

DALLAS TOWNSHIP PLANNING COMMISSION

Tuesday, January 9, 2018

The Dallas Township Planning Commission held their monthly meeting on Tuesday, January 9, 2018 at 7:00pm at the Municipal Building located at 2919 SR 309 Hwy., Dallas, Luzerne County, Pennsylvania.

PRESENT: CHAIRMAN, JACK DODSON, ROBERT BESECKER, JR., DAN JONES, CHARLES KISHBAUGH, WALTER BELCHICK, ZONING OFFICER, CARL M. ALBER, TOWNSHIP ENGINEER, THOMAS J. DOUGHTON, SOLICITOR, WILLIAM J. McCALL, AND SECRETARY, TAMMY MILLER

Chairman, Jack Dodson called the January meeting of the Dallas Township Planning Commission to come to order. Chairman, J. Dodson, asked for a motion to accept the Minutes and Treasurer's report from the previous meeting. Motion was made by C. Kishbaugh and seconded by D. Jones. Motion was carried.

KILEY ASSOCIATES (DSD) –Subdivision & Preliminary/Final Land Development Plans

Justin Hoffman, from Kiley Associates was representing on behalf of Dallas School District. J. Hoffman said they have been working back and forth with Township Engineer, Tom Doughton and had received comments from Mining Engineering. Solicitor, McCall stated you are allowed to dialogue with the twp. engineer but not to the point to be burdensome. T. Doughton stated we have a process that things are supposed to be submitted through the Township office and stamped. We don't mind an email to back information up. You are also to submit things to the Township Secretary, who will stamp it, RECEIVED and forward it onto us for correspondence.

J. Hoffman stated we have responded to the letter we received today with a response letter, which I was just going to hand out. Solicitor, McCall stated you can have Tammy, (Secretary) take care of that for you. **J. Hoffman stated there are three (3) copies of the letter, three (3) copies of the revised plan and the revised calculations that Mining Engineering requested.** I also submitted on December 22, 2017, three (3) Agreements: **O&M Agreement, Easement Agreement, and the Developer's Agreement.** Solicitor, McCall told Justin they are not necessary until Final Plan Approval has been sought conditioned of that approval. I will review them, but it's not appropriate at this time.

J. Hoffman stated by next month we are hoping to have the NPDES Permit in hand and possibly the Planning Module Approval, which would be the two (2) outside agencies. So, it is conceivable that by February, we could have all these items addressed, including any outstanding Engineering comments, in which I would say were very minor comments that we fixed on today's submission. J. Hoffman asked Solicitor, McCall if that is the appropriate time to bring those items up? Solicitor, McCall said they should be submitted for review by my office. I have not looked at them because it is not necessary to do so right now. At the issue of Final Plan approval; a condition of that approval would be the execution and delivery by the applicant of accepting the O&M Agreement, Easement Agreement and Developer's Agreement. J. Hoffman stated those three (3) have been submitted, but not executed and the township has hard copies, right Tammy. She replies yes.

Tom Doughton stated rather than going through all this information here, we can summarize this and clean it up within a week; as soon as you get the permits, obviously. J. Hoffman said and I'm hopeful and an optimist that by next month's planning commission meeting we can consumedly have the Erosion Control, NPDES Permit and Sewage Module approvals.

T. Doughton asked J. Hoffman if he spoke with Carl or Martin concerning the driveway permits. J. Hoffman stated Martin and I spoke before the meeting about getting the application filled out and returned to him before next month's meeting. T. Doughton said that all has to be in place in order to receive Final Plan approval. J. Hoffman said, understood.

Solicitor, McCall said the time period will expire on February 12th, one (1) day before the next meeting. Since, right now the matter is not right for a decision, other than rejection, the choice is either ask the planning commission to vote tonight because it is not complete or the School District grant us an extension. Superintendent, Thomas J. Duffy said sixty (60) days. **Solicitor, McCall said the applicant has committed as a matter of record to extend to the Planning Commission an additional sixty (60) days, which will expire March 10, 2018.**

BACK MT. VETERINARY HOSPITAL - Construct a New Animal Hospital - Robert Moosic from LaBella Associates was representing on behalf of Back Mt. Veterinary Hospital. R. Moosic stated he received Toms comment letter today and said there are no technical comments. Last time I was here there was a discussion concerning the parking while construction was going on. We approached the Legion and they provided us in a letter stating that we can park in their lot while constructing. You had suggested that I show you the current basic layout of the existing parking as it stands now vs. the amount of parking that they would have during construction. As you can see on the plans it can comfortably park about fourteen (14) cars. Solicitor, McCall asked to see a copy of the letter. The thrust of it is not a problem, but we need more detail. Indicate the hours; they can be co-extensive with the hours of the clinic itself. All it says is your getting twelve (12) parking spaces during the process of construction. It doesn't say what, when, stuff like this requires a specific plan to show what they are; we just need more specificity. It just comes to the fact that you are asking for "temporary parking use" during the course of construction. Indicate the outside parameters of what you consider construction period; add thirty (30) or sixty (60) days to it after you compute it so there's no question your building to continue the use. R. Moosic said so you're looking for a time frame during construction. Solicitor, McCall told R. Moosic the letter does not reference that it's construction of a veterinary clinic; just make it specific so that there's no question when you include it in the file. Its specifics address the project that it is being constructed and for what time period.

R. Moosic stated as far as the last submission there are only three (3) outstanding issues, other than the parking issue:

- 1) **The exemption letter** - I spoke with DAMA today (Tom Keiper), and he suggests that we submit right to DEP, because it's basically a replacement of an existing facility. So, we will be submitting to DEP directly for that.
- 2) **HOP** - you need to get the HOP for the connection for the storm system. In order for us to do that we will need the site authorization signed by the township. I'm assuming that a supervisor will end up signing this. T. Doughton asked if he submitted it. R. Moosic stated we submitted the authorization and forwarded an original to the Planning Commission. Basically, that form just needs to get signed by a supervisor. T. Doughton suggested to R. Moosic to call Tammy or Nancy and have the Chairman, Supervisor sign it.

T. Doughton said to clear up some confusion about this HOP Permit. Whenever you access any part of Penn Dot infrastructure; for example any pipe system you will tap into, in which this project they will be tapping into the storm system that is in the highway; say an HOP process. Anything that is in Penn Dot's right-of-way, you need an HOP.

T. Doughton asked R. Moosic if he had any correspondence with Dallas Borough. R. Moosic said we did submit to Dallas Borough and it has been over thirty (30) days, they have not sent us anything. I don't know if they have sent the township anything, but I have not received any kind of a response at all. We also submitted to the Fire Chief and have not received a response from him and it has been over thirty (30) days. T. Doughton told R. Moosic try to maybe get in contact with him. R. Moosic stated that he will.

R. Moosic said the only other thing I saw in your review Tom was the O&M Agreement to be approved. Solicitor, McCall stated you will also need an Easement agreement and Developer's agreement. R. Moosic asked for preliminary conditional approval, but Solicitor, McCall said I don't think you want to do that. Your first presentation was on November 14th; we either vote tonight to approve or deny the application or we ask your client to stipulate the agreements are only necessary for Final Plan Approval.

Solicitor, McCall said let the record reflect the Back Mountain Veterinary Hospital has authorized the extension of time to the Planning Commission for an additional ninety (90) days for its decision, which will expire Monday, April 9, 2018.

T. Doughton said to R. Moosic we will absolutely need some correspondence from DAMA and DEP. With the moratorium still in effect you definitely will need an exemption letter. R. Moosic said he sent in the mailer to DAMA for review, but I didn't send it in to DEP for review yet. I'm going to do that next.

MISERICORDIA UNIVERSITY - Campus Improvements -Nick Argot from Borton Lawson was representing on behalf of Misericordia University. I would like to grant the Planning Commission an extension of an additional sixty (60) days on this application. Solicitor, McCall said N. Argot is granting the Planning Commission to extend an additional sixty (60) days from this evening to continue consideration of the application on behalf of Misericordia University. The time extension expires on Saturday, March 10, 2018.

III GUYS PIZZA, LLC – Parking Lot – Tim Connolly, from Tetra-Tech was representing on behalf of Ill Guys Pizza, LLC. **Solicitor, McCall stated that T. Connolly requested an additional ninety (90) day extension on behalf of his client (Ill Guys Pizza, LLC), to the Planning Commission from rendering a decision at tonight's meeting for this project.** This extension expires Monday, April 9, 2018.

T. Connolly said this is a new layout, a much smaller footprint; I believe our impervious area is less than it was before. We are staying within the boundaries with the setbacks and creating a new grey area around the outside of it. We were proposing landscape rocks; Tom I saw your comment letter. We didn't want people to be able to drive over or through. T. Doughton stated my concerns are somebody moving the rocks and creating access to the highway, with no Highway Occupancy Permit. I'm talking BIG ROCKS, (boulders). We wanted to have a barrier there and to keep it looking more natural, not big concrete blocks. There are thirteen (13) parking spaces. So, that's basically it. We are reducing the impervious cover and post of all conditions.

T. Doughton commented for the safety of the applicant and the township, we should still require a driveway permit for Carr Avenue that adjoins the parking lot. T. Connolly said a driveway application, storm water management application, and O&M agreement, even though there is nothing there to maintain, except grass.

Chairman, Dodson stated to T. Doughton about the upper parking lot. R. Besecker, Jr. said he has concerns with the wall on the upper parking lot. T. Doughton commented you all approved it. R. Besecker, Jr. said that design we approved, with that wall? I can't say that I remember that. T. Doughton stated there was no wall on the original plan. R. Besecker stated then we didn't approve it. That is a dangerous condition there, with a couple of the parking spots. T. Doughton stated it is not on the plan to be reviewed now, so I cannot comment on that. R. Besecker, Jr. said but from my standpoint, as a member of the commission... Solicitor, McCall stated it is a valid concern. It deals with whether there has been compliance with the Final Plans as submitted or whether the project has ___ from what was approved. We certainly ask our Engineer to look into that. Compare the physicality of the site vs. the plans that submitted concerning the site. T. Doughton stated I believe that was placed after the Final inspection. The concrete block was replaced after a substantial time after that. Solicitor, McCall stated we will address that; the commission is asking that you include.... T. Doughton stated I will have to get Carl with me on that. Solicitor, McCall said of course. R. Besecker stated there is hand railing there, almost a four (4) foot elevation change between the one lower section, there's additional parking there, there's a lip of asphalt there. If people not knowing the lip is there, they get hung up on it. Joe from III Guys said one (1) car has already. R. Besecker stated I think it's something for us to look into. T. Connolly stated I didn't have anything to do with that design, so I can't comment on it. R. Besecker, Jr., said I understand. T. Doughton stated this plan doesn't address that situation. Chairman, Dodson stated to Tom, you and Carl get together and check on that.

Zoning Officer, C. Alber stated to Tim this parking lot you're proposing here, is it going to be paved? T. Connolly told Carl yes, but not right away. Carl told him the upper lot is gravel and it was paved and that wasn't on the plan either. T. Connolly said this is designed for paving. C. Alber said make sure you indicate that then, because of storm water. T. Doughton said under the current ordinance, gravel areas are considered impervious. They are designed as paved lots.

R. Besecker, Jr., asked the block wall that runs here (shown from drawing), was that existing? T. Connolly said within the last six (6) months or so. C. Alber stated they were put in by the contractor who demolished the former King Neptune building. It's less than four (4) feet high; he can consider it as a retaining wall. A permit is not needed if it sits at four (4) feet high. Carl stated he measured the wall today and it measures at forty-five (45) inches. D. Jones stated it's designed as a barrier between the hospital and parking lot. T. Connolly said there is a grade change between here and there. R. Besecker, Jr., but it was all filled in there to that wall. C. Alber said yes.

T. Connolly said I will address the comments and get the additional paper work back in.

Attorney, Bishop spoke on behalf of Brock Phillips regarding the constructing of Back Mountain Veterinary Hospital. Attorney, Bishop stated we have comments regarding the retaining wall. We don't consider this as a retaining wall; we just think it's just a wall. It was put in the wrong space and without acknowledging the setback requirements that Dr. Phillips has had to observe. In regard to all of his plans he's been here two or three times already with setback requirements. This was done on their own without requesting any approval from this town or Zoning Officer. We think it should be required to be set back at least fifteen (15) feet. There is no landscaping on Dr. Phillips side, we think it should be removed, it's ugly. Solicitor, McCall stated that would have to be by application of the Zoning Officer and the Zoning Hearing Board. We have no authority, we are not an enforcing agency, we are a planning agency. That is a legal decision between the applicant and the Zoning Hearing Board, as to whether it does or does not qualify as a retaining wall under the terms of the Zoning Ordinance. But it has no place before this commission.

MAPLE STREET - Lindy LaRue from Milnes Engineering requested a 90 day extension. Solicitor, McCall stated he received a letter dated December 26, 2017. Since you are present, let the record reflect that the applicant has granted the Planning Commission a **90 Day Time Extension** from December 26th, until Monday, March 26, 2018, in which, the Planning Commission may continue to work towards a decision.

FELLOWSHIP CHURCH – Conditional Use (waiver) – Keith Miller, Bassett Engineering, Inc. was representing on behalf of the Church. K. Miller said he is here with Lee Piatt, Board member of the Church.

Solicitor, McCall stated this is not before the Board until the Supervisors approve the **“Conditional Use”**. This is just information and presentation. We have no authority to review the plan, until the supervisors approve your application for Conditional Use.

I am advising the Commission that number 1) the plan as proposed is a minor accretion to the use that was approved in the past and constructed. Number 2) they qualify to have us recommend also to the Board of Supervisors that they do not have to provide an Environmental Impact Study, because one was provided at the time the facility was first granted approval. They are only utilizing one wall of the building and adding three to enclose. K. Miller said that would be correct, which it is a minor extension to the west. Solicitor, McCall stated the impact is minimal with respect to the facility itself, which was approved by this Planning Commission. It would be my recommendation to the Commission to adopt a Resolution recommending to the Board of Supervisors that, 1) Approve the conditional use requested by the applicant and 2) that they grant a waiver to the applicant, there by not requiring the filing or preparation of the Environmental Impact Statement.

If you wish to show us what you have in mind; we just have no authority to consider it until we are told by the supervisors they have approved the conditional use, because until you have conditional use approval, you have no ability to develop the site.

Solicitor, McCall stated I recommend that the Planning commission make a motion and second it for a resolution adopted, directing the Chairman to transmit to the supervisors: 1) **a recommendation that the conditional use be granted and 2) that they issue a waiver of the necessity of providing an environmental Impact Statement.** Chairman, Dodson asked do we have a motion. Motion was made by C. Kishbaugh and seconded by R. Besecker, Jr. Motion was carried.

Motion to adjourn was made by W. Belchick and seconded by J. Dodson. Motion was carried.

There being no further business, the meeting adjourned at 8:03pm

Respectfully submitted,

Tammy L. Miller

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