

PLANNING COMMISSION MEETING  
\*\*MINUTES\*\*  
JULY 13, 2021

The Dallas Township Planning Commission held their monthly meeting on Tuesday, July 13, 2021 at 7:00 pm 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., Dan Jones, Charles Kishbaugh, Daniel Mulhern, (**Solicitor**) William J. McCall, (**Twp., Engineer**) Thomas J. Doughton, (**Twp. Manager**) Martin Barry, and (**Secretary/Treasurer**) Tammy Miller. There was not anyone in attendance via Go To Meeting / Phone. Marketing Consultant Amanda Faneck was at the Administration Building and set up Facebook Live to allow additional residents to participate in the meeting.

**ABSENT: (Zoning Officer)** Carl M. Alber

**Approval of Minutes and Treasurer's Report:**

C. Kishbaugh made a motion, seconded by D. Jones to approve the **Minutes** from June 8, 2021 Meeting and **Treasurer's report** from June, 2021. Motion carried.

**HOGAN SUBDIVISION** – Surveyor; Randy Perry was representing on behalf of Patrick Hogan. R. Perry stated all we are doing is combining the First and Second thereof into one (1) Lot. It is two (2) PIN #'s going into one (1). Lot 1 is 1.06 acres and has an existing structure with a well and public sewer. Lot 2 is .42 acres. Combining them will be 1.48 acres. We are requesting a waiver on this subdivision due to Lot 1 has an existing structure, well, and public sewer.

**COMMENTS:**

Twp. Engineer, T. Doughton stated it is a simple combination of properties into 1.  
Luzerne County comments received – **July 6, 2021.**

The applicant has requested the following waivers and exemptions:

1) Exemption requested for SW mngt permit application per Section 302 of Dallas Twp's. 2011 SW Ordinance.

**Comment: 7/12/21- exemption request is valid; there is no new construction proposed at this time.**

2) Waiver request from Section 605.18 Existing contour lines at vertical intervals of not greater than five (5) feet, when existing slopes are five (5%) percent or greater, in which that is T. Doughton said.

**Comment: 7/12/21 Waiver request is reasonable; No new construction is proposed at this time.**

3) Waiver request from Section 405.15 – is to show the Soils.

**Comment: 7/12/21 Waiver request is reasonable; no new construction is proposed at this time and the property is serviced with Municipal Sanitary Sewer.**

A Sewage Facility Planning Module is required: **In this case, once again there is no new sewage facilities proposed for this subdivision, therefore Sewage Facilities Planning is not necessary at this time.**

Section 605.17 Wetlands - **Any parcels or portions thereof, which are not intended to be developed in any manner, including but not limited to new structures, shall be exempt from providing the above information subject to clearly indicating such areas upon the plan and including written notification of the same upon plan as recorded.**

**Comment: This Subdivision qualifies for an exemption**

**Solicitor McCall asked is there a standard wetlands statement on the plan? R. Perry said he will need to add that; usually it is on there, but it was not.**

**Tom's last comment: All subdivisions and Land Developments must have a highway occupancy permit (HOP).**

**SECTION 606                      INFORMATION TO BE SUBMITTED WITH PLAN**

The following information, as applicable, shall be submitted with the Final Plan of a Minor Subdivision or Minor Land Development.

(d) If applicable, an approved Highway Occupancy Permit and/or Driveway Permit, as required by Dallas Township, the Pennsylvania Department of Transportation and/or the Luzerne County Bridge Department or a deed restriction that prohibits development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured.

**Comment 7/11/2021. The applicant must present a Valid HOP issued by Penn DOT.**

**Solicitor McCall said if Planning Commission goes to approve, there is no problem. But, if issues arise before the approval that have to be resolved, he has to disclose that he represented Mr. & Mrs. Hogan when they bought the property in 2008. If there were some dispute or some determination that you cannot vote to approve tonight; he said he would have to remove himself in consideration on advising the Commission because of representing the Hogan's. He stated he no longer represents them, since he's retired. McCall said he wanted to disclose this to the board. He did not want anyone thinking that he was participating or planned to get approval by this commission, while representing the Hogan's.**

Chairman, Dodson asked Board Members if they had any questions. There were none. R. Besecker, Jr. said getting back to the HOP; are they required to get an HOP? R. Perry stated he is creating a separate lot, not developing. T. Doughton stated a subdivision should not be approved on a state highway unless there is evidence of a highway occupancy permit.

Chairman Dodson asked if the Commission approves this, is there any repercussions? Solicitor McCall said there will be to Mr. Hogan, if Penn Dot determines that there's something going on there. Solicitor McCall stated I'm just looking to protect the Planning Commission. T. Doughton stated if he were Mr. Hogan, he would leave it alone, because if he wants to make parking on the second lot, he could probably get an HOP with no problem. He'll have a driveway on the side lot and a parking area separate from that. You cannot enforce an HOP on the Overbrook Restaurant, which it is on a different piece of land. Solicitor McCall concurred and said this is only a property line adjustment.

Solicitor McCall stated there is no liability on the part of the townships Planning Commission except for a slap on the wrist from Penn Dot. Only of interpretation of whether this falls within the pervue of their jurisdiction or not. D. Mulhern said so we don't need to add anything to his description? McCall stated he would like to see added to the legend just a notation that at such time has furthered development of the property including the second lot is proposed that a HOP may be required.

Chairman Dodson asked for a motion to approve subject to the addition of the language Planning Commisison is requesting at this meeting.

D. Mulhern made a motion for **CONDITIONAL FINAL APPROVAL** subject to the inclusion of language approved by the Planning Commission. Seconded by R. Besecker, Jr. Motion carried.

**LAUREL ASSOCIATES / HSC DALLAS, LLC** – is granting the Planning Commission an extension of time in rendering a decision for this project. This will allow more time for any additional documentation required for Preliminary Land Development approval.

**BIRCH ST. - MINOR SUBDIVISION for a 3 LOT CONFIGURATION** – Time Extension letter starting from August 10, 2021 until December 14, 2021. They are waiting for an exemption letter from DEP.

**DISCUSSION ON ZONING MAP AMENDMENTS –**

**CITIZEN’S COMMENTS:** No Public Comments.

*Next Meeting August 10, 2021 at 7pm.*

**ADJOURN:**

C. Kishbaugh made a **Motion to adjourn**, seconded by Dan Mulhern and carried.  
The Meeting adjourned at 7:45pm.

Respectfully submitted,

*Tammy L. Miller*

Tammy L. Miller, Secretary-Treasurer