

PLANNING COMMISSION MEETING

****MINUTES****

MARCH 8, 2022

The Dallas Township Planning Commission held their monthly meeting on Tuesday, March 8, 2022 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., Dan Jones, **(Solicitor)** William J. McCall, **(Twp., Engineer)** Thomas J. Doughton, **(Zoning Officer)** Russell Coolbaugh, **(Twp. Manager)** Martin Barry, and **(Secretary/Treasurer)** Tammy Miller. 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: **No one**

ABSENT: (Members) Charles Kishbaugh and Dan Mulhern

Approval of Minutes and Treasurer's Report:

Chairman Dodson opened the March Meeting followed by the pledge of allegiance. D. Jones made a motion to approve the **Minutes** from February 8, 2022 Meeting and **Treasurer's report**. R. Besecker, Jr. second the motion. Motion carried.

HSC DALLAS, LLC – Steve Cattani from Dynamic Engineering, and Mike Sanders from Hix Snedeker were present at tonight's meeting. S. Cattani stated the last two times we were here regarding the Tractor Supply on SR 309. We are here tonight seeking Final Plan Approval. We have received all our other permits for the project and are in hopes the Board votes in our favor.

Chairman Dodson asked Twp. Engineer, T. Doughton for his comments. T. Doughton stated he will only be going over the items that were **"not satisfied"** from the last review and stated they are dated accordingly.

PAGE 3- is the first unresolved item.

3/7/2022. HOP Permit No's 04065316 and 04065315 have been issued. Comment satisfied

- **HOP - 3/7/2022. Response Letter issued by Penn DOT dated 3/4/2022 in regard to HOP applications 259701 & 259703 (these are for the Sewer and Water going down the highway. Utilities states "Both HOP's will be issued following a bond or Letter of Credit security submitted to the Department." T. Doughton stated all the technical comments have been satisfied.**
- **Section 407.4 Penn Dot HOP Permit No's 04065316 and 04065315 – these are for the driveways for Upper Demunds Rd. and SR 309 Hwy; Have been issued & satisfied.**
- **3/7/22 Act 537 approval letter received from DEP dated 12/30/2021 DEP Code No. 2-40931139-3**
- **3/7/22 Developers Agreement from DAMA to be delivered under separate cover by Applicants Attorney. This issue has not been satisfied. S. Cattani & M. Sanders thought they were.**

Solicitor McCall stated he has gone over the Development Agreement, Easement Agreement, and so forth, with counsel and had agreed on the language. But he has not prepared the Final Agreement in order for it to be signed by the Twp.

SECTION 701 INSTALLATION OR GUARANTEE OF IMPROVEMENTS

3/7/2022 The Applicants General Contractor will provide a construction schedule for review and establishment of Inspection Fees.

The O&M Agreement: The Developer must still execute the required O&M agreement and easement agreements.

3/7/2022. O&M Agreement to be delivered under separate cover by Applicants Attorney.

S Cattani asked Solicitor McCall – that is part of the same package of information that needs to be completed? Solicitor McCall stated oh, yes and it needs to be signed by the principals and then delivered here to Tammy so she can arrange to have it presented and a courtesy copy for myself.

Toby Creek Watershed: T. Doughton stated there are storm water easements required. He looked at the plan and they included storm water easements on the plan and the other comment was the Easement agreements will be delivered by the attorney. S. Cattani and Mike Sanders both agreed.

Tom said just a note: **They did provide a fence around the detention facility that is child proof.**

M. Sanders stated the Cross Access Agreement – we are buying half of the property and the other half of the property was sold to another Developer. He stated he is negotiating the Cross Access Agreement with them, but they are still working on the lease for their tenant. Solicitor McCall asked M. Sanders if there was going to be shared accesses. He replied yes. M. Sanders stated they have not brought the other attorney into this yet because they are still working on the lease.

Solicitor McCall said other matters that are needed...obviously you have to present security for the installation of the infrastructure, the agreements of course, and we will have to have finalized is shared access. At this point you are showing access to the two (2) sites is use of private roadways and we will have to have consent with cooperation from both parties. We will need a copy of that agreement; obviously it's going to be recorded, but we need it before we issue final approval from one of the projects. M. Sanders said he is waiting on them to get up to speed to where they are able to negotiate with him. Solicitor McCall said okay.

Solicitor McCall stated it is appropriate upon the pleasure of the Planning Commission to issue a Conditional Final Approval subject to completion of conditions before being signed. McCall said he doesn't know what value it is for you, except when you come back here, once you have satisfied all the conditions and delivered and have been confirmed. Then Chairman Dodson will sign the plans, but not before all those matters are delivered. M. Sanders said understood. The plan is fine; it's just these odds and ends that have to be completed.

Solicitor McCall said please bear in mind we have to have before you can get permits, you also have to have your security in place and approved and then be filed. Also, finalize the cross-easement agreements for use of the private roadways; without it in place we can't approve either project, because they are co-dependent on that shared easement. M. Sanders and S. Cattani said they understood. T. Doughton stated depending on what the Planning Commission votes on this evening, he said he will review the estimates this week and get his letter to the supervisors as to whether or not to recommend, but the eight-hundred and fifty thousand dollars (\$850,000) will definitely cover the cost. T. Doughton stated if the applicant so desires and request reduction of the Letter of Credit based on completed construction you can do so. You don't have to wait until the end to apply for release, based on completed construction.

AGREEMENTS

1. Developers Agreement with Dallas Township
2. Storm Water Management System Easement Agreement
3. Storm Water Management System O & M Agreement
4. Sanitary Sewer System Developers Agreement with the Municipal Authority DAMA.
5. Shared Cross Access Agreement of both projects.

Chairman Dodson asked if the Board members had any questions. There were none. Chairman Dodson asked for a motion for Conditional Final Plan approval upon the submission of all the agreements that have been required to be submitted.

D. Jones made a motion for Conditional Final Plan Approval, conditioned upon the submission of all the agreements that have been required to be submitted. Seconded by Robert Besecker, Jr. Motion carried.

PERRY SUBDIVISION – Surveyor, Randy Perry is representing on behalf of MaryJo Perry. Randy said the attorneys are still working on the Maintenance agreement and I put in a letter granting for an extension. Randy needed to sign the letter. The extension expires June 14, 2022.

Chairman Dodson asked if anyone else had anything for the Planning Commission and Twp. Manager Martin Barry said he spoke with Jay Naparlo from Yalick Farms regarding a dispute with DAMA over the sewer agreement. He said he heard they are not fulfilling their requirement for having to come before Planning on a yearly basis for the “AS Built” status. Naparlo came to the township disputing that he did not know about any agreements that he had to turn the sewer over to DAMA (Dallas Area Municipal Authority). Right now, his legal counsel and legal counsel with DAMA are going back and forth on that issue. Jeff Malak represents DAMA and Angelo Terrana represents C&N Dining. M. Barry said he just wanted to give an update on that situation.

T. Doughton stated that the Developer’s Agreement specifically says that the sewer system must be turned over to DAMA, upon completion. Tom said, and they refuse to do it. Until this gets resolved, they are not able to get any building permits.

Chairman Dodson asked so what is it that they need to do next? T. Doughton stated turn the sewer over to DAMA. DAMA will not issue permits for their new building they want to do. Without sewer permits Rusty, Zoning Officer, cannot issue building permits. DAMA did an inspection April of 2021 and sent a notice to C&N Dining that there were a couple of deficiencies in the system. DAMA did a video inspection underground and found a couple of locations with significant problems that have to be addressed.

PUBLIC COMMENTS: There were no public comments

Next Meeting April 12, 2022 at 7pm.

ADJOURN:

R. Besecker, Jr. made a **Motion to adjourn**, seconded by D. Jones and carried.
The Meeting adjourned at 7:35 pm.

Respectfully submitted,

Tammy L. Miller

Tammy L. Miller, Secretary-Treasurer