

**POCONO TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**March 27, 2017  
7:00 P.M.**

The Pocono Township Planning Commission Regular Meeting was held on March 13, 2017, at the Pocono Township Municipal Building, Tannersville, PA, and opened by Chairman Ron Swink at 7:00 p.m. followed by the Pledge of Allegiance.

**ROLL CALL:** Ron Swink, present; Marie Guidry, present; Robert Demarest, present; Dennis Purcell, present; Jeremy Sawicki, present; Scott Gilliland, present; and Robert DeYoung, present.

Lisa Pereira, Solicitor, Jon Tresslar, Engineer, Charles Vogt, Township Manager, and Michael Tripus, Zoning Officer were present.

**ACKNOWLEDGEMENT OF COMMENTS:** Chairman R. Swink noted the Planning Commission meets the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month at 7:00 p.m. to 9:00 p.m. The board will address five (5) comments per plan and noted each visitor has the right to comment at this time or before any action is taken on a matter.

**CORRESPONDENCE:** NONE

**MINUTES:** R. Demarest made a motion, seconded by M. Guidry, to approve the minutes of 03/13/2017. All in favor. S. Gilliland and R. DeYoung abstained. Motion carried.

**NEW PLANS AND SUBMISSIONS FOR PLANNING COMMISSION REVIEW:**  
Kenbar Route 715 Subdivision - R. Demarest made a motion, seconded by J. Sawicki, to accept the plan for review. All in favor. Motion carried.

**FINAL PLANS UNDER CONSIDERATION:**  
Farda Minor Subdivision Plan - Plan accepted at the 02/13/2017 P.C. Mtg. Last P.C. meeting is 04/24/2017. M. Guidry made a motion, seconded by R. Demarest, to table the Farda Minor Subdivision Plan. All in favor. Motion carried.

**PRELIMINARY PLANS UNDER CONSIDERATION:**  
Sheldon Kopelson, Commercial Development (Lot 3) - Plan was accepted at the 8/13/2013 P.C. Meeting. Last P.C. meeting is 06/12/2017. R. Demarest made a motion, seconded by J. Sawicki,

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to table the Sheldon Kopelson, Commercial Development (Lot 3).  
All in favor. Motion carried.

Spa Castle Land Development Plan - Plan was accepted at the 12/14/2015 mtg. The Planning Modules was rejected by the Commissioners. Last P.C. meeting is 04/03/2017. R. Demarest made a motion, seconded by M. Guidry, to recommend denial of the the Spa Castle Land Development Plan unless the developer grants a time extension prior to the April 3<sup>rd</sup> BOC meeting. All in favor. Motion carried.

Camelback Lot 13 and Hotel Land Development Plan - Plan was accepted at the 06/13/2016 mtg. Last P.C. meeting is 04/10/2017. R. Demarest made a motion, seconded by M. Guidry, to recommend denial of the Camelback Lot 13 and Hotel Land Development Plan unless the developer grants a time extension prior to the April 3<sup>rd</sup> BOC meeting. All in favor. Motion carried.

Sanofi Pasteur Discovery Drive Widening Land Development Plan - Plan was accepted at the 12/12/2016 mtg. Last P.C. meeting is 05/22/2017. D. Purcell made a motion, seconded by J. Sawicki, to table the Sanofi Pasteur Discovery Drive Widening Land Development Plan. All in favor. Motion carried. S. Gilliland abstained.

Summit Health Campus Land Development Plan - Plan was accepted at the 01/09/2017 mtg. Last P.C. meeting is 03/27/2017. M. Guidry made a motion, seconded by J. Sawicki, to table the Summit Health Campus Land Development Plan. All in favor. Motion carried.

Day Star Holiness Bible Church Land Development Plan - Plan was accepted at the 02/13/2017 mtg. Last P.C. meeting is 04/24/2017. Boucher & James review letter of 03/10/2017 received. Sean Pollicelli, P.E. represented the plan. Discussion followed on the Township Engineer's review letter. Mr. Pollicelli indicated that he had initiated utilized the old SALDO, and has since learned that the new SALDO was enacted. He understands that there are engineering comments that will need to be addressed in light of the new SALDO, and requested that the plan be tabled. R. Demarest questioned the PPL lines crossing the property and whether they impacted the development. Mr. Pollicelli indicated that church buildings would not be located under the PPL lines.

Ultimately, PPL will have to review the plan. D. Purcell made a motion, seconded by R. Demarest, to table the Day Star Holiness Bible Church Land Development Plan. All in favor. Motion carried.

**SKETCH PLANS**

Kenbar Route 715 Land Development Sketch Plan - Ken Schuchman appeared on behalf of the plan. He indicated that he would be appearing at the next Planning Commission meeting to discuss the sketch plan.

PERMITS - NONE

PLANNING MODULE - NONE

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

**ADAMS OUTDOOR ADVERTISING CONDITIONAL USE APPLICATION**

The applicant has provided a time extension and has requested this application be tabled. J. Sawicki made a motion, seconded by M. Guidry, to table the Adams Outdoor Advertising Conditional Use Application. All in favor. Motion carried.

**BROOKDALE ON THE LAKE ZONING AMENDMENT**

Jeff Durney, Esquire appeared on behalf of the applicants. He indicated that the zoning text amendment posted on the Township website was missing a few pages. He wanted to make sure that the Planning Commission had a complete copy. Mr. Durney provided a handout outlining key points of the Resort Re-Use Overlay District amendment. He gave a history of the petition. He indicated that the amendment is not specific to the Brookdale property. Mr. Durney explained the purpose of the overlay district. A property would need to meet all of the ordinance requirements and conditional use criteria in order to be developed in accordance with the overlay. He described a two-step process involved with the development of the proposed treatment center: (1) enactment of the overlay district zoning amendment, and (2) conditional use application (applicant has to establish that it complies with the criteria).

Mr. Durney highlighted certain items developer would need to meet under the amendment:

1. have all relevant licenses
2. submit plot plan
3. 50% must remain open space
4. provide landscaping plan
5. site must provide security
6. provide surveillance
7. immediate family member visitors only
8. use cannot adversely affect the health and safety of residents

He indicated that treatment centers are highly regulated facilities:

- They require staffing/certifications regarding size and design of resident facilities
- Must meet all federal, state and local laws in addition to obtaining conditional use approval

Mr. Durney explained that the amendment sought to address problems with vacant resort properties in the Township. He described that closure of resorts has led to loss of jobs in the area.

Mr. Durney indicated that there were some benefits to re-using the existing vacant resorts including:

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- Tax revenue
  - Ancillary income/employees working
  - Employees patronizing local establishments
  - Job creation
  - No increase in intensity of property since these properties were previously resorts

He mentioned that other permitted uses in RD District are more intense uses than the treatment center, and the Township Comprehensive Plan contemplates adaptive reuse of vacant, unused properties.

Mr. Durney went on to explain what occurred at the January 19<sup>th</sup> Meeting (provided transcript of said meeting). He discussed the speakers who appeared and spoke on behalf of the treatment center.

R. Swink asked Mr. Durney why this was not considered spot-zoning

- Mr. Durney indicated that while there are currently only two properties, there are other properties that may qualify at a later date.

S. Gilliland questioned item No. 12 on the handout supplied by Mr. Durney. Section 1006 Site Development indicates 50% of site must remain open space and deed restricted to prohibit future subdivision or development. There is a discrepancy between the handout and the text of ordinance amendment.

- Mr. Durney indicated that the developer could go back to the BOC for permission to develop recreational uses in the restricted areas.
- S. Gilliland is concerned that developer could develop the 50% restricted area as a waterpark or any other recreational use.
- Mr. Durney indicated that "recreational use" would be something other than a waterpark.

Vincent Trapasso, one of the Brookdale developers, indicated that back area of the Brookdale resort site would not be developed.

S. Gilliland questioned if the realtor and appraiser who appeared at the January 19<sup>th</sup> meeting were paid to speak on behalf of the treatment center.

- Mr. Durney indicated that he was not sure. Mr. Trapasso said one was paid and the other was not paid.

S. Gilliland questioned what the estimated taxes would be.

- Mr. Durney indicated that the property appraised at \$1M - it would be 4 to 5 times that amount with the proposed development.

S. Gilliland indicated that this ordinance amendment is specific for this property.

- Mr. Durney mentioned that another property that would apply. He conceded that ordinance did benefit this property.

S. Gilliland questioned whether anyone had spoken with the neighboring residents about their concerns?

- Mr. Durney mentioned that they did go around to speak with residents about their concerns.

S. Gilliland questioned whether any Commissioners had spoken with any residents about their concerns?

- E. Ghandt indicated that she had spoken with a resident about his concerns.

S. Gilliland explained that he had nothing against the developers, but he is very concerned about the neighbors and having this kind of facility adjacent to their residences. He would like the Commissioners to weigh the benefits to the Township and the residents. How are they going to justify it?

R. Swink discussed the Monroe County Planning Commission's open space recommendation

- R. Demarest indicated that, as a prior member of the MCPC, he has never seen this issue raised by the MCPC before.

R. Swink asked Jon Tresslar if this proposal qualifies as a land development.

- J. Tresslar said this would qualify as a land development only if they are constructing new buildings/additions. The renovation of existing buildings would not qualify as land development.

- Mr. Trapasso said he is only repairing the existing buildings. No new buildings or additions are proposed.

R. Swink questioned the landscaping/buffering plans.

- Mr. Durney explained that landscaping/buffering plans would be submitted at conditional use hearing.

R. Swink questioned the proposed buffering.

- Mr. Durney indicated that existing buildings are not subject to 100 foot buffer under the proposed amendment (only new buildings).

J. Tresslar read through his memo in response to the MCPC letter.

L. Pereira explained that in granting a conditional use, the BOC could impose "reasonable" conditions. An applicant however could challenge the conditions as not being reasonable. If there is a material condition that the Township would like to attach to the conditional use they may want to consider placing it directly into the ordinance. This would minimize the possibility of having that condition deemed not "reasonable" and therefore not applicable to the applicant.

S. Gilliland explained that stormwater management is an issue at this property - the spillway and culvert cannot handle water during storm events.

Steve Keller - wanted to make a correction on the record that the Brookdale property is not abandoned. He is a resident that does not want this use developed at this site. He indicated that there are plenty of other commercial properties available. He is also concerned about how the development of this site would impact Dyson Road, which currently floods. Stormwater issues are of concern to him.

The following persons signed the sign-in sheet but declined to comment:

- Ruthann Keller
- Theresa Kline
- Janet Miller
- Gus Esposito
- Judi Coover
- Ellen Gandt

Tom Wise - lived in Scotrun for 57 years. His grandmother lived near the Brookdale site and he knows the property very well. It is a unique piece of property with beautiful topography. He indicated that overlays are designed for unique purposes to

address a problems. The proposed treatment center is the wrong idea for the wrong place. Treatment centers already permitted in the Township. He is concerned about residents being allowed to travel in and out of facility. Questioned why treatment not contained in buildings. He questioned how this ordinance can apply to another property in the Township. He is okay with the other uses that are permitted in the RD District.

Steve Larson - questioned 50% of property being open space. Also questions the overlay district and what it encompassed.

- Mr. Durney mentioned that the overlay district encompasses the entire township. The Brookdale site is 232 acres is size of Brookdale site.

Mr. Larson questioned impervious coverage of the treatment center site. He wanted to know what guarantee there is in ordinance that there will not be any court-mandated residents - only voluntary residents. Discussion of reasonable conditions.

- Mr. Durney indicated that as a practical matter the developer wants to proceed with the development and unless a condition was completely unreasonable, they will not be appealing. He also indicated that the treatment center site will be identified at the conditional use hearing.
- Mr. Trapasso mentioned that the road leading back to Brookdale site will be repaired.

Mr. Larson questioned whether there will be input from the Commissioners or the public to define the metes and bounds of site.

- Mr. Durney said that concerns from the public will be heard and if possible addressed.

S. Gilliland questioned whether the developer would consider amending the language to address the concerns raised by the public. He is concerned that there is currently no site plan.

Mike Delgrasso - questioned what is being developed on the site (80 - 100 beds; 10'x 6' buildings).

R. DeYoung - questioned what is being considered a bed/unit.



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- Mr. Durney has indicated that the developer is intending to renovate the existing buildings.

Tom Wise - wants to see the plan that is being proposed.

R. Swink questioned whether they going to tear down any buildings and use the footprints to build a new building.

- Mr. Durney indicated that may happen but this is not the intent of the developer.

M. Guidry questioned the 50% of resort re-use development.

R. Demarest indicated he grew up on a small lot in N.J. He - moved to this area to find property. In 1957 he purchased 4 acres. He kept buying additional acreage since the only property you can control is property you own. He mentioned that a group could get together to purchase the property in order to control it.

R. Swink questioned whether P.C. wanted to digest this and make a recommendation at the next meeting.

S. Gilliland questioned why the hearing was set for April 18<sup>th</sup>.

~~J. Coover indicated that the solicitor advertised the hearing for April 18<sup>th</sup>.~~

D. Purcell would like to see changes to the proposed ordinance.

R. Swink asked the Planned Commission how many would like to vote on ordinance tonight.

R. DeYoung - doesn't understand what 50% open space will be taxed at. What is the tax rate?

Judy Sarubbi - questioned the 50% open space calculation.

- Mr. Durney indicated that the development will be at least a 50 acre subset of the total resort area.

Ed Sarubbi - suggested restricting even more land than what is being proposed.

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S. Gilliland made a motion, seconded by R. DeYoung, to recommend that the proposed zoning text amendment establishing a Resort Re-Use Overlay Zoning District not be enacted by the Board of Commissioners.

Roll Call Vote:

1. D. Purcell - yes
2. R. DeYoung - yes
3. S. Gilliland - yes
4. M. Guidry - yes
5. B. Demarest - no
6. J. Sawicki - no
7. R. Swink - yes

Motion passed (5-2)

UNFINISHED BUSINESS: NONE

NEW BUSINESS: NONE

COMMENTS BY AUDIENCE: NONE

ADJOURNMENT:

D. Purcell made a motion, seconded by R. DeYoung, to adjourn the meeting until 04/10/2017 at 7:00 p.m., at the Pocono Township Municipal Building. All in favor. Motion carried.