coincide with the commercial use, so it doesn't
15 really speak fully, how we were using a second
16 floor on the existing structures as residential.
17 That it doesn't speak to. It speaks more to
18 accessory use and it kind of limits it.

19 So it's something that we
20 wanted to see. The only thing we didn't want was
21 vacant lots in the village area, to allow them to
22 build a primary residential structure.

23 MR. SINCAVAGE: Right.

24 MS. HAASE: That we did not
25 want.

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1 MR. SINCAVAGE: No.

2 MS. HAASE: So my answer is
3 yes, but it's limited.

4 MR. SINCAVAGE: But I'm
5 thinking more of commercial on the bottom and

6 rental units on the top.

7 MR. ARMSTRONG: Yeah. The way
8 you would do that for a village commercial is, you
9 would allow a mixed use within the village
10 commercial, but you would spell out, maybe by
11 percentage or if you want to do it by floor, what
12 uses are allowed there and how many --

13 MR. SINCAVAGE: Right. What
14 I'm asking is, does our ordinance allow that now?

15 MR. ARMSTRONG: I don't think
16 it spells it out like that.

17 MS. HAASE: No. It just speaks
18 to a secondary residential unit to the primary
19 commercial structure.

20 MR. SINCAVAGE: So can we touch
21 that (inaudible), say that they could do that?

22 MS. HAASE: Well, it's
23 something we would have to amend.

24 MS. MINNICK: Is it -- is --
25 would creating like a subsection of the zoning

1 ordinance to comply with the design guidelines be
2 something that would be -- you would be able to
3 use instead of changing this ordinance and this
4 ordinance, do a subsection to comply with that
5 design guideline?

6 MR. PHIL EHLINGER: Well,
7 that's an overlay. You can create an overlay
8 district and then create some permitted uses
9 within that. And one of those uses could be
10 called a village commercial development. And a
11 village commercial development is a special animal
12 that involves whatever you want it to involve, a
13 mixed use, residential over retail, it's got --
14 you know, I'm making this up on the fly, but it
15 would have to comply with design guidelines. You
16 would allow this and you can do X, Y and Z.

17 You don't have to do it. You
18 can live with the existing zoning. The
19 government's not telling you, you have to do
20 anything. You can pick this great new option we
21 have, give us some architecture, give us good site
22 design, get a score of 70 or better on the
23 worksheet and -- and you get to perhaps have a

24 different constellation of uses permitted on your
25 property.

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1 MR. SINCAVAGE: But that would
2 have to be done under a village overlay?

3 MR. PHIL EHLINGER: I was just
4 throwing out -- an overlay would be one way --

5 MR. SINCAVAGE: Right.

6 MR. PHIL EHLINGER: -- to not
7 disrupt the existing zoning --

8 MR. SINCAVAGE: Right.

9 MR. PHIL EHLINGER: -- and not
10 change everyone's zoning willy-nilly but also give
11 people options.

12 MS. MINNICK: We would give
13 them an option, so if they want to go with a 15
14 foot front setback compared to a 50 foot front,
15 they would have that option to do so based on the
16 design guidelines that we set forward.

17 MR. SINCAVAGE: Right. But it
18 would have to be a village overlay, not a

19 subsection.

20 MS. MINNICK: It wouldn't be a
21 subsection.

22 MS. HAASE: It would have to be
23 a specific district --

24 MR. SINCAVAGE: Right.

25 MS. HAASE: -- as an overlay.

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1 MS. MINNICK: Right. Well,
2 which we're picking them -- we picked three of
3 them out.

4 MR. SINCAVAGE: Um-hmm. Right.
5 They would be the village overlays.

6 MS. MINNICK: Right.

7 MR. SINCAVAGE: So then do we
8 do the pamphlet -- and I'm looking at you,
9 Phyllis, because the township's going to have to
10 decide where they want to spend the money -- to
11 get the pamphlet done and then look at the village
12 overlay?

13 MS. HAASE: I think that that

14 would probably be the best course. You certainly
15 are more well versed in this.

16 I think, if I may, to the
17 commission, if we could ask Phil to have his firm
18 put together a proposal --

19 MR. SINCAVAGE: Yeah.

20 MS. HAASE: -- for the pamphlet
21 and the guidelines. And then from that point I
22 can present that to the board, get their approval,
23 and then if they approve, move forward with that.
24 The commission then can reevaluate even if we
25 wanted to move forward with putting together an

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1 overlay, an ordinance for Blakeslee and also
2 eastern gateway. I still maintain we need to
3 focus on that eastern gateway.

4 MR. SINCAVAGE: Yes.

5 MS. HAASE: The amount of calls
6 we get at the township for property right now and
7 what is allowed, what's not allowed, is quite
8 large. Once that groundbreaking occurs and people

9 start seeing development and the demographics are
10 going to start now to begin to change, we're going
11 to see a major influx of development out there.

12 MR. SINCAVAGE: Yes, I agree.

13 And most of our village centers that we've
14 identified, they're mostly commercial --
15 commercial/commercial industrial.

16 MS. HAASE: Commercial and
17 commercial industrial, correct.

18 MR. SINCAVAGE: Right. So
19 that's where Phil's going to concentrate. We're
20 not getting into residential guidelines.

21 MS. HAASE: Well, if you recall
22 at our joint meeting, the board of supervisors
23 also had talked, we went strictly -- I was doing
24 eastern, central and western, where it was
25 discussed, to taking it right down 940 all the way

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1 down to Pocono Lake Supply --

2 MR. SINCAVAGE: Yes.

3 MS. HAASE: -- where the old

4 940, the other shoot of 940. So if that is the
5 case, then we are going to hit a couple pockets
6 that's residential and open space. But I think
7 that really needs to be revisited to strictly
8 define those three sections instead of having just
9 the two, because if you're going to run it
10 completely down, you know, I don't know how you're
11 going to start now to require the open space and
12 the R-2 and R-1 that are adjacent to 940, because
13 I think --

14 MR. BAXTER: West of Pocono
15 Pines?

16 MS. HAASE: -- our intent
17 initially -- I'm sorry?

18 MR. BAXTER: You're talking
19 west of Pocono Pines or you're adding Pocono
20 Summit?

21 MS. HAASE: Well, we're between
22 Pocono Summit and Pocono Pines. Some of that area
23 still is R-1 open space and R-2.

24 MR. SINCAVAGE: Even at the --
25 as far as we extended it down there? When you

1 were talking about the -- it's a bitch getting
2 old, isn't it, Phyllis?

3 MS. HAASE: Oh, God. I tell
4 you guys, it's the knees, the legs --

5 Okay. What we had discussed
6 was initially we were having a pocket here for the
7 eastern, a pocket in downtown Pocono Pines, but I
8 still have an issue with that name, and then down
9 in Blakeslee.

10 MR. SINCAVAGE: Right.

11 MS. HAASE: Out of that came
12 that we were going to pick up some of the Long
13 Pond area because we have a part of Pocono Manor
14 where Ireland still retains ownership.

15 MR. SINCAVAGE: Yes.

16 MS. HAASE: We're going to pick
17 up some of that. And initially we had talked
18 about stopping it with the school and the later
19 discussion was we were going to run it right down
20 to 940 and stop at Old Route 940.

21 MR. SINCAVAGE: Got it.

22 MS. HAASE: So that is where

23 we -- I still maintain we need to revisit that.

24 MR. SINCAVAGE: Yeah.

25 MS. HAASE: I still think that

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1 you need to exclude, because in here -- I'm sorry,

2 up here, we have residential that goes into open

3 space that goes to R-1, that goes back to

4 commercial.

5 MR. SINCAVAGE: I think we need

6 to concentrate on commercial --

7 MS. HAASE: I agree. I agree.

8 MR. SINCAVAGE: -- for right

9 now. If we want to extend it later, we can.

10 Let's just keep it into that commercial area, the

11 eastern area, the central area and the Blakeslee

12 Area. Yeah.

13 MS. HAASE: And I do feel that

14 we have at least two, if not three, different

15 design standards because we are not historic at

16 all; however, our central location here in Pocono

17 Pines, if there's anything that would be more

18 historic --

19 MR. SINCAVAGE: Yes.

20 MS. HAASE: -- then where we

21 have Blakeslee could be more walkable. You're

22 not -- I don't see how Phil's going to come up

23 with a walkable area in Pocono Summit --

24 MR. SINCAVAGE: Right.

25 MS. HAASE: -- and into the

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1 commercial industrial district where it's just

2 adjacent to 380 --

3 MR. SINCAVAGE: Right.

4 MS. HAASE: -- and 940.

5 MR. SINCAVAGE: I agree.

6 That's true. And that's his challenge --

7 MS. HAASE: Right.

8 MR. SINCAVAGE: -- to come up

9 with something, but I was getting -- I wanted to

10 clarify that a little bit because I see that under

11 your title on the sheet you have a design standard

12 booklet for commercial development.

13 MR. PHIL EHLINGER: Yes. They
14 were very specific.

15 MR. SINCAVAGE: Right.

16 MR. PHIL EHLINGER: They were
17 very specific in Barrett that they did not want
18 to -- same -- I mean, same philosophy. You don't
19 want to impose regulatory burdens on your
20 residents, but you want to get quality
21 developments. So it's a fine line to walk in
22 governing to get, you know, quality, without, you
23 know, beating people up with regulation.

24 So Barrett was very sensitive
25 to that, and I think you guys are too, that we

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1 don't want to burden our residents necessarily
2 with additional regulation, because they're the
3 first people to push back. And they vote, too.

4 MR. SINCAVAGE: And of course
5 you're going to come up with sources of funding
6 for us to get this all done.

7 MR. PHIL EHLINGER: Oh, well,
8 I'm -- I will -- I will do my best --

9 MR. BAXTER: On your worksheet,
10 that will give you some extra points as far as the
11 score goes.

12 MR. PHIL EHLINGER: Very good.

13 MS. HAASE: You get some
14 points.

15 That was a good one, Rob.

16 MR. PHIL EHLINGER: That
17 actually works, I guess.

18 MR. SINCAVAGE: Do you have
19 enough from the commission to get a proposal
20 together?

21 MR. PHIL EHLINGER: Yes. So
22 let me recap this, okay? The proposal is to
23 create two or three pamphlets?

24 MR. SINCAVAGE: I'm gonna vote
25 for two.

1 MS. HAASE: I think we

2 definitely need two.

3 MR. PHIL EHLINGER: Okay.

4 MS. HAASE: We need to be very
5 cautious at that eastern gateway with the
6 commercial.

7 MR. SINCAVAGE: Yes.

8 MR. PHIL EHLINGER: And we can
9 break -- we can, you know, do two and if you
10 decide you want to do a third --

11 MR. SINCAVAGE: Right.

12 MR. PHIL EHLINGER: -- we're
13 working with the model, again it's modular and
14 linear and we can -- we can do more. I guess at
15 some point, a piece of tracing paper needs to get
16 rolled out over the zoning map and you need to go
17 along property parcel lines and define the
18 specific area that you want to include. We're
19 going to call it a study area now so we don't
20 freak people out, that we've included their box in
21 our box.

22 MR. SINCAVAGE: Phyllis, I
23 think you can do that with Bob.

24 MS. HAASE: Yeah.

25

MR. SINCAVAGE: Bob can get

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1 that done?

2 MS. HAASE: Right. I think
3 actually what I'll do is --

4 MR. BAXTER: You might want to
5 take a look at it.

6 MR. SINCAVAGE: No, we'll take
7 a look at it, obviously. They can give us the
8 map. I know we can --

9 MS. HAASE: Right. I think
10 what we'll do is, I'll task that with Maureen and
11 Maureen can work on that. I'll work in
12 conjunction with her.

13 Were you at that joint meeting?

14 MS. MINNICK: (Ms. Minnick
15 nodded her head.)

16 MS. HAASE: Okay.

17 MS. MINNICK: Um-hmm.

18 MS. HAASE: So we'll just --
19 we'll work together a little bit on that and we'll

20 kick it over to the planning commission for your
21 input. And then if that's all right with you, we
22 can get it over to Phil prior to your October
23 meeting; and if not, then we'll do it in October.

24 MR. SINCAVAGE: Yeah.

25 MR. PHIL EHLINGER: That will

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1 help me scope the size of the proposal. It's a --
2 you know, if it's a hundred parcels or it's 50
3 parcels or it's 2,000 parcels, it will give me an
4 idea of how many potential interested parties
5 we'll have and how many interests that we need to
6 balance and the character of those interests,
7 because I'll come and survey those -- you know,
8 that area.

9 There was a discussion about
10 using the data and feedback from the Barrett
11 sections to just jump right in and create a draft
12 of the document?

13 MR. BAXTER: Blakeslee, you
14 mean.

15 MR. PHIL EHLINGER: I'm sorry,
16 Blakeslee, the two B's. Using kind of the
17 research and kind of the base knowledge that we
18 learned from Blakeslee and just take a crack at
19 this based on our own research or do we want to
20 create a process where there is kind of a visual
21 architectural site survey that we put online? We
22 have a -- you know, one meeting in the evening. I
23 guess the process, your desired process, it would
24 be helpful if I had some feedback on what your
25 thoughts are.

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1 MR. SINCAVAGE: I think -- and
2 we'll see if the commission agrees with me -- is
3 that you have to do what you said earlier, is make
4 it, the visuals, specific to Blakeslee, specific
5 to Pocono Summit, specific to Pocono Pines.

6 MR. PHIL EHLINGER: Right.

7 MR. SINCAVAGE: Not the
8 general. So I think you have to do one meeting,
9 at least.

10 MR. PHIL EHLINGER: But have
11 the meeting?

12 MR. SINCAVAGE: Yes.

13 MR. PHIL EHLINGER: Okay.
14 Okay. I think that's right.

15 MR. SINCAVAGE: And the online
16 survey, too. I think you said you were going to
17 do an online survey.

18 MR. PHIL EHLINGER: Exactly.
19 They'll be -- they'll be parallel.

20 MR. SINCAVAGE: Right.

21 MR. PHIL EHLINGER: Be both --
22 right. And it would be much lighter than what we
23 were doing previously.

24 MR. SINCAVAGE: Right.

25 MR. PHIL EHLINGER: It would

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1 be --

2 MR. SINCAVAGE: But it would be
3 more specific to those areas. That's what I'm
4 saying.

5 MR. PHIL EHLINGER: It would be
6 entirely.

7 MR. SINCAVAGE: You would have
8 pictures of things that are actually there and say
9 this is a good example --

10 MR. PHIL EHLINGER: Right.

11 MR. SINCAVAGE: -- if you can
12 find one.

13 MR. PHIL EHLINGER: Well, being
14 sensitive, too, I never use --

15 MR. SINCAVAGE: A couple.

16 MR. PHIL EHLINGER: -- bad
17 examples from the township because then we end up
18 offending that property owner --

19 MS. HAASE: Well --

20 MR. PHIL EHLINGER: -- so --

21 MS. HAASE: -- the one thing,
22 if I can suggest, being caut -- kind of
23 (inaudible) now that my roles have changed a
24 little bit --

25 MR. SINCAVAGE: Right.

1 MS. HAASE: -- in the township,
2 perhaps we can put this into a planning
3 commission's meeting and I can advertise it,
4 there'll be a presentation instead of us having
5 the workshop with the stations and -- because that
6 was costly to the township.

7 MR. SINCAVAGE: Yeah, sure.

8 MS. HAASE: That was a costly
9 part of it. So certainly, Phil and Mark, they do
10 great presentations. If we can have a
11 presentation and I could do a separate
12 advertisement out to this -- especially in our
13 local paper, The Journal, and we can get something
14 in the record that we'll be doing a presentation.

15 MR. SINCAVAGE: I think you can
16 do that, Phil. That's what you were saying. We
17 don't have to get that detailed.

18 MR. PHIL EHLINGER: No, I think
19 that would actually be very efficient because --

20 MR. SINCAVAGE: Right.

21 MR. PHIL EHLINGER: -- then you
22 folks are all there. You have to be there, it's

23 your meeting, and you can collect feedback. The
24 supers can come if they -- if they want to attend
25 and sit in and we can just get it done in one

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1 night, this --

2 MR. SINCAVAGE: Does that
3 answer your question?

4 MR. PHIL EHLINGER: It does.

5 MR. SINCAVAGE: Okay.

6 MR. BAXTER: You had also said
7 one thing was determining what success is.

8 MR. PHIL EHLINGER: Yes.

9 MR. BAXTER: Do you have that
10 from us or is there some --

11 MR. PHIL EHLINGER: I think I
12 do. We want to communicate to applicants and
13 developers and prospective developers what your
14 expectations are before they come in and apply for
15 building permits and/or land developer
16 subdivision. So I think that basically we want to
17 give them as much feedback as possible in the

18 presubmission situation and -- and some type of
19 easily readable deliverable.

20 MR. SINCAVAGE: And I'll just
21 add remodels.

22 MR. PHIL EHLINGER: And
23 remodels. Well, that's why I said building
24 permits.

25 MR. SINCAVAGE: Okay.

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1 MR. PHIL EHLINGER: Because,
2 you know, strictly a building permit job is just a
3 UCC project that wouldn't necessarily get the
4 normal scrutiny and review. And you have a pretty
5 fast -- a very short review time under the UCC,
6 too.

7 MS. HAASE: Oh, yes.

8 MR. PHIL EHLINGER: You gotta
9 turn them around quick.

10 MS. HAASE: Instead of 30 days,
11 we're down to seven here. And with the UCC, it's
12 five for the building code official. And I

13 still -- I'm just going to leave it up to Phil to
14 try to get me to understand how I'm going to
15 integrate that into building permits when they're
16 not coming into the township.

17 MR. PHIL EHLINGER: They
18 don't -- but do they come to your counter?

19 MS. HAASE: No.

20 MR. PHIL EHLINGER: Do you use
21 Veritas?

22 MS. HAASE: If it's strictly --

23 MR. PHIL EHLINGER: Is that
24 right?

25 MS. HAASE: Yeah. If it's

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1 strictly a building permit, the township has
2 nothing to do with it. If it's constructing
3 building or changing the lot area, if there's
4 certain -- then it triggers a zoning --

5 MR. PHIL EHLINGER: Right.

6 MS. HAASE: -- and a building,
7 but because a building code official can't adopt

8 or can't enforce our ordinances or our
9 regulations, he can only do the UCC, IRC and BIC.

10 MR. PHIL EHLINGER: Well, he'll
11 hand out materials for you, right?

12 MS. HAASE: That he will do.

13 MR. PHIL EHLINGER: So at the
14 very least, when he comes in to get his forms, he
15 will be handed -- you know, you do that -- you
16 probably do it with the storm water stuff. And
17 DEP now requires you to hand out literature every
18 time somebody --

19 MS. HAASE: We actually have a
20 booklet --

21 MR. PHIL EHLINGER: Right.

22 MS. HAASE: -- to -- just to
23 ease the process to the applicants.

24 MR. PHIL EHLINGER: Right. So
25 there is a process. I would think also, being a

1 fairly small community, that if you get the word
2 out that these things exist and you put it in your

3 newsletter and you put it on your website and, you
4 know, you get some ink in the newspaper, most
5 people who know about it at least or have some
6 vague recollection that there are these guidelines
7 and they might take a look at them before they
8 hire their architecture or have their contractor
9 draw up their plans.

10 Like I say, if you're going
11 nonregulatory, then you've got to accept that you
12 don't have a lot of teeth and you're trying to do
13 it with the honey.

14 MR. SINCAVAGE: Well, this is
15 first step.

16 MR. PHIL EHLINGER: Right.

17 MR. BAXTER: And I think one of
18 the other things for success would be to help us
19 to create some ways to incentivize these people,
20 because I think we bounced around a lot of
21 different things, some of which clearly aren't
22 going to work, but anything you could do along the
23 lines of the worksheet would be really helpful for
24 us, too.

25 MR. PHIL EHLINGER: So that's

1 not part of this. I mean, because -- because a
2 worksheet -- that would be an ordinance drafting
3 project, so I would suggest that that would be
4 Phase 2. Let's create the document, the
5 guidelines, and it's a stand-alone piece. It
6 doesn't need the ordinance backing it up.

7 And if -- maybe -- maybe that
8 decision, that if it will happen before we're
9 done, we'll decide let's look at creating an
10 incentive program, a bonus program. That's kind
11 of a whole 'nother discussion, because we're
12 talking about -- the solicitor needs to be much
13 more intricately involved in that because it
14 involves drafting the ordinance and correcting --

15 MS. HAASE: Correct.

16 MR. PHIL EHLINGER: -- the
17 system.

18 MS. HAASE: And I think that's
19 something before we even go down that path, we
20 just make certain with the board of supervisors --

21 MR. SINCAVAGE: Right.

22 MS. HAASE: -- are we even --
23 will be interested in that.

24 MR. SINCAVAGE: Right. Even if
25 they're interested in the site design.

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1 MS. HAASE: I have no doubt
2 that the supervisors would applaud the design
3 standards. Whatever incentives that's going to
4 affect the revenue of the township, I think that's
5 something we need to look at.

6 MR. SINCAVAGE: Okay. And
7 that's -- just for future reference, that's
8 something your firm can do?

9 MR. PHIL EHLINGER: Yes.

10 MR. SINCAVAGE: Okay.

11 MR. PHIL EHLINGER: And as I
12 said earlier, I would draft this pamphlet design
13 guideline, mini design guideline, with the
14 intention that it could be plugged --

15 MR. SINCAVAGE: Right.

16 MR. PHIL EHLINGER: -- into a
17 system. I used the term modular before. We'd be
18 creating kind of the module that would dovetail
19 with perhaps another tool we create, an incentive
20 program. So we wouldn't have to redo anything
21 necessarily in that nonbinding design guideline to
22 make it the standards that we can fold it into a
23 worksheet in the future. So the idea is that we
24 can build upon that.

25 MR. ARMSTRONG: Yeah, because

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1 you really can't do it the other way around.

2 MR. PHIL EHLINGER: Right.

3 MR. ARMSTRONG: You can't do
4 the ordinance with incentives and then do the
5 pamphlet. If you're going to just do one at a
6 time, it's got to be the pamphlet. You can do
7 them both at the same time, but if you're going to
8 do one at a time, the pamphlet's got to come
9 first.

10 MR. SINCAVAGE: Right.

6 thumbs up, thumbs down.

7 MR. SINCAVAGE: Well, this is
8 going to be more commercial oriented, okay?

9 MR. PHIL EHLINGER: Right.
10 Well, it's -- that's up to you to tell me. I
11 assume when you draw that boundary, you're going
12 to try to exclude residential areas --

13 MR. SINCAVAGE: Right.

14 MR. PHIL EHLINGER: -- so
15 that -- you know, that physical geographic
16 boundary you draw will be kind of what -- the pool
17 that I'm using and --

18 MR. SINCAVAGE: Right.

19 MR. PHIL EHLINGER: -- again, I
20 think that, you know, we decided in Barrett that
21 we would just say commercial because it eliminates
22 a lot of fear --

23 MR. SINCAVAGE: Yes.

24 MR. PHIL EHLINGER: -- on the
25 part of folks that suddenly, oh, God, we're

1 going -- you know, this is going to become
2 Nantucket and you're gonna regulate the color of
3 my paint. So we want to avoid that
4 misconception --

5 MR. SINCAVAGE: Yes.

6 MR. PHIL EHLINGER: -- what our
7 goals are.

8 MR. SINCAVAGE: Definitely.

9 MS. RINEHIMER: Well, I asked
10 because I thought it might be a good idea or just
11 an idea that I was thinking, if you approached or
12 somebody approached the business owners and said,
13 does your building have what it takes? See, I
14 have one of the historic buildings here.

15 MR. PHIL EHLINGER: Right.

16 MS. RINEHIMER: So if you -- if
17 I saw something that said, do you think your
18 building represents Tobyhanna Township, I would
19 feel a part of it, if I sent my picture to you and
20 said, I think my building has what it takes. So
21 if you sent something out to the business owners
22 and said, does your building have what it takes,
23 they become a part of the process right from the

24 get-go.

25 MR. PHIL EHLINGER: That's

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1 crowd sourcing. We use that a lot. It's a very
2 powerful tool to try to collect data. And we can
3 create a process whereby we invite people to
4 e-mail, you know, iconic photography, what --
5 representative photography. Send us an image
6 that represents the heritage character of
7 Tobyhanna Township and --

8 MS. RINEHIMER: Before you hand
9 them the pamphlet, they were part of putting the
10 pamphlet together.

11 MR. PHIL EHLINGER: I think as
12 long as they'll give us photo credit, we'll -- and
13 it's a good interview, we'll put it in the
14 pamphlet.

15 MS. MINNICK: That might be a
16 good idea, to get them involved in the community
17 and then for looking at funding and --

18 MS. RINEHIMER: Because now

19 you've followed the process, did he pick my
20 picture? Did he pick my picture?

21 MS. MINNICK: Well, not only
22 that, if they feel like they're involved, we might
23 get funding off of them as well. So it might
24 be -- might work out to our benefit.

25 MR. PHIL EHLINGER: So I will

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1 work in a -- kind of a crowd sourcing element to
2 our kind of architectural survey and analysis and
3 invite -- and create a mechanism for them to
4 submit. This day in age it's an e-mail address.
5 Send it to this e-mail address.

6 MS. HAASE: And there's a lot
7 of free surveys out there that can be utilized.

8 MR. PHIL EHLINGER: So I will
9 work that into the process part of the proposal.

10 MR. SINCAVAGE: Okay.

11 MR. PHIL EHLINGER: What is the
12 time frame? What is the --

13 MR. SINCAVAGE: Yesterday.

14 MS. HAASE: Monday at three.

15 MR. PHIL EHLINGER: I hear
16 October 1 is the groundbreaking, so I better get
17 working.

18 MR. SINCAVAGE: As soon as you
19 can. And then obviously it's up to the
20 supervisors because they have to pocketbook,
21 but --

22 MR. PHIL EHLINGER: Right.

23 MS. HAASE: I think that they
24 would certainly welcome the design standards with
25 open arms. Certainly it's something that hasn't

100

1 been budgeted. I can see how creative I can be,
2 depending on what the proposal comes back at.

3 MR. SINCAVAGE: Sure. So it
4 depends on pricing --

5 MR. PHIL EHLINGER: Right.

6 MR. SINCAVAGE: -- funding.

7 MR. PHIL EHLINGER: Right. And
8 I'll break them down by -- by area, so maybe

9 you -- you might want --

10 MR. SINCAVAGE: That's a good
11 idea.

12 MR. PHIL EHLINGER: -- you
13 might buy one area in 2013 and then she gets a new
14 pot of money in 2014 to -- and we can break -- we
15 can bridge the budget years.

16 MS. HAASE: And that makes
17 perfect sense, for when we're going into October.

18 MR. PHIL EHLINGER: Right.
19 It's time for you to actually fund it for 2014 and
20 then maybe we can define something in 2013. Take
21 it out of the solicitor's budget or something.

22 MR. SINCAVAGE: I agree.

23 MR. ARMSTRONG: I'd be happy to
24 do that.

25 MR. SINCAVAGE: All right?

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1 MS. HAASE: Okay.

2 MR. PHIL EHLINGER: Okay. Mark
3 and I will get started right away. We will

4 endeavor to get you this proposal within two
5 weeks.

6 Does that work for you --

7 MS. HAASE: That would be
8 excellent because then I could also bring that
9 forward to the board of supervisors at their
10 October meeting.

11 MR. PHIL EHLINGER: That's what
12 I was figuring, yeah. It gives you guys time to
13 look at it then send it up to the -- for their big
14 meeting. So --

15 MR. SINCAVAGE: Okay.

16 MR. PHIL EHLINGER: Okay.

17 MR. SINCAVAGE: Sounds good.

18 MR. PHIL EHLINGER: All right.

19 Glad to be back in Tobyhanna Township.

20 MR. SINCAVAGE: Thank you. We
21 look forward to working with you.

22 (Inaudible discussion between
23 Ms. Haase and Mr. Phil Ehlinger.)

24 MR. SINCAVAGE: Is there
25 anything else that comes before the board? Any

1 other questions?

2 MR. BAXTER: No.

3 MR. SINCAVAGE: Okay. We're

4 adjourned.

5 (Meeting concluded 7:06 p.m.)

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

JESSICA L. HOLT, 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 7, 2013, beginning at 5:34 p.m.

PRESENT: MARK SINCAVAGE, Chairperson
ROBERT BAXTER, Board Member
ANNE LAMBERTON, Board Member

ROBERT McHALE, P.E., Township Engineer

PATRICK ARMSTRONG, ESQUIRE, Solicitor

ALSO
PRESENT: Maureen Minnick, Assistant Zoning
Officer

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

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1 MR. SINCAVAGE: Okay. I'll call
2 the regularly scheduled meeting of the Tobyhanna
3 Township Planning Commission to order for November
4 7, 2013. I don't see any public here, so we'll
5 move on to consideration of the minutes of
6 September the 5th, 2013.
7 There are some -- two
8 corrections, first one being on Page 21, Line 19,
9 it should read, a lot of folks, not a lot a folks.
10 And on Page 22, Line 1, it should -- it says
11 Blakes, it should be Blakeslee, to finish off the
12 word.
13 With those two corrections, do I

14 have a motion to approve the minutes?
15 MR. BAXTER: So moved.
16 MR. SINCAVAGE: So moved? Do I
17 have a second to the motion?
18 MS. LAMBERTON: Second.
19 MR. SINCAVAGE: Motion and
20 second. All those in favor, please say aye?
21 THE BOARD: Aye.
22 MR. SINCAVAGE: Wee Wons. Did
23 we hear of anything? Did you send them a letter?
24 MR. ARMSTRONG: I did.
25 MR. SINCAVAGE: Okay.

3

1 MR. ARMSTRONG: We have not
2 heard anything from Wee Wons. I sent Wee Wons a
3 letter -- Wee Wons, right?
4 MR. SINCAVAGE: Yep.
5 MR. ARMSTRONG: -- September 6,
6 2013. It was addressed to Miss Guydish
7 indicating -- reminding her that she has a current
8 plan pending before the planning commission that
9 has been dormant for an extended period of time and
10 that there has been no activity on the plan since
11 August 2007. And it further went on to indicate
12 that unless there is a resubmission or a resolution
13 of all outstanding issues, the planning commission
14 will make the appropriate recommendation to the
15 board of supervisors at its November 7, 2013
16 meeting which will likely be a recommendation to
17 deny the plan.
18 I have not received their
19 response to this letter. With the understanding
20 that there has been no resubmissions on the plan,
21 there are a number of outstanding items, as I
22 recall. If the planning commission's still of the
23 opinion that you will make the appropriate
24 recommendation to the board of supervisors to deny
25 the plan accordingly, you can do so, if you like.

4

1 You don't have to, but you can.
2 MR. SINCAVAGE: We gave them 60

3 days plus several years, so --
4 MS. LAMBERTON: Yeah. I think
5 we have -- my only question was about whatever fees
6 they already paid for and funds, and -- I mean, I
7 hate to see somebody --
8 MR. ARMSTRONG: That I don't
9 know. I don't know where we are with respect to
10 any outstanding fees that they may have. I don't
11 know where their escrow --
12 MS. LAMBERTON: No, not that
13 they owe, I mean that they've already paid to
14 submit their plans and all, you know what I mean?
15 That was my only concern when we talked about this
16 eons ago.
17 MR. SINCAVAGE: Well, they will
18 probably lose their fees --
19 MS. LAMBERTON: Right.
20 MR. SINCAVAGE: -- but any
21 escrow monies would get refunded --
22 MS. LAMBERTON: Right.
23 MR. SINCAVAGE: -- to the
24 balance of the escrow --
25 MS. MINNICK: That's correct.

5

1 MS. LAMBERTON: But if they go
2 to submit again, they repay them and they start all
3 over.
4 MR. SINCAVAGE: Right.
5 MS. LAMBERTON: How much do you
6 think that is? How much do you think the
7 application fees were for their original --
8 MS. MINNICK: It was -- the
9 application fee was probably about 450. I'm
10 thinking the escrow was -- the original was
11 probably 15 or 1250 --
12 MS. LAMBERTON: Which they'll
13 get back.
14 MS. MINNICK: Which they'll get
15 back. And then --
16 MS. LAMBERTON: Okay. That was
17 what I wanted --
18 MS. MINNICK: -- whatever they

19 spent along the way --
20 MS. LAMBERTON: Okay. That's
21 fine. Okay. I just didn't want it to be a huge
22 amount, you know what I mean? Like I didn't want
23 to see anybody --
24 MR. SINCAVAGE: Agree.
25 MS. LAMBERTON: -- spend

6

1 money --
2 MR. SINCAVAGE: We probably
3 spent that much on Pat.
4 MS. LAMBERTON: And maybe we
5 should charge them. No, kidding. No, that's okay.
6 I understand. I just had that question.
7 MR. SINCAVAGE: So based on the
8 lack of submission and lack of response to a letter
9 that was sent on September --
10 MR. ARMSTRONG: September 6, I
11 believe.
12 MS. LAMBERTON: 6th.
13 MR. SINCAVAGE: -- what's the
14 pleasure of the board?
15 MR. BAXTER: Should we keep them
16 waiting any longer?
17 MS. LAMBERTON: No. I'm fine.
18 I'll make a motion to make recommendation
19 for request --
20 MR. SINCAVAGE: For denial.
21 MS. LAMBERTON: -- for denial.
22 MR. BAXTER: I'll second.
23 MR. SINCAVAGE: Motion and
24 seconded.
25 All those in favor, please say

7

1 aye?
2 THE BOARD: Aye.
3 MR. SINCAVAGE: Okay. That
4 brings us to Creek View.
5 MR. ARMSTRONG: Well, just for
6 purposes of the record, do you want to indicate
7 Locust Ridge?

8 MR. SINCAVAGE: Oh, I'm sorry, I
9 skipped over --
10 MS. LAMBERTON: I did see that.
11 MR. SINCAVAGE: -- Locust Ridge,
12 yes. I saw their letter.
13 MS. LAMBERTON: I saw the
14 letter.
15 MR. SINCAVAGE: I'm sorry. We
16 saw that Locust Ridge officially withdrew via
17 letter dated October 29, 2013, withdrew their land
18 development plan, so we can note that in the
19 record.
20 Is that sufficient?
21 MS. LAMBERTON: Do we need to
22 make a motion?
23 MR. ARMSTRONG: You can, if you
24 want to make a motion for recommendation to --
25 MS. LAMBERTON: For

8

1 recommendation for denial?
2 MR. ARMSTRONG: -- to accept --
3 well, accept --
4 MS. LAMBERTON: Their letter,
5 their withdrawal.
6 MR. SINCAVAGE: Okay. Do I have
7 a motion to that?
8 MS. LAMBERTON: I'll make a
9 motion to recommend to the board of supervisors to
10 accept the letter of withdrawal from Hanes and
11 Kibblehouse for their preliminary land development
12 plan.
13 MR. SINCAVAGE: Okay. I have a
14 motion. Do I have a second to the motion?
15 MR. BAXTER: Second.
16 MR. SINCAVAGE: Motion and
17 second.
18 All those in favor, please say
19 aye?
20 THE BOARD: Aye.
21 MR. BAXTER: Question, does that
22 actually go forward to the supervisors or does it
23 just really stop here?

24 MR. ARMSTRONG: What will
25 probably happen is, at the next supervisor meeting,

9

1 I'll just --

2 MS. LAMBERTON: Mention it?

3 MR. ARMSTRONG: -- mention it.

4 And I don't know if there'll actually be a motion
5 because they've withdrawn the plan per the letter,
6 but at least they can acknowledge it on the record.

7 The board can acknowledge it on the record.

8 MR. BAXTER: Okay.

9 MR. SINCAVAGE: Now we go to
10 Creek View.

11 MS. LAMBERTON: I'm sorry.

12 MR. SINCAVAGE: All right.

13 MR. MIKE BERARDI: I'll just
14 explain what I'm doing?

15 MR. SINCAVAGE: That's what
16 you're here for.

17 MR. MIKE BERARDI: That's what
18 we're here for.

19 MR. SINCAVAGE: That's what
20 we're here for.

21 THE REPORTER: Sir, could I have
22 your name, please?

23 MR. MIKE BERARDI: Mike Berardi.

24 THE REPORTER: Can you spell
25 your last name?

10

1 MR. MIKE BERARDI: Yeah,
2 B-E-R-A-R-D-I.

3 THE REPORTER: Thank you.

4 MR. MIKE BERARDI: You're aware
5 that I'm one of the owners, and Jerry Gay is the
6 other owner. We've had the property for a number
7 of years. We've been trying to sell it. The
8 township picked up a piece of it, et cetera, et
9 cetera.

10 We continually refer to the
11 property as Creek View Estates when -- I mean, I
12 don't know what that means, because to me it's not

13 Creek View Estates. It's nothing but a piece of
14 property. It's a commercial piece of property.
15 There is no subdivision plan for it or anything.
16 And I think that was the -- I think that was the
17 name the original developer had come in with when
18 he was going to do something and that plan was
19 scratched, and I think that name just continued on.
20 It's actually just the property of Mack Services,
21 you know what I'm saying? It's not really a
22 subdivision of any kind.
23 And the reason that I'm looking
24 to do what's here is, not realizing when we
25 subdivided the property originally that we actually

11

1 landlocked that one piece in there. Let me just
2 see -- no, I got the original plan here.
3 What we did was -- on this one,
4 these are these two lots originally, and this is
5 the piece that was cut off from that original piece
6 when we sold the township this piece.
7 MR. BAXTER: Right.
8 MR. MIKE BERARDI: Let me just
9 refresh your memory. Okay? This was the original
10 two lots here. This is the piece we cut off to
11 sell to the township. So what it did is, it
12 really -- it really created a lot that was
13 isolated -- okay? -- from the standpoint of a lot.
14 And I don't even know why it was done that way, why
15 it wasn't all actually one, because right now
16 it's --
17 MS. LAMBERTON: Okay.
18 MR. BAXTER: How did we allow a
19 landlock --
20 MR. MIKE BERARDI: A landlocked
21 piece, that's what I'm saying. That didn't make
22 sense.
23 MR. BAXTER: Normally we
24 wouldn't have a --
25 MR. SINCAVAGE: It's not land --

12

1 MS. LAMBERTON: Yeah, I didn't
2 think it was --
3 MR. SINCAVAGE: It's not
4 landlocked because there was an access road shown.
5 MR. McHALE: This is the
6 easement --
7 MR. SINCAVAGE: Right.
8 MR. McHALE: This is the
9 Property Lot 1 and this is Property Lot 2.
10 MR. SINCAVAGE: Right. And this
11 was --
12 MR. McHALE: This was the
13 proposed access. That's what the original plan
14 shows.
15 MR. ARMSTRONG: Yeah. Your
16 plan, from probably back in 2007 or 2006, whenever
17 this -- the prior subdivision plan was approved
18 by -- at least recommended for approval by this
19 planning commission and approved by the board, that
20 prior plan showed an actual access easement through
21 Lot 1 into Lot 2 and all the way to the --
22 MR. MIKE BERARDI: Is this the
23 one we did when we did the sub -- the township
24 plan --
25 MR. ARMSTRONG: Yes. This is

13

1 the 2007 --
2 MS. LAMBERTON: It's not showing
3 on this paperwork.
4 MR. SINCAVAGE: Right.
5 MS. LAMBERTON: Okay.
6 MR. MIKE BERARDI: Is that what
7 we did?
8 MR. ARMSTRONG: It's dated
9 October --
10 MR. MIKE BERARDI: 2007?
11 MR. SINCAVAGE: 2007. That's
12 when the signatures are, so, yes.
13 MR. MIKE BERARDI: Okay.
14 (Inaudible conversation.)
15 MR. ARMSTRONG: Time flies.
16 MR. MIKE BERARDI: Well, anyway,
17 let me go further.

18 MS. LAMBERTON: Okay.
19 MR. MIKE BERARDI: What I'm
20 trying to do is, I'm trying to create my own estate
21 with Jerry. We're not -- we're not selling the
22 property, so what I wanted to do was to split the
23 property down with the sub -- with the lines that
24 are given so that Jerry takes one piece and I take
25 the other piece. Then I can get it financed -- my

14

1 own finance, and he can get his own finance, okay?
2 So we can separate the two pieces. So that was the
3 reason for the subdivision, not to develop it,
4 because I have no intention of doing any
5 development at this time. And that was the whole
6 reason for my application, what I was trying to do.
7 That's -- that's basically my -- what I was trying
8 to do.

9 This here, we took this right
10 down the middle here so that they would both have
11 equal amount of roadside, so both pieces have the
12 adequate roadside. They both -- I think they both
13 meet commercial frontage as far as -- as far as
14 frontage on the road is concerned. It even far
15 exceeds it, I think, from a commercial standpoint.

16 MR. McHALE: One of the things,
17 just to go back in time here a little bit, as far
18 as the original plan, when this was all one tract,
19 if you remember, just to refresh memories, this was
20 not -- this back 25 acres or so was zoned
21 residential.

22 MR. MIKE BERARDI: That's
23 correct.

24 MR. McHALE: And as a part of,
25 you know, creating a little more commercial, to

15

1 benefit not only the property owner, but the entire
2 surrounds, the township rezoned this to move the
3 commercial district back to this line. Then there
4 was a need for access back here because currently
5 these are separate parcels. So when the 50 acres

6 came into play, then as far as commercial, it was
7 discussed and coordinated with PennDOT at the time,
8 that we not carve the property up to where we get
9 all these multiple access points all along 115.

10 The goal is to have -- where the
11 main roads are every thousand feet, we can
12 potentially have a traffic signal, so that's why
13 this came into play, where the access into all this
14 property would come, at some point in time in the
15 future, to align with Fern Crest and then interior
16 roads as they may wish.

17 You can still do what you're
18 talking about doing, but you'll just need to
19 provide the access road and then your access into
20 their road, if you want to split the land.

21 MR. MIKE BERARDI: You lost me.
22 How would I do that? Say that again? How would
23 I --

24 MR. McHALE: You can still split
25 the land here and reconfigure your lot lines, but

16

1 then you can bring the drive down here, the drive
2 can go up here. You can turn this and go this
3 direction parallel. And that way you would provide
4 access to both properties and the back, but that's
5 what was agreed upon when we went to changing
6 zoning and --

7 MS. LAMBERTON: I remember that
8 now.

9 MR. McHALE: -- reconfiguring --

10 MR. ARMSTRONG: But we still --

11 MR. McHALE: We don't want to
12 create multiple accesses upon --

13 MR. ARMSTRONG: The idea would
14 be one access on 115, not two.

15 MR. MIKE BERARDI: How long is
16 this property?

17 MR. BAXTER: It's not showing --

18 MS. LAMBERTON: It's not to
19 scale.

20 MR. McHALE: PennDOT also asks
21 when we go through subdivisions like this, that --
22 you know, that a traffic study should be submitted,

23 really, to look at the entire development as to
24 what the property owner intends to do and then
25 PennDOT looks at it. They want to look at it as

17

1 one project. They don't want the township to carve
2 up multiple lots and then go to PennDOT saying, oh,
3 well, they need access at two, three, four, five
4 different locations on 115.

5 So if we want to go back to
6 PennDOT, look at traffic studies and everything
7 else for the entire tract, that's one thing, but --

8 MS. LAMBERTON: How can you do a
9 traffic study when you don't know what's going to
10 be built there?

11 MR. McHALE: PennDOT would go
12 with worst case scenario.

13 MS. LAMBERTON: Oh, boy.

14 MR. McHALE: They'd look at
15 commercial and they'd say, you've got to come up
16 with some worst case scenario that would work and
17 justify your -- your access location and such.

18 So, I mean, we can go that route
19 if they want to, but it seemed easier just to show
20 a potential access that would service all the
21 properties and then come off with interior streets
22 or driveways that would be able to service those
23 parcels and have the one access point that
24 eventually would be probably a traffic signal.

25 MS. LAMBERTON: Bob's trying to

18

1 save you quite a bit of money.

2 MR. McHALE: For 50 acres of
3 commercial, and that's probably going to be a high
4 volume driveway.

5 MS. LAMBERTON: Right. That's
6 what I'm saying. Worst case scenario --

7 MR. McHALE: Exactly. And we
8 don't want to have -- like Mr. Berardi comes in
9 right now and he -- they split this without that
10 access being there. What could happen is, he could

11 come in, put an access point right here. Well,
12 then if he justifies the traffic signal and then
13 Mr. Gay comes in and he wants to put one here, now
14 we got traffic signals that are 400 feet apart and
15 500 feet apart or something like that, and you
16 don't want to do that through that corridor 115.
17 MR. SINCAVAGE: No.
18 MR. BAXTER: Probably have a
19 little less than 1200 feet total frontage.
20 MR. MIKE BERARDI: 1200?
21 MS. LAMBERTON: So you figure
22 you've got six each month, and Bob's idea really is
23 the best way to save you the most money. If you
24 look at going to put that paper access road in
25 now --

19

1 MR. McHALE: They have the
2 latitude to adjust that access road --
3 MS. LAMBERTON: Right.
4 MR. McHALE: -- that you're
5 saying.
6 MS. LAMBERTON: Right. Right.
7 That seems to be the most feasible way to split
8 those two properties and gain access.
9 MR. McHALE: And that wasn't
10 locked in. That was just a form to show that
11 access is gonna be provided to all those lots and
12 revising or the reconfiguring of the lots --
13 reconfiguration of the lots is not a problem.
14 MR. MIKE BERARDI: So what
15 you're saying is that -- let's say we leave this
16 here and -- and we take and turn this and then
17 follow that straight in like that?
18 MR. McHALE: That will work.
19 MR. MIKE BERARDI: Like that?
20 MS. LAMBERTON: That makes
21 sense.
22 MR. MIKE BERARDI: Then it would
23 just be a matter of us deciding what the value is
24 in creating our own between two accesses.
25 MS. LAMBERTON: Yep.

1 MR. MIKE BERARDI: So come in
2 here and turn, and this could even be left like as
3 a pad of some sort.
4 MR. BAXTER: You move that whole
5 thing right up along the parallel with existing
6 drive into that other place.
7 MR. MIKE BERARDI: So say to go
8 here?
9 MR. BAXTER: The bottom of 115.
10 MR. MIKE BERARDI: Yeah.
11 MR. BAXTER: You could move that
12 entrance --
13 MR. McHALE: Well, that aligns
14 with Fern Crest.
15 MS. LAMBERTON: Yeah, they want
16 to align Fern Crest.
17 MR. BAXTER: Oh, okay.
18 MS. LAMBERTON: That's why he's
19 here -- you have the right idea. Take your road
20 and go to the right --
21 MR. MIKE BERARDI: Okay. So
22 we --
23 MS. LAMBERTON: -- and then go
24 along those properties.
25 MR. MIKE BERARDI: And then turn

1 and then go straight back in here to give access to
2 the back of the property.
3 MS. LAMBERTON: Yes. And then
4 you can go left or right to access --
5 MR. MIKE BERARDI: Yeah.
6 MS. LAMBERTON: Do what you need
7 to do.
8 MR. MIKE BERARDI: You gotta do
9 what you gotta do.
10 MS. LAMBERTON: And then you're
11 aligned with Fern Crest, you have one
12 intersection --
13 MR. McHALE: Because the next
14 intersection up would be -- Chestnut would be a
15 thousand feet from -- here's the property line, so

16 if he does what he's saying and he does something
17 like this, he can create a path here, if he wants,
18 and then --

19 MR. MIKE BERARDI: Right.

20 Mr. McHALE: -- he can run the
21 access right along and then split the property line
22 and half could go on one side and half could go on
23 the other, if they want to do something like that.

24 MR. SINCAVAGE: Or you could
25 run -- bring that -- bring the access point in

22

1 across from Fern Crest Road and go parallel with an
2 access road along 115.

3 MR. McHALE: Correct. Yeah.
4 But we just --

5 MS. LAMBERTON: Oh. A sharp
6 right.

7 MR. MIKE BERARDI: If I gotta go
8 in, I think it's just as easy to make a pad out of
9 it, you know what I'm saying?

10 MR. SINCAVAGE: Either way.

11 MR. MIKE BERARDI: Yeah.

12 MR. McHALE: If you look at the
13 Wegmans in Wilkes-Barre, places like that, even the
14 old Kmart up off of Route 6 in Dickson City, they
15 come right in off the highway and they make a hair
16 pin --

17 MR. SINCAVAGE: Right.

18 MR. McHALE: -- so that's not --
19 that's for, you know, high volume driveways --

20 MR. SINCAVAGE: Right.

21 MR. McHALE: -- the signalized
22 intersection. So that can be done. But we just
23 need to make sure that if they --

24 MR. MIKE BERARDI: What was
25 the --

23

1 MR. McHALE: -- make those
2 turns, that they comply with, you know, the
3 subdivision regs for roadways or driveways and
4 PennDOT standards.

5 MR. MIKE BERARDI: So if we do
6 that -- I hear what you're saying. I can -- I can
7 do that. I think that could work. I think that
8 could work that way.

9 Now, with that would it be a
10 minor subdivision --

11 MR. ARMSTRONG: Well, you're
12 still --

13 MR. MIKE BERARDI: -- or a lot
14 line change? All I want --

15 MR. ARMSTRONG: What happened --

16 MR. MIKE BERARDI: All I want to
17 do is change this line to be this way.

18 MR. McHALE: The only -- I just
19 want to explain something. If you look at the
20 review letter, there is a section in the ordinance
21 that speaks to, if you're -- if you do a minor
22 subdivision and you're within six years -- which
23 you just missed by a month, is what it comes down
24 to, your submission. If you would have submitted a
25 month later, we wouldn't have had that --

24

1 MR. MIKE BERARDI: Well, I'll
2 resubmit it.

3 MR. McHALE: Well, what I'm
4 saying is --

5 MR. MIKE BERARDI: I mean, I can
6 wait three months.

7 MR. McHALE: I'm just saying,
8 according to the ordinance --

9 MS. LAMBERTON: Okay.

10 MR. McHALE: -- it says within
11 six years, it's considered a -- the second
12 submission for a subdivision.

13 MR. MIKE BERARDI: The second
14 submission is considered --

15 MR. McHALE: A major
16 subdivision.

17 MR. MIKE BERARDI: -- a major
18 subdivision.

19 MR. McHALE: And there's not
20 that much difference in the --

21 MR. MIKE BERARDI: I read it. I
22 read it, yeah.
23 MR. McHALE: -- criteria, I
24 mean, between --
25 MR. SINCAVAGE: Between a minor

25

1 and a major.
2 MR. McHALE: Right. The
3 definition is different and such, so that was the
4 only thing.
5 MR. ARMSTRONG: We would
6 classify this as a subdivision. You would have to
7 come before the board, not only -- I mean, I
8 understand what you're saying, maybe it's a lot
9 line change, but given the fact that you have these
10 other notes and recorded requirements on the prior
11 subdivision plan, specifically with respect to the
12 access road --
13 MR. MIKE BERARDI: I wouldn't
14 change -- I wouldn't change those.
15 MR. McHALE: If you keep all
16 those notes that we had on the original plan and
17 just transposed them onto the new plan, and if Pat
18 looks at the declaration of covenants that was done
19 originally and maybe it might be some updating or
20 whatever; but other than that, we weren't going to
21 ask them to go through drainage studies and traffic
22 studies and all those kind of things because that's
23 how we did the first one, and we were trying to
24 move the process along --
25 MS. LAMBERTON: Okay.

26

1 MR. McHALE: -- to reconfigure
2 the lot line without creating a lot of work and
3 issues. But as long as those notes are on there to
4 see what happened -- for some reason, it looks like
5 the surveyor that did the work for you had the old
6 plan, and he transposed some of the notes, but he
7 didn't do all of them.
8 MR. MIKE BERARDI: Well, this
9 was -- I was looking at this as a -- you know, as a

10 preliminary for discussion to see what to do and
11 what not to do, basically.
12 MS. LAMBERTON: Right. Good.
13 MR. MIKE BERARDI: So that's
14 okay.
15 MS. LAMBERTON: This is helpful.
16 MR. MIKE BERARDI: As far as I'm
17 concerned, that's okay. So if I have to resubmit
18 based on what needs to be done -- do you know what
19 I'm saying? -- then that's what I'll do.
20 MR. McHALE: This is just the
21 checklist of items to make sure that the --
22 MR. MIKE BERARDI: Right. So,
23 you know --
24 MR. McHALE: One of the most
25 important things, Mr. Berardi, is just to be

27

1 sure --
2 MR. MIKE BERARDI: I think --
3 right.
4 MR. McHALE: -- to look at the
5 notes --
6 MR. MIKE BERARDI: I think the
7 major thing that you're looking for is this
8 connection to -- to 115 to be here.
9 MR. McHALE: Hold that location.
10 MR. MIKE BERARDI: Because the
11 right of way to get to this property, it doesn't
12 matter if it's here or here or here or here or
13 here.
14 MS. LAMBERTON: That's correct.
15 MR. MIKE BERARDI: A right of
16 way can be moved one way or the other. So, okay, I
17 get -- so, again, if we maintain this, put the
18 notes we talked about, that we just talked about on
19 there and do what we're talking about, would that
20 then be considered a lot line change, a minor
21 subdivision? What would it be?
22 MR. ARMSTRONG: I think we
23 classify it as -- the township actually -- the
24 ordinance has like a resubdivision provision that
25 falls under the minor subdivision.

1 MS. LAMBERTON: Oh, okay.
2 MR. ARMSTRONG: I think we can
3 kind of look at it like that.
4 MS. LAMBERTON: Yeah.
5 MR. ARMSTRONG: Lot line -- I
6 mean, it is kind of a lot line adjustment, but
7 given the extent of the prior subdivision notes and
8 the significance of the changes between the prior
9 subdivision and this subdivision, I think we have
10 to look at it as at least a resubdivision activity,
11 which means all you -- you'd still come before this
12 planning commission. They'll make a recommendation
13 to the board of supervisors, but it likely won't
14 be -- given the fact that this plan was before them
15 seven years ago, and the fact that if you're
16 agreeing to keep all of the notes on the plan and
17 keep that accessway at least as discussed this
18 evening, come back with revised plans showing that,
19 I don't -- I can't speak for the planning
20 commission or the board, but I don't know if --
21 MS. LAMBERTON: I don't have a
22 problem with that at all.
23 MR. ARMSTRONG: The one thing I
24 do want --
25 MS. LAMBERTON: Sounds like it's

1 fair to both sides.
2 MR. ARMSTRONG: -- the township
3 owns the property directly behind the two lots,
4 correct?
5 MR. MIKE BERARDI: No. These
6 lots?
7 MR. ARMSTRONG: And the property
8 below it?
9 MS. LAMBERTON: Behind --
10 MR. MIKE BERARDI: No, behind
11 this here.
12 MS. LAMBERTON: Yeah.
13 MR. ARMSTRONG: What about
14 down -- I thought the township also owned --

15 MR. McHALE: They have their own
16 land down here, yes.
17 MR. ARMSTRONG: Is there any --
18 I see this is like a wetland creek. Are there any
19 paths or anything around there, like footpaths,
20 pedestrian paths, do we know of?
21 MS. LAMBERTON: I do not know
22 that answer.
23 MR. BAXTER: In the park there
24 is.
25 MR. SINCAVAGE: Yeah, in the

30

1 park, but not on their property.
2 MR. ARMSTRONG: Okay. Would
3 there be any interest in --
4 MR. McHALE: I think the
5 township has access to these parcels from 115 and
6 if they had some access here in the future, if they
7 wanted to utilize that --
8 MR. MIKE BERARDI: If the
9 township wants the property, I'd be happy to sell
10 it to them.
11 MS. LAMBERTON: If we had the
12 money, we'd be happy to buy it.
13 MR. MIKE BERARDI: You want a
14 piece of it? How about a piece of it?
15 MS. LAMBERTON: No, thank you.
16 MR. McHALE: You can change the
17 name from Creek View Estates to whatever you want.
18 It doesn't have to stay --
19 MR. MIKE BERARDI: Yeah, right.
20 MR. McHALE: They have it in on
21 the plans.
22 MS. LAMBERTON: I like the way
23 you simplified it for Mr. Berardi, Bob. That
24 was --
25 MR. MIKE BERARDI: Thank you.

31

1 MS. LAMBERTON: -- very much,
2 yes.

3 MR. MIKE BERARDI: Yeah. Thank
4 you.
5 MR. BAXTER: And we can drop the
6 Creek View Estates.
7 MR. MIKE BERARDI: What I'm
8 trying to do is separate -- the whole thing, I'm
9 trying to separate my assets from Jerry's. Jerry's
10 having some --
11 MS. LAMBERTON: Right.
12 MR. MIKE BERARDI: -- issues and
13 things and, God bless him, but I have to do what I
14 have to do, you know?
15 MS. LAMBERTON: Understood.
16 MR. MIKE BERARDI: I will have
17 my guy get in touch with your guy. I'll get the
18 surveyor that did this, just to give me some kind
19 of preliminary thing to discuss. I'll probably use
20 someone else to actually do what needs to be done
21 to make sure that what you want on there is on
22 there, okay?
23 MR. McHALE: Go through this as
24 a checklist.
25 MR. MIKE BERARDI: All right.

32

1 Okay. All right. All right. Thanks, guys. Thank
2 you.
3 MS. LAMBERTON: You're welcome.
4 You're welcome. Thanks for coming on top of the
5 mountain here.
6 MR. ARMSTRONG: So you're
7 planning on revising the plans?
8 MR. MIKE BERARDI: I'm going to
9 make a whole new submission.
10 MR. SINCAVAGE: I just want to
11 bring up something the solicitor just brought to my
12 attention. If you look at these -- the drawing,
13 where the wetlands are, on the southeast corner,
14 there's areas along that wetland that would not be
15 usable for the developer --
16 MR. MIKE BERARDI: Yes, I know
17 that.
18 MR. SINCAVAGE: 'cause it's kind
19 of landlocked in there.

20 MR. MIKE BERARDI: Yeah. That's
21 everything to this side of that line.
22 MR. SINCAVAGE: Right. And I
23 was wondering -- Pat's saying, would the developer
24 consider providing a -- just an easement across
25 there for pedestrian access into the township park?

33

1 MR. MIKE BERARDI: Where's the
2 park?
3 MR. SINCAVAGE: Right here.
4 MR. MIKE BERARDI: Where?
5 MR. SINCAVAGE: Here's the parks
6 down here.
7 MR. MIKE BERARDI: Oh. The
8 township has this -- owns this?
9 MR. SINCAVAGE: Yes.
10 MR. MIKE BERARDI: Oh, I didn't
11 know that. Okay.
12 MR. SINCAVAGE: Yeah, so the
13 township owns all of this piece down here. See
14 what I'm saying?
15 MS. LAMBERTON: They're going to
16 let you walk through wetland?
17 MR. SINCAVAGE: No, but along
18 there, you can see there's some upland right by the
19 property line.
20 MR. BAXTER: But right now
21 people can access --
22 MS. LAMBERTON: Is that like a
23 whole liability issue with other people's property?
24 MR. BAXTER: People can
25 access --

34

1 MS. LAMBERTON: I say --
2 MR. BAXTER: -- the back parcel.
3 MS. LAMBERTON: -- we let it
4 alone. Yeah. Just my opinion.
5 MR. BAXTER: People can
6 access --
7 MR. SINCAVAGE: The park.

8 MR. BAXTER: -- this back part
9 from the park.
10 MR. SINCAVAGE: Absolutely. And
11 in the future, if the township decides to, they can
12 utilize the easement, because you can't -- they
13 can't landlock that piece. So that road that he's
14 proposing still has to show access to that. The
15 township would have to do whatever work is
16 necessary, but there would be access to the lot.
17 It's going to be referred to as Lot 3 on here.
18 MR. McHALE: Unless the township
19 joined those properties, then that access needs to
20 remain, because if they were to sell that off and
21 let some big development for residential purposes,
22 then they would haven't an access, and that's why
23 it has to stay on the plan.
24 MS. LAMBERTON: Okay.
25 MR. SINCAVAGE: Okay? I just --

35

1 Pat just brought it to my attention, but I --
2 MS. LAMBERTON: That's okay.
3 Asked and answered.
4 MR. BAXTER: Well --
5 MR. MIKE BERARDI: So what's the
6 question? What --
7 MR. SINCAVAGE: I think the
8 board is saying we don't think that would be
9 beneficial because there's liability issues about
10 going across your property.
11 MS. LAMBERTON: Somebody else's
12 property.
13 MR. SINCAVAGE: Yeah.
14 MS. LAMBERTON: Yeah, and you
15 have the general public, and I respect that.
16 MR. MIKE BERARDI: Okay.
17 MS. LAMBERTON: That's a good
18 question, though.
19 MR. SINCAVAGE: Okay. All
20 right. So you're okay, sir?
21 MR. MIKE BERARDI: Yes, sir.
22 The development across the street -- there was a
23 development going on across the street on this
24 side. Did that ever get finished, does anyone

25 know?

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1 MR. McHALE: Keswick Pointe?
2 MR. MIKE BERARDI: I'm not even
3 sure that it was --
4 MS. LAMBERTON: Was that the one
5 that was a bank and then --
6 MR. McHALE: Keswick Pointe is a
7 170 unit subdivision.
8 MR. MIKE BERARDI: Yeah, it was
9 a good size subdivision.
10 MR. McHALE: And they put in
11 their --
12 MS. LAMBERTON: That's Chuck
13 Hannig.
14 MR. McHALE: -- main access and
15 part of the road system, utilities and such, and
16 they can sell lots and --
17 MS. LAMBERTON: Just haven't
18 sold anything yet.
19 MR. MIKE BERARDI: They never
20 started developing -- I mean selling stuff, huh?
21 MR. SINCAVAGE: It's on the
22 market.
23 MR. MIKE BERARDI: It's on the
24 market, it's just not --
25 MR. SINCAVAGE: It's just the

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1 market, the market has not been positive.
2 Just to clarify Bob's point,
3 though, there are two commercial lots on the
4 frontage. There's two commercial lots on either
5 side of that entrance --
6 MR. MIKE BERARDI: I think we
7 owned them.
8 MR. SINCAVAGE: -- is that
9 correct?
10 MR. MIKE BERARDI: I think I
11 owned one of them at one time.
12 MS. LAMBERTON: No, it's north

13 of it, isn't it?
14 MR. SINCAVAGE: I thought there
15 was two, one on each side of the entrance, two
16 commercial lots?
17 MR. MIKE BERARDI: Is that next
18 to the sewer -- is that next to the sewer treatment
19 plant?
20 MR. BAXTER: No, this is farther
21 over.
22 MS. LAMBERTON: Yes. It's by
23 the sewer plant.
24 MR. MIKE BERARDI: Okay.
25 MR. SINCAVAGE: Because who owns

38

1 the --
2 (Inaudible discussion among
3 board members.)
4 MR. SINCAVAGE: Yeah, I know.
5 We're all talking at one time, so --
6 MS. LAMBERTON: Yeah, sorry.
7 MR. McHALE: That's further up.
8 MS. LAMBERTON: Is it? Okay.
9 MR. McHALE: On the same side of
10 the road, that parcel is by Keswick Pointe. Their
11 access drive -- I believe the traffic study back
12 when we did that was for a sit-down restaurant --
13 MR. SINCAVAGE: Yes.
14 MR. McHALE: -- and a bank on
15 the other side.
16 MR. MIKE BERARDI: You're aware
17 that we still have nine EDUs, correct?
18 MR. McHALE: Yes.
19 MR. MIKE BERARDI: We had to get
20 one on the property when we gave you guys the
21 property. We gave one to that property so it could
22 be done.
23 MR. SINCAVAGE: So there's one
24 for Lot 3 that's referred to on the original?
25 Okay.

39

1 MR. MIKE BERARDI: How is the

2 EDUs today, any idea? No?
3 MR. McHALE: Pretty much first
4 come first serve basis.
5 MR. MIKE BERARDI: Yeah.
6 MS. LAMBERTON: We'll sell you
7 more.
8 MR. MIKE BERARDI: Well, good, I
9 hope so, because I want to buy some.
10 MS. LAMBERTON: So do I.
11 MR. SINCAVAGE: So do we.
12 MR. MIKE BERARDI: Thank you
13 again.
14 MR. ARMSTRONG: So your plan is
15 to revise the plan pursuant to --
16 MR. MIKE BERARDI: Yeah, what
17 have I given -- I've given you a \$2,000 deposit.
18 Does that get transferred to the new one or what
19 happens?
20 MR. McHALE: We're just going to
21 continue with this plan, right?
22 MR. ARMSTRONG: Yeah. You'll
23 just revise it --
24 MR. MIKE BERARDI: Oh.
25 MR. ARMSTRONG: -- pursuant to

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1 the review letter from the township engineer, as
2 well as the discussion tonight with respect to the
3 access.
4 MR. MIKE BERARDI: Okay. Is
5 that the way to do it? Okay.
6 MR. BAXTER: It's still the same
7 submission.
8 MS. LAMBERTON: Yeah.
9 MR. MIKE BERARDI: Oh, it's
10 still the same submission? Okay.
11 MS. LAMBERTON: Just make the
12 revision on the plan --
13 MR. MIKE BERARDI: Okay. All
14 right.
15 MS. LAMBERTON: -- Bob's
16 checklist and then that should --
17 MR. MIKE BERARDI: All right.

18 Thanks again. Goodnight.
19 MS. LAMBERTON: You're welcome.
20 MS. MINNICK: You're welcome.
21 MR. SINCAVAGE: Okay. We were
22 given the schedule for 2014.
23 Any problems with it as
24 proposed?
25 MS. LAMBERTON: I did not have

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1 any.
2 MR. SINCAVAGE: I'll entertain a
3 motion to enter -- to accept the meeting schedule
4 for 2014 as submitted.
5 MS. LAMBERTON: So moved.
6 MR. BAXTER: Second.
7 MR. SINCAVAGE: Motion and
8 second.
9 All those in favor, please say
10 aye?
11 THE BOARD: Aye.
12 MR. SINCAVAGE: That's that.
13 And this was not on our agenda,
14 but it was given to us at the last minute for
15 the -- from the Town Planning Partnership, LLC.
16 It's the proposal letter dated October 2, 2013.
17 This is for the planning stages for the local
18 design guideline brochure that was discussed at our
19 September meeting.
20 I pointed out to Bob that if you
21 look at the study area on Page 2, they did not
22 include Blakeslee, it just includes the area from
23 the Twin Lakes, going back towards the Pocono
24 Summit and the 380 interchange, and then the Study
25 Area 2 is the 380 interchange area.

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1 I'm not sure, Maureen, if you
2 know why they didn't include the Blakeslee Area in
3 this proposal?
4 MS. MINNICK: From what I
5 understand, it was just gonna be these two, because
6 Blakeslee was already done with the visioning, so

7 maybe that's why they didn't include it. They were
8 going to use the information that was provided with
9 the visioning and just --

10 MR. BAXTER: That's my
11 recollection, too. We only specified these two.

12 MS. MINNICK: -- move forward
13 with it.

14 MR. SINCAVAGE: We said we
15 wanted it -- this was priority because of the
16 Kalahari project, so this became our priority?

17 MS. LAMBERTON: I mean, I wasn't
18 here in September, but I remember that when we
19 first said to bring them in and they were going to
20 give us an overlay of what they were going to
21 study. Now, do I remember 380 going to the school?
22 That corridor, didn't it go all the way to Pocono
23 Mountain School?

24 MS. MINNICK: That's where it
25 went to.

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1 MS. LAMBERTON: Okay.

2 MR. SINCAVAGE: Actually, the
3 study here goes to Twin Lakes, to Pocono Lake. The
4 new area goes to Pocono Lake.

5 MR. BAXTER: The lower map.

6 MR. SINCAVAGE: Oh, the lower
7 map.

8 MS. LAMBERTON: I'm sorry, yeah,
9 over on 380, didn't that -- because it's not
10 indicating it. Does it show that it goes all the
11 way to the school?

12 MR. SINCAVAGE: Doesn't that
13 show the school's property, Bob?

14 MS. MINNICK: Yeah, that's the
15 school's property.

16 MR. McHALE: Yes. Yeah, it's
17 part of it.

18 MR. SINCAVAGE: It's part of it,
19 though.

20 MS. LAMBERTON: Oh, okay. Okay.
21 Just curious, because that made sense.

22 MR. SINCAVAGE: The total cost

23 to do this, estimated for Study Area 1, is \$14,020,
24 and for Study Area 2 is 8,650, so that's, say,
25 \$23,000?

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1 MS. LAMBERTON: Twenty-two six,
2 yeah.

3 MR. SINCAVAGE: The township
4 should put that in the budget for 2014.

5 MS. LAMBERTON: You're going to
6 have to do something out in Pocono Summit if you
7 want to do an overlay before everything starts
8 happening.

9 MR. SINCAVAGE: I agree. You
10 know, so I think it would be money well spent. I
11 mean, and --

12 MS. LAMBERTON: Maybe we should
13 concentrate on Study Area 2.

14 MR. SINCAVAGE: Yep.

15 MR. BAXTER: I'll see if
16 (inaudible).

17 MS. LAMBERTON: Okay.

18 MR. BAXTER: -- and do them in
19 that sequence.

20 MS. LAMBERTON: You know? I
21 mean, maybe --

22 MS. MINNICK: Start with
23 something.

24 MS. LAMBERTON: -- you learn
25 from Study 2, that we can put Bob and Patrick to

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1 work for Study 1.

2 MR. SINCAVAGE: Well, I see
3 he's -- if you look at their notes, I read through
4 this really --

5 MS. LAMBERTON: Right. You
6 don't have to reinvent the wheel each time.

7 MR. SINCAVAGE: Right. But if
8 you read their proposal, the information from Study
9 Area -- and I read this quickly tonight just while
10 I was sitting here --

11 MS. LAMBERTON: I did not read

12 it.
13 MR. SINCAVAGE: The area -- the
14 Study Area 1 is doing stuff that would be used in
15 Study Area 2, so it's backwards from what we're
16 saying.
17 MS. LAMBERTON: Okay.
18 MR. SINCAVAGE: That's why --
19 MS. LAMBERTON: That's why
20 that's higher.
21 MR. SINCAVAGE: Right.
22 MR. BAXTER: Okay.
23 MS. LAMBERTON: All right.
24 MR. SINCAVAGE: So I'm not
25 sure -- we might -- we would want to ask them to

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1 split that around and do Study Area 2 as the
2 priority and do that one first? Give us a price on
3 that and then do Study Area 1?
4 MS. LAMBERTON: I would think
5 so. It just makes more sense to me.
6 MR. SINCAVAGE: Yeah, it does.
7 Maureen, could you ask Town
8 Planning Partnership to resubmit this, in that
9 order, being Study Area 2 would be the primary area
10 and then Study 1 -- and this would be the secondary
11 area?
12 MS. MINNICK: Absolutely.
13 MS. LAMBERTON: That makes more
14 sense. Probably be looking at 15 for Study Area 2.
15 MR. SINCAVAGE: I don't think
16 we're going to see a change in the price --
17 MS. LAMBERTON: No, it just --
18 MR. SINCAVAGE: Right. But, I
19 mean, here it's November, so maybe we just --
20 MS. LAMBERTON: We all want to
21 work on this.
22 MR. SINCAVAGE: Right.
23 MS. LAMBERTON: We need to get
24 it done.
25 MR. SINCAVAGE: The budget isn't

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1 done --
2 MS. LAMBERTON: Not yet.
3 MR. SINCAVAGE: -- for 2014, so
4 we can get this in the budget.
5 MS. LAMBERTON: We're diligently
6 working on that.
7 MR. SINCAVAGE: Yes.
8 MS. LAMBERTON: Not a lot of
9 grass grows under Phyllis' feet.
10 MR. SINCAVAGE: Right. So let's
11 look at it. Let's ask them for that resubmission
12 and we'll see where it comes.
13 MS. MINNICK: Okay.
14 MR. SINCAVAGE: Okay.
15 MS. LAMBERTON: Yeah.
16 MR. ARMSTRONG: Just so I'm -- a
17 resubmission asking Town Planning to --
18 MS. LAMBERTON: Just look at
19 Study Area 2.
20 MR. ARMSTRONG: -- flip it,
21 Study Area 2 being the first --
22 MR. SINCAVAGE: Right.
23 MS. LAMBERTON: I'm sure they'll
24 just flip the cost, but that's okay. So we know
25 what we're going to do.

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1 MS. MINNICK: Just a quick
2 question on Berardi's plans. Nobody tabled them.
3 He's going to resubmit. Are we gonna start the
4 clock or --
5 MR. ARMSTRONG: You don't have
6 to table your plans; however, the planning
7 commission has had a practice of doing it in the
8 past. You can continue to do it, you don't have to
9 do it.
10 MS. LAMBERTON: It sounds harsh.
11 MR. BAXTER: Was this a formal
12 submission?
13 MR. ARMSTRONG: Hmm?
14 MR. BAXTER: Was this a formal
15 submission that --
16 MR. ARMSTRONG: Yes. Yes. It's

17 my understanding, it's a submission. If you don't
18 table it, it doesn't mean any -- it doesn't mean
19 that when he resubmits his plan, it's going to be a
20 new application. It's still part of the
21 application that was already submitted.

22 MS. LAMBERTON: Okay. So the
23 clock's already ticking, is that what you're
24 asking? Yeah.

25 MR. SINCAVAGE: So the time is

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1 ticking.

2 MS. LAMBERTON: Yeah.

3 MR. ARMSTRONG: Irregardless of
4 you tabling it or not tabling, the way the MPC
5 reads is, that time clock -- you're talking about
6 time clock as to action on this plan, is that what
7 you're referring to?

8 MS. LAMBERTON: I'm assuming.

9 MR. ARMSTRONG: That time clock
10 starts irregardless of what you do from the date --
11 it will start today, and if you wouldn't have met
12 before 30 days after its submission, it would
13 automatically start 30 days after he submitted it.

14 MS. LAMBERTON: Okay.

15 MR. ARMSTRONG: But because you
16 met tonight, it starts tonight.

17 MS. LAMBERTON: Right. There
18 you go.

19 MR. SINCAVAGE: So I'm fine with
20 that.

21 MS. LAMBERTON: Yeah.

22 MR. SINCAVAGE: I think we need
23 to change our practice for 2014.

24 MS. LAMBERTON: Yeah. We want
25 to be user-friendly. Table is just so

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1 (inaudible) -- it's rejection.

2 MR. SINCAVAGE: Okay. Anything
3 else?

4 MS. LAMBERTON: Don't put

5 anything down that I say.
6 MR. SINCAVAGE: Anything else to
7 come before the board?
8 MS. LAMBERTON: No.
9 Motion to adjourn?
10 MR. SINCAVAGE: I have a motion
11 to adjourn.
12 Do I have a second to the
13 motion?
14 MR. BAXTER: Second.
15 MR. SINCAVAGE: Motion and
16 seconded.
17 All those in favor, please say
18 aye?
19 THE BOARD: Aye.
20 (Meeting concluded at 6:09 p.m.)
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7 I hereby certify that the
8 proceedings and evidence are contained fully and
9 accurately in the notes taken by me, to the best of
10 my ability, 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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14
15
16 JESSICA L. HOLT, C.R.
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