

PLANNING COMMISSION MEETING

****MINUTES****

FEBRUARY 14, 2023

The Dallas Township Planning Commission held their monthly meeting on Tuesday, February 14, 2023 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**) Charles Kishbaugh, Dan Jones, Randy Perry, (**Alternate**) Ryan Stoa, (**Solicitor**) William J. McCall, (**Twp., Engineer**) Thomas J. Doughton, (**Zoning Officer**) Russ Coolbaugh, (**Secretary/Treasurer**) Tammy Miller, (**Twp. Manager**) Martin Barry and **Administrative Assistant** Kim Landmesser set up Facebook Live to allow additional residents to participate in the meeting. In attendance via Go To Meeting / phone included: **0**

ABSENT: (Member) Robert Besecker, Jr.

Approval of Minutes and Treasurer's Report:

Acting Chairman Dan Jones opened the February Meeting followed by the pledge of allegiance. C. Kishbaugh made a motion, seconded by R. Perry to approve the **Minutes** from January 10, 2023 Meeting and **Treasurer's report** from January, 2023. Motion carried. Chairman Dodson and Zoning Officer Russ Coolbaugh joined the meeting shortly after it started.

ALTERNATE: RESOLUTION # 2023-5. A RESOLUTION TO CREATE AN ALTERNATE MEMBER OF THE PLANNING COMMISSION AND TO APPOINT RYAN STOA AS THE ALTERNATE MEMBER. On February 7, 2023, the Dallas Twp Board of Supervisors created and appointed an alternate member to the Planning Commission to serve a four-year term until December 31, 2026. Acting Chairman D. Jones welcomed alternate Ryan Stoa to the Planning Commission.

MU SPORTS DOME – Conditional Final Plan Approval. Nick Argot from Borton-Lawson was representing on behalf of Misericordia University. Back in November or December, we received conditional preliminary land development approval. There were a few outstanding items at that time; one of the main ones was the sewage planning module. We had to submit a module 3 to DEP for review and approval. On January 26th, we received a letter of approval for that. There were also the Developer's agreement, Easement agreement, and the financial security. Those items were approved by the supervisors last week at their meeting. The financial security was an account set up in the township's name with the cost of the project deposited into that account. The other outstanding item is the construction inspection escrow amount; which was received from Mr. Doughton today. It was forwarded to Misericordia University and they will cut a check and get that to the township. N. Argot stated he provided a cost estimate and a construction schedule, which was approved by Mr. Doughton. N. Argot requested conditional final approval tonight, subject to the construction inspection escrow.

Solicitor McCall stated it would be appropriate to consider conditional final approval subject to the receipt of the escrow funds, which would fund the inspections throughout the course of the project.

Chairman Dodson asked for a motion to issue **conditional final approval**. C. Kishbaugh made a motion. Seconded by D. Jones. Motion carried. Solicitor McCall stated let the record reflect that the conditions are: a delivery of the Construction Escrow Fund and the signing of the Construction Inspection Escrow Agreement.

G. Kirk & Family – Informational purpose only. G. Kirk stated he submitted information to Tammy and has some additional updated information too. 1 year ago today, my wife Kimberly and I, my son, Andrew and Daughter, Alexa and son-in-law Nate Schlichter bought two (2) parcels of land off of Yeager Avenue. The one (1) parcel is 12.72 acres and the other is .2 acres off of Yeager Avenue. Our hope is to build two (2) houses by doing this subdivision. One of the homes would be for my wife and I. The other is for our son, Andrew on that parcel, as well. What was submitted three (3) weeks ago was to get in the information in, as an estimate of how we thought things may have to go. Since

then, we had an updated survey done to try to get a better idea of what things would be. The idea is to come off of the small lot on Yeager and since this is an S-1 district, we need a fifteen (15) ft setback. We're running a line between the two houses and have about twenty-three (23) ft. between the property line from each house. We already have all these parcels in the clean and green and in order to build on Clean and Green, you have to at least have one (1) acre minimum. What we were able to do is to figure out where we could situate our house and be on one (1) acre without having to take out more than the one (1) acre out of the Clean and Green. We would have to separate road front access and Andrew would have his own over here, shows from drawing. We came to find out other things they may be missing or what they need to do. Possibly answer any questions before coming and looking for approval. Alternate, Ryan Stoa asked Kirk how's the water access. Kirk stated we will have Veolia - Water, DAMA - sewer, UGI - gas and electric. Stoa said he knows that Overbrook has had a lot of water issues over the years. Tom Doughton stated he has no comments until he sees the submittal for the project. Doughton said just make sure you do a sewage facility mailer. K. Perry asked Doughton even though we have the sewer permit, don't we already have to do that to get the sewer permit; wouldn't that be submitting it twice? Doughton said, how you did that I don't know. J. Halbing stated they got that through his office. Doughton stated DAMA won't give you a service letter now, because you already have the permits. K. Perry said, so were good to go now, right? Doughton said yes. G. Kirk said, we still need to submit the mailer, correct? Doughton said yes. Technically you need two (2) approvals from DEP. You need to receive a sewage planning module or an exception to sewage planning and you must receive an exemption from the sewer connection prohibition. If you get the prohibition letter obviously, you don't need the other one.

A resident stated speaking in regards to newly created lots, not lot line adjustments or..... Doughton said anything that's a subdivision. The resident asked when did that change, because in January of 2022; I got this in an email and it said that it is a requirement for a lot line adjustment. Doughton stated he knows. DEP sent him a new fact sheet again and --. Doughton read aloud "Who determines if a subdivision is exempt from planning?" Depending on the location the proposed subdivision, DEP or the delegated agency will make this determination. There is no delegated agency. The resident stated didn't we agree in 2022 that when there's existing sewage, and you're making a lot line adjustment, which that doesn't make sense. So, do you still agree for lot line adjustment it's okay? T. Doughton said for lot line adjustments, yes. T. Doughton said, but if you're creating a new lot. The resident said understood, he gets that. So, it's not all subdivisions; it's only newly created lots.

Kirk subdivision will be submitted and if all is completed it is requested to be on the agenda for March 14, 2023.

DALLAS TWP – ASTA Minor Subdivision – Kyle Perry from Northeast Surveyors, present on behalf of Dallas Township. He has revised plans, per T. Doughton's comments. K. Perry stated what we're doing is taking a small piece off of the ASTA property behind 6.46 acres and combining it to the lot right next door into one (1) new lot for Dallas Twp. Obviously, both of these were approved lots in previous subdivisions. All utilities are already existing, we're not putting any new infrastructure in. Mr. Doughton's first comment is that a sewage facility planning module will be necessary, but he just sent a new thing that we will be exempt from this, because this is a public need for this building. As for Mr. Doughton we will not need that letter. Doughton explained he did some research on this and found that the Geisinger project was granted a special exception to the prohibition, because it's a medical facility. He went into the ACT and read, it also exempts Police Department facilities from securing a letter that waives the prohibition.

K. Perry stated Tom's next comment is about the wetlands, so he showed the existing wetlands from the previous subdivision, but they need them updated. This will all be taken care of on the Land Development plan that's in motion. The Stormwater Management also will be handled with the land development as well. So, no changes will be coming with the plan and everything has been addressed. He is asking for Final Approval here tonight. Solicitor McCall asked if we have a letter for the subdivision, stating that. We don't determine the state law. Because it is critical we approve the subdivision or the future land development. So, we have to have the determination. Also, to respect to the wetlands, he'd be advising to the planning commission not to issue any kind of final approval, until there is some effort made to provide us at least the preliminary determination on whether or not there are or are not ---. K. Perry said these are already delineated from a previous subdivision, we just want to redo it. Solicitor McCall stated then you get the same person out there. K. Perry said they will be out. Solicitor McCall stated he is reluctant to advise the planning commission to issue any kind of final approval until those conditions are met. T. Doughton it's a subdivision and land development. It's been submitted as two different submittals. Until we receive the delineation of the wetland, we go no

further. Chairman Dodson asked K. Perry any idea how soon they're going to be doing that. K. Perry said it's already done; they just need to redo the plan. Solicitor McCall said he assumes there are no wetlands other than what's presently showing. K. Perry said correct. T. Doughton stated there was a jurisdictional determination on these wetlands; however, it's expired. K. Perry asked if he can ask for conditional approval upon changing the date on the approved wetland, since they've been delineated? Solicitor McCall said not until we get the letter of exemption.

JOHN HALBING – Discussion on detention basins - J. Halbing stated I've been here before on this discussion. I'm trying to get rid of these detention basins in Saddle Ridge. By the ordinance they have to go to the Homeowners Association. When the original subdivision was done back in 2005, we didn't have sheet C-25 that showed those lots, and it contained all four (4) basins. We didn't separate that out and for it to be recorded as well. So, it was an oversight on our part, and our engineer. That's what we're trying to do. Actually, you signed that two (2) plus years ago, that sheet. The problem was that Covid hit and the courthouse was closed during that time and when I did get to take it to the courthouse, they said too much time has expired and the county wanted to review it. So then, we resubmitted it back in March and you received the letter from the Luzerne County Engineer's office as well as Luzerne County Planning Commission. So, when I came back over the summer, Tom felt that there was enough in the original land development plan that that we could submit that and we can't because that doesn't have Lot numbers on it. C. Vincelli went down there and spoke with Pat, who gives planning approvals. Pat told them that Dallas Township has to sign sheet C-25 that was submitted back in March and then get it recorded and have it's own separate pin numbers and then he can get it dedicated over to Saddle Ridge's Home Owners Association. Solicitor McCall asked is sheet C-25 the only sheet not recorded? J. Halbing stated the first four (4) pages, which showed the lots. That is the argument Luzerne County has. C. Vincelli explains they didn't have lot numbers on the original plan for the detention ponds, they don't recognize them as lots. So, they're saying it's not a lot of record here, we don't see it on the plan. There are no lot numbers for the basins. They just show the lot, and there was no number on it, so they said it's not a lot. That plan was referenced in the original set, both drawings just never got recorded with the set. It was part of the cover sheet and listed there, if he remembers correctly. Whoever recorded the plan, missed it. Chairman Dodson asked what does the county need him to do? J. Halbing stated they are going to record all six (6) pages, but we need Dallas township to sign the top page so we can get them recorded. Solicitor McCall asked again is the subdivision plan with the numbered lots, are they numbered on the subdivision plan that was recorded? C. Vincelli replied no. Solicitor McCall said so there's no numbers; are they on that plan? C. Vincelli replied yes. Solicitor McCall asked how are they designated? Are there individual lots with meets and bound descriptions? J. Halbing showed the plans and explained what was recorded and sheet C-25 that was never recorded and said that's the problem. Solicitor McCall asked where are the lots on the drawing. Halbing showed him Lot 105 and 103 and what's remaining. Solicitor McCall said so, on the original subdivision plan this page doesn't exist or it just has no numbers? C. Vincelli stated it exists. It was approved by Dallas Twp., but not part of the recording. Halbing said he still owns some of the lots. McCall said okay, but these are the now numbered lots? Halbing stated you know I think it may have had these numbers on it. Solicitor McCall stated if it doesn't there's a problem. We would have to check our file. Secretary Miller stated she will check on that tomorrow. Solicitor McCall stated it will depend whether these appear on our sheet C-25. If that's the case we can certify that the sheet represents sheet C-25 on the subdivision plan approval by the township on such a such date is the same as what is now that you're offering. If these lots are numbered on what we have, we can simply reissue the approval that we have earlier issued. ****MULTIPLE TALKING****

J. Halbing said he will look at his plans tomorrow as well, to see if the numbers are already on the plans and go from there. He thinks the numbers are on the plans and that it just never got recorded. So, we'll wait until next month or----. Solicitor McCall replied yes and he'll have a look at what was submitted to make sure he is comfortable with it and to resolve it.

2023 SALDO REVISION DISCUSSION - Twp. Manager, M. Barry stated we've been working on this for sometime now. My recommendations of Attorney McCall, Attorney Mosca, our township engineer Tom Doughton, and working with some consultants, we feel that we have this document ready to go. The supervisors have approved to have the Planning Commission review again and sent to by our SALDO regulations to the Luzerne County Planning, which they received today. We will post on our media sites and advertise in the paper and the supervisors request a public hearing to be scheduled for Wednesday March 22, 2023. Then, based on results from public hearing to approve this SALDO. We've also had comments from Bob Besecker, Jr. and that Gary Kirk, Secretary-Treasurer has put in a significant amount of time in creating this new document. There were a lot of issues and concerns with the previous

one, but we feel that everything has been corrected. Since the last draft, some of the legal concerns, terminology, and financial commitments have all been updated to everyone's liking. This is for everyone to review and if you have any comments, let us know. R. Perry said he had a few things he would like to discuss. M. Barry said anything you would like to bring up tonight. R. Perry said sure.

- On Section 604 drafting standards for minor plans, Page 6-1.
- Section 404.1 talks about the scale of the drawing. I don't think we should tell an engineer or surveyor what the scale of a drawing should be. In his opinion it should say the scales should be at a scale that shows clarity and enough detail for a proposed subdivision including existing conditions and/or features.

G. Kirk said the ordinance meets ACT 247 requirements. Could we add and have both that and say plus plans that are more legible. Would that be okay, legally? Solicitor McCall said sure, just ask the commission for a waiver. We have issued scale waivers, before. R. Perry said even if you change it just a little bit, so you don't have to ask for a waiver, but you're still adhering to it. Solicitor McCall stated it has to be a fixed standard to modify. Chairman Dodson stated we are doing this for the best of Dallas Township, and their citizen's; not for individuals. So, we should focus on that.

PUBLIC COMMENTS: There were no public comments.

Next Meeting March 14, 2023 at 7pm.

ADJOURN:

R. Perry made a **Motion to adjourn**. Seconded by D. Jones. Motion carried.
The Meeting adjourned at 8:15 pm.

Respectfully submitted,

Tammy L. Miller

Tammy L. Miller, Secretary-Treasurer