

**COOLBAUGH TOWNSHIP
MUNICIPAL CENTER**

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**COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION AGENDA
November 6, 2023, 6:00pm**

****Veterans Ceremony- VFW Post 509 & VFW Post 3448****

1. Discussion on Act 167 Ordinance Amendments- Greg Haas, Township Engineer
2. Public Comment

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Notes by GSH @ KCE

Red bold text is by PaDEP and intended to be completed by the Municipality (with their recommended/required values inserted, as applicable).

Language (or notes/questions) inserted by GSH are highlighted yellow.

Text recommended to be eliminated by GSH is highlighted yellow with a strikethrough.

2023,8-9

STORMWATER MANAGEMENT ORDINANCE

ORDINANCE NO. INSERT #

[Municipal Name] , [County Name]

MONROE COUNTY, PENNSYLVANIA

Adopted at a Public Meeting Held on

Date _____, 20 add

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ARTICLE I- GENERAL PROVISIONS

Section 101. Statement of Findings

The Governing Body of **[Insert Municipality]** finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of **[Insert Municipality]** and all the people of the Commonwealth, their resources, and the environment.
- C. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed poses a threat to surface and groundwater quality.
- D. Through project design, impacts from stormwater runoff can be minimized to maintain the natural hydrologic regime, and sustain high water quality, groundwater recharge, stream baseflow and aquatic ecosystems. The most cost effective and environmentally advantageous way to manage storm water runoff is through nonstructural project design, minimizing impervious surfaces and sprawl, avoiding sensitive areas (i.e., buffers, floodplains, steep slopes), and designing to topography and soils to maintain the natural hydrologic regime.
- ~~E. To effectively monitor the maintenance of base flow within the watershed, a tracking of consumptive use including storm water discharges and groundwater withdrawals is critical to complying with anti degradation, the Act's goals and policy, and the regulatory requirement to maintain base flow and stream health.~~

(Note: The Township is not responsible for this tracking, nor am I aware of how tracking stormwater discharges and groundwater withdrawals by implementing this ordinance could help in monitoring base flows. Thus, it can be deleted.)

Section 102. Purpose

The purpose of this Ordinance is to promote the public health, safety, and welfare within the Tobyhanna Creek **(or other watercourses)** watershed by maintaining the natural hydrologic regime and minimizing the impacts described in Section 101 of this Ordinance through provisions designed to:

(or simply change to Township-wide ???)

- A. Promote alternative project designs and layout that minimizes impacts to surface and ground water.
- B. Promote nonstructural BMP's.
- C. Minimize increases in stormwater volume.

- D. Minimize impervious surfaces.
- E. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems during construction.
- F. Utilize and preserve the existing natural drainage systems.
- G. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.
- H. Address the quality and quantity of stormwater discharges from the development site.
- I. Maintain existing baseflow and quality of streams and watercourses in the Municipality and the Commonwealth
- J. Preserve ~~and restore~~ the flood carrying capacity of streams.
- K. Provide proper maintenance of all permanent stormwater management facilities that are constructed in the Municipality.
- L. Provide performance standards and design criteria for watershed-wide stormwater management and planning.

Section 103. Statutory Authority

The Municipality is empowered to regulate land use activities that affect runoff, surface and groundwater quality and quantity by the authority of the Act of October 4, 1978 32 P.S., P.L. 864 (Act 167) Section 680.1 et seq., as amended, the "Stormwater Management Act" (hereinafter referred to as "the Act"), and the Water Resources Management Act of 2002, as amended, Municipalities Planning Code, Act of 1968, P.L.805, No.247, as amended, Second Class Township Code, 53 PS Section 66501 et seq., 66601 et seq. and the Borough Code 53 PS Section 46201 et seq..

Section 104. Applicability/Regulated Activities

This Ordinance shall apply to those areas of the Municipality that are located within the Tobyhanna Creek Watershed (~~or other watercourses~~), as delineated on the mapping in Appendix D which is hereby adopted as part of this Ordinance.

~~(or change to Township-wide)~~

This Ordinance shall only apply to permanent nonstructural and structural stormwater management Best Management Practices (BMP's) constructed as part of any of the "Regulated Activities" listed in this Section.

This Ordinance contains only the stormwater management performance standards and design criteria that are necessary or desirable from a watershed-wide perspective. Local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by the applicable Municipal Ordinances and applicable State Regulations.

The Municipality may, after consultation with PaDEP ~~or the MCCD~~, approve alternative methods for meeting the State Water Quality Requirements other than those in this Ordinance, provided that

they meet the minimum requirements of, and do not conflict with, State law including but not limited to the Clean Streams Law and the Pennsylvania Stormwater BMP Manual as revised.

The following activities are defined as "Regulated Activities" and shall be regulated by this Ordinance:

A. Land development.

B. Subdivisions. (with proposed site improvements) (this should be discussed - My recommended addition would defer stormwater management until time of Building Permit Application instead of requiring a Subdivider to assume house, driveway, and parking sizes and locations.)

~~C. Alteration of the natural hydrologic regime.~~

D. Construction of/or additional impervious or semi-pervious surfaces (driveways, parking lots, roads).

E. Construction of new buildings or additions to existing buildings.

F. Redevelopment of a site which will increase runoff or change a discharge point. Any redevelopment that does not increase the runoff must still comply with Sections 303 (Water Quality and Streambank Erosion Requirements) and 304 (Ground Water Recharge).

G. Diversion piping or encroachments in any natural ~~or man-made~~ channel.

~~H. Nonstructural and structural storm water management BMP's or appurtenances thereto.~~

~~I. Stream enhancement or restoration projects.~~

Section 105. Repealer

Any ordinance or ordinance provision of the Municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 106. Severability

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 107. Compatibility with Other Ordinance Requirements

Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.

ARTICLE II-DEFINITIONS

Section 201. Interpretation.

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, unit of government, or any other similar entity.
- D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained."

Section 202 - Definitions

Accelerated Erosion - The removal of the surface of the land through the combined action of **man's human** activity and the natural processes of a rate greater than would occur because of the natural process alone. **[same as Chapter 102, with minor correction]**

Agricultural Activities - The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. For purposes of regulation by this Ordinance construction of new buildings or impervious area is not considered an agricultural activity.

Alteration - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also, the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

Applicant - A person who has filed an application for approval to engage in any "Regulated Activities" as defined in Section 104 of this Ordinance.

Bankfull - The channel at the top-of-bank or point where water begins to overflow onto a floodplain.

Base Flow - The portion of stream flow that is sustained by ground water discharge.

Bioretention - A storm water retention area which utilizes woody and herbaceous plants and soils to remove pollutants before infiltration occurs.

Best Management Practice (BMP) - Stormwater structures, facilities and techniques to control, maintain or improve the quantity and quality of surface runoff and groundwater recharge. **[different than Chapter 102] [different than Chapter 93]**

(Note: BMPs are proposed to be referred to as 'Stormwater Control Measures' (SCMs) in the new, updated BMP Manual.)

BMP Manual - Pennsylvania Stormwater Best Management Practices Manual (Stormwater BMP Manual), Commonwealth of Pennsylvania, Department of Environmental Protection, No 363-0300-002 (December 2006), as amended and updated.

Buffer - The area of land immediately adjacent to any wetland, lake, pond, vernal pond, or stream, measured perpendicular to and horizontally from the delineated edge of the wetland, lake, pond, or vernal pond, or the top-of-bank on both sides of a stream.

Channel Erosion - The widening, deepening, and headward cutting of small channels and waterways, caused by stormwater runoff or bankfull flows.

Cistern - An underground reservoir or tank for storing rainwater.

Conservation District - The Monroe ~~or Pike~~ County Conservation District (MCCD).

Consumptive Water Use - That part of water removed from the immediate water environment not available for other purposes such as water supply, maintenance of stream flows, water quality, fisheries and recreation, as opposed to water that is used non-consumptively, which is returned to a surface water, where practicable, and/or to groundwater.

Culvert - A structure with appurtenant works, which carries water under or through an embankment or fill. [same as Chapter 105]

Dam - An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid. [same as Chapter 105]

Department - The Pennsylvania Department of Environmental Protection (PaDEP).

Designee - The agent of the Monroe ~~or Pike~~ County Planning Commission, Monroe ~~or Pike~~ County Conservation District and/or agent of the Governing Body involved with the administration, review or enforcement of any provisions of this Ordinance by contract or memorandum of understanding.

Design Professional (Qualified) - A Pennsylvania Registered Professional Engineer, Registered Landscape Architect or a Registered Professional Land Surveyor trained to develop stormwater management plans.

Design Storm - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24-hours), used in the design and evaluation of stormwater management systems.

Detention Basin - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Development Site - The specific tract of land for which a Regulated Activity is proposed.

Diffused Drainage Discharge - Drainage discharge not confined to a single point location or channel, such as sheet flow or shallow concentrated flow.

Disturbed Areas - ~~Land~~ Unstabilized land area where an earth disturbance activity is occurring or has occurred. [same as Chapter 102, with minor correction]

Downslope Property Line - That portion of the property line of the lot, tract, or parcels of land being developed located such that overland or pipe flow from the site would be directed towards it.

Drainage Conveyance Facility - A Stormwater Management facility designed to transmit stormwater runoff and shall include channels, swales, pipes, conduits, culverts, storm sewers, etc.

Drainage Easement - A right granted by a Grantor to a Grantee, allowing the use of private land for stormwater management purposes.

Drainage Permit - A permit issued by the Municipal Governing Body after the drainage plan has been approved.

Drainage Plan - The documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in Section 403.

Earth Disturbance - A construction or other human activity which disturbs the surface of land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials. [different than Chapter 102]

Emergency Spillway - A conveyance area that is used to pass peak discharge greater than the maximum design storm controlled by the storm water facility.

Encroachment - A structure or activity that changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water.

Erosion - The movement of soil particles by the action of water, wind, ice, or other natural forces. [different than Chapter 102]

Erosion and Sediment Control Plan - A site specific plan that is designed to minimize accelerated erosion and sedimentation during construction. [different than Chapter 102]

Exceptional Value Waters - Surface waters of high quality which satisfy Pennsylvania Code Title 25 Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(b) (relating to anti-degradation).

Existing Conditions - The initial condition of a project site prior to the proposed alteration. If the initial condition of the site is undeveloped land, the land use shall be considered as "meadow" unless the natural land cover is proven to generate lower Curve Numbers (CN) or Rational "C" value.

FEMA - The Federal Emergency Management Agency.

Flood - A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers, and other waters of this Commonwealth. [different than Chapter 105]

Floodplain - The lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood. [same as Chapter 105]

Floodway - The channel of the watercourse and those portions of the adjoining floodplains, which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the

100-year frequency floodway, it is assumed - absent evidence to the contrary - that the floodway extends from the stream to 50 feet from the top of the bank of the stream. [same as Chapter 105]

Forest Management/Timber Operations - Planning and activities necessary for the management of forest land with no change of land use proposed. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting and reforestation.

Freeboard - A vertical distance between the elevation of the design high-water and the top of a dam, levee, tank, basin, swale, or diversion berm. The space is required as a safety margin in a pond or basin. [different than Chapter 105]

Grade - A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein. (To) Grade - to finish the surface of a roadbed, top of embankment or bottom of excavation.

Grassed Waterway - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to convey surface water.

Groundwater Recharge - Replenishment of existing natural underground water supplies without degrading groundwater quality.

HEC-HMS - The U.S. Army Corps of Engineers, Hydrologic Engineering Center (HEC) - Hydrologic Modeling System (HMS) computer program.

High Quality Waters - Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards, § 93.4b(a). [same as Chapter 93]

High Tunnel - A structure which meets the following:

- (i) Is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in Section 2 of the Act of December 19, 1974 (P.L. 973, No. 319), known as the “Pennsylvania Farmland and Forest Land Assessment Act of 1974” or for the storage of agricultural equipment and supplies.

(need to insert definition of “Agricultural Commodity” as follows from the Act:)

“(1) Agricultural, apicultural, aquacultural, horticultural, floricultural, silvicultural, viticultural and dairy products.

(2) Pasture.

(3) Livestock and the products thereof.

(4) Ranch-raised furbearing animals and the products thereof.

(5) Poultry and the products of poultry.

(6) Products commonly raised or produced on farms which are:

(i) intended for human consumption; or

(ii) transported or intended to be transported in commerce.

(7) Processed or manufactured products of products commonly raised or produced on farms which are:

(i) intended for human consumption; or

(ii) transported or intended to be transported in commerce.

(8) Compost.”

(ii) Is constructed consistent with all of the following:

- a. Has a metal, wood or plastic frame.
- b. When covered, has a plastic, woven textile, or other flexible covering.
- c. Has a floor made of soil, crushed stone, matting, pavers or a floating concrete slab.

Hydrologic Regime (natural) - The hydrologic cycle or balance that sustains quality and quantity of storm water, baseflow, storage, and groundwater supplies under natural conditions.

Hydrologic Soil Group - A classification of soils by the Natural Resources Conservation Service, formerly the Soil Conservation Service, into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

Impervious Surface - A surface that prevents the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, ~~and compacted fill, earth or turf to be used as such.~~

Impoundment - A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

Infill - Development that occurs on smaller parcels that remain undeveloped but are within or very close proximity to urban areas. The development relies on existing infrastructure and does not require an extension of water, sewer or other public utilities.

Infiltration - For stormwater to pass through the soil from the surface.

Infiltration Structures - A structure designed to direct runoff into the underground water (e.g., French drains, seepage pits, seepage trench, etc.).

Inlet - The upstream end of any structure through which water may flow.

Lake - (need to add a definition)

Land Development - ~~(i) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) A subdivision of land; (iii) development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.~~

change to: “as defined within the Subdivision and Land Development Ordinance”.

Limiting zone - A soil horizon or condition in the soil profile or underlying strata which includes one of the following:

- (i) A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.
- (ii) A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- (iii) A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of water.

Lot - A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial, institutional or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single family residential lots as determined by estimated sewage flows.

Main Stem (Main Channel) - Any stream segment or other runoff conveyance facility used as a reach in the Tobyhanna (or other watercourses) hydrologic model.

Management District - Those subareas in which some type of detention is required to meet the plan requirements and the goals of Act 167.

Manning Equation (Manning formula) - A method for calculation of the velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

Municipality - [Municipal Name], [Monroe or Pike] County, Pennsylvania.

Natural Hydrologic Regime - see Hydrologic Regime (natural)

Non-point Source Pollution - Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

Nonstructural BMPs - Methods of controlling stormwater runoff quantity and quality, such as innovative site planning, impervious area and grading reduction, protection of natural depression areas, temporary ponding on site and other techniques

NRCS - Natural Resource Conservation Service (previously SCS).

Open Channel - A drainage element in which stormwater flows within an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, canals, and pipes flowing partly full.

Outfall - Point where water flows from a conduit, stream, or drain.

Outlet - Points of water disposal from a stream, river, lake, tidewater or artificial drain.

Parent Tract - The parcel of land from which a land development or subdivision originates, existing as of the date of municipal adoption of the original Tobyhanna Creek (or other watercourses) Ordinance.

Parking Lot Storage - The use of parking areas as temporary impoundments with controlled release rates during rainstorms.

Peak Discharge - The maximum rate of stormwater runoff from a specific storm event.

Penn State Runoff Model (calibrated) - The computer-based hydrologic modeling technique adapted to the Tobyhanna (or other watercourses) watershed for the Act 167 Plan. The model has been "calibrated" to reflect actual recorded flow values by adjoining key model input parameters.

PennDOT - Pennsylvania Department of Transportation.

Pipe - A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

Planning Commission - The Planning Commission of [Municipal Name].

PMF - Probable Maximum Flood - The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined based on data obtained from the National Oceanographic and Atmospheric Administration (NOAA). [same as Chapter 105]

Pond – (need to add a definition)

Practicable Alternative - An alternative that is available and capable of being implemented after taking into consideration cost, existing technology and logistics in light of overall project purposes.

Predevelopment - Undeveloped/Natural Condition. See Existing Conditions.

Pretreatment - Techniques employed in structural and nonstructural stormwater BMPs to provide storage or filtering to help trap coarse materials and other pollutants before they enter the system, but not necessarily meet the water quality volume requirements of Section 303.

Rational Formula - A rainfall-runoff relation used to estimate peak flow.

Recharge Area - Undisturbed surface area or depression where stormwater collects, and a portion of which infiltrates and replenishes the underground and groundwater.

Record Drawings - Original documents revised to suit the as-built conditions and subsequently provided by the Design Professional (Qualified) to the Applicant. The Design Professional takes the Contractor's as-builts, reviews them in detail with his/her own records for completeness, then either turns these over to the Applicant or transfers the information to a set of reproducible, in both cases for the Applicant's permanent records."

Redevelopment - Any construction, alteration, or improvement exceeding 5,000 square feet of impervious surface on sites where existing land use is commercial, industrial, institutional, or multifamily residential.

Regulated Activities - Actions or proposed actions that have an impact on stormwater runoff quality and quantity and that are specified in Section 104 of this Ordinance.

Release Rate - The reduction of post development peak rates of runoff from a site or subarea to existing conditions peak rates of runoff to protect downstream areas.

Retention Basin - A structure in which stormwater is stored and not released during the storm event. Retention basins do not have an outlet other than recharge and must infiltrate stored water in no more than 4 days.

Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to recur.

Riser - A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

Rooftop Detention - Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

Runoff - Any part of precipitation that flows over the land surface.

SALDO - Subdivision and Land Development Ordinance.

Sediment Basin - A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water during construction.

Sediment Pollution - The placement, discharge or any other introduction of sediment into the waters of the Commonwealth.

Sedimentation - The process by which mineral or organic matter is accumulated or deposited by the movement of water or air. [different than Chapter 102]

Seepage Pit/Seepage Trench - An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the underground and groundwater.

Sheet Flow - Runoff that flows over the ground surface as a thin, even layer.

Soil-Cover Complex Method - A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

Source Water Protection Areas (SWPA) - The zone through which contaminants, if present, are likely to migrate and reach a drinking water well or surface water intake.

Special Protection Watersheds - Watersheds for which the receiving waters are exceptional value (EV) or high quality (HQ) waters.

Spillway - A conveyance that is used to pass the peak discharge of the maximum design storm controlled by the stormwater facility.

Storage Indication Method - A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

Storm Frequency - The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "Return Period".

Storm Sewer - A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources but excludes domestic sewage and industrial wastes.

Stormwater - The surface runoff generated by precipitation reaching the ground surface. [different than Chapter 102] [Different than Chapter 92]

Stormwater Management Facility - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality and quantity. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

Stormwater Management Plan - The plan for managing those land use activities that will influence stormwater runoff quality and quantity and that would impact the Tobyhanna (or other watercourses) Watershed adopted by Monroe County and Pike County as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Tobyhanna (or other watercourses) Watershed Act 167 Stormwater Management Plan".

Stormwater Management Site Plan - The plan prepared by the Applicant or his representative indicating how stormwater runoff will be managed at the particular site of interest according to this Ordinance.

Stream - A watercourse. [same as Chapter 105]

Stream Enclosure - A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

Subarea (Subwatershed) - The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan.

Subdivision - ~~The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.~~

change to: “as defined within the Subdivision and Land Development Ordinance”.

Swale - A low lying stretch of land which gathers or carries surface water runoff.

Timber Operations - See Forest Management.

Time-of-Concentration (Tc) - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

Vernal Pond - (need to add definition)

- temporary wetlands that fill after the snowfall each spring. They become the seasonal breeding and feeding grounds for many intriguing amphibians and insects, as well as the reptiles, birds, and mammals that depend on them for food. you may have been led to this pond by the unmistakable sounds of spring peepers and wood frogs calling for a mate.

Source: <https://extension.psu.edu/vernal-ponds-seasonal-habitats-for-wildlife>

-
- seasonal pools of water that provide habitat for distinctive plants and animals. They are considered to be a distinctive type of wetland usually devoid of fish, and thus allow the safe development of natal amphibian and insect species unable to withstand competition or predation by fish. Certain tropical fish lineages (such as killifishes) have however adapted to this habitat specifically.

- a type of wetland. They can be surrounded by many communities/species including deciduous forest, grassland, lodgepole pine forest, blue oak woodland, sagebrush steppe, succulent coastal scrub and prairie. These pools are characteristic of Mediterranean climates, but occur in many other ecosystems.

Source: en.wikipedia.org/wiki/Vernal_pool

- seasonal depressional wetlands that occur under the Mediterranean climate conditions of the West Coast and in glaciated areas of northeastern and midwestern states. They are covered by shallow water for variable periods from winter to spring but may be completely dry for most of the summer and fall. These wetlands range in size from small puddles to shallow lakes and are usually found in a gently sloping plain of grassland. Western vernal pools are sometimes connected to each other by small drainages known as vernal swales, forming complexes. Beneath vernal pools lies either bedrock or a hard clay layer in the soil that helps keep water in the pool.

Climatic changes associated with each season cause dramatic changes in the appearance of vernal pools. The pools collect water during winter and spring rains, changing in volume in response to varying weather patterns. During a single season, pools may fill and dry several times. In years of drought, some pools may not fill at all.

The term vernal pool originally referred only to small, intermittently filled wetlands found in the Mediterranean-type climate of the western United States. Today it is used more broadly to include other small ephemeral wetlands found country wide.

In the spring, wildflowers often bloom in brilliant circles of color that follow the receding shoreline of the pools. By early summer, the water has evaporated, and the clay pools appear brown, barren, and cracked.

Source: www.epa.gov/wetlands/vernal-pools

Watercourse - A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow. [same as Chapter 105] (also known as Watercourse, Natural)

Watercourse, Artificial – (need to add definition)

Waters of the Commonwealth - Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth. [same as Chapter 102]

Wellhead - The point at which a groundwater well bore hole meets the surface of the ground.

Wellhead Protection Area - The surface and subsurface area surrounding a water supply well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source

Wetland - Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. [same as Chapter 93 and Chapter 105]

ARTICLE III-STORMWATER MANAGEMENT

Section 301. General Requirements

- A. Applicants proposing Regulated Activities in the Tobyhanna Creek (or other watercourses) Watershed which do not fall under the exemption criteria shown in Section 402 shall submit a drainage plan consistent with the Tobyhanna Creek (or other watercourses) Watershed Stormwater Management Plan to the Municipality for review. These criteria shall apply to the total proposed development even if development is to take place in stages.
- B. The Applicant is required to perform an alternatives analysis to find practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces and the degradation of waters of the Commonwealth and must maintain as much as possible the natural hydrologic regime.
- C. The Drainage Plan must be designed through an alternatives analysis consistent with the sequencing provisions of Section 302 to ensure maintenance of the natural hydrologic regime and to promote groundwater recharge and protect groundwater and surface water quality and quantity. The Drainage Plan designer must proceed sequentially in accordance with Article III of this Ordinance.
- D. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Ordinance.
- E. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered in any manner which could cause property damage without permission of the affected property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.
- F. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this Ordinance. If diffused drainage discharge is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other impacts will result from the concentrated discharge.
- G. Where a development site is traversed by existing watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall conform to the stream buffer requirements contained in Section 303.K.7 of this Ordinance.
- H. Any stormwater management facilities regulated by this Ordinance that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by PaDEP through the Joint Permit Application process, or, where deemed appropriate by PaDEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Applicant or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained from PaDEP.
- I. Any stormwater management facilities regulated by this Ordinance that would be located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

- J. Infiltration of runoff through seepage beds, infiltration trenches, etc., where soil conditions permit, and the minimization of impervious surfaces to the extent permitted by the Municipality's Zoning Ordinance, are encouraged to reduce the size or eliminate the need for detention facilities or other structural BMPs.
- K. Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where advantageous to do so. Considering potential pollutant loading, roof drain runoff in most cases will not require pretreatment.
- L. All stormwater runoff, other than roof top runoff discussed in Section K. above, shall be treated for water quality prior to discharge to surface or groundwater.

Section 302. Non-Structural Project Design (Sequencing to Minimize Stormwater Impacts)

- A. The design of all Regulated Activities shall include the following steps in sequence to minimize stormwater impacts.
 - 1. The Applicant is required to find practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces and the degradation of waters of the Commonwealth and must maintain as much as possible the natural hydrologic regime of the site.
 - 2. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes.
 - 3. All practicable alternatives to the discharge of stormwater are presumed to have less adverse impact on quantity and quality of waters of the Commonwealth unless otherwise demonstrated.
- B. The Applicant shall demonstrate that they designed the Regulated Activities in the following sequence to minimize the increases in stormwater runoff and impacts to water quality:
 - 1. Prepare an Existing Resource and Site Analysis Map (ERSAM), showing environmentally sensitive areas including, but not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, vernal ponds, flood plains, buffer areas, hydrologic soil groups A and B (areas conducive to infiltration), any existing recharge areas and any other requirements outlined in the municipal Subdivision and Land Development Ordinance. **An ERSAM is NOT required for sites that do not include A and B soils.**
 - 2. Establish buffers in accordance with Section 303.K
 - 3. Prepare a draft project layout avoiding earth disturbance in sensitive areas identified in Section 302.B.1 and minimizing total site earth disturbance as much as possible. The ratio of the disturbed area to the entire site area and measures taken to minimize earth disturbance shall be included on the ERSAM.

(Providing the ratio is a new requirement.)

4. Identify site specific predevelopment drainage areas, discharge points, recharge areas to be preserved and hydrologic soil groups A and B to be utilized for recharge.
5. Evaluate Nonstructural Stormwater Management Alternatives
 - a. Minimize earth disturbance.
 - b. Minimize impervious surfaces.
 - c. Break up large impervious surfaces.
6. Satisfy the Water Quality and Streambank Erosion Requirements outlined in Section 303.
7. Satisfy Groundwater Recharge (infiltration) requirements of Section 304 and provide for stormwater treatment prior to infiltration.
8. Determine the Management District where the site is located (Appendix D) and conduct a predevelopment runoff analysis.
9. Prepare final project design to maintain predevelopment ~~drainage areas and~~ discharge points, to minimize earth disturbance and impervious surfaces, and to reduce runoff to the maximum extent possible.
10. Conduct a post development runoff analysis based on the final design and meet the release rate, the overbank flow and extreme event requirements of Section 305.
11. Manage any remaining runoff through treatment prior to discharge, as part of detention, bioretention, direct discharge or other structural control

After completion of Section 302, proceed to Section 303

Section 303. Water Quality and Streambank Erosion Requirements

In addition to the performance standards and design criteria requirements of this Ordinance, the Applicant SHALL comply with the following water quality requirements of this Article.

- A. For water quality and streambank erosion, the objective is to design a water quality BMP to detain the proposed conditions 2-year, 24-hour design storm to the existing conditions 1-year flow using the SCS Type II distribution. Additionally, provisions shall be made (such as adding a small orifice at the bottom of the outlet structure) so that the proposed conditions 1- year storm takes a minimum of 24 hours to drain from the facility from a point where the maximum volume of water from the 1-year storm is captured. (i.e., the maximum water surface elevation achieved in the facility.) At the same time, the objective is not to attenuate the larger storms in “no detention” areas (District C). This can be accomplished by configuration of the outlet structure not to control the larger storms, or by a bypass or channel to divert only the 2-year design storm into the basin or divert flows in excess of the 2-year storm away from the basin.

Where practicable, wet basins shall be utilized for water quality control and shall meet the requirements found in the PA Stormwater BMP manual as revised.

Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall consider and minimize the chances of clogging and sedimentation. Orifices smaller than 3 inches diameter are not

recommended. However, if the Design Professional can provide proof that the smaller orifices are protected from clogging by use of trash racks, etc., smaller orifices may be permitted.

- B. Where an NPDES permit for stormwater discharges associated with construction activities is required, the water quality requirements of that permit should be used. However, the buffer provisions listed below should be applied to all applications.

(This is important and should be noted.)

~~C. MS4 requirements for water quality shall be used where applicable in addition to the water quality requirements in this Section.~~

- D. In selecting the appropriate BMPs or combinations thereof, the Applicant SHALL consider the following:

1. Total contributing area.
2. Permeability and infiltration rate of the site soils.
3. Slope and depth to bedrock.
4. Depth to seasonal high water table.
5. Proximity to building foundations and well heads.
6. Erodibility of soils.
7. Land availability and configuration of the topography
8. Peak discharge and required volume control.
9. Stream bank erosion.
10. Efficiency of the BMPs to mitigate potential water quality problems.
11. The volume of runoff that will be effectively treated.
12. The nature of the pollutant being removed.
13. Maintenance requirements.
14. Creation/protection of aquatic and wildlife habitat.
15. Recreational value.

- E. The temperature and quality of water and streams shall be maintained through the use of temperature sensitive BMPs and stormwater conveyance systems.

- F. The Applicant shall consider the guidelines found in the PaDEP BMP Manual (latest edition) for constructed wetlands, where proposed.

- G. Pretreatment in accordance with Sections 301.K and 301.L shall be provided prior to infiltration.

- H. Streambank restoration projects shall include the following:

1. No restoration or stabilization projects may be undertaken without examining the fluvial geomorphology of stable reaches above and below the unstable reach.
2. Restoration project design must consider maintenance of stability in the adjacent stable reaches of the stream channel.
3. An Erosion and Sediment Control Plan approved by the Conservation District must be provided by the Applicant.

4. All applicable State and Federal permits must be obtained.

I. ~~Biology shall be incorporated into the design of all wet basins in accordance with the West Nile Virus Guidance found in Appendix E of the 2003 plan update. (Note: West Nile Virus is currently only present in 3 of the 67 PA counties, all 3 along the southern boundary of the State. Regardless, I believe that the PA BMP Manual will govern design of wet basins. Therefore, this section can be deleted.)~~

J. To accomplish the above, the Applicant SHALL submit original and innovative designs to the Municipal Engineer for review and approval. Such designs may achieve the water quality objectives through a combination of BMPs (Best Management Practices).

K. Buffers

1. In addition to the other requirements of Section 303, buffers shall be provided in accordance with this Section.

2. Where resource buffers overlap, the more restrictive requirements shall apply.

3. Pre-existing Lots or Parcels/Development in Outer Buffers - In the case of legally pre-existing lots or parcels (approved prior to the effective date of this Ordinance) where the useable area of a lot or parcel lies within an outer buffer area, rendering the lot or parcel unable to be developed in accordance with the allowable use per Municipal Zoning, the development may only be permitted by variance as provided in Section **[INSERT]** of the Municipality's **[INSERT]** Ordinance.

(Note: Variances are obtained from the Zoning Hearing Board. This should be changed to a waiver or modification from the Board of Supervisors.)

4. Improvements to Existing Structures in Outer Buffers - The provisions of this Section 303.K do not require any changes or improvements to be made to lawfully existing structures in buffers. However, when any substantial improvement to a structure is proposed which results in a horizontal expansion of that structure, the improvement may only be permitted by variance as provided in Section **[INSERT]** of the Municipality's **[INSERT]** Ordinance.

(Note: Variances are obtained from the Zoning Hearing Board. This should be changed to a waiver or modification from the Board of Supervisors.)

5. Wetlands and Vernal Ponds

(Note: Buffers from "Vernal Ponds" is new for some municipalities.)

a. Wetland Identification – wetlands shall be identified in accord with the most current U.S. Army Corps of Engineers Manual for Identifying and Delineating Wetlands, properly flagged and surveyed on site to ensure they are protected.

Wetlands in an artificial watercourse – wetlands contained within the banks of an artificial watercourse shall not be considered for buffer delineation purposes. (Note: This is important and should be noted. ALSO ... need to add definition of "Watercourse, Artificial".)

- Wetlands in a natural watercourse – where wetlands are contained within the banks of a natural watercourse, only the stream buffer shall apply.
- b. Wetland and Vernal Pond Buffer Delineation – A **[50]** foot inner buffer and **[100]** foot outer buffer, measured perpendicular to and horizontally from the edge of the delineated wetland or vernal pond for a total distance of **[150]** feet, shall be maintained for all wetlands and vernal ponds.

(Coolbaugh Existing Ordinance: 150' inner)
(Tobyhanna Existing Ordinance: 5' inner)

(Coolbaugh Existing Ordinance: 150' outer)
(Tobyhanna Existing Ordinance: 5' outer)

(Coolbaugh Existing Ordinance: 300' total)
(Ross Existing Ordinance: 50' total)
(Tobyhanna Existing Ordinance: 10' total)
(Tunkhannock Existing SWM Ordinance: 0' total)
(Tunkhannock Existing Zoning Ordinance: 50' total "setback")

- i. Inner Buffer – Measured perpendicular to and horizontally from the edge of the delineated wetland or vernal pond, for a distance of **[50]** feet.
 - Stormwater conveyance required by the **[insert Municipality]**, buffer maintenance and restoration, the correction of hazardous conditions, stream crossings permitted by DEP and passive unpaved stable trails shall be permitted. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
 - The area of the inner buffer altered by activities permitted in accord with Section 303.K.5.b.i shall be minimized to the greatest extent practicable.
- ii. Outer Buffer – Measured perpendicular to and horizontal from the outer edge of the inner buffer for a distance of **[100]** feet, resulting in a total buffer of **[150]**.feet.
 - Stormwater conveyance required by the Township/**Borough**, buffer maintenance and restoration, the correction of hazardous conditions, stream crossings permitted by DEP, roads constructed to existing grade, unpaved trails, and limited forestry activities that do not clear cut the buffer (e.g. selective regeneration harvest) in accord with a forestry management plan shall be permitted provided no buildings are involved, and those activities permitted under Sections 303.K.3 and 303.K.4.
 - No more than **twenty [20]** percent of the cumulative outer buffer on the subject parcel shall be altered by the activities permitted in accordance with Section 303.K.5.b.ii.

6. Lakes and Ponds

(Coolbaugh Existing Ordinance: 150' inner)
(Tobyhanna Existing Ordinance: 25' inner)

(Coolbaugh Existing Ordinance: 150' outer)
(Tobyhanna Existing Ordinance: 25' outer)

(Coolbaugh Existing Ordinance: 300' total)
(Ross Existing Ordinance: 50' total)
(Tobyhanna Existing Ordinance: 50' total)
(Tunkhannock Existing SWM Ordinance: 0' total)
(Tunkhannock Existing Zoning Ordinance: 50' total "setback", or 25' for < 0.5 acres in size)

- a. There is no **required** outer buffer around lakes and ponds.
- b. Lake and Pond Buffer Delineation – A **[150]** foot buffer measured perpendicular to and horizontally from the edge of any water body, shall be maintained around any water body.
- c. Permitted Activities/Development - Stormwater conveyance required by the Township/**Borough**, buffer maintenance and restoration, the correction of hazardous conditions, lake front views, boat docks and unpaved trails shall be permitted provided no buildings are involved.
- d. The area of the buffer impacted by activities permitted in Section 303.K.6.c. shall not exceed thirty-five **[35]** percent of the buffer on the subject parcel.

7. Streams

(Coolbaugh Existing Ordinance: 150' inner)
(Tobyhanna Existing Ordinance: 25' inner)

(Coolbaugh Existing Ordinance: 150' outer)
(Tobyhanna Existing Ordinance: 25' outer)

(Coolbaugh Existing Ordinance: 300' total)
(Ross Existing Ordinance: 50' total)
(Tobyhanna Existing Ordinance: 50' total)
(Tunkhannock Existing SWM Ordinance: 0' total)
(Tunkhannock Existing Zoning Ordinance: 65' total "setback")

- a. Stream Buffer Delineation – A **[50]** foot inner buffer and **[100]** foot outer buffer, measured perpendicular to and horizontally from the top-of-bank on both sides of any stream, for a total distance of **[150]** feet, shall be maintained on both sides of any stream. See Figure 303.1.
 - i. Inner Buffer – Measured perpendicular to and horizontally from the top-of- bank of the stream for a distance of **[50]** feet.

- Stormwater conveyance required by the Township/**Borough**, buffer maintenance and restoration, the correction of hazardous conditions, stream crossings permitted by DEP, fish hatcheries, wildlife sanctuaries and boat launch sites constructed so as not to alter the flood plain cross section, and unpaved trails shall be permitted providing no buildings are involved. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
 - The area of the inner buffer altered by activities permitted in accord with Section 303.K.7.a.i shall be minimized to the greatest extent practicable.
- ii. Outer Buffer – Measured perpendicular to and horizontally from the outer edge of the inner buffer for a distance of **[100]** feet resulting in a total buffer of **[150]** feet.
- Stormwater conveyance required by the **[Insert Municipality]**, buffer maintenance and restoration, the correction of hazardous conditions, agricultural activities, plant nurseries, parking lots constructed to existing grade, temporary fairs and carnivals, accessory uses for residential purposes, private sportsmen's club activities, athletic facilities, orchards, wildlife sanctuaries, boat launch sites, roads constructed to existing grade, stream crossings permitted by DEP and unpaved trails and limited forestry activities that do not clear cut the buffer (e.g. selective regeneration harvest) in accord with a forestry management plan shall be permitted provided no buildings are involved.
 - In areas of the outer buffer which are not wetlands, vernal ponds or slopes of more than **[15]** percent, stormwater management facilities which improve water quality of stormwater discharge shall be permitted unless prohibited by other Township/Borough or state requirements. No other earth disturbance, grading, filling buildings, structures, new construction, or development shall be permitted.
 - No more than **[twenty (20)]** percent of the cumulative outer buffer on the subject parcel shall be altered by the activities permitted in accordance with Section 303.K.7.ii.

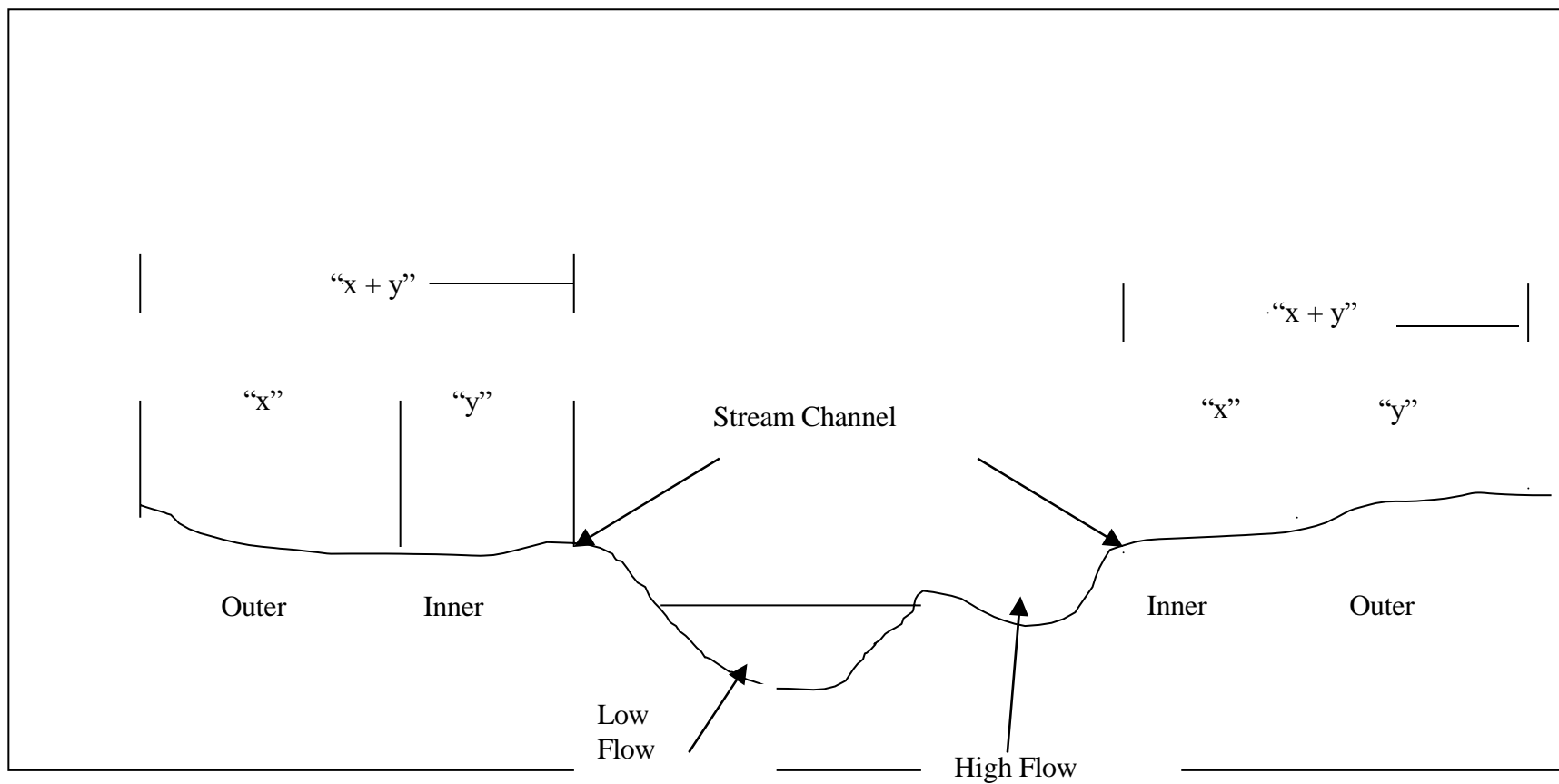


Figure 303.1 Stream Buffer

Section 304 Groundwater Recharge (Infiltration/Recharge/Bioretention)

Maximizing the ground water recharge capacity of the area being developed is required. Design of the infiltration/recharge stormwater management facilities shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is disturbed, or impervious surface is created. It is recommended that roof runoff be directed to infiltration BMPs which may be designed to compensate for the runoff from parking areas. These measures are required to be consistent with Section 102 and take advantage of utilizing any existing recharge areas.

A. Infiltration BMPs shall meet the following minimum requirements:

1. Where a NPDES permit for stormwater discharges associated with construction activities is required, the volume control requirement of that permit should be met unless the volume control requirement in this plan is greater.

(this is important and should be noted)

2. Maximum Infiltration Requirements:

- a. Regulated activities will be required to recharge (infiltrate), where practicable, a portion of the runoff created by the development as part of an overall stormwater management plan designed for the site. The volume of runoff to be recharged shall be determined from Sections 304.4.a. or 304.4.b, depending upon demonstrated site conditions.

3. Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

- a. A minimum depth of 24 inches between the bottom of the BMP and the limiting zone.
- b. An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the Applicant's design professional.
- c. The recharge facility shall be capable of completely infiltrating the recharge volume within 4 days. (from when? end of storm event?)
- d. Pretreatment in accordance with Sections 301.K and 301.L shall be provided prior to infiltration.

4. The size of the recharge facility shall be based upon the following volume criteria:

- a. NRCS Curve Number equation.

The NRCS runoff shall be utilized to calculate infiltration requirements (P) in inches. For zero runoff:

$$P = I \text{ (Infiltration) (in.)} = (200 / CN) - 2 \quad \text{Equation: 304.1}$$

Where: CN = SCS (NRCS) curve number of existing conditions contributing to the recharge facility. This equation is displayed graphically in, and the infiltration requirement can be determined from, Figure 304.1.

The recharge volume required would therefore be computed as:

$$Re_v (c.f.) = [I (in) * \text{impervious area (s.f.)}] / 12 \quad \text{Equation: 304.2}$$

Where: I = infiltration requirement (in.)

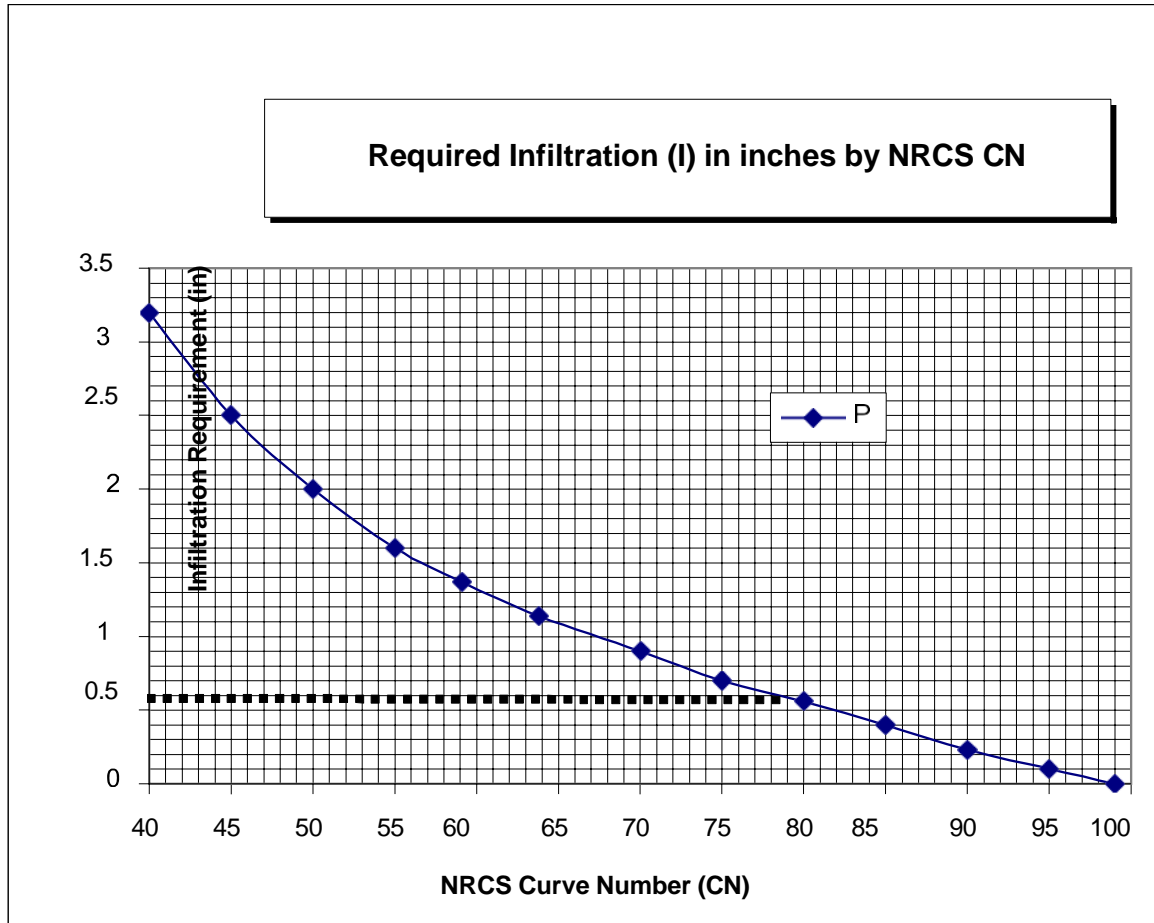


Figure 304.1. Infiltration requirement based upon NRCS Curve Number.

b. Annual Recharge – Water Budget Approach

It has been determined that infiltrating 0.6 inches of runoff from the post development impervious areas will aid in maintaining the hydrologic regime of the watershed. A minimum of 0.6 inches of rainfall shall be infiltrated from all impervious areas, up to an existing site condition curve number of 77. Above a curve number of 77, Equation 304.1 or the curve in Figure 304.1 shall be used to determine the Infiltration requirement and Equation 304.2 shall be used to determine the recharge volume.

The recharge volume (Re_v) required would therefore be computed as:

$$Re_v = [(0.6 \text{ or } I, \text{ whichever is less}) * \text{impervious area}] / 12$$

- B. Soils - A detailed soils evaluation of the project site shall be required where practicable to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified design professional, and at a minimum, address soil permeability, depth to bedrock and subgrade stability. The general process for designing the infiltration BMP shall be:
1. Analyze hydrologic soil groups as well as natural and man-made features within the watershed to determine general areas of suitability for infiltration practices.
 2. Provide site-specific infiltration test results (at the level of the proposed infiltration surface) in accord with ASTM Guide No. D5126 to determine the appropriate hydraulic conductivity rate.
 3. Design the infiltration structure for the required storm volume based on field determined capacity at the level of the proposed infiltration surface.
 4. If on-lot infiltration structures are proposed by the Applicant's design professional, it must be demonstrated to the Municipality that the soils are conducive to infiltrate on the lots identified.
- C. Stormwater Hotspots – A stormwater hotspot is defined as a land use activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies. Table 304.1 provides samples of designated hotspots. If a site is designated as a hotspot, it has important implications for how stormwater is managed. First and foremost, untreated stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater where it may contaminate water supplies. Therefore, the Re_v requirement is NOT applied to development sites that fit into the hotspot category, but the requirements of Section 304.A should be met. Second, a greater level of stormwater treatment may be needed at hotspot sites to prevent pollutant discharge after construction. EPA's NPDES stormwater program requires some industrial sites to prepare and implement a stormwater pollution prevention plan.

Table 304.1 – Classification of Stormwater Hotspots

The following land uses and activities are samples of stormwater hotspots:
• Vehicle salvage yards and recycling facilities
• Fleet storage areas (bus, truck, etc.)
• Public works storage areas
• Facilities that generate or store hazardous materials

Extreme caution shall be exercised where salt or chloride would be a pollutant since soils do little to filter this pollutant and it may contaminate the groundwater. The qualified design professional shall evaluate the possibility of groundwater contamination from the proposed infiltration/recharge facility and perform a hydrogeologic justification study if necessary. The infiltration requirement in High Quality/Exceptional Value waters shall be subject to the Department's Chapter 93 Antidegradation Regulations. The Municipality may require the installation of an impermeable liner in detention basins where the possibility of groundwater contamination exists. A detailed hydrogeologic investigation may be required by the Municipality.

The Municipality shall require the Applicant to provide safeguards against groundwater contamination for uses which may cause groundwater contamination, should there be a mishap or spill.

- D. Extreme caution shall be exercised where infiltration is proposed in Source Water Protection Areas or that may affect a wellhead or surface water intake.
- E. Recharge/infiltration facilities shall be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management alternatives.

~~Upon completion of Section 304, proceed to Sections 305, 306 and 307~~

Section 305. Stormwater Management Districts

- A. The Tobyhanna Creek (or other watercourses) Watershed has been divided into stormwater management districts as shown on the Watershed Map in Appendix D. The Management District Map is also available on the Monroe County Conservation District's website.

(be sure to attached Watershed Maps in Appendix D)

Standards for managing runoff from each subarea in the Tobyhanna Creek (or other watercourses) Watershed for the various design storms are shown in Table 305.1. Development sites located in each of the A, B, or C Districts must control proposed conditions peak runoff rates to existing conditions peak runoff rates for the design storms in accord with Table 305.1.

In addition to the requirements specified in Table 305.1 below, the Water Quality and Streambank Erosion Requirements (Section 303), Groundwater Recharge (Section 304), and Erosion and Sediment Control Requirements (Section 308) shall be implemented.

TABLE 305.1 –Peak Runoff Rate Requirements (Tobyhanna Creek Watershed)**(Applicable to Coolbaugh, Tobyhanna, Tunkhannock Townships.)**

<u>District</u>	<u>Subareas</u>	<u>Post-Development</u>	<u>Pre-Development</u>
A	1-4, 7, 8	2-year	2-year
	21-40, 43	10-year	10-year
	45-67, 73	50-year	50-year
B	5, 6,	10-year	2 year
	9-20,	50-year	10-year
C	Development sites which can discharge directly to a stream or watercourse main may do so without control of post-development peak rate of runoff. If the post development runoff is intended to be conveyed to a stream or watercourse, assurance must be provided that such system has adequate capacity to convey the increased peak flows. When adequate capacity of downstream system does not exist and will not be provided through improvements, the post-development peak rate of runoff must be controlled to the predevelopment peak rate as required in District “A” provisions (post-development flows to pre-development flows for the 2, 10 and 50 year storms). The subwatershed areas which are included in this district are: 41, 42, 44, 68-72, 74-77.		

(Note: The model ordinance changes the 2.33-year storm event from the existing ordinances to the 2-year storm event. This is good! Although the 2.33-year storm is still listed on the Tobyhanna Creek Watershed Plan ... which is dated 05/30/1997)

TABLE 305.2 –Peak Runoff Rate Requirements (Brodhead Creek and McMichael Creek Watersheds)

(Applicable to Coolbaugh, Ross, Tobyhanna, Tunkhannock Townships.)

District	Proposed conditions	(reduce to)	Existing conditions
A	2 – year		1 – year
	5 – year		5 – year
	10 – year		10 – year
	25 – year		25 – year
	50- year		50- year
	100-year		100-year
B-1	2 – year		1- year
	5 – year		2 – year
	10 – year		5 – year
	25 – year		10 – year
	50- year		25- year
	100-year		100-year
B-2	2 – year		1- year
	5 – year		2 – year
	25 – year		5 – year
	50- year		10- year
	100 – year		50 – year
B-3	50- year		10- year
	100 – year		50 – year
C	<p>Provisional Direct Discharge District - Development sites which can discharge directly to the main channel or major tributaries or indirectly to the main channel through an existing stormwater drainage system (i.e., storm sewer or tributary) which meets the "Downstream Hydraulic Capacity Analysis" in Section 305 H and is shown by the design professional to not cause a downstream problem, may allow an increase in flow as long as no downstream harm is demonstrated. However, sites in District C shall comply with the criteria for Water Quality and Streambank Erosion (Ordinance Section 303); and Groundwater Recharge (Ordinance Section 304). If the proposed conditions runoff is intended to be conveyed by an existing stormwater drainage system to the main channel, assurance must be provided that such system has adequate capacity to convey the increased peak flows or will be provided with improvements to furnish the required capacity. When adequate capacity of the downstream system does not exist and will not be provided through improvements, the proposed conditions peak rate of runoff must be controlled to the existing conditions peak rate as required in District A provisions (i.e.,10-year proposed conditions flows to 10 year existing conditions flows) for the specified design storms.</p>		

TABLE 305.3 –Peak Runoff Rate Requirements (Wallenpaupack Creek Watershed)**(Applicable to Coolbaugh Township.)**

District	Proposed Conditions	(Reduce to)	Existing Conditions
M-TC	2-year	Lesser of	1-year of 90% of 2-year
	5-year		90% of 5-year
	10-year		90% of 10-year
	25-year		90% of 25-year
	50-year		90% of 50-year
	100-year		90% of 100-year
M-WC	2-year	Lesser of	1-year of 70% of 2-year
	5-year		70% of 5-year
	10-year		70% of 10-year
	25-year		70% of 25-year
	50-year		70% of 50-year
	100-year		70% of 100-year

TABLE 305.4 –Peak Runoff Rate Requirements (Lehigh River Watershed)**(Applicable to Coolbaugh Township.)**

Proposed Conditions	(Reduce to)	Existing Conditions
2-year		1-year
5-year		5-year
10-year		10-year
25-year		25-year
50-year		50-year
100-year		100-year

TABLE 305.5 –Peak Runoff Rate Requirements (Aquashicola Creek, Buckwha Creek, and Pohopoco Creek Watersheds)

(Applicable to Ross Township.)

Proposed Conditions	(Reduce to)	Existing Conditions
2-year		1-year
5-year		5-year
10-year		10-year
25-year		25-year
50-year		50-year
100-year		100-year

- B. General - Proposed conditions peak rates of runoff from any Regulated Activity shall not exceed the peak release rates of runoff prior to development for the design storms specified on the Stormwater Management District Watershed Map(s) (Appendix D) and Section 302, of this Ordinance.
- C. District Boundaries - The boundaries of the Stormwater Management Districts are shown on an official map that is available for inspection at the municipal office. A copy of the official map at a reduced scale is included in the Ordinance Appendix D. The exact location of the Stormwater Management District boundaries as they apply to a given development site shall be determined by mapping the boundaries using the ~~two-foot~~ one foot topographic contours (or most accurate data required) provided as part of the Drainage Plan.
- D. Sites Located in More Than One District - For a proposed development site located within two or more stormwater management district category subareas, the peak discharge rate from any subarea shall meet the requirements of Table 305.1 for each discharge point from the site. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea.
- E. Off-Site Areas - Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.
- F. Site Areas - Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area utilizing stormwater management measures shall be subject to the Management District Criteria. In other words, undisturbed areas bypassing the stormwater management facilities would not be subject to the Management District Criteria.
- G. "No Harm" Option - For any proposed development site not located in a provisional direct discharge district, the Applicant has the option of using a less restrictive runoff control (including no detention) if the Applicant can prove that "no harm" would be caused by discharging at a higher runoff rate than that specified by the Stormwater Management Plan. The "no harm" option is used when an Applicant can prove that the proposed hydrographs can match existing hydrographs, or if it can be proved that the proposed conditions will not cause increases in peaks at all points downstream. Proof of "no harm" must be shown based upon the following "Downstream Impact Evaluation" which shall include a "downstream hydraulic capacity analysis" consistent with Section 305.H to determine if adequate hydraulic capacity exists. The Applicant shall submit to the Municipality this evaluation of the impacts due to increased downstream stormwater flows in the watershed.

~~1. The Hydrologic Regime of the site must be maintained.~~

- 2. The "Downstream Impact Evaluation" shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications due to the proposed development upon a dam, highway, structure, natural point of restricted streamflow or any stream channel section, established with the concurrence of the Municipality.
- 3. The evaluation shall continue downstream until the increase in flow diminishes due to additional flow from tributaries and/or stream attenuation.

4. The peak flow values to be used for downstream areas for the design return period storms (2, 5, 10, 25, 50, and 100-year) shall be the values from the calibrated model for the Tobyhanna Creek (or other watercourses) Watershed. These flow values can be obtained from the original Act 167 watershed storm water management plans.
 5. Applicant-proposed runoff controls which would generate increased peak flow rates at storm drainage problem areas, by definition, are precluded from successful attempts to prove "no-harm", except in conjunction with proposed capacity improvements for the problem areas consistent with Section 305.H.
 6. A financial distress shall not constitute grounds for the Municipality to approve the use of the "no-harm" option.
 7. Downstream capacity improvements may be provided as necessary to achieve the "no harm" option.
 8. Any "no harm" justifications shall be submitted by the Applicant as part of the Drainage Plan Requirements per Article IV of this Ordinance.
- H. "Downstream Hydraulic Capacity Analysis" - Any downstream hydraulic capacity analysis conducted in accordance with this Ordinance shall use the following criteria for determining adequacy for accepting increased peak flow rates:
1. Existing natural or man-made channels or swales must be able to convey the increased runoff associated with a 2-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the DEP *Erosion and Sediment Pollution Control Program Manual*.
 2. Existing natural or man-made channels or swales must be able to convey increased 25- year return period runoff without creating any hazard to persons or property.
 3. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP Chapter 105 regulations (if applicable) and, at minimum, pass the increased 25-year return period runoff.
- I. Hardship Option - The Stormwater Management Plan and its standards and criteria are designed to maintain existing conditions peak flows and volumes throughout the Tobyhanna Creek (or other watercourses) watershed as the watershed becomes developed. There may be certain instances, however, where the standards and criteria established are too restrictive for a particular Applicant. The existing drainage network in some areas may be capable of safely transporting slight increases in flows without causing a problem or increasing flows elsewhere. If an Applicant cannot meet the stormwater standards due to lot conditions or if conformance would become a hardship to an Applicant, the hardship option may be applied. A financial distress shall not constitute grounds for the Municipality to approve the use of the hardship option. The Applicant would have to plead his/her case to the Governing Body with the final determination made by the Municipality. Any Applicant's pleading the "hardship option" will assume all liabilities that may arise due to exercising this option. A financial distress shall not constitute grounds for the Municipality to approve the use of the "no-harm" option.

- A. Stormwater runoff from all development sites with a drainage area of greater than 200 acres shall be calculated using a generally accepted calculation technique that is based on the NRCS soil cover complex method. Table 306-1 summarizes acceptable computation methods and the method selected by the design professional shall be based on the individual limitations and suitability of each method for a particular site. The Municipality may allow the use of the Modified Rational Method to estimate peak discharges from drainage areas that contain less than one (1) acre. The Soil Cover Complex Method shall be used for drainage areas greater than 1 acre.

(All computations shall utilize the NRCS (TR-55) method. The “Modified Rational Method” should not be used. This section should be re-written.)

TABLE 306-1
Acceptable Computation Methodologies For
Stormwater Management Plans

METHOD	METHOD DEVELOPED BY	APPLICABILITY
TR-20 (or commercial computer package based on TR-20)	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary.
TR-55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans within limitations described in TR-55.
HEC-1 / HEC-HMS	US Army Corps of Engineers	Applicable where use of full hydrologic computer model is desirable or necessary.
PSRM	Penn State University	Applicable where use of a hydrologic computer model is desirable or necessary; simpler than TR-20 or HEC-1.
Modified Rational Method (commercial computer package based on Rational Method)	Emil Kuichling (1889)	For sites less than 1 acre, or (or as approved by the Municipality and/or Municipal Engineer).
Other Methods	Varies	Other computation methodologies approved by the Municipality and/or Municipal Engineer.

(Cross out the Modified Rational Method section of this table.)

- B. All calculations consistent with this Ordinance using the soil cover complex method shall use the appropriate design rainfall depths for the various return period storms consistent with current NOAA Atlas 14 Point Precipitation Frequency Estimates. If a hydrologic computer model such as PSRM or HEC-1 is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The SCS Type II Rainfall Distribution shall be utilized for the rainfall distribution.

(This is good!)

- C. For the purposes of existing conditions flow rate determination, undeveloped land shall be considered as "meadow" ~~in good condition~~, unless the natural ground cover generates a lower Curve Number (CN) or Rational 'C' value, as listed in Tables B-1 or B-32 in Appendix B of this Ordinance.

(Note: The meadow cover type does not have good, fair, or poor designations in TR-55.)

- D. All calculations using the Modified Rational Method shall use rainfall intensities consistent with appropriate times-of-concentration for overland flow and return periods from the current NOAA Atlas 14 Point Precipitation Frequency Estimates. Times-of- concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times-of- concentration for channel and pipe flow shall be computed using Manning's equation.

(Delete or revise this section as applicable.)

- E. Calculations using the Modified Rational Method shall be based on a common time of concentration for all contributing areas to a discharge point in both the predevelopment and post development runoff conditions.

(Delete or revise this section as applicable.)

- F. ~~Hydrograph volumes generated by the Modified Rational Method for routing through control (detention and infiltration) facilities should be comparable to hydrograph volumes generated by the TR-55 methodology. The ascending and descending limbs of the hydrograph generated by the Modified Rational method should be adjusted in order to provide a comparable hydrograph volume.~~

- G. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the soil cover complex method shall be obtained from Table B-1 in Appendix B of this Ordinance. Due to limitations of the TR-55 methodology, a minimum weighted Curve Number of 40 shall be utilized for the calculations.

- H. Runoff coefficients (C) for both existing and proposed conditions for use in the Modified Rational method shall be obtained from Table B-2 in Appendix B of this Ordinance.

(Delete or revise this section as applicable.)

- I. The designer shall consider that the runoff from proposed sites graded to the subsoil will not have the same runoff conditions as the site under existing conditions, even after placement of topsoil and/or seeding. The designer may increase his proposed condition "CN" or "C" to better reflect proposed soil conditions.

- J. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table B-3 in Appendix B of the Ordinance.

- K. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Ordinance using any generally accepted hydraulic analysis technique or method.

- L. The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. The Municipality may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.

Section 307. Other Requirements

- A. Any stormwater facility located on ~~or~~ **or directed into/towards** State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- B. Pretreatment in accordance with Sections 301.K and 301.L shall be provided prior to infiltration.
- C. Any stormwater management facility (i.e., BMP, detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Ordinance shall

be designed to provide an emergency spillway to handle the discharge of flows up to and including the inflow to the facility from the 100- year proposed conditions, considering the primary outlet control structure(s) are blocked. The height of embankment must provide a minimum one (1) foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year proposed conditions inflow. Should any stormwater management facility require a dam safety permit under PaDEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than the 100-year event.

- D. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands governed by PaDEP Chapter 105 regulations (as amended or replaced from time to time by PaDEP), shall be designed in accordance with Chapter 105 and will require a permit from PaDEP.
- E. Any other drainage conveyance facility that does not fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Any facility that constitutes a dam as defined in PaDEP Chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.
- F. Any drainage conveyance facility and/or channel not governed by Chapter 105 Regulations, must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from that structure. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.
- G. Storm sewers must be able to convey proposed conditions runoff from a [25]-year design storm without surcharging inlets, where appropriate.

(I'm OK with the 25-year storm as the design storm. I've seen the 10-year though in other ordinances. However, add language to this section that would require the demonstration of conveyance of the 100-year design storm to proposed stormwater management facilities.)
- H. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.
- I. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Municipality reserves the right to disapprove any design that would result in the construction of or continuation of a stormwater problem area.

Upon completion of Section 307, proceed to Section 308

Section 308. Erosion and Sediment Control Requirements

- A. Any earth disturbance must be conducted in conformance with PA Title 25, Chapter 102, “Erosion and Sediment Control.”
- B. Additional erosion and sediment control design standards and criteria that must be or are recommended to be applied where infiltration BMPs are proposed shall include the following:
 - 1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity.
 - 2. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has achieved final stabilization.

ARTICLE IV-DRAINAGE PLAN REQUIREMENTS

Section 401. General Requirements

- A. (from Coolbaugh Existing Ordinance, slightly modified) If a preapplication meeting or meetings is/are scheduled with the MCCD for any project subject to this chapter/ordinance and/or an NPDES Permit submittal to the MCCD, the Township shall be given adequate notice of the meeting so that the Township Engineer and other Township personnel may attend. This shall occur prior to submission of the drainage plan application to the Township.
- B. For any of the activities regulated by this Ordinance, the preliminary, **preliminary/final**, or final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any earth disturbance may not proceed until the Applicant or his/her agent has received written approval of a Drainage Plan from the Municipality and an adequate Erosion and Sediment Control Plan review by the Conservation District.

Section 402. Drainage Plan Submission Exemptions

A. Exemptions

The following land use activities are exempt from the Drainage Plan submission requirements of this Ordinance:

1. Use of land for gardening for home consumption.
2. Agriculture when operated in accordance with a Conservation Plan or Erosion and Sediment Control Plan (E&S) found adequate by the Conservation District.
3. Forest Management operations which are following the Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation (E&S) Control Guidelines for Forestry" and are operating under an approved E&S Plan and must comply with stream buffer requirements in Section 303 and flood plain management requirements.
4. Impervious Surface - Any Regulated Activity that has ***less than 5,000 square foot of impervious surface*** and/or meets the following exemption criteria is exempt from the plan submittal provisions of this Ordinance. These criteria shall apply to the total development even if development is to take place in phases. The date of the original Tobyhanna **(or other watercourses)** Municipal Ordinance adoption shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered. Impervious areas existing on the "parent tract" prior to adoption of this Ordinance shall not be considered in cumulative impervious area calculations for exemption purposes. **(italics and bold added by GSH)**
5. High Tunnels shall be exempt from the provisions of this Ordinance if:

(Note: This is all new to the ordinance.)

- a. The High Tunnel or its flooring does not result in an impervious area exceeding 25% of all structures located on the owners total contiguous land area; and

b. The High Tunnel meets one of the following:

- i. The High Tunnel is located at least 100 feet from any perennial stream or watercourse, public road or neighboring property line.
- ii. The High Tunnel is located at least 35 feet from any perennial stream or watercourse, public road or neighboring property line and located on land with a slope not greater than 7%.
- iii. The High Tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse managing storm water runoff in a manner consistent with requirements of this Ordinance and the Act of April 18, 2018, P.L. 91, No. 15, and the Act of October 4, 1978 (P.L. 864, No 167).

B. Additional exemption criteria includes:

1. Exemption responsibilities – An exemption shall not relieve the Applicant from implementing such measures as are necessary to protect the public health, safety, and property. *An exemption shall not relieve the Applicant from providing adequate stormwater management for Regulated Activities to meet the purpose of this Ordinance; however, drainage plans will not have to be submitted to the Municipality.* (italics and bold added by GSH)
2. This exemption shall not relieve the Applicant from meeting the requirements for watersheds draining to Exceptional Value (EV) waters and Source Water Protection Areas (SWPA): requirements for Nonstructural Project Design (Section 302) Water Quality and Streambank Erosion (Section 303), and Groundwater Recharge (Section 304).
3. Drainage Problems - If a drainage problem is documented or known to exist downstream of, or expected from the proposed activity, then the Municipality may require a Drainage Plan Submittal.
4. Parent Tracts – Ordinance criteria shall apply to the total development even if development is to take place in phases. The date of the Municipal Ordinance adoption from the original Tobyhanna Creek (or other watercourses) Act 167 Plans shall be the starting point from which to consider tracts as “parent tracts” in which future subdivisions and respective impervious area computations shall be cumulatively considered.

Section 403. Drainage Plan Contents

The Drainage Plan shall consist of a general description of the project including sequencing items described in Section 302, calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sediment control plan by title and date. The cover sheet of the computations and erosion and sediment control plan shall refer to the associated maps by title and date. All Drainage Plan materials shall be submitted to the Municipality in a format that is clear, concise, legible, neat, and well organized; otherwise, the Drainage Plan shall not be accepted for review and shall be returned to the Applicant.

The following items shall be included in the Drainage Plan:

A. General

1. General description of the project including those areas described in Section 302.
2. General description of permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.
3. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
4. An Erosion and Sediment Control Plan, including all reviews and letters of adequacy obtained by the Conservation District.
5. A general description of nonpoint source pollution controls.

B. Maps

Map(s) of the project area shall be submitted on **[24-inch x 36-inch sheets]** and/or shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Monroe County. If the Subdivision and Land Development Ordinance (SALDO) has more stringent criteria, then the more stringent criteria shall apply. The contents of the map(s) shall include, but not be limited to:

(I'm OK with the 24" x 36" sheet size. Actually, I'm OK with any size, as long as everything is legible.)

1. The location of the project relative to highways, municipalities or other identifiable landmarks.
2. Existing and final contours at intervals of **two-feet one foot (1')**. In areas of steep slopes (greater than 15 percent), five-foot contour intervals may be used.
3. Existing streams, lakes, ponds or other Waters of the Commonwealth within the project area.

(What if these features exist on an adjoining property within the buffer yard setback? Will they need to be survey located and then buffers within the site area proposed as required? This needs to be discussed.)

4. Other physical features including flood hazard boundaries, buffers, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.
5. The locations of all existing and proposed utilities, sanitary sewers, and water lines within fifty (50) feet of property lines.

(Is this necessary?)

6. The location(s) of public water supply wells and surface water intakes as well as their source water protection areas.
7. Soil names and boundaries.

8. Limits of earth disturbance, including the type and amount of impervious area that would be added.
9. Proposed structures, roads, paved areas, and buildings.
10. The name of the development, the name and address of the Applicant of the property, and the name of the individual or firm preparing the plan.
11. The date of submission.
12. ~~A graphic and written scale of one (1) inch equals no more than fifty (50) feet; for tracts of twenty (20) acres or more, the scale shall be one (1) inch equals no more than one hundred (100) feet.~~

Change to: "Plans shall be provided at 1" = 5', 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', or 1" = 60' and be legible in all aspects. A graphic and scale shall be noted on the Plan."
13. A north arrow.
14. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
15. Existing and proposed land use(s).
16. A key map showing all existing man-made features beyond the property boundary that would be affected by the project.
17. Location of all open channels.
18. Overland drainage patterns and swales.
19. A fifteen foot wide access easement to and around all stormwater management facilities that would provide ingress to and egress from a public right-of-way.
20. The location of all erosion and sediment control facilities.
21. A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off-site. All off-site facilities shall meet the performance standards and design criteria specified in this Ordinance.
22. A statement, signed by the Applicant, acknowledging that any revision to the approved Drainage Plan must be approved by the Municipality and that a revised E&S Plan must be submitted to the Conservation District for a determination of adequacy.
23. The following signature block for the Design Engineer:

"I, (Design Engineer), on this date (date of signature), hereby certify that the Drainage Plan meets all design standards and criteria of the Tobyhanna Creek (or other watercourses) Watershed Act 167 Stormwater Management Ordinance."

C. Supplemental Information

1. A written description of the following information shall be submitted.
 - a. The overall stormwater management concept for the project designed in accordance with Section 302.
 - b. Stormwater runoff computations as specified in this Ordinance.
 - c. Stormwater management techniques to be applied both during and after development.
 - d. Expected project time schedule.
 - e. Development stages (project phases) if so proposed.
 - f. An operation and maintenance plan in accordance with Section 702 of this Ordinance.
2. An erosion and sediment control plan.
3. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.
4. A Declaration of Adequacy and Highway Occupancy Permit (HOP) from the PennDOT District Office when utilization of a PennDOT storm drainage system is proposed.

(What is a “Declaration of Adequacy?”)

D. Stormwater Management Facilities

1. All stormwater management facilities must be located on a plan and described in detail.
2. When groundwater recharge methods such as seepage pits, beds or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.
3. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.

Section 404. Plan Submission

The Municipality shall require receipt of a complete plan, as specified in this Ordinance.

For any activities that require an NPDES Permit for Stormwater Discharges from Construction Activities, or a PaDEP Joint Permit Application, or a PennDOT Highway Occupancy Permit, or any other permit under applicable state or federal regulations or are regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PaDEP's Rules and Regulations, the proof of application for said permit(s) or approvals shall be part of the plan. The plan shall be coordinated with the state and federal permit process and the municipal SALDO review process.

- A. For those Regulated Activities which require SALDO approval, the Drainage Plan and ERSAM shall be submitted by the Applicant as part of the Preliminary Plan submission.

(Note: This is good!)

- B. For those Regulated Activities that do not require SALDO approval, See Section 401, General Requirements.
- C. **[Six (6)]** copies of the Drainage Plan shall be submitted and distributed as follows:
 - 1. **[Two (2)]** copies to the Municipality accompanied by the requisite Municipal Review Fee, ~~as specified in this Ordinance.~~
 - 2. **[Two (2)]** copies to the Conservation District.
 - 3. **[One (1)]** copy to the Municipal Engineer.
 - 4. **[One (1)]** copy to the County Planning Commission.
- D. Any submissions found incomplete shall not be accepted for review and shall be returned to the Applicant with a notification in writing of the specific manner in which the submission is incomplete.

Section 405. Drainage Plan Review

- A. The Municipal Engineer shall review the Drainage Plan for consistency with the Township-adopted Tobyhanna Creek ~~(or other watercourses)~~ Watershed Act 167 Stormwater Management Plan.
- B. ~~The Municipal Engineer shall review the Drainage Plan for any subdivision or land development against the municipal subdivision and land development ordinance provisions not superseded by this Ordinance.~~
- C. ~~The E & S Plan shall be reviewed by the County Conservation District and found adequate to meet the requirements of PaDEP's Chapter 102 regulations, prior to Municipal approval of the Drainage Plan. A copy of the adequacy letter shall be provided to the Township.~~
- D. For Regulated Activities specified in Section 104 of this Ordinance, the Municipal Engineer shall notify the Municipality in writing, within **[ninety (90)]** calendar days, whether the Drainage Plan is consistent with the Stormwater Management Plan.

(Note: 90 days is more than enough time.)

- 1. Should the Drainage Plan be determined to be consistent with the Stormwater Management Plan, the Municipal Engineer will forward a letter of consistency to the Municipal Secretary, who will then notify the Developer.
- 2. Should the Drainage Plan be determined to be inconsistent or noncompliant with the Stormwater Management Plan, the Municipal Engineer shall forward a letter to the Municipal Secretary with a copy to the Applicant citing the reason(s) and specific Ordinance sections for the inconsistency or noncompliance. Inconsistency or noncompliance may be due to inadequate information to make a reasonable judgment as to compliance with the stormwater management plan. Any Drainage Plans that are inconsistent or noncompliant may be revised by the Applicant and resubmitted consistent with this Ordinance. The Municipal Secretary shall then notify the Developer of the Municipal Engineer's findings. Any disapproved

Drainage Plans may be revised by the Developer and resubmitted consistent with this Ordinance.

- E. For Regulated Activities specified in Section 104 of this Ordinance, which require a building permit, the Municipal Engineer shall notify the Enforcement Officer in writing, whether the Drainage Plan is consistent with the Stormwater Management Plan and forward a copy of the approval/disapproval letter to the Applicant. Any disapproved drainage plan may be revised by the Applicant and resubmitted consistent with this Ordinance.
- F. For Regulated Activities specified in Section 104 of this Ordinance that require an NPDES Permit Application, PaDEP and the Conservation District may consider the Municipal Engineer's review comments in determining whether to issue a permit.
- G. The Municipality shall not grant ~~approval or grant~~ preliminary or preliminary/final approval (???) to any subdivision or land development for Regulated Activities specified in Sections 104 of this Ordinance if the Drainage Plan has been found to be inconsistent with the Stormwater Management Plan, as determined by the Municipal Engineer. All required permits from PaDEP must be obtained prior to approval of any subdivision or land development.
- H. No municipal permits shall be issued for any Regulated Activity specified in Section 104 of this Ordinance if the Drainage Plan has been found to be inconsistent with the Stormwater Management Plan, as determined by the Municipal Engineer, or without considering the comments of the Municipal Engineer shall be issued. ~~All required permits from PaDEP must be obtained prior to issuance of a building permit.~~
- I. The Applicant shall be responsible for completing Record Drawings of all stormwater management facilities included in the approved Drainage Plan. The Record Drawings and an explanation of any discrepancies with the design plans shall be submitted to the Municipal Engineer for final approval. In no case shall the Municipality approve the Record Drawings until the Municipality receives a copy of an approved or amended Declaration of Adequacy and/or Highway Occupancy Permit from the PennDOT District Office, NPDES Permit, and any applicable permits or approvals, from PaDEP or the Conservation District.
- J. The Municipality's approval of a Drainage Plan shall be valid for a period not to exceed **[five (5)]** years, commencing on the date that the Municipality signs the approved Drainage Plan. If stormwater management facilities included in the approved Drainage Plan have not been constructed, or if constructed, and record drawings of these facilities have not been approved within this **[five (5)]** year time period, then the Municipality may consider the Drainage Plan disapproved and may revoke any and all permits. Drainage Plans that are considered disapproved by the Municipality shall be resubmitted in accordance with Section 407 of this Ordinance.

(Note: I'm OK with the 5 year period.)

Section 406. Modification of Plans

- A. A modification to a Drainage Plan under review by the Municipality for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary

because soil or other conditions are not as stated on the Drainage Plan as determined by the Municipal Engineer, shall require a resubmission of the modified Drainage Plan consistent with Section 404 of this Ordinance and be subject to review as specified in Section 405 of this Ordinance.

- B. A modification to an already approved or disapproved Drainage Plan shall be submitted to the Municipality, accompanied by the applicable Municipal Review and Inspection Fee. A modification to a Drainage Plan for which a formal action has not been taken by the Municipality shall be submitted to the Municipality, accompanied by the applicable Municipal Review and Inspection Fee.

Section 407. Resubmission of Disapproved Drainage Plans

A disapproved Drainage Plan may be resubmitted, with the revisions addressing the Municipal Engineer's concerns documented in writing and addressed to the Municipal Secretary in accordance with Section 404 of this Ordinance and distributed accordingly and be subject to review as specified in Section 405 of this Ordinance. The applicable Municipal Review and Inspection Fee must accompany a resubmission of a disapproved Drainage Plan.

Section 408. Authorization to Construct and Term of Validity

The Municipality's approval of an SWM Site Plan authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of 5 years following the date of approval. The Municipality may specify a term of validity shorter than 5 years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the Municipality signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 407 within the term of validity, then the Municipality may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the Municipality shall be resubmitted in accordance with Section 405 of this Ordinance.

ARTICLE V-INSPECTIONS

Section 501. Schedule of Inspections

- A. The Municipal Engineer or his municipal designee shall inspect all phases of the installation of the permanent stormwater management facilities as deemed appropriate by the Municipal Engineer.
- B. During any stage of the work, if the Municipal Engineer or his municipal designee determines that the permanent stormwater management facilities are not being installed in accordance with the approved Stormwater Management Plan, the Municipality shall revoke any existing permits or other approvals and issue a cease and desist order until a revised Drainage Plan is submitted and approved, as specified in this Ordinance.

(Does the Township have a “Cease and Desist Order” form?)

- C. A final inspection of all stormwater management facilities shall be conducted by the Municipal Engineer or his municipal designee and to confirm compliance with the approved Drainage Plan prior to the issuance of any Occupancy Permit.

ARTICLE VI-FEES AND EXPENSES

Section 601. Municipality Drainage Plan Review and Inspection Fee

Fees shall be established by the Municipality to defray plan review and construction inspection costs incurred by the Municipality. All fees shall be paid by the Applicant at the time of Drainage Plan submission. Review and Inspection Fee Schedule shall be established by resolution of the municipal Governing Body based on the size of the Regulated Activity and based on the Municipality's costs for reviewing Drainage Plans and conducting inspections pursuant to Section 501. The Municipality shall periodically update the Review and Inspection Fee Schedule to ensure that review costs are adequately reimbursed.

(Does the Township have a current “Drainage Plan Review and Inspection Fee Schedule”? If not, then one should be created. If so, then it should perhaps be updated.)

Section 602. Expenses Covered by Fees

The fees required by this Ordinance shall at a minimum cover:

- A. Administrative costs.
- B. The review of the Drainage Plan by the Municipality and the Municipal Engineer.
- C. The site inspections.
- D. The inspection of stormwater management facilities and drainage improvements during construction.
- E. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the Drainage Plan.
- F. Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

ARTICLE VII-CONSTRUCTION AND MAINTENANCE RESPONSIBILITIES

Section 701. Performance Guarantee

- A. For subdivisions and land developments the Applicant shall provide a financial guarantee to the Municipality for the timely installation and proper construction of all stormwater management controls as: 1) Required by the approved Drainage Plan equal to or greater than the full construction cost of the required controls or 2) in the amount and method of payment provided for in the Subdivision and Land Development Ordinance.

(Note: For Subdivisions and Land Developments financial security **IS** required.)

- B. For other Regulated Activities, the Municipality may require a financial guarantee from the Applicant.

(Note: For other project types/"regulated activities" financial security **MAY BE** required.)

- C. At the completion of the project, and as a prerequisite for the release of the performance guarantee, the Applicant or his representatives shall:
1. Provide a certification of completion from an engineer, architect, surveyor or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.
 2. Provide a set of record drawings.
- D. After the Municipality receives the certification, a final inspection shall be conducted by the Municipal Engineer or designee to certify compliance with this Ordinance.

Section 702. Maintenance Responsibilities

- A. The Drainage Plan for the development site shall contain an operation and maintenance plan prepared by the Applicant and approved by the Municipal Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the facility(ies).
- B. The Drainage Plan for the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principles:
1. If a development consists of structures or lots which are to be separately owned and in which streets, sewers or other public improvements are to be dedicated to the Municipality, stormwater control facilities may also be dedicated to and maintained by the Municipality (the Municipality is not obligated to accept ownership).
 2. If a development site is to be maintained in a single ownership or if streets, sewers or other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities may be the responsibility of the Applicant or private management entity.

- C. The Governing Body, upon recommendation of the Municipal Engineer, shall make the final determination on the continuing maintenance responsibilities prior to approval of the Drainage Plan. The Governing Body reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

Section 703. Maintenance Agreement for Privately Owned Stormwater Facilities

- A. Prior to approval of the site's Drainage Plan, the Applicant shall sign and record the Maintenance Agreement contained in Appendix A, which is attached and made part hereof, covering all stormwater control facilities that are to be privately owned.
- B. Other items may be included in the agreement ~~where~~ when determined necessary to guarantee the satisfactory maintenance of all facilities. The Maintenance Agreement shall be subject to the review and approval of the Municipal Solicitor and Governing Body.

Section 704. Municipal Stormwater Maintenance Fund

- A. Persons installing stormwater storage facilities shall be required to pay a specified amount to the Municipal Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

(Note: This is a new item for some municipalities.)

1. If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the Municipality for a period of **[ten (10) years]**, as estimated by the Municipal Engineer. After that period of time, inspections will be performed at the expense of the Municipality.
2. If the storage facility is to be owned and maintained by the Municipality, the deposit shall cover the estimated costs for maintenance and inspections for **[ten (10) years]**. The Municipal Engineer will establish the estimated costs utilizing information submitted by the Applicant.

(Note: I've seen 10 years as this time frame in other ordinances.)

(Note: I usually assume that "periodic inspections" are performed in years 3, 6, 8, and 10 following construction activities. However, see the language within the Appendix A Agreement. The language at both locations should correspond to one another.)

3. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Municipal Engineer shall determine the present worth equivalents, which shall be subject to the approval of the Governing Body.
- B. If a storage facility is proposed that also serves as a recreation facility (e.g., ballfield, lake), the Municipality may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.
- C. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the

maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

- D. Long-Term Maintenance – The Municipality may require Applicants to pay a fee to the Municipal Stormwater Maintenance Fund to cover long term maintenance of stormwater control and best management practices.

(Note: I haven't seen this before. But I assume this would apply to the time period beyond that specified in A. above. Perhaps this could be a percentage of the amount computed in A. above? Note though ... that the designee responsible for operation and maintenance is in theory responsible for O&M for the entire life of the development.)

- E. Stormwater Related Problems - The Municipality may require Applicants to pay a fee to the Municipal Stormwater Maintenance Fund to cover stormwater related problems which may arise from the land development and earth disturbance.

(Note: I have typically added 10% on to the amount computed in A. above for "stormwater related problems".)

ARTICLE VIII-ENFORCEMENT AND PENALTIES

Section 801. Right-of-Entry

Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

Section 802. Notification

In the event that a person fails to comply with the requirements of this Ordinance or fails to conform to the requirements of any permit issued hereunder, the Municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all remedies. It shall be the responsibility of the Applicant of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance.

Section 803. Enforcement

The Municipal Governing Body is hereby authorized and directed to enforce all of the provisions of this Ordinance. All inspections regarding compliance with the Drainage Plan shall be the responsibility of the Municipal Engineer or other qualified persons designated by the Municipality.

- A. Design Plans - A set of design plans approved by the Municipality shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the Municipality or designee during construction.
- B. Adherence to Approved Plan - It shall be unlawful for any person, firm or corporation to undertake any Regulated Activity under Section 104 on any property except as provided for in the approved Drainage Plan and pursuant to the requirements of this Ordinance. It shall be unlawful to alter or remove any control structure required by the Drainage Plan pursuant to this Ordinance or to allow the property to remain in a condition which does not conform to the approved Drainage Plan.
- C. Hearing - Prior to revocation or suspension of a permit and at the request of the Applicant, the Governing Body will schedule a hearing to discuss the non-compliance if there is no immediate danger to life, public health or property. The expense of a hearing shall be the Applicant's responsibility.
- D. Suspension and Revocation of Permits
 - 1. Any permit issued by the Municipality may be suspended or revoked for:
 - a. Non-compliance with or failure to implement any provision of the permit.
 - b. A violation of any provision of this Ordinance or any other applicable law, ordinance, rule or regulation relating to the project.

- c. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
- 2. A suspended permit shall be reinstated by the Governing Body when:
 - a. The Municipal Engineer or his Municipal designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s), or the elimination of the hazard or nuisance, and/or;
 - b. The Governing Body is satisfied that the violation of the Ordinance, law, or rule and regulation has been corrected.
- 3. A permit that has been revoked cannot be reinstated. The Applicant may apply for a new permit under the procedures outlined in this Ordinance.

E. Occupancy Permit

An occupancy permit shall not be issued unless the certification of completion pursuant to Section 701 A has been approved by the Municipality. The occupancy permit shall be required for each lot owner and/or Applicant for all subdivisions and land development in the Municipality.

Section 804. Public Nuisance

- A. The violation of any provision of this Ordinance is hereby deemed a Public Nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

Section 805. Penalties

- A. Anyone violating the provisions of this Ordinance shall be subject to a fine of not more than \$[INSERT] for each violation, recoverable with costs, or imprisonment of not more than [INSERT] days, or both. Each day that the violation continues shall be a separate offense.
- B. In addition, the Municipality may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

Section 806. Appeals

- A. Any person aggrieved by any action of the Municipality, or its designee may appeal to the Municipality's [Governing Body or Zoning Hearing Board] (per MPC Section 909.1(a)(8 and 909.1(b)(6)) within [thirty (30)] days of that action.
- B. Any person aggrieved by any decision of [the Municipality's Governing Body or Zoning Hearing Board] may appeal to the County Court of Common Pleas in the County where the activity has taken place within [thirty (30) days] of the Municipal decision.

APPENDIX A
STANDARD STORMWATER FACILITIES
MAINTENANCE AND MONITORING AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between _____, (hereinafter the “Landowner”), and [Municipality Name], Monroe County; Pennsylvania, (hereinafter “Municipality”);

WITNESSES:

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of _____ County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter “Property”).

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the _____ Subdivision/Land Management Plan (hereinafter “Plan”) for the _____ Subdivision which is expressly made a part hereof, as approved or to be approved by the Municipality, provides for detention or retention of stormwater within the confines of the Property; and

WHEREAS, the Municipality and the Landowner, his successors and assigns agree that the health, safety, and welfare of the residents of the Municipality require that on-site **drainage and** stormwater management facilities be constructed and maintained on the Property: and

WHEREAS, the Municipality requires, through the implementation of the _____ Watershed Stormwater Management Plan, that stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner, his successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site **drainage and** stormwater management facilities shall be constructed by the Landowner, his successors and assigns, in accordance with the terms, conditions and specifications identified in the Plan.
2. The Landowner, his successors and assigns, shall maintain the **drainage and** stormwater management facilities in good working condition, acceptable to the Municipality so that they are performing their design functions.
3. The Landowner, his successors and assigns, hereby grants permission to the Municipality, his authorized agents and employees, upon presentation of proper identification, to enter upon the Property at reasonable times, and to inspect the **drainage and** stormwater management facilities whenever the Municipality deems necessary. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structures, pond areas, access roads, etc. When inspections are conducted, the Municipality shall give the Landowner, his successors and assigns, copies of the inspection report with findings and evaluations.

At a minimum, maintenance inspections shall be performed in accordance with the following schedule:

- Annually for the first 5 years after the construction of the stormwater facilities,
- Once every 2 years thereafter, or
- During or immediately upon the cessation of a 100 year or greater precipitation event.

(Note: These inspection times are different than my assumed times noted above in Section 704.A.2.)

4. All reasonable costs for said inspections shall be borne by the Landowner and payable to the Municipality.
5. The owner shall convey to the municipality easements and/or rights-of-way to assure access for periodic inspections by the Municipality and maintenance, if required.
6. In the event the Landowner, his successors and assigns, fails to maintain the drainage and stormwater management facilities in good working condition acceptable to the Municipality, the Municipality may enter upon the Property and take such necessary and prudent action to maintain said stormwater management facilities and to charge the costs of the maintenance and/or repairs to the Landowner, his successors and assigns. This provision shall not be construed as to allow the Municipality to erect any structure of a permanent nature on the land of the Landowner, outside of any easement belonging to the Municipality. It is expressly understood and agreed that the Municipality is under no obligation to maintain, or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
7. The Landowner, his successors and assigns, will perform maintenance in accordance with the maintenance schedule for the drainage and stormwater management facilities including sediment removal as outlined on the approved schedule and/or Subdivision/Land Development Plan.
8. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like on account of the Landowner's or his successors' and assigns' failure to perform such work, the Landowner, his successors and assigns, shall reimburse the Municipality upon demand, within 30 days of receipt of invoice thereof, for all costs incurred by the Municipality hereunder. If not paid within the said 30-day period, the Municipality may enter a lien against the property in the amount of such costs or may proceed to recover his costs through proceedings in equity or at law as authorized under the provisions of the () Code.
9. The Landowner, his successors and assigns, shall indemnify the Municipality and his agents and employees against any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the Municipality for the construction, presence, existence or maintenance of the stormwater management facilities by the Landowner, his successors and assigns.
10. In the event a claim is asserted against the Municipality, his agents or employees, the Municipality shall promptly notify the Landowner, his successors and assigns, and they

shall defend, at their own expense, any suit based on such claim. If any judgment or claims against the Municipality, his agents or employees shall be allowed, the Landowner, his successors and assigns shall pay all costs and expenses in connection therewith.

11. In the advent of an emergency or the occurrence of special or unusual circumstances or situations, the Municipality may enter the Property, if the Landowner is not immediately available, without notification or identification, to inspect and perform necessary maintenance and repairs, if needed, when the health, safety or welfare of the citizens is at jeopardy. However, the Municipality shall notify the landowner of any inspection, maintenance, or repair undertaken within 5 days of the activity. The Landowner shall reimburse the Municipality for his costs.

This Agreement shall be recorded among the land records of [Municipality] ,
Monroe County, Pennsylvania and shall constitute a covenant running with

the Property and/or equitable servitude, and shall be binding on the Landowner, his
administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality:

(SEAL)

For the Landowner:

ATTEST:

_____(City, Borough, Township) County of [County Name]

_____, Pennsylvania

I, _____, a Notary Public in and for the County and State aforesaid,
whose commission expires on the _____ day of _____, 20__, do hereby certify that
_____ whose name(s) is/are signed to the foregoing Agreement
bearing date of the _____ day of _____, 20__, has acknowledged the same before me
in my said County and State.

GIVEN UNDER MY HAND THIS _____ day of _____, 20__.

NOTARY PUBLIC

(SEAL)

APPENDIX B
STORMWATER MANAGEMENT DESIGN CRITERIA

Table B-1
Runoff Curve Numbers Based on Land Use and HSG

Cover Type and Hydrologic Condition	CNs for hydrologic soil group			
	A	B	C	D
Open Space (lawns, parks, golf courses, cemeteries, landscaping, etc.)				
Poor condition (grass cover on <50% of the area)	68	79	86	89
Fair condition (grass cover on 50% to 75% of the area)	49	69	79	84
Good condition (grass cover on >75% of the area)	39 40	61	74	80
Impervious Areas:				
Open water bodies: lakes, wetlands, ponds, etc.	100	100	100	100
Paved parking lots, roofs, driveways, etc. or other similar impervious surfaces	98	98	98	98
Porous Pavement and Pavers:				
Porous Pavement / Concrete on minimum 12" Clean Aggregate Base	40	40	66	70
Porous Pavers/ Pavement/Concrete Walks with min. 6" Clean Aggregate Base	40	52	75	80
Non-Impervious Driving Surfaces:				
Gravel	94	97	97	97
Dirt	88	93	94	94
Cultivated Agricultural Lands				
Row Crops (good), e.g., corn, sugar beets, soybeans	64	75	82	85
Small grain (good), e.g., wheat, barley, flax	60	72	80	84
Meadow (continuous grass, protected from grazing, and generally mowed for hay):	30 40	58	71	78
Brush (brush-weed-grass mixture, with brush the major element):				
Poor (<50% ground cover)	48	67	77	83
Fair (50% to 75% ground cover)	35 40	56	70	77
Good (>75% ground cover)	30 40	48	65	73
Woods:				
Poor (forest litter, small trees, and brush are destroyed by heavy grazing or regular burning)	45	66	77	83
Fair (woods are grazed but not burned, and some forest litter covers the soil)	36 40	60	73	79
Good (woods are protected from grazing, and litter and brush adequately cover the soil)	30 40	55	70	77

[1] Composite CNs for Residential , Commercial and Industrial Uses shall be computed based on the applicable values provided in this Table.

[2] If Weighted CN is less than 40, use CN=40 for runoff computations.

[3] Designer shall submit justification for the use of CN values not specified in the above Table.

Table B-2
Runoff Coefficients for the Rational Formula
By Land Use, Hydrologic Soil Group and Overland Slope (%)

Hydrologic Soil Group (HSG) Slope	A				B				C				D		
	0-2%	2-6%	6%+		0-2%	2-6%	6%+		0-2%	2-6%	6%+		0-2%	2-6%	6%+
Cultivated Land	0.08 (a)	0.13	0.16		0.11	0.15	0.21		0.01	0.19	0.28		0.18	0.23	0.31
	0.14 (b)	0.18	0.22		0.16	0.21	0.28		0.20	0.25	0.34		0.24	0.29	0.41
Pasture	0.12	0.20	0.30		0.18	0.28	0.37		0.24	0.34	0.44		0.30	0.40	0.50
	0.15	0.25	0.37		0.23	0.34	0.45		0.30	0.42	0.52		0.37	0.50	0.62
Open Space/Lawn	0.10	0.16	0.25		0.14	0.22	0.30		0.20	0.28	0.36		0.24	0.30	0.40
	0.14	0.22	0.30		0.20	0.28	0.37		0.26	0.35	0.44		0.30	0.40	0.50
Forest	0.05	0.08	0.11		0.08	0.11	0.14		0.10	0.13	0.16		0.12	0.16	0.20
	0.08	0.11	0.14		0.10	0.14	0.18		0.12	0.16	0.20		0.15	0.20	0.25
Meadow	0.05	0.10	0.14		0.05	0.13	0.19		0.12	0.17	0.24		0.16	0.21	0.28
	0.11	0.16	0.20		0.14	0.19	0.26		0.18	0.23	0.32		0.22	0.27	0.39
Impervious Surfaces (including dirt, gravel)	0.85	0.86	0.87		0.85	0.86	0.87		0.85	0.86	0.87		0.85	0.86	0.87
	0.95	0.96	0.97		0.95	0.96	0.97		0.95	0.96	0.97		0.95	0.96	0.97

(a) Runoff coefficients for storm recurrence intervals less than 25 years.

(b) Runoff coefficients for storm recurrence intervals of 25 years or more

Source: "Recommended Hydrologic Procedures for Computing Urban Runoff from Small Watersheds in Pennsylvania"
Pennsylvania DER #609-12/90

Roughness Coefficients (Manning's "n") For Overland Flow (U.S. Army Corps Of Engineers, HEC-1 User's Manual)

Roughness Coefficients (Manning's "n") For Channel Flow

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APPENDIX C
SAMPLE DRAINAGE PLAN APPLICATION AND FEE SCHEDULE
(??)

(I recommend that this entire Application be revised and simplified.)

(To be attached to the "land subdivision plan or development plan review application or "minor land subdivision plan review application")

Application is hereby made for review of the Stormwater Management ~~and Erosion and Sedimentation Control~~ Plan and related data as submitted herewith in accordance with the _____ Township Stormwater Management and Earth Disturbance Ordinance.

_____ Final Plan _____ Preliminary Plan Sketch

Plan Date of Submission _____ Submission No. _____

1. Name of subdivision or development _____
2. Name of Applicant _____ Telephone No. _____ (if corporation, list the corporation's name and the names of two officers of the corporation)
_____ Officer 1
_____ Officer 2

Address _____

Zip _____

Applicants interested in subdivision or development
(if other than property owner give owners name and address)

3. Name of property owner _____ Telephone No. _____
Address _____
Zip _____
4. Name of engineer or surveyor _____ Telephone No. _____
Address _____
Zip _____

5. Type of subdivision or development proposed:

_____ Single-Family Lots	_____ Townhouses	_____ Commercial(Multi-Lot)
_____ Two Family Lots	_____ Garden Apartments	_____ Commercial (One-Lot)
_____ Multi-Family Lots	_____ Mobile-Home Park	_____ Industrial (Multi-Lot)
_____ Cluster Type Lots	_____ Campground	_____ Industrial (One-Lot)
_____ Planned Residential	_____ Other	_____ Development

6. Linear feet of new road proposed_____L.F.
7. Area of proposed and existing conditions impervious area on entire tract.
- a. Existing (to remain)_____S.F._____% of Property
- b. Proposed _____S.F._____% of Property
8. Stormwater
- a. Does the peak rate of runoff from proposed conditions exceed that flow which occurred for existing conditions for the designated design storm? _____
- b. Design storm utilized (on-site conveyance systems) (24 hr.)_____No. of Subarea_____
- Watershed Name_____
- Explain:_____
- _____
- _____
- c. Does the submission and/or district meet the release rate criteria for the applicable subarea?_____
- d. Number of subarea(s) from Ordinance Appendix D of the Tobyhanna (or Brodhead or McMichael) Watershed Stormwater Management Plan._____
- e. Type of proposed runoff control_____
- f. Does the proposed stormwater control criteria meet the requirement/guidelines of the Stormwater Ordinances?_____
- If not, what variances/waivers are requested?_____Reasons Why:
- _____
- _____
- g. Does the plan meet the requirements of Article iii of the Stormwater Ordinances?_____
- If not, what variances/waivers are requested?_____Reasons Why:
- _____
- _____
- h. Was TR-55, June 1986 utilized in determining the time of concentration?_____
- i. What hydrologic method was used in the stormwater computations?_____
- _____

- j. Is a hydraulic routing through the stormwater control structure submitted?

- k. Is a construction schedule or staging attached?_____
- l. Is a recommended maintenance program attached?_____
9. Erosion and Sediment Pollution Control (E&S):
- a. Has the stormwater management and E&S plan, supporting documentation and narrative been submitted to the_____County Conservation District?_____
- b. Total area of earth disturbance_____S.F.
10. Wetlands
- a. Have the wetlands been delineated by someone trained in wetland delineation?_____
- b. Have the wetland lines been verified by a state or federal permitting authority?_____
- c. Have the wetland lines been surveyed?_____
- d. Total acreage of wetland within the property _____
- e. Total acreage of wetland disturbed_____
- f. Supporting documentation_____
11. Filing
- a. Has the required fee been submitted?_____Amount:_____
- b. Has the proposed schedule of construction inspection to be performed by the Applicant's engineer been submitted?_____
- c. Name of individual who will be making the inspections_____
- d. General comments about stormwater management at the development:

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF [County Name] .

Property Owner

THE UNDERSIGNED HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF THE INFORMATION AND STATEMENTS GIVEN ABOVE ARE TRUE AND CORRECT.

SIGNATURE OF APPLICANT _____

////////////////////////////////////

_____ (Name of) Municipality official submission receipt:

Date complete application received:_____ Plan Number:_____

Fees: _____ Date fees paid: _____ Received by: _____

Official submission receipt date: _____ Received by: _____

Municipality

Drainage Plan Proposed Schedule of Fees

(Does the Applicant prepare and submit this, or does the Township complete this and keep it for their records?)

Subdivision name _____ Submittal No. _____

Owner _____ Date _____

Engineer _____

- | | |
|---|----------|
| 1. Filing fee | \$ _____ |
| 2. Land use | |
| 2a. Subdivision, campgrounds, mobile home parks, and multi-family dwelling where the units are located in the same local watershed. | \$ _____ |
| 2b. Multi-family dwelling where the designated open space is located in a different local watershed from the proposed units. | \$ _____ |
| 2c. Commercial/industrial. | \$ _____ |
| 3. Relative amount of earth disturbance | |
| 3a. Residential | |
| road <500 l.f. | \$ _____ |
| road 500-2,640 l.f. | \$ _____ |
| road >2,640 l.f. | \$ _____ |
| 3b. Commercial/industrial and other | |
| impervious area <3,500 s.f. | \$ _____ |
| impervious area 3,500-43,460 s.f. | \$ _____ |
| impervious area >43,560 s.f. | \$ _____ |
| 4. Relative size of project | |
| 4a. Total tract area <1 ac | \$ _____ |
| 1-5 ac | \$ _____ |
| 5-25 ac | \$ _____ |
| 25-100 ac | \$ _____ |
| 100-200 ac | \$ _____ |
| >200 ac | \$ _____ |
| 5. Stormwater control measures | |
| 5a. Detention basins & other controls which require a review of hydraulic routings (\$ per control). | \$ _____ |
| 5b. Other control facilities which require storage volume calculations but no hydraulic routings. (\$ per control) | \$ _____ |
| 6. Site inspection (\$ per inspection) | \$ _____ |
| Total | \$ _____ |

All subsequent reviews shall be 1/4 the amount of the initial review fee unless a new application is required as per Section 406 of the stormwater Ordinance. A new fee shall be submitted with each revision in accordance with this schedule.

APPENDIX D
STORMWATER MANAGEMENT DISTRICT WATERSHED MAP

(insert appropriate map(s) on following page(s))

TOBYHANNA CREEK WATERSHED STUDY

DISTRICT LEGEND:

POST TO
DEV. PRE-DEV.
FLOW FLOW

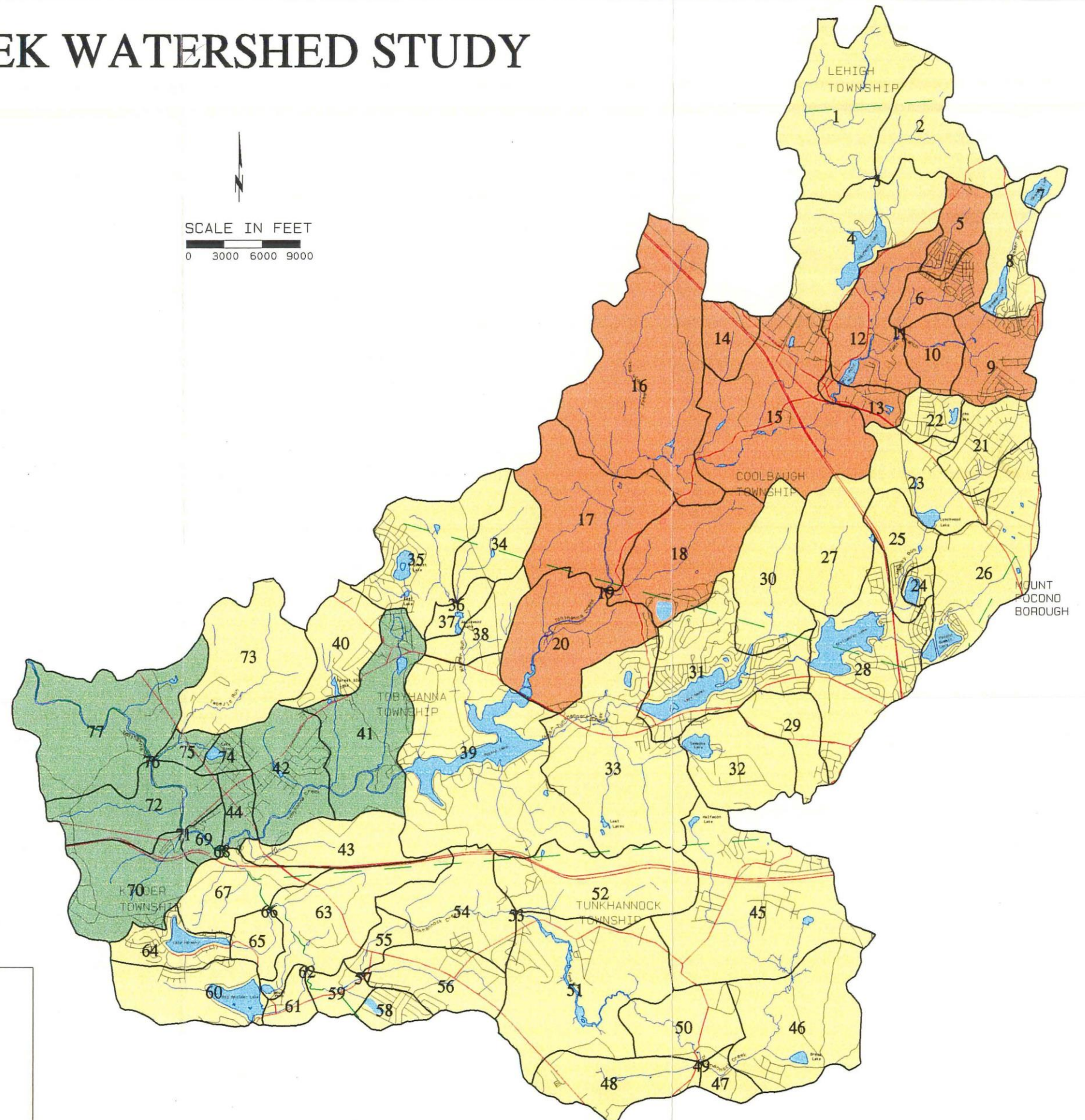
A 2.33 YEAR 2.33 YEAR
10-YEAR 10-YEAR
50-YEAR 50-YEAR

B 10-YEAR 2.33 YEAR
50-YEAR 10-YEAR

C ** DETENTION IS NOT REQUIRED IF THE
INCREASE IN STORM WATER RUNOFF CAN BE
CONVEYED TO A STREAM OR WATERCOURSE
IN A SAFE MANNER (ORDINANCE SECTIONS
305 G, H); OTHERWISE DISTRICT A
REQUIREMENTS APPLY.

-  Subwatershed Boundaries
-  Municipal Boundary
-  Streams
-  Major Roads
-  Minor Roads
-  Lakes

SCALE IN FEET
0 3000 6000 9000



STORMWATER RUNOFF PEAK RATE DISTRICTS



Paul A. DeBarry, Project Manager
M.L.M., Map Designer

05/30/97: wabed_gubwa6

Figure V-2

APPENDIX E
EXISTING VACANT LOTS IN RECORDED SUBDIVISIONS
METHOD OF STORAGE COMPUTATION AND EXAMPLE LOT LAYOUTS

(This should be thoroughly vetted.)

STEP 1.

Determine Impervious Surfaces

House Roof 1	12 X 48 =	576
House Roof 2	12 X 48 =	576
Deck***	12 X 18 =	216
Deck	4 X 24 =	96
Drive	12 X 50 =	600
Garage	12 X 12 =	144

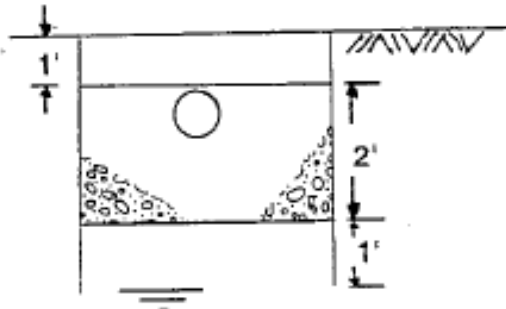
2,208 S.F.

STEP 2.

Required storage volume from Figure 1 = 505 cubic feet

STEP 3.

Refer to soil log for septic system. Indicates mottling at 48 inches. The percolation rate is 96 minutes/inches. Therefore, from Figure 2, choose seepage trenches for each rain gutter outlet.



STEP 4.

Determine length of trench required - use 6-inch perforated pipe.

<u>GUTTER OUTLET</u>	<u>REQ'D VOL.(C.F.) FROM FIGURE 1</u>	<u>DEPTH OF AGGREGATE FT.</u>	<u>TRENCH WIDTH FT.</u>		
1	118	2	3		
2	118	2	3		
3	30	2	3		
<u>GUTTER OUTLET</u>	<u>VOLUME OF STORAGE* PER FT. OF TRENCH</u>	<u>VOLUME OF STORAGE** PER FT. OF PIPE</u>	<u>TOTAL</u>	<u>TOTAL LENGTH OF TRENCH REQ'D (FT.)</u>	
1	2.1	0.2	2.3	118/2.3 = 51	
2	2.1	0.2	2.3	118/2.3 = 51	
3	2.1	0.2	2.3	30/2.3 = 13	

* From Table 5

** From Table 6

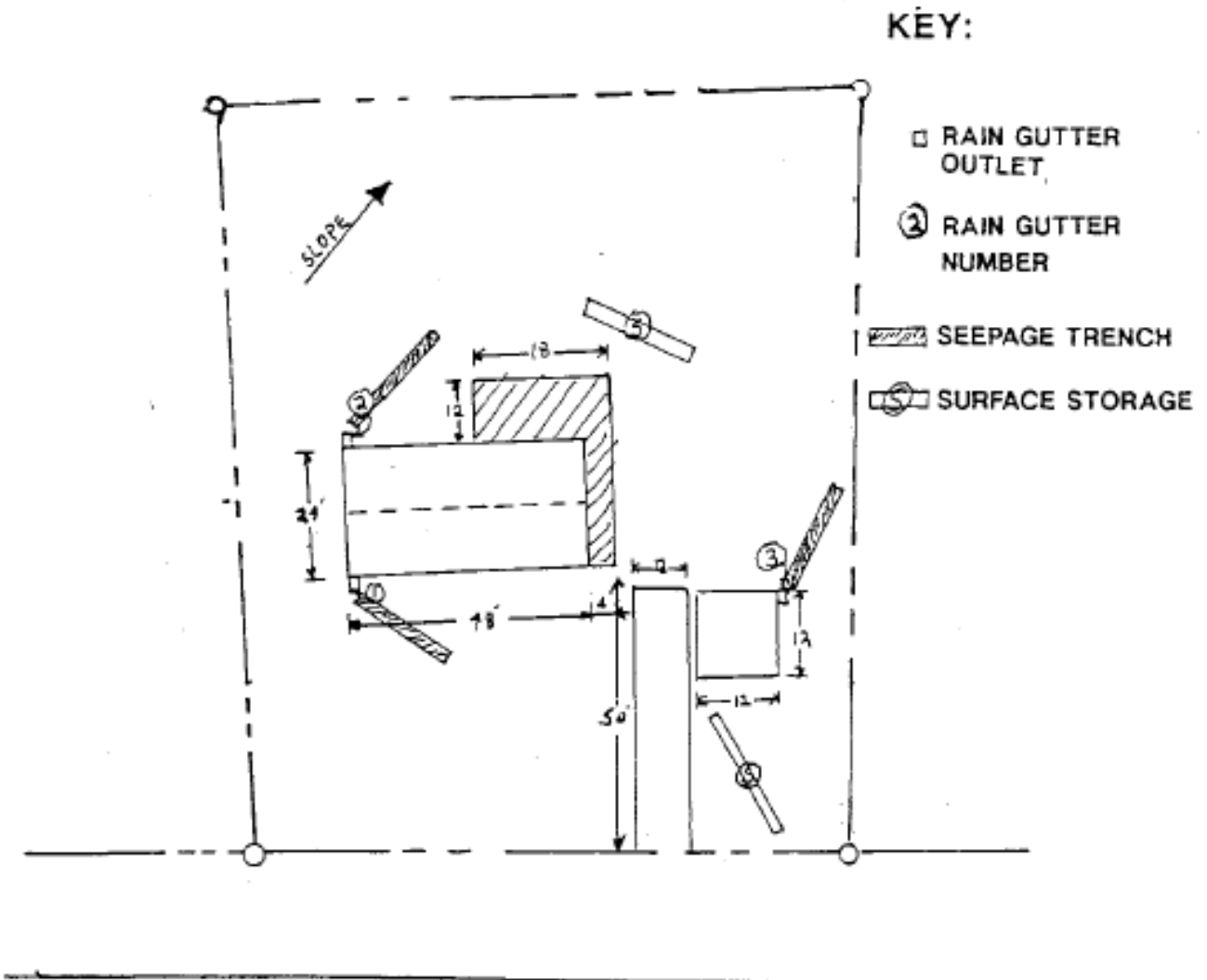
*** Wood decks with spacing between boards are exempt from the calculations.

STEP 5.

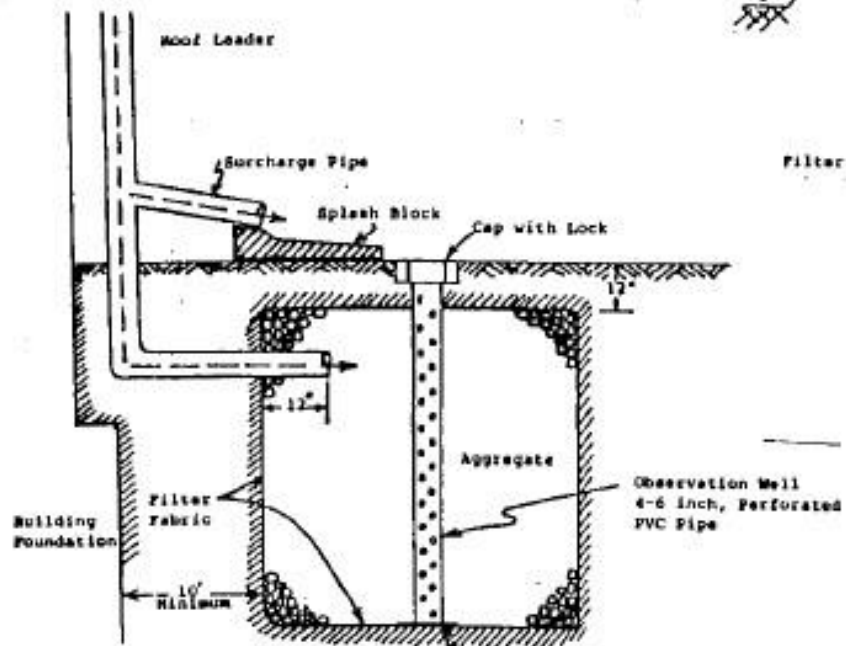
Determine remainder of impervious surfaces which requires detention and required storage volume from Figure 2.

Deck 312 S.F. 912 S.F. = 185 C.F. of Storage
Drive $\frac{600 \text{ S.F.}}{912 \text{ S.F.}}$

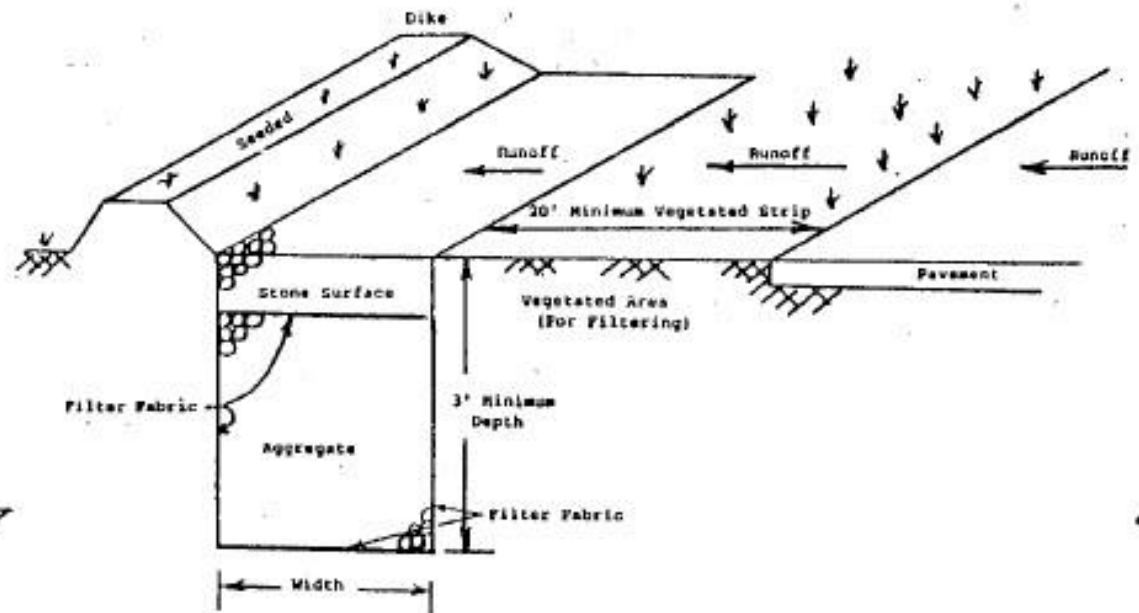
Use trench 6' wide by 1' deep x 31 feet long or 2 - 6' x 1' x 16' trenches in locations shown on plan.



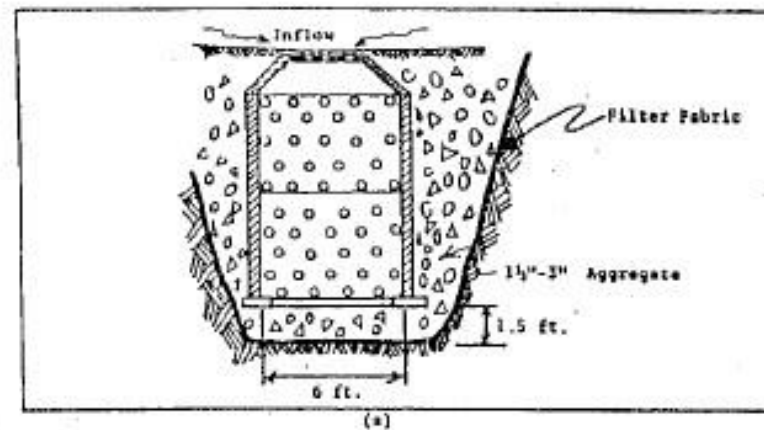
TYPICAL LOT LAYOUT



Typical Dry Well Cross Section

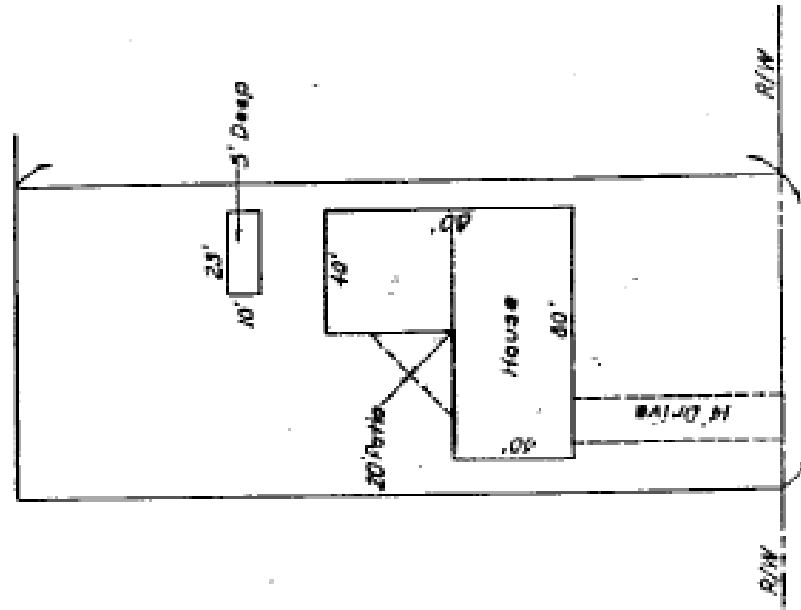


Typical Section of Infiltration Trenches
Modified after Frederick Co., MD. (1979)

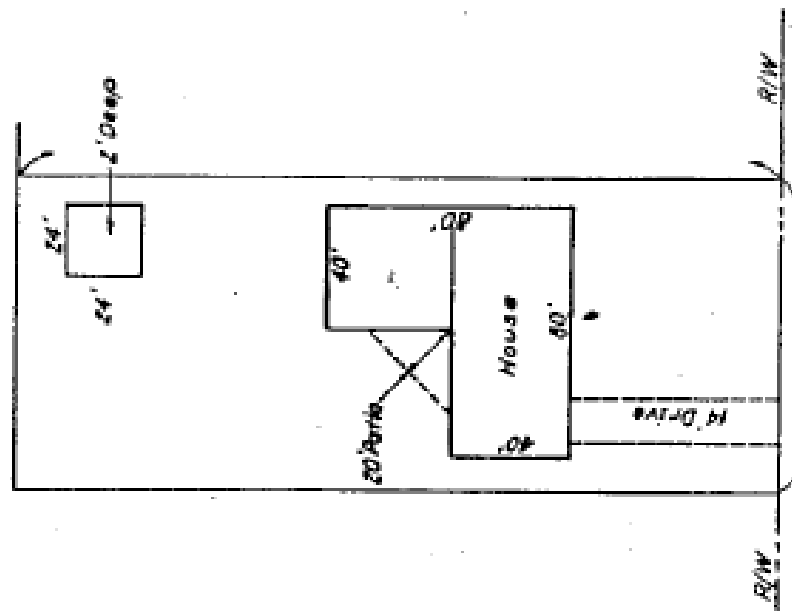


Source: Modified from Sullivan (1981)

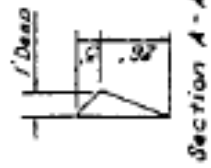
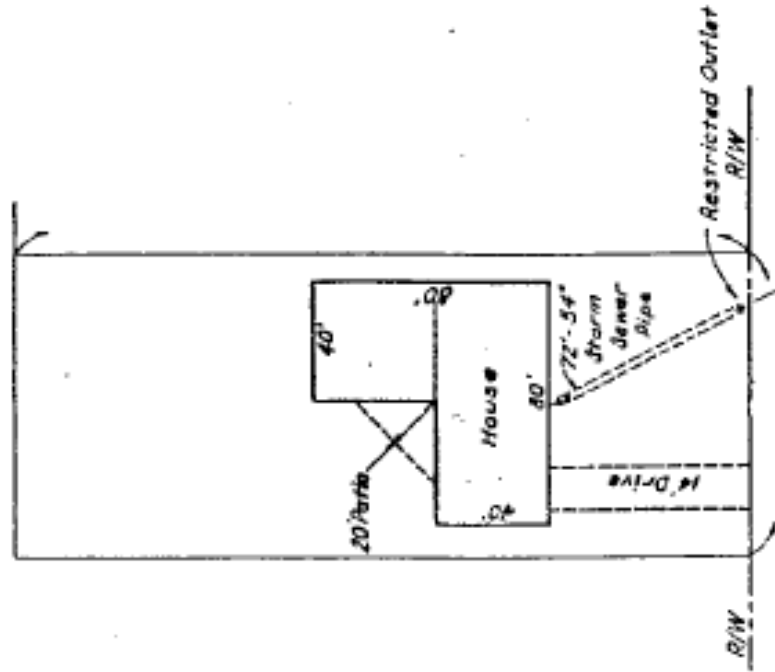
ON-SITE STORM WATER MANAGEMENT
 ALTERNATE NO. 4
 UNDERGROUND TANK STORAGE



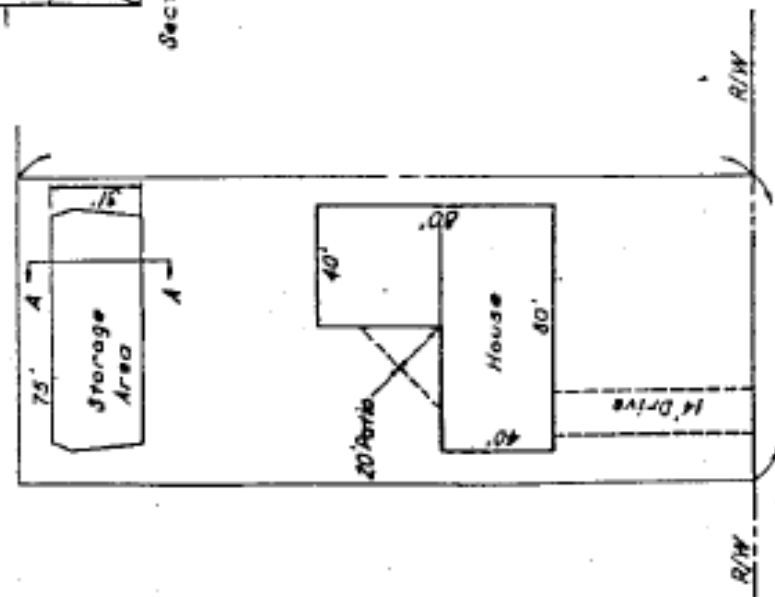
ON-SITE STORM WATER MANAGEMENT
 ALTERNATE NO. 3
 POND STORAGE

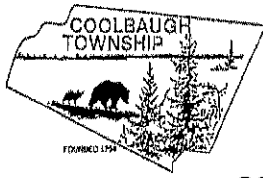


ON-SITE STORM WATER MANAGEMENT
 ALTERNATE NO. 2
 OVERSIZED STORM SEWER PIPE



ON-SITE STORM WATER MANAGEMENT
 ALTERNATE NO. 1
 SURFACE STORAGE





**COOLBAUGH TOWNSHIP
MUNICIPAL CENTER**

5520 MUNICIPAL DRIVE, TOBYHANNA, PA. 18466
(570) 894-8490 * FAX (570) 894-8413
WWW.COOLBAUGHTWP.ORG

**COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING AGENDA
November 6, 2023**

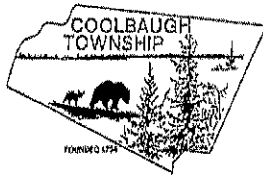
Roll Call

BOARD OF SUPERVISORS

____B. Weimer ____L. Kelly ____C. Colgan ____A. Ruiz-Smith ____C. Rogan
____Solicitor Duffy ____E. Masker

Public input will be considered at the beginning of the meeting agenda. The public will be given an opportunity to speak on each agenda item. When speaking please state your name and the city or community that you reside in.

1. Public input
2. Approval of minutes / notes:
 - October 17, 2023 Regular Meeting Minutes
3. WGH Trucking Land Development Plan-Request for Coolbaugh Township to be the Applicant on the PennDot HOP (566 Route 196, Tobyhanna)
4. Minor Subdivision Joining Lots 6 & 7-8, Block A-75, Section 12, Arrowhead Lake, Property Owner(s): John Paul Taylor & Julia Varga
5. Resolution #14-2023: Designation of Signing Agent for the FEMA Grant Award
6. Parks and Recreation Request to Advertise for Volunteers for the 50th Anniversary Event Committee
7. Authorization to Advertise the Public Hearing for the Ordinance Amendment Re: Timeline for Inactive Plans



**COOLBAUGH TOWNSHIP
MUNICIPAL CENTER**

5520 MUNICIPAL DRIVE, TOBYHANNA, PA. 18466
(570) 894-8490 * FAX (570) 894-8413
WWW.COOLBAUGHTWP.ORG

8. Authorization to Advertise the following:

- Notice of Vacancies on Various Boards, Commissions and Council
- Notice to Residents- Any vehicle left on Township Right of Way during periods of ice or snow removal will be towed at owner's expense.

9. Walmart WWTP Agreement

10. Current obligations

• General Fund	\$ 488,520.27
• Escrow Fund	\$ 4,595.28
• Sewer Fund	\$ 15,587.77
Total Disbursements	\$ 497,513.02

11. Business Manager Comments/Updates

12. Solicitor Duffy Comments/Updates

13. Board of Supervisors Executive Sessions

14. Adjournment

2

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING MINUTES

October 17, 2023

The meeting was called to order by Chairman Weimer at 6:00pm at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA.

Board Members present:

William Weimer, Lynn Kelly, Alma I. Ruiz-Smith, and Clare Colgan

Board Members absent:

Cara Rogan

Staff present:

Patrick Armstrong, Solicitor, Erin Masker, Township Secretary, Meredith Thompson, Business Manager, Tomas Keane, Director of Codes and Zoning and Clinton Oddy, Code Enforcement/Zoning Officer

Announcements:

Mr. Weimer announced the following:

- Public Input will be considered at the beginning of the meeting for non-agenda items. The public will be given an opportunity to speak on each agenda matter.
- The meeting is being recorded to aid in the preparation of the minutes, please remember to state your name and community or city you reside in before speaking.

1. Public input

- J. Miller confirmed with the Board that they received the revised draft development agreement for the PMCC North Project being advised that they did. He reviewed specific revisions and asked that it be put on a future work session for discussion if the Board felt it was necessary.

2. Approval of minutes / notes:

- October 3, 2023 Regular Meeting Minutes

Ms. Ruiz-Smith made a motion second by Ms. Colgan to approve the minutes of the October 3, 2023 meeting as presented.

- Discussion: None.
- Vote: All in favor, motion passes.

3. Request for Assistance with Zoning Permit- Nicholas Romano

Nicholas Romano was in attendance and stated that he recently received a violation for a shed on his property which he had installed five years ago, stating that he received the CO and now he is being advised that it is on the undeveloped property that he owns next to his property. He requested that the Board consider assisting him with the process stating that it will now cost him \$6,000.00 to hire a surveyor to complete the process to combine the lots for the violation to be resolved. Solicitor Armstrong stated that he would have to complete the lot consolidation process and stated that there is nothing that the Board of Supervisors can do if the shed is not within the setbacks of the property. Ms. Kelly stated that the Board would not be able to help you with the fees for a surveyor, but that maybe the Board could consider waiving the application fee for the lot consolidation followed by some discussion and Ms. Ruiz-Smith stated that if the Board should choose to make a motion on this matter, she will be abstaining as she is friends with Mr. Romano and has had personal bartering with him as a good neighbor. Mr. Weimer confirmed that the Board would not be setting a precedence by waiving the fee, being advised that they would not be. Mr. Romano stated that had he known there was an issue he would not have installed the shed as he did not plan to join the lots. He was not made aware of the problem when it was installed and received his close out of his permit from the zoning department and now when he received the violation.

Ms. Kelly made a motion second by Ms. Colgan to waive the \$200.00 application fee for Mr. Nicholas Romano for the submission of a lot consolidation plan.

- Discussion: Mr. Keane asked if there is a period that this waiver would be valid for, being advised that it would be six months.

Ms. Kelly amended her motion and Ms. Colgan her second to include that the waiver of the fee would be valid for six months.

- Discussion: None
- Vote: 3-0-1, motion passes. (Ms. Ruiz-Smith abstained)

4. Monthly/Quarterly Reports

- Pocono Mountain Regional Police Commission- Presented by Mr. Weimer; he stated that the PMRPD is selling their speed trailer on Municibid when they receive their new one and stated that it may be something that the township would want to consider budgeting for. He stated that the new one that they are ordering has a plate reader included with it and the one that they are selling does not. M. Wood asked if there is any way to request police presence on Route 611 stating that there are multiple times that people have passed her in the middle turning lane.
- Pocono Mountain Regional EMS- Presented by Ms. Colgan.
- Coolbaugh Township Volunteer Fire Company- Presented by Mr. Keane. Ms. Ruiz-Smith stated that she and Ms. Colgan attended a seminar at the regional fall forum where it was indicated that the fire company should be providing the Board with a quarterly financial report and asked if they could begin submitting that to the Board quarterly, being advised that it is an SR6 report and that they can. J. Miller asked about the automatic alarms, stating that they are time consuming and asked if there are procedures in place for the issue to be inspected before the fire company is called out, being advised that they are called out first and then the alarm company can cancel them when they confirm that there is no fire or emergency. He asked if there are penalties that are imposed for those with the false alarms, being advised that there is a section in the ordinance that addresses it. M. Wood thanked the Volunteer Fire Company for their service and wished them a Happy 75th Anniversary.
- Gouldsboro Volunteer Fire Company- Presented by Kristen Schmidt
- Pocono Summit Volunteer Fire Company- No report submitted.
- Thornhurst Volunteer Fire Company- Presented by Mr. Weimer
- Pocono Mountain Public Library- Presented by Ms. Kelly

5. Codes and Zoning Report/ Short Term Rental Report

Presented by Mr. Keane; stating that he has received many Open Record Requests as there was a recent property tax sale in the county and people were researching property information.

6. E-911 Report

Presented by Mr. Oddy.

7. DPW Update/Programs

Mr. Weimer stated that the new dump truck should be in at any time and that we will be selling the old truck on Municibid, which is on the agenda this evening to authorize the advertisement. Leaf pickup is underway, and bulk drop off went well.

- Discussion: J. Smith-Hughes thanked DPW for their work, stating that they have begun the leaf cleanup in Pocono Farms East, and they have remained proactive in assisting with dumping issues.

8. Emergency Management Updates

Mr. Weimer stated that he attended the continuity manager program, and that Mr. Keane and Ms. Masker were unable to make it but will be taking it online so that they receive their certification. Ms. Ruiz-Smith asked about active shooter training for the residents that attend our meetings.

9. Lowe's Parking Lot Expansion-Request for Reduction of Financial Security in the Amount of \$608,626.33

Mr. Weimer made a motion second by Ms. Ruiz-Smith to Approve the Lowe's Parking Lot Expansion-Request for Reduction of Financial Security in the Amount of \$608,626.33, leaving a balance of 107,404.65 for the maintenance period of 18 months.

- Discussion: None.
- Vote: All in favor, motion passes.

10. Awarding of the Sludge Hauling Bid for January 1, 2024-December 31, 2025

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Award the Sludge Hauling Bid for the period of January 1, 2024 – December 31, 2025 to Environmental Services Corp. at the rate of .0998¢ per gallon.

- Discussion: J. Miller asked the total contract price for the year being advised that it is based off 350,000 gallons for a total cost of \$34,990.00. S. Anderson-Kreig asked if the quotes are all for the same service, being advised that they are and are all bid based on the same specs that are provided in the bid documents that the township provides.
- Vote: All in favor, motion passes.

11. Authorization to Advertise the 2012 International Model 7400 SFA Truck on Municibid

Mr. Weimer made a motion second by Ms. Colgan to Authorize Advertising the 2012 International Model 7400 SFA Truck on Municibid.

- Discussion: None.
- Vote: All in favor, motion passes.

12. Parks and Recreation Request to Purchase Spring Riders in the Amount not to exceed \$3,500.00 (revised quote provided since last meeting approval due to cost increase)

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Approve the Parks and Recreation Request to Purchase two Spring Riders at the cost not to exceed \$3,500.00, with this approval superseding the previous approval that was granted in the amount of \$2,500.00 due to the cost increase.

- Discussion: Ms. Ruiz-Smith asked what the liability is with these new spring riders, with Ms. Colgan stating no different than the other park equipment.
- Vote: All in favor, motion passes.

13. Parks and Recreation Request for Three DPW Workers to Work Overtime at the Ghoulbough Event from 12:00pm-4:00pm on Saturday, October 28, 2023

Mr. Weimer made a motion second by Ms. Ruiz-Smith to Approve the Parks and Recreation Request for Two DPW workers and the part time seasonal employee to work at the Ghoulbough Event on Saturday, October 28, 2023 from 12pm-4pm.

- Discussion: Ms. Ruiz-Smith asked for clarification on the duties that will be completed by DPW stating that she was previously advised that DPW would attend events to do maintenance, setup and take down and would not be there to do other duties that should be completed by the volunteers of the committees that are hosting the event. Ms. Colgan stated that DPW would be picking up the trash and driving the tractor to take the families to the pumpkin location and then back to the pavilion location to be dropped off. Discussion ensued and Ms. Ruiz-Smith stated that she just wants to be sure that the expectations and jobs that will be performed by DPW are equal among all events.
- Vote: All in favor, motion passes.

14. Minor Subdivision joining lots 9, 10 & 11, Block A-71, Arrowhead Lake, Property Owner(s) Michael & Heather Anne Kaiser

Ms. Kelly made a motion second by Mr. Weimer to Approve the Minor Subdivision joining lots 9, 10 & 11, Block A-71, Arrowhead Lake, Property Owner(s) Michael & Heather Anne Kaiser.

- Discussion: None.
- Vote: All in favor, motion passes.

15. Minor Subdivision joining lots 8 & 9, Block A-105, Section 4, Arrowhead Lake, Property Owner(s): Bestinvest, LLC.

Ms. Kelly made a motion second by Ms. Colgan to Approve the Minor Subdivision joining lots 8 & 9, Block A-105, Section 4, Arrowhead Lake, Property Owner(s): Bestinvest, LLC.

- Discussion: None.
- Vote: All in favor, motion passes.

16. Authorization to Repair/Replace the Mixer at WWTP at the Cost not to exceed \$ 10,000.00

Ms. Colgan made a motion second by Mr. Weimer to Authorize to Repair/Replace the Mixer at the WWTP at the Cost not to exceed \$10,000.00.

- Discussion: None.
- Vote: All in favor, motion passes.

17. Authorization to Replace Sampler for School at the Cost not to exceed \$12,000.00

Ms. Kelly made a motion second by Ms. Colgan to Replace the Sampler at the School at the Cost not to exceed \$12,000.00.

- Discussion: J. Miller asked for information on the sampler and why the school isn't paying for it, being advised that it is the Mountain Center not Pocono Mountain School.
- Vote: All in favor, motion passes.

18. Resolution #12-2023- ACT 172 Volunteer Service Credit Program Criteria

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Approve Resolution #12-2023- ACT 172 Volunteer Service Credit Program Criteria.

- Discussion: None.
- Vote: 3-0-1, motion passes. (Mr. Weimer abstained)

19. Resolution #13-2023: Approval of the 2024 Pocono Mountain Regional Police Budget

Mr. Weimer made a motion second by Ms. Colgan to Approve Resolution #13-2023: Approval of the 2024 Pocono Mountain Regional Police Budget.

- Discussion: Mr. Weimer reviewed the increase with J. Miller asking if it still includes the headcount, being advised that it includes for current employees, three new hires that are already in the process and the potential to hire three more in the future. There is a total of 40 employees currently which will become 43 employees and then they would like to get to 46 which is what is budgeted for in 2024.
- Vote: All in favor, motion passes.

20. Walmart Wastewater Treatment Agreement

Ms. Ruiz-Smith made a motion second by Ms. Kelly to Table the Walmart Wastewater Treatment Agreement.

- Discussion: None.
- Vote: 3-0-1, motion passes. (Mr. Weimer abstained)

21. Controller Report

Presented by Mr. Dixon

22. Current obligations

• General Fund	\$ 202,863.46
• Clarius Escrow Fund	\$ 16,547.50
• Sewer Fund	\$ 9,657.87
Total Disbursements	\$ 229,068.83

Ms. Kelly made a motion second by Ms. Colgan to pay the current obligations in the amount of \$229,068.83.

- Discussion: Ms. Ruiz-Smith asked for clarification on Check#10223.
- Vote: All in favor, motion passes.

23. Authorization to Release Remaining 2023 Donations

Ms. Colgan made a motion second by Ms. Ruiz-Smith to Authorize the Release of the Remaining 2023 Donations.

- Discussion: Mr. Weimer reviewed the list which totaled donations in the amount of \$77,700.00.
- Vote: All in favor, motion passes.

24. Business Manager Comments/Updates

Nothing to report.

25. Solicitor Armstrong Comments/Updates

Solicitor Armstrong requested a brief executive session for legal.

26. Board of Supervisors Executive Sessions

- Tuesday, October 17 2023 from 7:34pm-7:43pm Re: Legal

27. Adjournment

Ms. Ruiz-Smith made a motion second by Ms. Colgan to adjourn at 7:23pm.

NEXT WORK SESSION/ REGULAR BOARD MEETING:

Regular Meeting Monday, November 6, 2023, at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA. (Date changed due to the election on Tuesday, November 7, 2023)

- Work Session/Regular Meeting – 6:00pm

Submitted by: _____ Date: _____

Erin Masker, Township Secretary

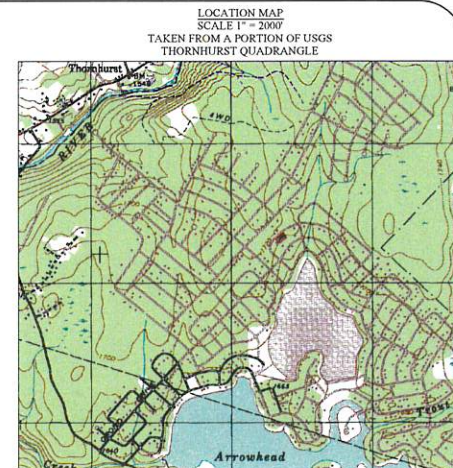
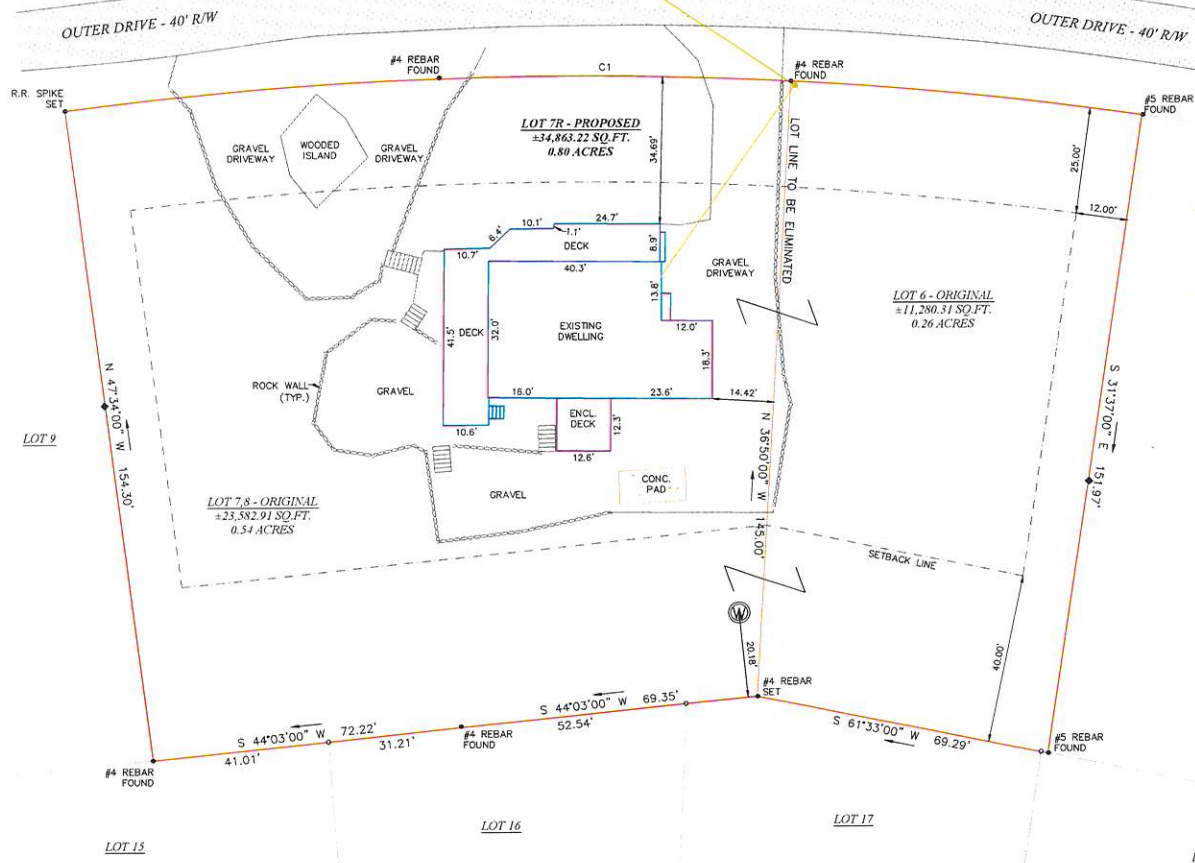
Witnessed by: _____ Date: _____

William Weimer, Chairman

4



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	251.99'	905.11'	115°57'06"	N 50°24'42" E	251.18'



MONROE COUNTY DEPARTMENT OF PLANNING

COOLBAUGH TOWNSHIP
BOARD OF SUPERVISORS APPROVAL

AT A PUBLIC MEETING HELD ON _____, 2023, THE BOARD OF SUPERVISORS OF COOLBAUGH TOWNSHIP REVIEWED AND BY A MOTION DULY ENACTED, APPROVED THE JOINING OF LOTS 7&8 WITH LOT 6 BLOCK A75 OF SECTION 12 AS ORIGINALLY SHOWN ON THE PLAN TITLED "PLAN OF LOTS - ARROWHEAD LAKE, SECTION TWELVE" DATED APRIL 1965 AND REVISED MARCH 6, 1972 RECORDED IN THE MONROE COUNTY COURTHOUSE IN PLAT BOOK 16 PAGE 77 ON APRIL 13, 1972.

NOTES:

OWNER(S)/DEVELOPER(S):

JOHN-PAUL TAYLOR & JULIA VARGA
3305 CUMMINGS LANE
CHEVY CHASE, MD 20815

PARCEL DATA:

LOT 7R - RESIDENCE TAX PARCEL ID - 03.200.1.156 MAP NUMBER - 03630717026351 DEED BOOK 2581 PAGE 4530
LOT 6 - VACANT LOT TAX PARCEL ID 03.200.1.157 MAP NUMBER - 03630717027430 DEED BOOK 2606 PAGE 9057

ZONING DATA:

SETBACK LINES ARE SUBJECT TO CHANGE WITH ORDINANCES AND REVISIONS. IT IS THE OWNER'S RESPONSIBILITY TO CHECK WITH THE TOWNSHIP AND/OR THE COMMUNITY ASSOCIATION PRIOR TO CONSTRUCTION.

SETBACKS SHOWN -

ZONE R-3, MEDIUM DENSITY RES.
(ON-SITE WATER SUPPLY, COMMUNITY SEWAGE DISPOSAL)
FRONT YARD 25 FT
SIDE YARD 12 FT
REAR YARD 40 FT

NOTES (CONT.):

1. THE APPROVAL OF THIS PLAN BY THE BOARD OF SUPERVISORS OF COOLBAUGH TOWNSHIP DOES NOT HAVE THE EFFECT OF ALTERING, REDEFINING, OR EXTINGUISHING ANY EASEMENTS OF RECORD ON OR OVER THE SUBJECT PROPERTY.
2. THE LOTS BEING JOINED SHALL NOT BE SUBDIVIDED INTO SMALLER LOTS WITHOUT THE APPROVAL OF COOLBAUGH TOWNSHIP.
3. BY APPROVAL OF THIS PLAN THE TOWNSHIP HAS NOT CONFIRMED THE PRESENCE, ABSENCE, AND/OR EXTENT OF WETLANDS ON THE SUBJECT PROPERTY, WHETHER OR NOT DELINEATED ON THIS PLAN.
4. THE PROPERTY ON THIS PLAN IS UNDER AND SUBJECT TO THE COOLBAUGH TOWNSHIP SUBDIVISION AND LAND ORDINANCE AND THE COOLBAUGH TOWNSHIP ZONING ORDINANCE, AS AMENDED.

THIS PLAN IS CERTIFIED ONLY IF IT BEARS THE EMBOSSED SEAL OF JUSTIN MICHAEL HENNINGS PROFESSIONAL LAND SURVEYOR PA LICENSE SU-075396

FINAL PLAN - LOT JOINDER
LOT 7, 8 WITH LOT 6 - BLOCK A75 - SECTION 12
ARROWHEAD LAKE
JOHN-PAUL TAYLOR & JULIA VARGA
3305 CUMMINGS LANE, CHEVY CHASE MD 20815
COOLBAUGH TOWNSHIP - MONROE COUNTY

J.M.HENNINGS LAND SURVEYING, LLC.
PROFESSIONAL LAND SURVEYING SERVICES
214 BEAR BROOK ACRES DRIVE
MADISON TOWNSHIP, PA 18444
PH: 570.510.3978 EMAIL: jmh536@gmail.com

SCALE: 1"=20' DATE: 7/19/2023 PROJECT #: jmh905a

OWNERS' STATEMENT:

COMMONWEALTH OF PENNSYLVANIA - COUNTY OF

ON THIS THE _____ DAY OF _____ BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED JOHN-PAUL TAYLOR & JULIA VARGA WHO BEING DULY SWORN ACCORDING TO LAW, DEPOSES, AFFIRMS, CONFIRMS AND SAYS THAT THEY ARE THE LEGAL LAND OWNERS OF THE PROPERTY AS SHOWN ON THE PLAN, AND THAT THERE ARE NO LAWSUITS, CLAIMS AND/OR LEGAL ACTIONS PENDING THAT WOULD AFFECT THE TITLE OF THE PROPERTY, AND FURTHER THAT THIS LOT CONSOLIDATION PLAN WAS MADE AND SUBMITTED AT THEIR DIRECTION, AND THAT THEY ACKNOWLEDGE THE SAME TO BE THEIR ACT AND PLAN, AND THEY DESIRE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW.

JOHN-PAUL TAYLOR _____ JULIA VARGA _____
BOTH OF 3305 CUMMINGS LANE, CHEVY CHASE MD 20815

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

Erin Masker

From: Russ Kresge <rkresge@kceinc.com>
Sent: Friday, October 6, 2023 9:46 AM
To: Erin Masker
Cc: Justin Hennings
Subject: John-Paul Taylor & Julia Varga

Erin,

I have reviewed the lot joinder plan for John-Paul Taylor & Julia Varga, dated 7/19/2023, and the accompanying draft combination deed.

Both the plan and the draft combination deed conform to the requirements of §355-29 (SALDO) of the Code of Ordinances, and related requirements, and are acceptable as submitted.

The MCPC review must be considered when it is received, prior to action by the Board of Supervisors.

Thanks,

Russ

[Russell R. Kresge, Jr., P.E., P.L.S.](#)

[Direct 484.548.0808](#)

Keystone Consulting Engineers, Inc.

863 Interchange Road

Kresgeville, PA 18058

O 610.681.5233 | F 610.681.5248 | www.KCEinc.com

Erin Masker

From: Russ Kresge <rkresge@kceinc.com>
Sent: Friday, October 6, 2023 12:54 PM
To: Erin Masker
Subject: Taylor & Varga MCPC Review
Attachments: Varga-Taylor MCPC Review.pdf

Erin,

I consider the attached MCPC review of the John-Paul Taylor & Julia Varga lot joinder plan to be a favorable review.

Thanks,

Russ
[Russell R. Kresge, Jr., P.E., P.L.S.](#)
[Direct 484.548.0808](#)

Keystone Consulting Engineers, Inc.
863 Interchange Road
Kresgeville, PA 18058
O 610.681.5233 | F 610.681.5248 | www.KCEinc.com

701 Main Street, Suite 405
Stroudsburg, PA 18360



Phone: 570-517-3100
Fax: 570-517-3858
mcpc@monroecountypa.gov
www.monroecountypa.gov

MONROE COUNTY PLANNING COMMISSION

September 27, 2023

Erin Masker, Secretary/Administrative Assistant
Coolbaugh Township Board of Supervisors
5520 Municipal Dr
Tobyhanna, PA 18466

Re: John Paul Taylor & Julia Varga
Minor Subdivision
Coolbaugh Township
Arrowhead Lake
MCPC Review #163-23

Dear Ms. Masker,

Our office has received a copy of the above noted minor subdivision with concerns to a 0.80-acre site located on the southeasterly side of Outer Drive, approximately 430 feet from its intersection with Orono Drive. The plan is proposing to join two existing lots to create a single parcel. Lot 6 (Tax I.D. 03.20D.1.157) of 0.26 acres and Lot 7-8 (Tax I.D. 03.20D.1.156) of 0.53 acres will join to create proposed Lot 7R consisting of 0.80 acres. This site is served by private water and on-lot sewage disposal systems. This site is also located within the Residential (R-3) Zoning District.

I have reviewed the proposed minor subdivision based on generally accepted planning principles and environmental concerns. The following comments are offered:

1. Because no further development is proposed at this time, this minor subdivision has addressed all other pertinent County review factors.

It is recommended that approval of this plan be conditioned upon the above-listed comments being satisfactorily addressed, the plan achieving compliance with applicable Township ordinances, and the Township Engineer's review.

All comments are preliminary and will be acted upon by the Planning Commission at its regular meeting on October 10, 2023, at 5:00 p.m. at the Monroe County Administrative Center. This action is in keeping with the Planning Commission's review policy and allows the municipalities

Page Two
John Paul Taylor & Julia Varga
Minor Subdivision
Coolbaugh Township
Arrowhead Lake
MCPC Review #163-23

and other interested parties to respond to the review comments before the Planning Commission's public meeting.

If these comments are not amended and are found to be acceptable by the Board at the next meeting, they should be considered to be approved.

If you have any questions or if we can be of further assistance please feel free to contact me.

Sincerely yours,

Ryan Poust
GIS Analyst

6

To: Coolbaugh Township Board of Supervisors

From: Coolbaugh Township Parks and Recreation Commission

Date: Wednesday Oct 25, 2023

Re: Park's 50-year Anniversary Event

Dear Coolbaugh Township Board of Supervisors,

The Coolbaugh Township Parks and Recreation Commission requests permission to form a committee for the park's 50th anniversary event to be held in 2024. This will include advertising on Savy Citizen/Facebook for committee volunteers and a questionnaire on what the event should include Chili contest, food trucks, movie night, sport events, picnic, or other suggestions. Anyone interested in being on the committee would be asked to attend the Parks and Recreation Commission meeting Nov 28, 2023 at 6:30.

Thank you for your consideration and for your continued support.

Sincerely,

Coolbaugh Township Parks and Recreation Commission

7

**BOARD OF SUPERVISORS OF
THE TOWNSHIP OF COOLBAUGH
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COOLBAUGH TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AT
CHAPTER 355 OF THE CODE OF ORDINANCES OF COOLBAUGH
TOWNSHIP BY ESTABLISHING TIME DEADLINES FOR INACTIVE
PLANS.**

WHEREAS, Coolbaugh Township has previously ordained and enacted an ordinance entitled the Coolbaugh Township Subdivision and Land Development Ordinance found at Chapter 355 of the Coolbaugh Township Code of Ordinances; and

WHEREAS, the Pennsylvania Municipalities Planning Code, at Section 503(1) does authorize and enable the Township to include in its Subdivision and Land Development Ordinance provisions regulating the submittal and processing of plans; and

WHEREAS, the Board of Supervisors of Coolbaugh Township has determined that delays by a developer in submitting revised plans in a reasonable and timely manner results in inefficiencies and delays in final approvals; and

WHEREAS, the Board of Supervisors of Coolbaugh Township has determined that both municipalities and developers are held to a reciprocal good faith standard in addressing defects in a pending subdivision and land development plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Coolbaugh Township, Monroe County, Pennsylvania, that Chapter 355, Subdivision and Land Development, of the Coolbaugh Township Code of Ordinances is hereby amended as follows:

ARTICLE I.

Chapter 355, Subdivision and Land Development, of the Coolbaugh Township Code of Ordinances is hereby amended by adding a new Section 355-15.J. to read as follows:

§355-15.J. Any preliminary plan filed with the Township which has not been revised within six (6) months from the date of the last Township Engineer's review letter shall be deemed inactive and may be denied for failure to promptly process the plan in accordance with Township ordinances.

ARTICLE II.

Chapter 355, Subdivision and Land Development, of the Coolbaugh Township Code of Ordinances is hereby amended by adding a new Section 355-16.N. to read as follows:

§355-16.N. Any final plan filed with the Township which has not been revised within six (6) months from the date of the last Township Engineer's review letter shall be deemed inactive and may be denied for failure to promptly process the plan in accordance with Township ordinances.

ARTICLE III.

Chapter 355, Subdivision and Land Development, of the Coolbaugh Township Code of Ordinances is hereby amended by adding a new Section 355-17.K. to read as follows:

§355-17.K. Any minor subdivision plan filed with the Township which has not been revised within six (6) months from the date of the last Township Engineer's review letter shall be deemed inactive and may be denied for failure to promptly process the plan in accordance with Township ordinances.

ARTICLE IV. SEVERABILITY

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

ARTICLE V. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE VI. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this ____ day of _____ 20____, by the Board of Supervisors of Coolbaugh Township, Monroe County, Pennsylvania, in lawful session duly assembled.

Board of Supervisors of Coolbaugh Township

By: _____
William Weimer, Chairman

By: _____
Lynn Kelly, Vice-Chair

By: _____
Clare Colgan, Supervisor

By: _____
Alma I. Ruiz-Smith, Supervisor

By: _____
Joseph Rogan, Supervisor

ATTEST:

Township Secretary

[TOWNSHIP SEAL]

701 Main Street, Suite 405
Stroudsburg, PA 18360



Phone: 570-517-3100
Fax: 570-517-3858
mcpc@monroecountypa.gov
www.monroecountypa.gov

MONROE COUNTY PLANNING COMMISSION

November 1, 2023

Erin Masker, Administrative Assistant
Coolbaugh Township
5520 Municipal Drive
Tobyhanna, PA 18466

Re: Inactive Plan Processing
Subdivision and Land Development Ordinance Amendments
Coolbaugh Township
MCPC review #184-23

Dear Ms. Masker:

The above cited amendments were reviewed by Eric Koopman, Lead Senior Planner on behalf of the Monroe County Planning Commission. You will find his comments enclosed. Should you have any special concerns regarding these comments, please contact us immediately.

All comments are preliminary and will be acted upon by the Planning Commission at its regular meeting on November 14, 2023 at 5:00 p.m. at the Monroe County Administrative Center. This action is in keeping with the Planning Commission's review policy and allows the municipalities and other interested parties to respond to the review comments before the Planning Commission's public meeting.

If these comments are not amended and are found to be acceptable by the Board at the next meeting, they should be considered to be approved as enclosed.

If you have any questions or if we can be of further service to you, please feel free to contact me.

Sincerely yours,

Christine Meinhart-Fritz
Director

CMF/ek


701 Main Street, Suite 405
Stroudsburg, PA 18360



Phone: 570-517-3100
Fax: 570-517-3858
mcpc@monroecountypa.gov
www.monroecountypa.gov

MONROE COUNTY PLANNING COMMISSION

TO: Christine Meinhart-Fritz, Director

FROM: Eric Koopman, Lead Senior Planner 

DATE: November 1, 2023

SUBJECT: Inactive Plan Processing
Subdivision and Land Development Ordinance Amendments
Coolbaugh Township
MCPC review #184-23

The Township of Coolbaugh is proposing amendments to its subdivision and land development ordinance concerning plan processing. Specifically, the amendments would establish a period of six (6) months from the time a plan is filed until it is deemed inactive and may be denied for failure to promptly process the plan.

The above mentioned amendments have been reviewed on the basis of generally accepted planning principles and the provisions set forth by the Pennsylvania Municipalities Planning Code (PMPC), as amended. The following comments are offered:

1. The proposed ordinance amendments are generally consistent with the PMPC, Act 247 of 1968, as amended, in terms of following required procedures.
2. It is recommended that the Township discuss establishing this standard with their solicitor to confirm that the specific time period for deeming a plan to be inactive is consistent with the PMPC.
3. It is recommended that the Township replace the "six month" period with "180 days" to improve clarity of the ordinance and procedure.
4. If any revisions are made to the proposed ordinance amendments, they must be resubmitted to the MCPC for review prior to adoption. This requirement was affirmed by the Pennsylvania Commonwealth Court in *Hanover Healthcare Plus, Inc. v. Zoning Hearing Board of Penn Township* 875 A.2d 1255 (Pa. Cmwlth 2005). It is recommended that the Township discuss this with their solicitor.
5. The Staff has reviewed the proposed ordinance amendments and recommends they be adopted subject to the above noted comments being satisfactorily addressed.

In an attempt to maintain a library of municipal ordinances, we request that any adopted ordinance amendments (Zoning, Zoning Map and SALDO) be sent to the MCPC within 30 days of enactment as specified in the PMPC.

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November 6, 2023

Pocono Record
511 Lenox Street
Stroudsburg, PA. 18360

Please print the following advertisement in the Classified Section of the Pocono Record on Monday, November 13, 2023:

Any qualified Coolbaugh Township resident, wanting to be considered in serving in the following positions should send a letter of interest by Tuesday, December 26, 2023 to the Coolbaugh Township Board of Supervisors, 5520 Municipal Drive, Tobyhanna, Pennsylvania 18466.

The Environmental Advisory Council has two terms expiring on December 31, 2026.

The Parks and Recreation Commission has one term expiring on December 31, 2028

The Planning Commission has two terms expiring on December 31, 2027

The Pocono Mountain Library Board of Trustees has one term expiring on December 31, 2026

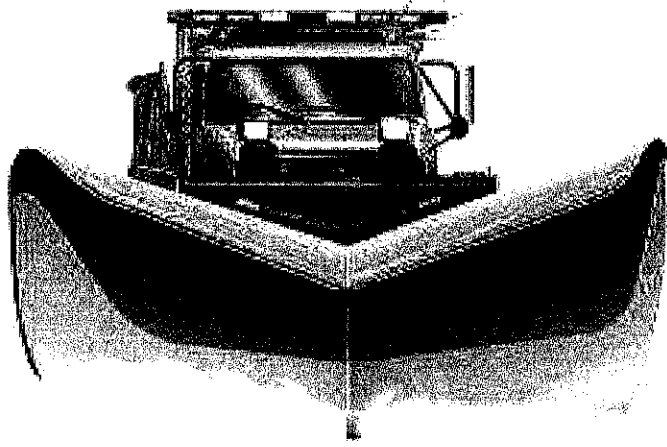
The UCC Board of Appeals has one term expiring December 31, 2028

Zoning Hearing Board Member has one term expiring on December 31, 2026

Alternate Zoning Hearing Board Member one term to expire on December 31, 2026

Annual appointments are made for three positions on the Pocono Mountain Regional Police Commission and one position as Vacancy Board Chairman.

Appointments to the various positions may be made by the Township Board of Supervisors at their Re-Organizational Meeting on Tuesday, January 2, 2024.

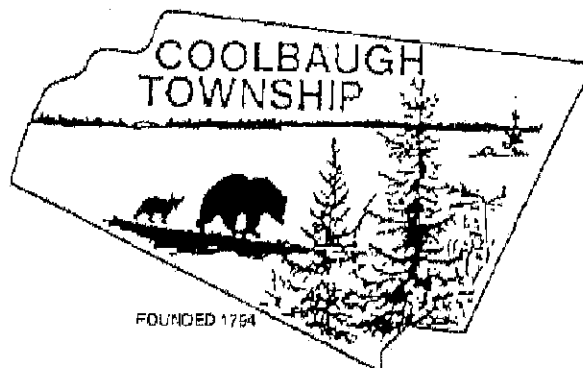


NOTICE TO COOLBAUGH TOWNSHIP RESIDENTS

Any Vehicle Left On Township Right Of Way During Periods of Ice or Snow Removal Will Be Towed At Owner's Expense. A Right Of Way is 4' from the edge of any Township road. It is unlawful to deposit cleared snow and/or ice onto any Township road or over fire hydrants.

The face of a residential mailbox must be mounted 4' from the edge of the road. Mailboxes, lighting, fencing or landscaping in a Township Right Of Way damaged during snow maintenance will be the responsibility of the property owner and/or tenant. Basketball hoops must be off the Township Right of Way.

Coolbaugh Township will not be liable for personal property placed within a township Right Of Way or within any distance needed to safely clear snow from the roads.



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**COOLBAUGH TOWNSHIP
CASH DISBURSEMENTS REPORT
NOVEMBER 07,2023**

DATE	CK #	DESCRIPTION	AMOUNT
11/1/2023		Payroll Transfer	\$ 50,000.00
10/31/2023		Pension	\$ 12,000.00
11/7/2023		General Fund	\$ 415,329.97
11/7/2023		Total General Fund	\$ 477,329.97
11/7/2023		Escrow	\$ 4,595.28
11/7/2023		Total Escrow	\$ 4,595.28
11/7/2023		Sewer Fund	\$ 15,587.77
11/7/2023		Total Sewer Fund	\$ 15,587.77
		TOTAL DISBURSEMENTS	\$ 497,513.02

CASH TRIAL BALANCE AS OF NOVEMBER 07,2023

General Fund Checking	\$ 7,346,326.14
Fire Tax/Coolbaugh Twp VFD	289,322.58
Fire Tax- Volunteer Fire Departments	80.98
Fire Tax- Coolbaugh Fire Building Fund	662,603.87
EMS	106,544.13
American Rescue Plan	2,069,712.62
Payroll Checking	1,184.38
Rainy Day Fund Savings	960,008.88
Total General Fund	\$11,435,783.58
Sewer Fund Checking	10,489.58
Sewer PennVest Checking	7.40
Total Sewer Fund	\$ 10,496.98
Capital Projects Fund Checking	\$ 15,297.31
Emerg. Services Fund Money Market	202,197.36
Emerg. Services Fund Checking	20,987.03
Total Emergency Services Fund	\$ 223,184.39
Liquid Fuels Fund Checking	\$ 271,682.98
Escrow Fund Checking	718,410.56
Escrow Fund Clarius Checking	84,174.98
Total Escrow Fund	\$ 802,585.54
TOTAL ALL FUNDS	\$ 12,759,030.78

List of Bills - (01101000) GENERAL FUND CHECKING GENERAL FUND

Check#	Vendor	Description	Payment	Check Total
10230	1105 - ABLE AUTO SERVICE, INC.	PO 24030 2015 FORD REPAIR	1,433.25	1,433.25
10231	44 - AIRGAS USA, LLC	PO 24080 ARGON/OXYGEN	125.03	
		PO 24091 LEASE RENEWAL	237.29	
		PO 24092 OXGEN CYL/ARGON	125.03	487.35
10232	1205 - AIRLINE HYDRAULICS CORP.	PO 24024 PARK RESTROOMS	265.47	265.47
10233	1330 - AMAZON CAPITAL SERVICES	PO 24041 HYDRAULIC MOTOR	399.29	
		PO 24063 APC BACK-UP DESKTOP	106.32	
		PO 24064 SUPPLIES/PAPER	324.54	
		PO 24072 SUPPLIES	85.99	
		PO 24073 PENS	26.13	
		PO 24074 PARK-SWING	97.77	
		PO 24078 18 WATT DOUBLE TUBE -PLUG IN	58.29	1,098.33
10234	1039 - AMERICAN UNITED LIFE INS. CO.	PO 24058 NOVEMBER	1,371.83	1,371.83
10235	898 - ASCENDANCE TRUCKS PENNSYLVANIA LLC	PO 24026 2011 INT'L OIL PAN	935.73	935.73
10236	1483 - AUTO PARTS OF MT POCONO	PO 24025 SPREADER HOSE OIL FILTER	256.49	
		PO 24095 GLOVES	25.42	
		PO 24096 2018 FORD F350	836.33	1,118.24
10237	1515 - B SAFE LLC	PO 24061 HISTORICAL ASSOC -SERVICE CALL	185.00	185.00
10238	492 - C.S. DAVIDSON, INC.	PO 24040 PERMIT MANAGER	1,850.00	1,850.00
10239	177 - CCI WASTE & RECYCLING SERVICE, INC.	PO 24062 RECYCLE	3,855.00	3,855.00
10240	1240 - CINTAS CORPORATION	PO 24031 MATS/UNIFORM	500.26	
		PO 24052 SHOP TOWELS/UNIFORMS	64.63	
		PO 24053 UNIFORMS	53.41	
		PO 24076 SHOP SCRAPER /UNIFORMS	64.63	
		PO 24077 UNIFORMS/SHOP TOWELS	53.41	736.34
10241	416 - COOLBAUGH TOWNSHIP GENERAL FUND	PO 24087 SEWER SEPT/OCT	749.64	749.64
10242	164 - COOLBAUGH TWP HISTORICAL ASSOC.	PO 24016 DONATION	5,000.00	5,000.00
10243	1085 - DE LAGE LANDEN	PO 24043 10/01/-10/30	99.18	99.18
10244	13 - DEVELOPMENTAL EDUCATION SERVICES	PO 24035 RECYCLE	18.00	18.00
10245	51 - EDWARDS CONCRETE	PO 24098 HEAD WALL	200.00	200.00
10246	919 - FIDELITY SECURITY LIFE INSURANCE/EY	PO 24084 NOV	276.43	276.43
10247	1384 - FRASER ADVANCED INFO.SYSTEMS	PO 24044 COPIER	309.19	309.19
10248	578 - GENERAL CODE	PO 24048 CODE ANALYSIS	4,344.29	
		PO 24099 MAINTENANCE FEE	2,395.00	6,739.29
10249	250 - GOULDSBORO VOLUNTEER FIRE CO.	PO 24094 DONATION	15,000.00	15,000.00
10250	1296 - GRIM,BIEHN & THATCHER	PO 24065 MAPLETREE/ POPE RD/TOLANI/ZONING MATTERS	4,199.00	4,199.00
10251	517 - GUY DOLEIDEN	PO 24086 BOOT REMBURSEMENT	273.72	273.72
10252	535 - HANOVER ENGINEERING ASSOC., INC.	PO 24083 SEO	10,628.81	10,628.81
10253	1192 - HIGHMARK BLUE SHIELD	PO 24051 NOVEMBER	43,757.18	43,757.18
10254	1344 - JOHN FEDISH	PO 24085 BOOT REMBURSEMENT	190.00	190.00
10255	1203 - KCE KEYSTONE CONSULTING ENGINEERS	PO 24089 CLARIUS/ABC HOMES/TOBAR/MAPLETREE/LANDST	2,075.00	2,075.00
10256	1030 - KYLE M. KNECHT	PO 24054 BOOT REIMBURSEMENT	299.94	299.94
10257	917 - MILLENNIUM ADMINISTRATORS	PO 24032 OCTOBER FEE	500.00	500.00
10258	1535 - MONROE COUNTY HISTORICAL ASSOCIATION	PO 24023 DONATION	1,200.00	1,200.00
10259	823 - MONROE COUNTY WASTE AUTHORITY	PO 24018 DONATION	2,000.00	2,000.00
10260	74 - NAPA AUTO PARTS OF DALEVILLE	PO 24029 PLOW GREASE	239.98	
		PO 24042 DE-ICER/BATTERY	609.52	849.50
10261	1523 - NUSO, LLC	PO 24090 PHONES	11.23	11.23
10262	582 - OLD DOMINION BRUSH CO, INC.	PO 24097 LEAF TRUCK	975.44	975.44
10263	81 - P P & L	PO 24028 54691-23700. DPW	374.91	
		PO 24036 64488-49005 RTE611	69.08	
		PO 24038 89631-95000 IND'L DRIVE	125.27	
		PO 24039 43281-27004 MUNICIPAL CENTER	1,934.77	
		PO 24049 88900-24001 GARAGE	41.66	
		PO 24050 36034-04005 ECHO LAKE	70.00	
		PO 24059 39910-23005 196	89.76	
		PO 24069 07251-41006 RESTROOMS PARK	19.05	2,724.50
10264	81 - P P & L	PO 24081 51540-24008 196	79.91	
		PO 24082 88094-98000 SUMMIT 940	32.73	112.64
10265	804 - P & D EMERGENCY SERVICE	PO 24088 TRUCK RADIO	1,070.30	1,070.30
10266	387 - PATRICIA ROSENDALE	PO 24055 INS REIMBURSEMENT	350.00	350.00
10267	86 - PENNSYLVANIA AMERICAN WATER CO	PO 24057 1024-210048549021-DPW-GARAGE-MUNICIPAL C	2,158.92	2,158.92
10268	93 - POCONO MOUNTAIN REGIONAL POLICE DEP	PO 24037 NOV	238,822.83	
		PO 24067 2023 MMO POLICE PENSION --VOID -->	11,190.30	250,013.13
10269	1534 - POCONO MOUNTAIN VFC	PO 24014 DONATION	5,000.00	5,000.00
10270	335 - POCONO RAIL HISTORIAL SOCIETY, INC	PO 24015 DONATION	5,000.00	5,000.00
10271	251 - POCONO SUMMIT VOLUNTEER FIRE CO.	PO 24100 DONATION	15,000.00	15,000.00
10272	713 - RED DIAMOND GRAPHICS	PO 24066 PROTECTIVE LAMINATE	450.00	450.00

List of Bills - (01101000) GENERAL FUND CHECKING GENERAL FUND

Check#	Vendor	Description	Payment	Check Total
10273	104 - S & H SUPPLY CO., INC.	PO 24075 MICRON FILTER	31.97	31.97
10274	1265 - SCHAEGLER YESCO	PO 24068 PARTS/SUPPLIES	249.11	249.11
10275	286 - SUBURBAN PROPANE	PO 24045 FUEL OIL	894.54	
		PO 24071 DIESEL`	2,856.59	3,751.13
10276	120 - SUNDANCE NETWORKS INC.	PO 24101 CONSULTING SERVICES/MAINT.	1,521.50	1,521.50
10277	329 - THORNHURST VOLUNTEER FIRE & RESCUE	PO 24022 DONATION	15,000.00	15,000.00
10278	264 - TOBYHANNA CONSERVATION ASSOCIATION	PO 24017 DONATION	3,500.00	3,500.00
10279	1055 - TULPEHOCKEN SPRING WATER INC	PO 24034 BOTTLE WATER	116.87	116.87
10280	1340 - VALOR CLINIC FOUNDATION	PO 24019 DONATION	1,000.00	1,000.00
10281	892 - VERIZON WIRELESS	PO 24056 PHONES	782.11	782.11
10282	245 - VFW POST 3448	PO 24021 DONATION	5,000.00	5,000.00
10283	244 - VFW POST 509	PO 24020 DONATION	5,000.00	5,000.00
TOTAL				426,520.27

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01.101.000	GENERAL FUND CHECKING			0.00	426,520.27
01.400.000	GENERAL GOV'T	11,106.00			
01.401.000	MANAGER -EXECUTIVE	26.13			
01.404.000	LAW	3,230.00			
01.408.000	ENGINEER	1,595.00			
01.409.000	BUILDING & PLANTS	6,001.00			
01.410.000	POLICE	238,822.83			
01.411.000	FIRE	50,000.00			
01.413.000	SEO / BUILDING CODE	10,628.81			
01.414.000	ZONING OFFICE	8,598.82			
01.427.000	SOLID WASTE COLLECTION / DISPO	3,855.00			
01.430.000	DPW-HIGHWAYS ROADS STREETS	5,257.16			
01.433.000	DPW-TRAFFIC SIGNS STREET SIGN	860.71			
01.436.000	DPW-STORM SEWERS & DRAINS	200.00			
01.437.000	DPW-REPAIR OF TOOLS & MACHINER	7,150.54			
01.453.000	SPECTATOR RECREATION	10,000.00			
01.454.000	PARKS	451.00			
01.457.000	CIVIL & MILITARY CELEBRATIONS	11,000.00			
01.458.000	CONTRIBUTIONS	1,200.00			
01.461.000	COMMUNITY DEVELOPMENT	5,500.00			
01.481.000	INTERGOVT EXPENSES	11,190.30			
01.487.000	EMPLOYEE BENEFITS	39,846.97			
TOTALS FOR	GENERAL FUND	426,520.27	0.00	0.00	426,520.27

Total to be paid from Fund 01 GENERAL FUND

426,520.27

426,520.27

List of Bills - (85101000) ESCROW FUND CHECKING ESCROW

Check#	Vendor	Description	Payment	Check Total
1328	1296 - GRIM,BIEHN & THATCHER	PO 24065 MAPLETREE/ POPE RD/TOLANI/ZONING MATTERS	1,193.28	1,193.28
1329	1203 - KCE KEYSTONE CONSULTING ENGINEERS	PO 24089 CLARIUS/ABC HOMES/TOBAR/MAPLETREE/LANDST	3,402.00	3,402.00
TOTAL				4,595.28

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
85.101.000	ESCROW FUND CHECKING			0.00	4,595.28
85.250.230	TOBAR / GONZALEZ			122.00	
85.250.232	ABC POCONO PROPERTIES			152.50	
85.250.233	BESTINVEST, LLC LOT CONSOLIDATION			274.50	
85.250.236	KAISER LOT CONSOLIDATION			274.50	
85.250.272	ARCADIA NORTH LAND LLC C/O CLARIUS			513.00	
85.250.326	FINISH LINE AUTO BODY			472.00	
85.250.385	PMCC NORTH WAREHOUSE			68.00	
85.250.389	SUNSET TRUCKING			272.78	
85.250.392	MAPLETREE			833.50	
85.250.398	TOLANI PLAZA			382.50	
85.250.458	LANDSTON EQUITIES LLC			236.00	
85.250.598	NORTHAMPTON FARMS			994.00	
TOTALS FOR	ESCROW	0.00	0.00	4,595.28	4,595.28

Total to be paid from Fund 85 ESCROW

4,595.28

4,595.28

List of Bills - (08101000) CHECKING SEWER FUND

Check#	Vendor	Description	Payment	Check Total
3103	228 - ATC GROUP SERVICES, LLC DEPOSITORY	PO 24033 MISC,	2,832.00	2,832.00
3104	1251 - ENVIRONMENTAL SERV. CORP.	PO 24047 10/20/2023 SLUDGE HAULING	635.20	
		PO 24060 10/23 SLUDGE HAULING	476.40	
		PO 24079 10/30/2023 SLUDGE REMOVAL	500.22	1,611.82
3105	1296 - GRIM, BIEHN & THATCHER	PO 24065 MAPLETREE/ POPE RD/TOLANI/ZONING MATTERS	255.00	255.00
3106	520 - K.L. FULFORD ASSOCIATES, INC	PO 24093 NOVEMBER WWTP	5,800.00	5,800.00
3107	936 - NORTH END ELECTRIC	PO 24046 COMPRESSORS ISSUES/ PRESSURE SWITCH	2,005.00	2,005.00
3108	81 - P P & L	PO 24027 WWTP/PUMP STA	2,276.15	2,276.15
3109	162 - USA BLUE BOOK	PO 24070 SUPPLIES	807.80	807.80
TOTAL				15,587.77

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
08.101.000	CHECKING			0.00	15,587.77
08.429.125	CONTRACT SERVICE PLANT	5,800.00			
08.429.313	ENGINEERING SERVICES	2,832.00			
08.429.314	PROFESSIONAL FEE SOLICITOR	255.00			
08.429.361	ELECTRIC	2,276.15			
08.429.374	MAINT/REPAIR EQUIPMENT	2,812.80			
08.429.452	SLUDGE HAULING	1,611.82			
TOTALS FOR	SEWER FUND	15,587.77	0.00	0.00	15,587.77

Total to be paid from Fund 08 SEWER FUND

15,587.77

15,587.77