

East Stroudsburg Borough, May 4, 2010

A regular meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday May 4, 2010. The following members were in attendance: Victor Brozusky; Roger DeLarco; Ed Henning; Donald Repsher and Sonia Wolbert. William Reese was absent. Also attending were: Mayor Armand M. Martinelli; Manager James S. Phillips; Solicitor David J. Williamson of Scanlon Lewis & Williamson; Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.; and several residents in the audience.

Call To Order/Pledge of Allegiance

Mr. DeLarco called the meeting to order at 7:00 p.m. Robert Gress led the Pledge of Allegiance.

Minutes of April 20, 2010 Council Meeting

Mr. Brozusky made a motion, seconded by Mr. Repsher to approve the minutes of the regular Council meeting held April 20, 2010 as submitted. The motion carried unanimously.

Eastburg Community Alliance (ECA) Request to Host "Crystal St. Cruiser Nights"

Michael Kijewski, Business Development Consultant for the Eastburg Community Alliance (ECA) was present to formally request approval for ECA to hold "Crystal St. Cruiser Nights" downtown on four (4) dates this summer. Mr. Kijewski said they are planning on hosting musical entertainment on these nights and are requesting approval from Council to utilize the metered parking spots in front of the businesses for these events, which will be held on Saturday evenings from 5-8 p.m. Mr. Phillips asked why wouldn't they use the parking spaces on the east-side of the street since the Dansbury Depot is still vacant? Mr. Kijewski said they feel it would be best to utilize the spaces next to the businesses on the west-side of the street. Mr. Henning asked if the business owners on Crystal St. have been contacted about their plans? Mr. Kijewski they have not been able to contact the business owners yet but will. Mr. DeLarco suggested that ECA check with the downtown business owners and Council take action on this request at the next meeting, since the first tentative date is June 12, 2010.

Public Comments – Agenda Items

None

Resolution No 16-2010 – Appointment to Shade Tree Commission

Mr. Henning made a motion, seconded by Mr. Brozusky to approve proposed Resolution No. 16-2010 reappointing Evelyn Miller to a new five (5) year term on the Borough Shade Tree Commission expiring April 30, 2015. The motion carried unanimously.

Resolution No. 17-2010 Approving Regional Parks & Facilities Rules & Regulations

Mr. Phillips said Council has already reviewed and approved the rules and regulations for the regional parks properties and facilities that the Stroud Region Open Space & Recreation Commission (SROSRC) has prepared, however they are requesting that the three (3) municipalities approve the rules & regulations by resolution. Mr. Phillips said the rule & regulations also include a vending policy for firms that wish to solicit business within regional park properties. Mr. Henning made a motion, seconded by Mr. Brozusky to approve proposed Resolution No. 17-2010 Approving Regional Parks & Facilities Rules & Regulations as submitted. The motion carried unanimously.

Application for Conditional use and Preliminary/Final Land Development Plan for Expansion of Eagle Glen Plaza off Sterling Lane, C-2 District

Mr. DeLarco noted that Council had discussed possible terms and conditions for the conditional use with representatives of the developer at the April 29, 2010 Committee meeting. Mr. DeLarco said he was pleased to learn that the applicant is willing to undertake additional landscaping improvements within the existing parking area of the plaza as part of any next phase of expansion of the shopping plaza. Mr. DeLarco also noted that Council had discussed the issue of the access road leaving through the Eagle Valley Mall Plaza property, and the applicant is willing to discuss the issue of maintenance of the access road with the owners of the adjoining property in Stroud Township, with Borough assistance in setting up a meeting for such discussions. Mr. D'Alessandro reviewed his review letter dated April 6, 2010 concerning outstanding issues to be addressed by the applicant. Attorney Marc Wolfe in behalf of the applicant stated that the applicant has agreed to furnish all information to comply with the engineer's comments as requested. Mr. Phillips noted that the applicant had submitted a letter requesting six (6) waivers from requirements of the subdivision and land development ordinance, most of them are related to stormwater management requirements. Mr. D'Alessandro commented that he did not have a problem with granting the waivers as requested. Mr. Henning made a motion, seconded by Mr. Repsher to grant the waivers under the SALDO code, as requested. The motion carried unanimously.

Mr. Phillips noted that Council had discussed various conditions to attach to a conditional use approval. Mr. Phillips said the traffic study submitted by the applicant indicates that there will be a slight decrease in the level of service at the Sterling Lane/Milford Road intersection due to increased traffic from the proposed expansion. The applicant has proposed to mitigate this level of service by the retiming of the traffic signal and the other signals coordinated with this signal, at an estimated cost of \$16,100. Mr. Phillips said the applicant has also verbally agreed to pay for upgrading the traffic signal at Sterling Lane by installation of battery backup equipment. Also the applicant has proposed to escrow funds with the Borough for the eventual construction of sidewalks along portions of the applicant's property that front on Milford Road; which is not being developed at this time. After discussion Mr. Henning made a motion, seconded by Mr. Brozusky to grant approval for the conditional use request and for the preliminary and final land development plan as submitted; subject to the following conditions:

1. Execution of a development agreement in form satisfactory to the Borough Solicitor.
2. Payment of all applicable EDU fees for sewer/water expansion.
3. Payment by the applicant of \$16,100 to the Borough for the retiming of the traffic signals due to loss of service by the proposed expansion.
4. Payment by the applicant to the Borough of \$4,500 for installation of battery backup at Sterling Lane/ Milford Road intersection signal.
5. Escrow of funds (\$6,875) by the applicant with the Borough for eventual installation of sidewalk along 270 ft. of frontage owned by the applicant along Milford Road.
6. Satisfaction of all comments in R.K.R. Hess review letter dated 4/9/10.

The motion carried unanimously.

Rescheduling of June Council Committee Meeting

Mrs. Wolbert made a motion, seconded by Mr. Repsher to authorize rescheduling the June Council Committee meeting from the regular June 24th date to Thursday July 1, 2010 at 7:30 p.m. The motion carried unanimously.

Public Comments – Non Agenda Items

Elaina Scagnozzi, a Borough resident asked about the status of the Dansbury Deport restaurant which had a serious fire in November? Mr. DeLarco said the owner, Peter Andrews, has been trying to negotiate a settlement of the fire loss claim with his own insurance company. Mr. DeLarco said he was not sure if there was any time limit under Borough ordinances for the owner to restore a fire damaged structure. John Blick, Codes Officer for the Borough, said he has a meeting with a representative of the owner tomorrow concerning possible redevelopment plans for the structure. Mr. Blick any order by the Borough concerning demolition of the fire damaged structure depends upon the degree that

the structure poses any danger to the public. Mr. Henning noted that dealing with insurance companies can be a very lengthy and frustrated process. Mr. DeLarco encouraged Ms. Scagnozzi to contact the Borough office for further information concerning the status of the Depot.

Robert Gress of 36 Lions Street complained that the issue of speeding traffic on East Broad St. is becoming even more of a problem; and asked that the Borough take some action to address this issue such as by the installation of a speed bump, as he has requested previously. Mr. Gress also noted that more university students are occupying areas further up on East Broad St., into residential neighborhoods, than they ever had before.

Steven Barnes of 82 North Green St. stated that his neighbor at 84 N. Green St. is feeding animals with shelled peanuts. This is attracting animals, especially birds, which are defecating all over his front yard. Mr. Barnes said he has tried trapping animals and using animal repellants but all to no avail. Mr. Barnes said he had contacted Mr. Blick who advised him that there is no Borough ordinance prohibiting the feeding of animals. Mr. DeLarco asked how long this activity has been going on? Mr. Barnes indicated for more than two (2) years. Mr. Blick said he is aware of several ongoing issues between these two property owners. Mr. Barnes said he has also contacted the State Agriculture Department, their representative also said they have no specific rules against the feeding of animals. Mr. DeLarco noted that it may be difficult to regulate this type of activity because many people like to place feed out for birds, for example, because they like to see the birds around their property.

Continuation of Public Hearing on Conditional Use and Preliminary/Final Land Development Plan Applications by University Properties Inc., and East Stroudsburg University to Construct Student Housing on the ESU Campus on the Corner of Normal & Smith Streets in the I-U District

Mr. Henning made a motion, seconded by Mr. Repsher to reconvene the public hearing. The motion carried unanimously. Marc Wolfe, Esq., on behalf of the applicant noted that he had spoken to Solicitor David Williamson at the end of last week's hearing on the issue of how to handle the total development plan verses the detail plans for the first phase of the project. Mr. Williamson and Mr. D'Alessandro agreed that notes added to the plans should address this situation. Mr. Henning asked if ESU will be required to come back to Council for approval of future phases? Mr. Wolf said if Council grants the conditional use approval for all phases, then the University would not have to come back to obtain approval for subsequent phases, but would have to post a new bond to guarantee improvements proposed for each subsequent phase.

Mr. Wolfe called Jacinta Vrable, P.E. of L& V Engineering, LLC as the traffic consultant on behalf of the applicant. Mr. Wolfe introduced Exhibit A-20, the resume for Ms. Vrable, and asked that she be accepted as an expert witness. Mr. Wolfe also introduced Exhibit A-26, the traffic impact study for the project, as prepared by L& V Engineering.

Mr. Wolfe asked what is the position of Borough Council and specifically Solicitor Williamson as to whether Mr. Reese will be able to participate in any vote on this application since he is absent for tonight's meeting? Mr. Williamson said Mr. Reese will be able to review the information submitted at this meeting and should be able to participate in any action by Council.

At the request from Mr. Wolfe, Ms. Vrable reviewed the project plans showing three (3) proposed parking lots to be built as part of the multi-phase project. Upon a question from Mr. Wolfe, Ms. Vrable stated that the traffic study looked at the intersection of Prospect & Normal Streets., and the intersection of East Brown & Smith Streets. At the intersections studied all currently operate at a level service "D" or better, except for the southbound movement on Smith St. approaching East Brown St. In her report she identified several improvements that would mitigate the drop in level of service anticipated as a result of extra traffic generated from this development. Ms. Vrable said she has also calculated an analysis of the "fair share cost" contribution by the applicant for these needed traffic improvements. Mr. Wolfe asked if this traffic improvement work would require a PennDOT permit? Ms. Vrable stated yes, since Prospect St. and East Brown St. are PennDOT highways. Mr.

Phillips asked what figure for total beds added from the housing project is the traffic study based on? Ms. Vrable stated that her analysis was based on a net increase of 583 beds which was the estimate at the time when her study was made in April 2009. Mrs. Wolbert referred to the exhibit indicating the number of existing and proposed vehicles using the Prospect St/Normal St. intersection and asked how many of the existing 302 vehicles per day making the right-turn from Prospect St. onto Normal St. consist of University traffic? Ms. Vrable said that probably most of that existing traffic is University related traffic. Mr. D'Alessandro asked how is the number of vehicles in her traffic study tied to the increase in beds added by the housing project? Ms. Vrable said she was advised that ESU had about 7300 students so an increase of 583 would result in a new total of 7883; and the traffic generation data was estimated using that figure. Mr. D'Alessandro asked what time of day was the traffic study conducted? Ms. Vrable stated the study was done according to the ITE manual and was conducted on a Wednesday because she was advised by the University that was the busiest class day. Mr. DeLarco said Dr. Barbara Chance had indicated that Tuesday was the peak day? John Wichener of Traffic Planning & Design Inc., asked what was the date of the L&V traffic study? Ms. Vrable replied April 2009. Mr. Wichener asked if she had seen the latest review letter from Traffic Planning & Design dated June 15, 2009? Ms. Vrable indicated yes. Mr. Wichener noted that the Borough ordinance requires mitigation of any degradation of the level of service at applicable traffic intersections. Mr. Wichener asked therefore if the University was asking for a variance from this requirement of the zoning ordinance because the applicant is only proposing to pay a portion of the cost of mitigating this traffic level of service degradation? Mr. Wolfe objected that Ms. Vrable should not have to answer that question because it is really a legal question. Mr. Phillips said that it is still a legitimate question. Mr. Wichener asked if the traffic study anticipated other property acquisitions needed in order to do necessary traffic improvements? Ms. Vrable stated that she is not aware of any others. Mr. Wichener again asked how does a percentage contribution satisfy the requirements of the Borough zoning ordinance regarding the traffic mitigations? Mr. Wolfe stated that the applicant is not requesting a variance. John Blick, Codes Officer for the Borough asked Ms. Vrable if she was present last week when testimony was given that there will be a net total of 781 beds created as a result of the housing project. Ms. Vrable stated yes. Mr. D'Alessandro asked if the am peak hour was used for the study of each intersection? Ms. Vrable replied the peak hour of each separate intersection was used. Mr. D'Alessandro noted that her study indicates that the increase of the 583 beds results in 650 additional vehicles daily coming to and from campus? Ms. Vrable said yes, a total of 1300 vehicles per day. Mr. D'Alessandro noted that Dr. Chance had testified that spring schedules are generally 8% lower than the fall semester and did she incorporate those figures in her study? Ms. Vrable replied no. Mrs. Wolbert commented that it would be interesting to see the results of traffic counts when the University was not in session. Upon a question from Mr. Wolfe concerning the use of the ITE manual to come up with traffic counts, Ms. Vrable explained that the ITE manual provides figures for University-type projects in general.

Mr. Wolfe recalled Richard Staneski, Vice President for Administration & Finance for East Stroudsburg University. Mr. Wolfe asked what is the University policy concerning which students can have vehicles on campus? Mr. Staneski stated students must have obtained sixty (60) credits to be permitted to have a vehicle on campus. Mr. Wolfe asked Mr. Staneski to review the traffic improvements proposed for Normal St. Mr. Staneski noted that the University pedestrian safety project which started maybe four (4) years ago included the installation of several raised crosswalks and bulb-outs on Normal St. and Smith St. These features are very important for slowing traffic and improving pedestrian safety. Mr. Wolfe introduced Exhibit A-29, a copy of an updated analysis of new beds to be created by the proposed residence hall construction project. Mr. Staneski said Hemlock and Hawthorne Halls will provide a "safety valve" to be used in the event the new housing units A & B are not done in time for the September 2011 fall term. However they would not plan to use those residence halls beyond that time. Mr. Phillips asked what would happen if University enrollment increases? Mr. Staneski said then the University will need to build more student housing units. Mr. Williamson asked if the University would agree not to re-triple students in dorm rooms? Mr. Staneski said the University would take that under serious consideration. Mr. Brozusky asked what if students don't want to leave their triples? Mr. Staneski said most students do when they have the opportunity. Mrs. Wolbert what is the current tuition for full-time students at ESU? Mr. Staneski indicated that the cost including fees is about \$11,000 for in-state students; and \$20,000 for out of state students. Mr. Wolfe asked what is the size of this year's freshman class? Mr. Staneski replied 1,400 students.

Mr. Staneski noted that the University has already closed admissions for next year's freshman class at 1,250 students.

Mr. Wolfe recalled Dr. Barbara Chance OF Chance Management to testify. Dr. Chance stated that she had gone back and reviewed the figures for Table 17 & Table 20 in her report and they have now corrected Tables 23, 24, & 25 concerning the parking study, which information was distributed to Council. Dr. Chance stated that the number of surplus parking spaces is actually more than previously indicated. Mr. Wolfe asked if there are adequate parking spaces provided for all phases of this proposed project? Dr. Chance replied yes. Mr. Wolfe moved that all additional exhibits be added to the record.

Mrs. Wolbert asked how far away are the furthest parking facilities currently? Dr. Chance estimated that the maximum walking time is 10 minutes for the lots located furthest from the main part of the campus, such as the Gwendolyn St lot and the University Apartments lot. Mr. Henning asked who will be required to park in those remote lots? Dr. Chance stated that many Universities use a "market approach" where those who get to park closer must pay more. Mr. Brozusky asked if the number of students with parking permits at ESU is higher/lower compared to other universities? Dr. Chance said it is difficult to compare one university setting to another because there are so many different variables that effect parking. Mr. DeLarco commented that is one reason why she is recommending that the University hire a Parking Director? Dr. Chance agreed. Mr. Wolfe asked that any exhibits not already introduced to the record be admitted. Mr. DeLarco agreed.

Next John Wichener, P.E. of Traffic Planning & Design testified on behalf of the Borough. Mr. Wichener noted that the L&V Engineering traffic study from April 2009 was based on 583 beds but the applicant had indicated last week that the most recent figure is a net total increase of 781 beds. Mr. Wichener said he is generally accepting of the methodology used in the L&V traffic study but his review of the traffic information used the 745 beds figure used by the applicant last week. Mr. Wichener stated that he agrees that a turning lane on Prospect St. at Normal St. will be required to mitigate a level of service at that intersection. Mr. Wichener stated his opinion is that anything less than a 100% contribution by the University to mitigate traffic improvements at this intersection will not meet Borough requirements. Mr. Wichener said he also believes the cost estimate submitted by the applicant for the construction of a turning lane is low. For the East Brown & Smith St. intersection, Mr. Wichener said he agreed that construction of turning lanes would meet the requirements of mitigating the level of service drop. Mr. Wichener said Traffic Planning & Design had identified a separate improvement- installation of a traffic signal at this intersection. Mr. Wichener said other traffic studies he has reviewed on behalf of the Borough have shown 25% more traffic then the applicant's study shows. Mr. Wichener stated that the estimated cost for the installation of a traffic signal at this intersection is \$150,000. Mr. Wolfe raised objections to other studies being referenced in this proceeding since this application is only regarding the ESU housing proposal. Mr. Wichener said he had also done an analysis of the cost share for the University for improvements at the East Brown St./Smith St. intersection and came up with an estimated 36.4% cost share based on his review of traffic from additional projects also effecting this intersection. Mr. Wolfe asked Mr. Wichener if the figure of 745 beds used in his analysis, would that cover the figure of 645 beds in the first phase of the housing project that was presented tonight? Mr. Wichener stated yes. Mr. Wolfe asked whether PennDOT would definitely approve a new traffic signal at the East Brown St./Smith St. intersection? Mr. Wichener stated that it is not known because an application has not submitted. Mr. Wolfe asked if the applicant could submit a supplemental analysis for the Phase II construction if need be? Mr. Wichener stated yes.

Mayor Martinelli asked about the width of Normal St. shown on the plans. He asked if perpendicular parking is generally a good idea? Mr. Wichener stated perpendicular parking is alright in a shopping center parking lot for example, but is not recommended in this case where cars must back-out of parking spaces into the travel lane of the roadway.

Mr. Blick asked if the lack of a full survey of the project site will be a problem? Mr. D'Alessandro said the survey will be needed for the Borough to be able to determine if the buildings proposed for the project meet the required setbacks. Mr. Phillips asked why was the plan prepared showing an actual 2ft. reduction in the Normal St. right-of-way in the area where the perpendicular parking is? Chad Lello, P.E. of Pennoni Engineers said he recalls

that the change in the width of the road had to do with the width of buffer areas proposed to be installed between the parking area and new buildings. Mr. Wolfe noted that the applicant's request for a waiver was to not have Normal St. classified as a "collector street". Mr. Lello stated that concerning the issue of the set-backs along Smith St., when the initial survey work was done it was difficult to match deed descriptions for adjoining properties with the existing descriptions for the University parcels. Mr. D'Alessandro asked if the plan indicates that any of the light poles for the new walkways will be within the Borough right-of-way? Mr. Lello said they could setback the light poles but then the concern was they may not provide the adequate lighting required for the sidewalk areas. Mr. Phillips stated that presumably easement agreements could be provided for any light poles that were shown located within the Borough road right-of-way.

Mr. D'Alessandro noted that the plans indicated the waterline extending from Drake St. onto Smith St. was only a 6" line? Mr. Phillips commented that the waterline under Whiteknight Field was replaced last summer with a new 10" ductile iron waterline after the old 6" line was hit by the contractor working on the field.

Mr. D'Alessandro noted that this project will generate additional stormwater flow that will enter the Borough stormwater system.

Mr. DeLarco asked how long will it take to prepare revisions to the detailed Phase I plans? Mr. Lello stated two (2) weeks.

Mr. Brozusky asked how long does Council have to act on the conditional use request? Is it after completion of the hearing or after submittal of the plans? Mr. Williamson said Council must act on the matter within 45 days of concluding the hearing.

Mrs. Wolbert asked if Normal St. is not designated a collector street, is that a problem? Mr. D'Alessandro said Council may grant a waiver of that requirement under the subdivision ordinance. Mr. Phillips commented that, in his opinion, if Council has to choose between installation of a traffic signal or construction of turning lanes that will require acquisition of property through eminent domain, Council will presumably choose the traffic signal.

Mrs. Wolbert asked if the results of the parking management study will change any once Chance Management completes their study of the parking needs of PMC? Mrs. Wolbert also asked for clarification concerning the issue of construction of the second level parking structure? Mr. Staneski said the Chance Management study indicates that the second level parking structure will not be needed based on the numbers indicated in the parking study, but ESU will construct it if it is needed. Mr. Wolfe noted that there had been discussions concerning having the University update its parking study after the first phase of the housing project is implemented.

Mr. Henning questioned whether parking shouldn't be considered in 'amenity'?

Mayor Martinelli questioned the estimated \$5 million dollar cost of moving the baseball field to provide more parking at that location? Mr. Staneski said the cost estimate is that high because the area where the baseball field would be located to (out beyond Mary St.) would require extensive site work thus the high cost.

With no further comments Mr. Henning made a motion, seconded by Mrs. Wolbert to adjourn the public hearing at 10:10 p.m; the motion carried unanimously.

Correspondence

Mr. Phillips noted the following items of correspondence received:

1. A letter from the Brodhead Water Association (BWA) concerning renewal of Borough membership as an Adopt a Stream sponsor. Mr. Henning made a motion, seconded by Mr. Repsher to authorize the Borough to again be an Adopt a Stream sponsor. The motion carried unanimously.

2. A letter from the Monroe County Office of the Aging concerning proposed improvements at the Loder Senior Center including kitchen upgrades and installation of a new air conditioning system.
3. Copies of inspection reports from the Pennsylvania Department of Environmental Protection (PA DEP) for the annual inspection of the East Stroudsburg Flood Protection project conducted last summer 2009.
4. Information from the Pennsylvania League of Cities & Municipalities (PLCM) concerning designation of a voting delegate for the annual convention. Mr. Henning made a motion, seconded by Mr. Brozusky to designate Roger DeLarco as the voting delegate for the Borough. The motion carried unanimously.
5. A letter from Fresenius Medical Care requesting notification of any changes in water quality or interruption of water service to their facility.
6. A letter from Arbor Day Foundation announcing that East Stroudsburg has again been named a "Tree City USA " community for the 2009 year.

Reports

Mr. D'Alessandro reviewed his written engineer's report previously submitted to Council.

Mayor Martinelli asked about scheduling of painting lines at Borough crosswalks? Mark Hoke, Maintenance Foreman, said the Borough uses installation of permanent tape whenever possible and has ordered the materials needed to be used in the upcoming weeks. Mr. Brozusky noted that the fencing at one of the gates at the tennis courts has been cut and needs repair.

Mr. DeLarco suggested that the Borough put the rental space available at the Analomink St. building onto Craig's List.

Mrs. Wolbert again noted that Council needs to establish new requirements for parking under the zoning ordinance for the I-U District.

Mr. Phillips noted that the annual MECAB (Mid-eastern County Association of Boroughs) will be holding a tour within Monroe County on Wednesday May 26, 2010 starting from the Delaware Water Gap Country Club and ending there with dinner in the evening.

List of Bills

Mr. Henning made a motion, seconded by Mr. Brozusky to approve the list of bills payable and to ratify payroll and expenditures made through May 4, 2010 as submitted. The motion carried unanimously.

Adjournment

With no further business Mrs. Wolbert made a motion, seconded by Mr. Henning to adjourn the meeting at 10:50 p.m. The motion carried unanimously.

James S. Phillips, Secretary