

MINUTES FOR SPECIAL COUNCIL MEETING  
Stroudsburg Borough Council Meeting  
Tuesday, March 21, 2017 at 5 p.m.

1. Call Meeting to Order/Roll Call - Present was Council Members Joanne Kochanski, Solicitor Joseph McDonald, Council President Ken Lang, Borough Manager Brian Bond, Council Member Matt Abell, Council Member Mark Connors. Absent were Council Vice President James Smith, Council Member Boyd Weiss, Mayor Tarah Probst and Council Member Patrick Maurath. A Quorum was present.
2. Pledge of Allegiance was recited.
3. Consideration to approve Conditional Use request from Shanti-house, LLC, for the construction of a new building with a maximum height of five (5) stories or sixty-five (65) feet on vacant land located at 621-625 Main Street. We advertised March 17, 2017 for the public hearing in the Pocono Record. Condition Use is a category of use permitted subject to criteria and public hearing review vs Land Development which is much more detailed involving utilities and storm water narratives. Mr. Daniel Luzon is representing Shanti House for 2016 Conditional Use. Mr. Lang is looking for a reduction of residential use on the 1<sup>st</sup> floor. Attorney Wolfe has appealed to the Zoning Hearing Board and feels the use is permitted. Solicitor McDonald states Attorney Wolfe is correct and this is a reasonable condition. Mr. Kimes provided notification for 1<sup>st</sup> floor use. Currently that notification is with the Zoning Hearing Board under an appeal and has not yet scheduled. Per Solicitor McDonald if you were to take action and condition potential approval of the project on a condition that relates to use on the 1<sup>st</sup> floor, the applicant has the opportunity to accept or challenge the condition. Mr. Connors is OK with the plan but not in a change of use on the 1<sup>st</sup> floor. Ms. Kochanski is opposed to any residential use on the 1<sup>st</sup> floor. Section 1206 – Conditional Use process only lists general review parameters, nothing specific with this type structure and mixed use building. The site plan has been more than satisfied. There is a use schedule in Section 405 of the ordinance. The use proposed satisfied the basic use schedule of the ordinance. The conditional use only applies to the height and set back. In reviewing the use schedule in Section 405, multifamily dwellings, not in a townhouse and do not have a street level principal commercial use are not permitted in the C-2 district. The only way multifamily dwellings not in a townhouse and which do not have a street level principal commercial use are only permitted with special exception uses in the MUA/MUB. To uphold this portion of the use schedule, the 1<sup>st</sup> floor needs to have a non-commercial permitted use. Principal is considered to start at 51%. Mr. David Luzon states more than 50% commercial use is on the 1<sup>st</sup> floor. We can block access from Main Street and have access only from Cherry Lane Alley. On the plans submitted there is not square footage listed but when scaled 51% is the commercial use on the 1<sup>st</sup> floor. Residential usage of 49% or less does satisfy principal commercial use.

Reviewed Mr. Connors listing of “Reasonable Conditions for the Approval of the Shanti House” Project.

1. Agreed, will work with the architect to find a solution.

2. Agreed, will solve with motorized gate.
3. Applicant should address, elevator shaft is on the side of the building. Doesn't need to set back, it's far enough back not to see. HARB may be able to design something. Take off the list.
4. Agreed.
5. Agreed.
6. Land Development item – sanitary sewer line will be disturbed.
7. Refer to HARB.
8. Screen from view any roof mounted accessory and incidental telecommunication equipment. Not to be visible from Main Street.
9. Not to exceed 49% residential use. Gross Leasable Area (GLA) to exclude elevator shaft and common areas.

Motion to approve proposal of Shanti House Conditional Use based on plans & testimony presented February 28, 2017 public hearing subject to the following conditions per Mr. Mark Connors suggested quote "Reasonable Conditions for the Approval of the Shanti House" Project, conditions #1, #2, #4, #5 as written; #8 revised for the developer to screen from view any roof mounted accessories, incidental telecommunication equipment, nothing allowed on top of the elevator shaft and not to be visible from Main Street; #9 subject to the condition 1st floor street level not to exceed 49% residential use per Gross Leasable Area and not front on Main Street, Mr. Connors, second by Mr. Abell. All in favor, Motion Carries.

4. Adjournment. Motion to adjourn 6:17pm Mr. Connors, second by Mr. Abell. All in favor, Motion carries.