

DALLAS TOWNSHIP
PLANNING COMMISSION

March 10, 2020

****MINUTES****

The Dallas Township Planning Commission held their monthly meeting on Tuesday March 10, 2020 at 7:00pm in the Municipal Building located at 105 Lt. Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania.

PRESENT

CHAIRMAN JACK DODSON, MEMBERS ROBERT BESECKER, JR., CHARLES KISHBAUGH, DAN JONES, WALTER BELCHICK, TOWNSHIP ENGINEER THOMAS J. DOUGHTON, SOLICITOR THOMAS J. MOSCA and SECRETARY/TREASURER TAMMY MILLER

ABSENT: Solicitor Benjamin R. Jones, and Zoning Officer Carl M. Alber.

Approval of Minutes and Treasurer's Report:

Motion by C. Kishbaugh, seconded by R. Besecker, Jr. to approve the minutes and treasurer's report for the month of February 11, 2020 Meeting. Motion carried.

ELMCREST PARK MINOR SUBDIVISION – Chris Vincelli, surveyor from M.A.C. REALTY was presenting. C. Vincelli presented a revised plan; he added the preliminary lot development plan and made this one (1) lot instead of two (2); the original drawing had two (2) and now there's only one. (1). Chris stated he is requesting a waiver.

Solicitor, Mosca stated the problem is you still have an amendment to your preliminary plan; you're still calling this a minor subdivision. Chris stated he changed it to a Phase I and Phase II, which would be a continuation of the preliminary plan. Mosca stated then you would need to do a minimum of twenty-five percent (25%) of the units in the first phase. Chris stated he has waiver request letter for that and the reason he is splitting that Lot off is he knows the twenty-five percent (25%) is there so he doesn't hen peck the development and says it is obvious that lot 10 is not part of this development plan. The access is for a different road and it's not going to be the same type of housing.

T. Doughton stated now there is only one (1) lot – 10, no 10 A. Vincelli said correct.

Chairman Dodson asked Tom to go through his comments. Tom stated all new comments are dated as 3/2/2020.

T. Doughton's Comments:

Section 404.3 Text scale was revised to make geometry more visible. **3/2/2020**

Section 404.18 The Easement of the extension of Birch Street as described in the deed book 3006 page 215272 is not shown on the plan. Additionally, an easement for the Sanitary Sewer owned by DAMA and the Water main need to be submitted and shown on the plan.

Reply: "Easement extension was added to the plan to service Land Development Company only. Sewer and Water Easements are not shown because they do not exist." Tom said this is not unusual.

Comment: This Easement area cannot be obstructed. The Easement is conveyed to Lots # 1 and #2 as per page 4 of the Deed.

Section 407 Applicant has supplied an Exemption Letter from DEP dated 12/21/2010.

Section 605.17

Reply: Wetland delineation was performed by the Kingfisher Group care of back in 2011. Wetlands adjacent Lot#1 are only shown to the property line because that is the extent of the ownership. Wetlands along Lot#2 and Lot#3 were designed not to include the wetlands."

Section 806.2 Lot #10 is accessible through a 30ft. easement at Birch St.

Storm Water Management - Applicant has completed the Storm water Mgt application as required.

COMMENT:

This Subdivision qualifies for Exemption as per Section 302 of the DT Storm Water Mgt. Ordinance. Storm water management plans must be submitted prior to the issuance of any building permits.

Vincelli asked Doughton now that 10A is gone; that requirement is not necessary because 10 was a part of the original subdivision storm water mgt. plan, correct? Doughton replied yes.

The lot is a standing lot, the lot is not changing, the only thing is, it's a part of the original 17 lot land development plan. I take it you want to separate it out now, and have permission to sell that lot individually. Vincelli stated he is going to separate the lot and plans on building a structure there; he doesn't plan on selling it. Either way, you need a separate lot to do that.

Solicitor Mosca read aloud **Section 107.2 and 107.3** of the SALDO, regarding the issue for the waiver. Mosca doesn't believe that the request for a waiver contains the grounds and facts of unreasonableness or hardship.

Doughton stated in his personal opinion the lot is basically a serviceable lot as it stands. There is sewer, water and existing road frontage. The only thing that we would have to see Chris, is some kind of a schedule. This has been going on for nine years now. The phasing schedule definitely needs to be put together and some kind of schedule before a waiver on phasing be granted. We need a definitive schedule to be able to move on.

Vincelli stated he just completed 100% of the sewer line. He said he was here in 2016 asking for a 3-year extension and Bill McCall denied it. Doughton said it does need to be done annually. Vincelli questioned if that refers to him with the plans being phased now.

October 2011, Vincelli received Preliminary Plan Approval for the 17 Lots for Elmcrest Park Subdivision /Land Development. Now he is asking to subdivide Phase I from Elmcrest Park Subdivision and Land Development Plan.

Mosca stated you can't subdivide something from a plan that was never finally approved. Vincelli stated you said that at last month's meeting; that's why I put the lots back on there; regarding your comment. Mosca said this is the same plan you received preliminary approval. However, you're trying to break down Lot #1. You're calling it

Subdivision Phase I. If it's a phase you can propose a phase for final approval; the SALDO says that twenty-five (25%) percent of the units must be in the first phase. You submitted a waiver today that doesn't address the full grounds of unreasonableness or hardship of what your justification for what the waiver is. Vincelli stated for as long as he has been coming here, he has never had to do that. Vincelli doesn't feel this is necessary but said he will come back with a hardship letter in order to get his approval.

Doughton said he agrees the lot is separated from the Major development; it does have road frontage, sewer and water. Chairman Dodson said everything else in your comments is satisfied. Doughton replied yes. The only thing we are questioning here is the **phasing**. Mosca asked Vincelli are there any other phasing and how many? Vincelli said there is Phase II, and that Phase will be completed this year and that's it. Vincelli said he is looking for Final Plan Approval for Phase I.

R. Besecker asked does anything need to be done at the end of Birch Street for a turn around? Doughton said it's not on the plan, but Vincelli actually owns Birch Street. It's a right-of-way; it can't be blocked, but there is nowhere in there for a turnaround. Doughton stated there are no infrastructure improvements necessary to make this not buildable.

Chairman Dodson asked Vincelli to provide a hardship letter for the Waiver request if they decide to grant him Final Plan Approval. Vincelli said he was good with that decision and will provide a hardship letter.

Mosca stated he does not think it is appropriate that Vincelli has it titled as a Final Minor Subdivision; it should be Minor Final Approval Phase I. Vincelli stated Luzerne County will not record a plan if it doesn't say Final Minor Subdivision Plan. C. Vincelli stated he needs to transfer the lot into its own entity, so he can build on it. He can't get a building permit unless it's Lot 10 – it has to be in a description of its own and a pin #. T. Doughton said right, you cannot get a building permit with a preliminary plan. It's got to be a Final Minor Subdivision. Vincelli states that's what it says on the plan now. Mosca said but this is not a subdivision; it is Phase 1. Vincelli said he can put phase 1 on the plan after Final Minor Subdivision. The lot is part of the preliminary plan, so you're not subdividing anything further. You are seeking final approval of phase 1.

Chairman Dodson said this is **Conditional Final Plan Approval** subject to receiving a hardship letter for the waiver. C. Vincelli said he was good with that.

Motion was made by C. Kishbaugh, seconded by D. Jones. Motion carried.

HIGHPOINT TOWNHOUSE – Chris Sespico from JHA and Associates is presenting on behalf of Al Shaver. Chris stated he was here back in October with some zoning issues. **Since then, we have revised the plans to show parking spaces and now there are no variances needed or zoning issues.**

We adjusted the townhouses from being two (2) separate buildings with 6 units, to one (1) building with 4 units to meet the requirements of the new 2008 Zoning Ordinance. There are fifty-feet (50') setback lines dictated on the drawing and there is no variance required. One of Carl's comments is there adequate parking for the site. Carl said it is required to have two (2) parking spaces per unit.

Township Engineer Representative Tom Doughton explained what has been going on with this project since 2005. Doughton stated this project was approved back in 2005 as a PRD (Planned Residential Dwelling). It had Conditional Final Plan Approval September 2006. The developer was requested to supply a letter of credit, but unfortunately, never did. The five-year period lapsed and never did anything more with it. They came back in October 2019 and submitted the identical plans that were approved in 2006. However, there was a new Zoning Ordinance that was adopted between that period of 2008, which now applies to the revised plans. The revised plan has two (2) structures, it did not meet the setback requirements and the Zoning Hearing Board denied every variance they were seeking on November 8, 2019. They now relayed out the buildings with no site changes. They put it down to one-building to meet the setbacks and that's where we're at today.

First engineer's review was done in September plus the county and now we have a second comment letter. There are only two (2) outstanding issues: 1) The sewage Facility Planning Module approval and 2) The option as to whether they are requesting Preliminary Plan approval or Final Plan Approval.

C. Sespico stated they would like to go with **Preliminary Plan Approval**; the developer doesn't want to put up the security at this point. His intentions are to sell the property to a builder. Someone who will build the structures on the site. So tonight, we are requesting Preliminary Approval contingent upon receiving DEP Component 3. Before the plan was revised from six (6) units down to four (4), we have all the necessary letters from WVSA & DAMA; there are typo issues on the letter from WVSA: the date shows 2010 and the letter says Dallas Borough, not Dallas Twp. After we receive a revised letter from WVSA we will be seeking Resolution from the Supervisors.

Doughton stated he wants to make sure before any permits are issued that everything is done correctly with this project, due to the fact of all the people that came before the Zoning Hearing Board. They probably do not realize that the PRD from zoning is separate from Land Development approval from Planning Commission. The property stands today as a PRD. The PRD was approved by the Planning Commission and Zoning Hearing Board in 2005.

T. Doughton went through his comments and engineering review. Secretary Miller will attach a copy of the review with the minutes. Doughton stated the two agreements: Stormwater and Developers agreement will have to be reviewed by Solicitor Tom Mosca. As far as the stormwater agreement is concerned the developer has to secure a professional consultant to certify the inspections through the township on a schedule that is established in the Ordinance.

T. Doughton stated he is waiting on comments from Zoning Officer Carl Alber regarding this project. Tom said he talked verbally with Carl and that was only on parking spaces. There are no parking stalls shown; it just shows the parking area. C. Sespico said the revision shows that there is adequate parking provided. Per unit there are 2 parking stalls. None of the layout was changed, we just showed the number of parking spaces. We show thirteen (13) parking stalls and dimensions, but there are more along the entrance road.

Chairman Dodson asked Doughton what do we need for Preliminary approval. Doughton stated the best we can do tonight is conditional. The conditions will be subject to: receiving **Planning Module letter from DEP, the title sheet on the plans need to say Preliminary, not Final. The two (2) agreements reviewed by Tom Mosca. We need something in writing from Carl that he reviewed the plans.** C. Sespico asked Tom if he needed something in writing to state this is what they are requesting? Tom said yes.

Doughton stated that Scott Novatnak from DEP said once they receive the Packet, they sent them and review everything they should be approving it.

Motion for **Conditional Preliminary Plan Approval** was made by Robert Besecker, Jr. seconded Dan Jones. Motion was carried.

ADJOURNMENT

There being no further business before the Board, C. Kishbaugh made a **Motion to adjourn**, seconded by R. Besecker, Jr. and carried. The Meeting adjourned at 8:15 pm.

Respectfully submitted,

Tammy L. Miller

Tammy L. Miller, Secretary-Treasurer