

PLANNING COMMISSION MEETING
MINUTES
AUGUST 9, 2022

The Dallas Township Planning Commission held their monthly meeting on Tuesday, August 9, 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., Charles Kishbaugh, Dan Jones, **(Solicitor)** William J. McCall, **(Zoning Officer)** Russ Coolbaugh, **(Twp., Engineer)** Thomas J. Doughton, **(Twp. Manager)** Martin Barry and **(Secretary/Treasurer)** Tammy Miller. Tom Holden, Ira Fedder, and John Halbing were also present. In attendance via Go To Meeting / phone included: **(Member)** Daniel Mulhern.

Approval of Minutes and Treasurer's Report:

C. Kishbaugh made a motion to approve the **Minutes** from July 12, 2022 Meeting and **Treasurer's report** from July, 2022. D. Jones second the motion. Motion carried.

MU PAYNE BUILDING RENOVATION PROJECT – Tom Holden from Borton Lawson was representing on behalf of Misericordia University. Tom stated they are still waiting on the Sewer Planning Module for this project. There is an extension letter here; since the 90 days expires September 12th, one day prior to the next meeting. We would like to grant the Planning Commission an extension of time for you to render a decision until December 13, 2022. There have been no changes, were just trying to get the sewer planning approved for now. There were no other comments. **The planning module is the only outstanding issue.**

GEISINGER CLINIC EXPANSION PROJECT – Tom Holden from Borton Lawson was representing on behalf of Geisinger Dallas Clinic for the expansion project. Tom stated they received their E&S Plan approval. However, they are still waiting on receiving the sewer planning module. He is granting the PC an extension for more time in rendering a decision until December 13, 2022 in order to receive the sewer planning module letter. **The only outstanding issue is receiving the letter for the sewer planning module.**

FELLOWSHIP CHURCH – Ira Fedder from Bassett Engineering was representing on behalf of Fellowship Church. They are here tonight requesting an approval for a Lot Consolidation plan that was submitted in 2018 for the Fellowship Church property and the adjoining property.

T. Doughton stated it never got signed here or at the County. It includes the Lot Consolidation plan and the Land Development plan for the addition to the Church. It was a dual submission. Ira Fedder stated he has a record of the minutes for the approval, dated May 14, 2019.

T. Doughton - The addition got constructed and a final inspection. It did receive conditional approval based on receiving the planning module, in which they did receive approval. It was some kind of special on lot system there. I. Fedder replied yes. T. Doughton stated that no one ever came back and got the plans signed, so obviously it never got recorded. Solicitor McCall asked is this the same plan as the approved plan. T. Doughton replied yes; he reviewed it. Tom said he talked with Pat Dooley at the County. The reason why they say ninety (90) days is because that is what the township's ordinance states. Solicitor McCall states he believes the ordinance states that after ninety (90) days, it is null and void. Secretary Miller stated she had a letter from Pat Dooley stating he would record the plans as long as the Planning Commission agrees to it. Solicitor McCall said with that being the case, it's appropriate for a motion in order to vote and reapprove. We have a date of the approval, so at this point we reapprove it. It is appropriate to reapprove the plan, that way the county is able to rely on our approval and it would start a new ninety (90) days. We will date it this date and reapprove the plan we approved initially, which was a Land Development Plan and Lot Consolidation Plan as one submission. T. Doughton stated he researched the applicant. The application says Lot Consolidation /Land Development Plan. The Lot Consolidation is a separate

sheet and behind it is the Land Development plans that are on separate drawings. Solicitor McCall asked Mr. Fedder you did receive a planning module? I. Fedder replied yes. I. Fedder asked, then we have ninety (90) days to take it back to the county?

Chairman Dodson asked Doughton, this has nothing to do with the parking? Doughton said they cannot proceed with parking because the parking lot as it stands today is on a separate parcel of land; even though it is owned by the church, it's not contiguous with the church. So, there are zoning issues. They will have to go to the zoning board regardless because they are in excess of fifteen thousand (15,000) feet of impervious. Plus, it's a non-permitted use in an A-1 zoning district. If the subdivision stands, then it's all one lot, it's part of the church property. As of right now, it's a stand-alone lot.

Solicitor McCall stated so what were being asked tonight is to confirm the same terms of approval, that we received in 2019. All were saying is we reapprove it, to voiding of the original 90-day approval. McCall stated he's assuming that part of that conditional approval was the recording of the deed; making it two lots into a single lot. Doughton stated he believes the minutes said conditional approval for only the planning module. But it's understood as part of the responsibility of the applicant, you must record the plans within ninety (90) days. If there's an additional paragraph, proceed to deliver or give receipt to the planning administrator. That, just never happened.

Solicitor McCall stated it's appropriate for a reapproval of the original plan and our Engineer has confirmed the plan as submitted now is identical to the one that was originally submitted and for which final approval had been granted. We are in a position by motioning a vote to reapprove the plan dated May 14, 2019.

Solicitor McCall stated the fact is conditional approval was provided; the documents were provided that were requested with the conditional approval. There is no final plan approval because there is no signed plan at that point. What you can do is vote on a motion to approve on this date the plan originally submitted on whatever date it was submitted to us and today would be the day of final approval. In fact, the applicant is saying we screwed up and we would like to resolve an issue by requesting final approval now.

Chairman Dodson asked for a motion for final plan approval. C. Kishbaugh made a motion for final plan approval. Seconded by R. Besecker, Jr. Motion carried.

Solicitor McCall stated to Mr. Fedder we do require the recording of the deed by which the single perimeter description is recorded; right after that it's recorded. It has to be recorded combining two (2) individual lots. You have to prepare an overall property perimeter description which by, I would say it's the same property containing the deed to the church. It's a deed to the church from the church, that's all. Mr. Dodson will sign the plans when you redeliver it with signatures in the ownership block. I. Fedder said okay.

SADDLE RIDGE C-25 – John Halbing returns with a set of plans that were signed by the planning commission back in 2005 or 2007. He said at the May meeting Jason Moran was here on his behalf and was told he needed an affidavit prepared by an attorney and bring it to a meeting. Since that time, John spoke with Attorney McCall stating he has had no cooperation with the engineer. So, Solicitor McCall volunteered to prepare a request for approval to be submitted to the planning commission so we have a record of why we're considering this approval for this single part of the plan. John agreed, he has signed and delivered the affidavit. Chairman Dodson asked what is C-25? Solicitor McCall stated a couple months ago it was brought to our attention that part of the Saddle Ridge Land Development plan that the Planning Commission approved and taken to the courthouse for recording had a page missing, which was page C-25. McCall stated it was approved and recorded, however, the approval contained page C-25. When the plan was taken to the courthouse, it did not contain page C-25. John said they never realized that page C-25 was missing, until recently. He realized it when DAMA was looking to take over the detention basins. John told them they need to talk with the home owner's association. DAMA told him that the detention basins were still in his name. That's when we researched it and found out that C-25, in which it shows the entrance, should also have been recorded with the plan. McCall stated that Tom has confirmed that the plan he reviewed

includes page C-25. The plan we signed; I'm assuming contained C-25. But when it got down to the courthouse C-25 was missing. J. Halbing stated we only recorded the first page of the land development plan, not by all pages. It was just an oversight on the engineer's part. Halbing said he spoke with J. Moran today, who was the surveyor on this project. The question was whether or not we could record just C-25 alone because that doesn't have PIN #'s. When he submitted this, he did a cover letter and listed the approvals that were already done and recorded and then had sheet C-25 in there. Tom Doughton asked is that the original sheet that you recorded? John replied yes, but C-25 was never recorded. Tom asked is C-25 on the title sheet? John replied yes. T. Doughton stated I don't know whoever told you that it was not recorded. T. Doughton said you only record the cover sheet; you don't record all the sheets. It says on the original drawing C-2 to C-25. Doughton said he doesn't understand who told him that it's not recorded. R. Besecker asked who keeps the plans after it gets recorded? T. Miller replied Dallas Township keeps them. She told them they have this plan on a disk and shows C-25 on that disk. John said C-25 should have also been recorded is what he's being told, because it has lot 104, 105, and 106 in which he's keeping. 105 and 106 are detention basins and that's what's not recorded. Solicitor McCall stated in an effort to make this clear, we approved the comprehensive plan, which included C-25. Then we issued final plan approval, it was taken to the courthouse for recording, but only the cover sheet was recorded, which references C-25; which we have. So, it's not a problem for us. You will prepare your description based on the information on C-25 and you're going to reference it as being the same detention basin as set forth on C-25.

T. Doughton pointed out that see sheet C-25 for subdivision plan. Solicitor McCall asked is that on the original plan or is that on Jason's? John said the original plan. McCall stated then it's really not an issue. McCall told him you may have a problem having the home owner's association do the title work; they may say let's see C-25. T. Doughton asked who is doing the work for the home owner's association? John stated he never got that far, because he needed to prepare a deed and so forth. McCall stated he apologizes, his understanding was that the entire plan had been recorded, but that C-25 was not included in the entire plan that was recorded. So, you do not need the affidavit. John said obviously, you're a Real Estate Attorney, you could prepare a deed describing the properties. McCall replied yes. T. Doughton stated that C-25 shows a comprehensive view of that area, but you're signed and recorded sheets states in that section – see C-25 for the subdivision plan of that area. He doesn't know what the problem is. John stated if somebody was doing the title search, because that sheet C-25 is not recorded, how would they know? Solicitor McCall stated neither are the other sheets. McCall stated in preparing a deed, you should have a reduced version of C-25, which shows the perimeter description of the detention basin of the areas you are transferring. They will refer to that page and you will give them some certification that the description is prepared from the recorded C-25. It is referenced on the Cover page that it is indeed recorded.

SALDO – Twp. Mngr., M. Barry stated for anyone that is interested; the land group that is reviewing the SALDO is going to give their first list of recommendations on Thursday, August 18, 2022 at 10:30am. M. Barry said he will send an email to everyone, if you would like to come.

PUBLIC COMMENTS: None

ADJOURN:

C. Kishbaugh made a **Motion to adjourn**. Seconded by Dan Jones and carried.

Meeting adjourned at 7:50 pm.

Next Meeting - September 13, 2022 at 7pm.

Respectfully submitted,

Tammy L. Miller

Tammy L. Miller, Secretary-Treasurer