

PLANNING COMMISSION MEETING

****MINUTES****

December 8, 2020

The Dallas Township Planning Commission held their monthly meeting on Tuesday December 8, 2020 at 7:00pm in the Municipal Building located at 105 Lt. Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania.

PRESENT

The following individuals present were wearing masks, had their temperature taken and used hand sanitizer, and sat 6ft., apart. CHAIRMAN; Jack Dodson, MEMBER; Robert Besecker, Jr., SOLICITOR; William J. McCall, SECRETARY/TREASURER; Tammy Miller and TWP., MANAGER Martin Barry. Those in attendance virtually were: MEMBER, Dan Jones and TOWNSHIP ENGINEER; Thomas J. Doughton and Brent Berger from Quad 3 Group.

ABSENT: Member; Charlie Kishbaugh and Zoning Officer; Carl M. Alber.

Approval of Minutes and Treasurer's Report:

Motion by R. Besecker, Jr., to approve the minutes and treasurer's report from November 10, 2020 Meeting. Seconded by D. Jones. Motion carried.

MALIG SUBDIVISION – Kyle Perry from Northeast Surveyors, was representing on behalf of the client.

The property is located on Shupp Road, Dallas, Pa., in an A-1 (agricultural) Zoning District. K. Perry stated we resub divided this piece of the property from lot 2, May of this year. We are going to subdivide the southern part of Shupp Road. It will be a non-buildable lot at 1.63 acres. K. Perry stated from Twp. Engineer's comments they are not showing contours of the property and are requesting a waiver. Solicitor McCall asked if there was a waiver on file. Secretary Miller stated there is; however, there were no signatures on the declaration and would need a copy of one with signatures. K. Perry handed a copy to Ms. Miller to be put on file.

K. Perry stated we have not received Luzerne County comments for their review. We have requested a non-building declaration from DEP. Then we have the wetlands and in speaking with T. Doughton he said it does qualify for an exemption as well as Stormwater.

Solicitor McCall questioned the submission date and Secretary Miller stated it was December 2, 2020. K. Perry stated he is looking for contingent approval based on receiving comments from the County. Solicitor McCall stated the Planning Commission can't really give any kind of approval until we give the County the mandatory 30 days, in which to provide generated comments as well as to the engineer for his comments. If the County does not respond, then we can act accordingly on the failure of that.

Chairman Dodson asked for Twp., Engineer T. Doughton's comments. T. Doughton commented this is a stand-alone parcel that was subdivided back in May of this year. As for the non-declaration waiver; it must be completed by the subdividers; signed by the buyer; executed by the SEO; executed by the Official of the Planning Commission and executed by the Municipal Secretary or Chairperson of the township supervisors. A completed form must be mailed to DEP, which is the Townships responsibility, not the Developers.

Solicitor McCall asked what is the purpose of the subdivision? K. Perry said Mr. Gardner wants to subdivide the little piece across from Shupp Road just for recreational purpose.

Solicitor McCall stated it is a concern of the Planning Commission because you're asking to approve that parcel as a separate piece and it appears on the plan there's a separate approved lot. Solicitor McCall asked Doughton if there was a certification relating to wetlands on the original subdivision? Doughton replied that on

the original subdivision they received a waiver from wetland **** that there was no building being proposed. **Due to virtual there were some technical issues on T. Doughton's response.** Solicitor McCall stated his only concern is that they are creating 1.63-acre lot as a lawful approved lot by Dallas Twp. Planning Commission. Do we have any basis to believe it can be developed in the future or are we creating a piece of garbage? K. Perry explains that if Mr. Gardner would want to build a structure on the said property, he would have to provide all that information before receiving a building permit. T. Doughton stated that's the purpose of a DEP non-building waiver. The purpose of that is its non-buildable, until you go through sewage facility planning and through our ordinance a wetland identification study would have to be done. That's why the SEO and zoning officer receive copies of the non-building waiver. No building permits will be issued by the Zoning Officer until everything else is approved and confirmed by the SEO.

Solicitor McCall asked is there an agreement of sales between the Gardner's and the Malig's? K. Perry said he didn't know if it was an official signed document or by word of mouth, but it is definitely going to be Mr. Gardner who will be purchasing the property.

Solicitor McCall stated he was not comfortable in granting Final Plan Approval without conditioning the approval by having a "NOTE "placed on the legend in **BOLD LETTERS** for the non-declaration waiver for this subdivision. McCall's concern is if Mr. Gardner does not go through with the sale as planned; the property will now be a separate legal lot and available for construction. There may be conditions there, making it more difficult than usual, but we're approving it as a stand-alone lot. There is no agreement saying Mr. Gardner will be purchasing the said lot.

McCall advised the commission as having that particular language placed in the Legend as note #17 in **BOLD FACE**. We're talking about the practical consequences of it and I think it is important that the notes reflect in bold face for that particular language with respect to the necessity of having that compliance before a permit is issued. Solicitor McCall stated as a Title Examiner I would like to see in BOLD FACE so that my client purchasing the property knows exactly on what basis the Planning Commission of Dallas Township has approved this as a separate lot. Which is an independent concern from what DEP wants to see or regulate.

Chairman Dodson asked for a motion in granting Conditional Final Plan Approval subject to the addition of the reading of the Non-Building Declaration be added in Bold print to #17 on the Legend. R. Besecker made a motion seconded by D. Jones. Motion carried.

Brent Berger from Quad 3 Group, informs the Planning Commission of changes regarding the 537 Plan.

Planning Commission Vacancy – After receiving a letter of resignation from Walter Belchick; The Board of Supervisors asked for recommendations from Board Members of the Planning Commission. Two (2) Resumes were received for the vacancy seat of the Planning Commission. Solicitor McCall stated he would draft a letter to the supervisors that reflected this evenings discussion. Motion by D. Jones, seconded by R. Besecker, Jr. Motion carried.

ADJOURNMENT

There being no further business, meeting adjourned at 7:53PM.
Motion by B. Besecker, Jr., to adjourn the meeting. Seconded by D. Jones and carried

Respectfully submitted,

Tammy L. Miller

Tammy L. Miller,
PC Secretary/Treasurer