

**MOUNT POCONO PLANNING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, JUNE 20, 2018
7:00 P.M.**

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

Commissioners N. DeLano, B. Harper, and Borough Engineer C. Niclaus were absent.

Representing Borough Council were Councilmembers D. Casole and T. Ford.

APPROVAL OF MINUTES

Vice Chair R. Dorkoski moved to accept the Regular Meeting minutes of Wednesday, February 21, 2018, as presented. Commissioner V. Misuraca seconded. Motion carried unanimously.

SUBMISSIONS

CKE Restaurant – Hardee’s Sketch Plan

Chairman K. Kirkwood stated that the Applicant will not be in attendance this evening however he noted that the proposed Hardee’s would be next to Perkins on SR 940. He explained that the sketch plan shows not only a proposed Hardee’s, but also a convenience store and gas station. He noted that he hopes that the Applicant will be at next month’s meeting.

OLD BUSINESS

Bed & Breakfast Ordinance Review

Prior to reviewing the proposed Bed & Breakfast Ordinance, Vice Chair R. Dorkoski recommended that the Planning Commission take their time to review proposed Ordinances. In the past the Planning Commission would send on their recommendation after just one (1) meeting. He noted that we shouldn’t rush into any recommendations and take our time. He added that this would eliminate future amendments that may occur. This was agreed by all.

The Planning Commission reviewed the proposed additions in §215-30 – *Bed and breakfast establishments* and made the following changes:

- (1) The owner shall limit the number of all vehicles to the number of parking spaces designated in the license.
 - (a) All parking for overnight guests and day guests shall be designated in the license and shall be located on the bed and breakfast property. This may include spaces in the property’s garage which can accommodate vehicles, but shall not include spaces in any private, community or public right-of-way.
 - (b) A minimum of one (1) parking space per bedroom shall be provided.
 - (c) All parking spaces shall be improved to a mud-free condition with paving, stone or similar material and shall count as part of the maximum lot coverage established by Chapter 215 (Zoning).
 - (d) If the bed and breakfast ~~rental~~ is accessed directly by a Borough or State road, all parking spaces shall be accessed from the driveway serving the bed and breakfast ~~rental~~ unless the unit is served by a common parking area.

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- (2) The owner shall use best efforts to assure that the occupants or guests of the bed and breakfast ~~rental~~ do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this chapter or any state law pertaining to noise or disorderly conduct
- (3) The owner shall, upon notification that occupants or guests of the bed and breakfast ~~rental~~ have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this chapter or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.
- (4) Parking of recreational vehicles and camper trailers shall be allowed only on the bed and breakfast property.
 - (a) Recreational vehicles, camper trailers and **tents** are not allowed to be rented.
- (5) ~~The maximum number of all vehicles allowed to be parked on the property and the requirement that parking is not permitted in any public road right of way unless such designated right of way is not parking restricted.~~
- (6) Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this chapter; and
- (7) Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this chapter subject to a citation and fines.
- (8) It shall be unlawful for any occupant or person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting.
- (9) Occupancy Requirements. In order to be approved for letting, bed and breakfast must comply with the following:
 - (a) Smoke detector in each bedroom,
 - (b) Smoke detector outside each bedroom in the common hallway,
 - (c) Smoke detector on each floor,
 - (d) GFI outlet required if outlet located within six feet of water source (all sinks, sump pumps, etc.),
 - (e) Aluminum or metal exhaust from dryer,
 - (f) Carbon monoxide detector if garage is attached.
 - (g) Fire extinguisher in kitchen,
 - (h) Stairs (indoor and outdoor) in good condition,
 - (i) Covers on all outlets, and
 - (j) Any other occupancy requirements which may be added by resolution of Borough Council.

After its review the Planning Commission agreed to table this review until next month's meeting.

NEW BUSINESS

Proposed Chicken Ordinance

The Planning Commission was in receipt of a directive from Borough Council to review the proposed Chicken Ordinance and to "review and comment to offer suggestions and revisions to this Ordinance".

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Chairman K. Kirkwood gave a history regarding the Chicken Ordinance and that previously the Planning Commission recommended to Borough Council to leave the Ordinance as is; that no chickens were allowed. He asked Councilmember T. Ford, who initiated the draft Chicken Ordinance, the petition and why allow chickens in the Borough.

Councilman T. Ford responded that the petition has over three hundred (300) signatures supporting the proposed Chicken Ordinance. He continued by explaining that there are people who would like fresh eggs instead of store bought. He noted that this Ordinance would not be part of the Zoning Ordinance but a stand-alone Ordinance and that a public hearing would not be needed.

Mr. Mike Oser of Fairview Avenue expressed concern that this proposed Ordinance was not advertised and that no one knows that this Ordinance is being discussed.

Councilmember D. Casole noted that currently our Ordinance has chickens in the “livestock” definition. She questioned who is to say if anyone would like to keep any other “livestock” on their property.

There was some question regarding enforcement of the current Ordinance and how the proposed Ordinance be enforced, in which Zoning/ Codes Enforcement Officer D. Noonan responded that it is very difficult to enforce the current Ordinance as it would be problematic to get proof that there is a violation. He continued by stating that he cannot go onto a person’s property without their permission.

Councilmember T. Ford noted that this Ordinance could reduce the impact on the neighbor and the community.

It was noted that a couple of years ago when there was interest to allow chickens in the Borough a representative of The Chicken Sanctuary advised the Borough to not allow chickens and gave various reasons to support her opinion.

Councilmember T, Ford was asked “why” to have chickens. He responded by say “why not”, noting that people should be allowed to use their property in anyway they so please if there are restrictions in place as to not be a nuisance to their neighbors.

Solicitor H. C. Connor noted that this proposed Ordinance being a stand-alone Ordinance makes it a police power and any appeals would be administrative and not to the Zoning Hearing Board.

It was agreed that this Ordinance needs to be reviewed in more depth and that it was tabled until next month’s Planning Commission meeting.

DISCUSSION

Zoning/ Codes Enforcement Officer D. Noonan responded to a question regarding the traffic light project at Pine Hill Road and SR 611 and updated the Planning Commission that currently PennDOT’s legal department is going over all the paperwork. He noted that there are still a couple of outstanding signatures from the owners involved with this project. He also noted that the LSA Grant has been extended to June of 2019.

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PROJECT UPDATES

Hirshland

It was explained that this project is coming back before the Planning Commission and that their deadline for starting the project is the end of September.

LIAISON REPORTS

Borough Council

Councilmember D. Casole discussed that a meeting with prospective project on property both in Mount Pocono and Coolbaugh Township. She noted that there in attendance the Borough's Zoning Codes Enforcement Officer D. Noonan, representatives from both municipalities including the Mount Pocono Planning Commission. She explained that all the traffic will be at Industrial Park Drive and that storm water issues were also discussed.

Zoning Hearing Board

None

PUBLIC PARTICIPATION

There being no public participation and no further business coming before the Planning Commission, Vice Chair R. Dorkoski moved to adjourn at 8:50 P.M. Commissioner V. Misuraca seconded. Motion carried unanimously.

Respectfully submitted,

Diana Jackowski
Planning Commission Recording Secretary