

PLANNING COMMISSION MEETING
MINUTES
MARCH 9, 2021

The Dallas Township Planning Commission held their monthly meeting on Tuesday, March 9, 2021 at 7:00pm in the Administration Building located at 105 Lt. Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania.

ATTENDANCE

The following individuals were present: (**Chairman**) Jack Dodson, (**Members**) Robert Besecker, Jr., Charles Kishbaugh, Dan Jones, Daniel Mulhern, (**Solicitor**) William J. McCall, (**Secretary/Treasurer**) Tammy Miller and (**Twp. Manager**) Martin Barry. Marketing Consultant Amanda Faneck was at the Administration Building to set up Facebook Live to allow additional residents to participate in the meeting. Prior to the meeting all necessary precautions were taken due to COVID-19. In attendance via Go To Meeting / phone included: (**Twp., Engineer**) Thomas J. Doughton **ABSENT: (Zoning Officer)** Carl M. Alber

Approval of Minutes and Treasurer's Report:

C. Kishbaugh made a motion to approve the **Minutes** from February 9, 2021 Meeting and **Treasurer's report** from February, 2021. R. Besecker, Jr. second the motion. Motion carried.

TDBA LAND DEVELOPMENT - MINOR SUBDIVISION for 2 Lots – Mike Kopec, Surveyor is presenting on behalf of the applicant, Bernie C. Banks. This is a 2 Lot subdivision; Lot 1 contains .28 acres; Lot #2 contains .24 acres. There is no public road frontage on either property. Mike Kopec, Surveyor is presenting on behalf of the applicant, Bernie C. Banks. Mr. Kopec noticed the four (4') foot encroachment of Mary Lawler's garage onto Mr. Banks property, while surveying Mr. Banks' property. They want to take nineteen (19') ft. from Lot # 2 which is owned by Mr. Banks and add it to Ms. Lawler's property, in order for her to meet the setback requirement for her zone, which is ten (10') ft. Parcel #1 and parcel #2 shows where a subdivision will take place. Then the final configuration will be combining the two (2) lots of Mr. Banks into one (1) parcel. Ms. Lawler also has a shed in the back yard that is encroaching on but for right now we are taking care of the encroachment of the garage.

M. Kopec stated he received comments from the engineer. He wants DEP and DAMA know that the information was sent in to DEP, but have not heard back from them. Solicitor McCall said you still have to have confirmation from DAMA that they have the capacity to accept. M. Kopec said Mr. Banks wants to sell the lot; were not going to build anything; there will be no earth disturbance at all.

Tom's Comments:

Section 605.17 Wetlands: A note needs to be indicated on the plans as to whether or not there are wetlands. However, he can request a waiver.

Section 606: Needs written certification from the appropriate public utilities stating they will provide service to the lot.

Section 806.2: Both Lots 1 & 2 do not front on a public street.

Solicitor McCall stated Mr. Banks will need to do a private road maintenance agreement between himself as the developer and whoever purchases the subdivided approved lot. It will be under the partnership name is Land Development Co. The partnership owns the land. Mr. Banks stated he has one hundred (100%) percent interest in Land Development. Solicitor McCall asked if he had a deed for it. Mr. Banks said he has an agreement. Solicitor McCall stated we will have to see it. We just need an identification of the parties in that agreement and language that says that. It also has to have signatures and to identify the heirs of John Banks and the fact they have agreed to transfer any interest in partnership and the real estate owned by the partnership to Bernie C. Banks, Jr.

Solicitor McCall said your plan is to get approval of the subdivision. You will then be recording the deed from Mr. Banks – Land Development Co., to Ms. Lawler, for the strip that she is acquiring. You will then be recording a deed from Ms. Lawler to Ms. Lawler for the overall consolidated lot and you will be recording a

deed from Mr. Banks to Mr. Banks for what remains of lots 1 & 2 cut to Ms. Lawler. Kopec replied that is correct.

Solicitor McCall asked if any of the roads in Elmcrest have they ever been dedicated to the township? Twp. Manager replied Birch Street has been dedicated to the township. The extension of Birch Street has not. Solicitor McCall stated that's why we need the maintenance agreement. McCall will provide a copy of one that he has used with the Planning Commission. It just acknowledges that the township has no liability to accept the dedication of the road for maintenance repair or restoration of it.

Section 817: Allows for a subdivision or land development containing not more than two (2) lots or two (2) detached single-family dwellings units may be serviced by a private street having a minimum right-of-way not less than fifty (50) feet.

Solicitor McCall stated in the transfer of title you should refer to it as to where it can be found at that location. The easement over the extension of Birch Street, to M.A.C. Realty...it reserved an easement over what was the extension of Birch Street; reserve it to Land Development Co., should make reference to that. **Multiple Talking.**

Kopec stated there are notes on the plans stating about the wetlands and there will be no earth disturbance or until the person purchasing the property will need to do a wetland delineation. Solicitor McCall stated the Commission has no idea as to whether there are wetlands on that site or not. It should be requested for a waiver.

Solicitor McCall said we need copies of the **proposed deeds, Road maintenance agreement** with M.A.C. Realty and Mr. Banks, a **waiver or indication of Wetlands**, a **waiver for stormwater management**, Letter from **DAMA** saying that they will serve the property and other utilities, **exemption letter granted from DEP**. Solicitor McCall said we will see you next month.

DISCUSSION ON ZONING MAP AMENDMENTS – Twp. Manager Barry stated members from Planning and Zoning met to review errors that were found on the map after it was approved from the Comprehensive plan committee. There were several issues that were identified wrong on the map since its approval. PRD-5 was marked incorrectly, Institutional lines at Misericordia went all the way to Country Club Road as well as affecting other properties. Manufactured Homes and Mobile Home label were incorrect and one was not properly identified. The lines in the section of Upper Demunds, Sedlar Road, and Applewood Development were going through properties rather than going on properties. Another map was put together and corrections were made and the township is asking for everyone to review the map to see if anything has been missed before receiving approval before the Supervisors meeting in April.

R. Besecker, Jr. made a Motion that the current plan was presented to the Planning Commission and is the opinion of the Planning Commission it meets all requirements of the zoning ordinance and recommend to the supervisors the adoption of that map as the official zoning map to be amended to the zoning ordinance. D. Jones second the motion. Motion was unanimously carried.

PUBLIC COMMENTS: There were no public comments

Next Meeting April 13, 2021 at 7pm.

ADJOURN:

C. Kishbaugh made a **Motion to adjourn**, seconded by R. Besecker, Jr. and carried.
The Meeting adjourned at 7:58 pm.

Respectfully submitted,

Tammy L. Miller

Tammy L. Miller, Secretary-Treasurer