

DALLAS TOWNSHIP PLANNING COMMISSION
Tuesday, March 13, 2018

The Dallas Township Planning Commission held their monthly meeting on Tuesday, March 13, 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, WALTER BELCHICK, ZONING OFFICER, CARL M. ALBER, TOWNSHIP ENGINEER, THOMAS J. DOUGHTON, SOLICITOR, WILLIAM J. McCALL, AND SECRETARY, TAMMY MILLER, ABSENT WAS CHARLES KISHBAUGH.

Chairman, Jack Dodson, called the March 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. There was an error made in February's Minutes; the error has been corrected. Motion was made by D. Jones and seconded by C. Kishbaugh. Motion was carried.

Maple Street Subdivision – Mick Goodwin from Milnes Engineering was representing on behalf of the Maple St. subdivision. Mick said he would like to grant the commission an additional 90 days to follow up with our project, if that's possible. Solicitor, McCall said **let the record reflect that the developers of maple street subdivision have extended the Planning Commission an additional 90 days within which to consider its decision to accept or reject the submitted plan.**

Rome – Jesse Subdivision – R. Perry from Northeast Surveyor's, was representing on behalf of Rome and Jesse. R. Perry explained the only issue he believes that Twp. Eng. T. Doughton had was in regards to the **wetland delineation**. R. Perry said a note was placed on the plans requesting a **waiver until such time for when they apply for a building permit**. The reason being is he's not doing anything right now with the forty-five (45) acres, and is not even sure when he will Lot 2. This was just to divide it and add a piece to one of the adjoiners. R. Perry asked T. Doughton if that was the last issue. T. Doughton said yes, that's it. You received the DEP exemption letter; all comments have been addressed.

Solicitor, McCall stated the applicant is requesting a waiver of the **wetland delineation**, provision of the Ordinance. Because there is no development going on at this time, two (2) of the lots are really just re-configurations of adding some land to them, but not the purpose of development, and lot 3 is forty-five (45) acres, it would be appropriate to consider a waiver until such time is in subdivision or development on that land is undertaking, at which time it would have to be a wetland delineation as an element of the approval process.

Chairman, Dodson asked for a motion for the request of a **wetland delineation waiver**. Motion was made by C. Kishbaugh and seconded by R. Besecker, Jr. Motion was carried.

Solicitor, McCall stated it would appear that the engineer has resolved all technical issues and the plan qualifies for Final Plan approval. Chairman, Dodson asked for a **motion for Final Plan approval**. Motion was made by R. Besecker, Jr. and seconded by D. Jones. Motion was carried.

Olin Smith Subdivision – C. Vincelli, from Site Pro Surveyors was representing on behalf of Olin Smith. C. Vincelli stated in December we were granted "Conditional Approval", for a lot combination on Yeager Avenue. And one of our comments was for the sewage exemption letter. Since then, we've obtained a sewage permit from DAMA and we would like to submit that and ask for Final Plan approval. Chairman, Dodson asked Tom if he had comments addressing this. Tom replied yes, we have a letter on the moratorium. DAMA can approve a sewer permit, however, there still has to be an exemption letter. That means as long as they have a permit,

they're granting an exception. DEP has stated that no one will receive subdivision approval without correspondence from them granting an exception. Zoning Officer, C. Alber explained that he contacted DEP regarding the moratorium issues in the Back Mountain Community. Alber said they do not give out as to who receives the edu's. They issue the permits to DAMA and then DAMA issues to whom they choose to. Carl also brought up the fact that the person who received the sewer permit is not the owner of the property and therefore, he will not be able to issue a building permit unless they show him a deed of the property. T. Doughton said he thinks this issue can be cleared up. DAMA has according to the letter, nineteen (19) lots and this is as of August 11, 2017. This letter is from DEP to Dallas Area Municipal Authority (DAMA) and all municipalities. The Department is allowing nineteen (19) equivalent dwelling units (EDU) connection to the sewerage facilities after considering the work DAMA has performed on the system. So, if you are one of the nineteen, someone needs to tell us that you allotted one of the nineteen. C. Vincelli asked doesn't the permit do that. T. Doughton replied I believe it does, but we need some kind of clarification from DEP, because DEP has told us everyone must have the exemption letter. C. Vincelli stated to Mr. Doughton that's just it I can't get a letter from DAMA; I can't get an exemption because I can't get a letter from DAMA, because there's a Moratorium. Solicitor, McCall stated you have a conditional approval, conditioned upon the production of a DEP exemption letter; if you don't have it, you'll just have conditional approval until we get it. The fact that it was issued to Deats, there will be a transfer and then that will be assigned, along with the exemption letter.

Back Mountain Veterinary Hospital – R. Moosic from LaBella was representing on behalf of Dr. Brock Phillips. R. Moosic stated the plans haven't changed or no technical comments since the last submission. R. Moosic gave a quick re-cap from the last time. We did however; submit our DEP Planning Module Exemption letter. We made a submission to PennDot regarding our storm water system connection. We received comments from PennDot on Friday, which we resubmitted them today. So I'm expecting we'll probably get approval and/or comments within the next month. One of the outstanding items is a letter from the fire chief; I spoke with him and what he's looking for is a set of floor plans, which aren't completed yet. R. Moosic explained to Chief Vivian when he has the plans, he will pass them along for him to look at them. The other outstanding item is the O&M Agreement that is not finished yet. Solicitor, McCall told R. Moosic he can provide their counsel with a Developer's and Easement Agreement. R. Moosic said other than that, I don't know if there is any other outstanding items that we need to address. **T. Doughton said we are waiting for correspondence from the fire chief, the Hop and the O&M Agreement.** Solicitor, McCall told R. Moosic the agreements from his office have nothing to do with receiving Preliminary Approval. That would only be for Conditional and Final Approval.

T. Doughton questioned R. Moosic if he contacted Dallas Borough. R. Moosic said we submitted, but had no response from them.

R. Moosic said I would like to grant the Planning Commission permission to give us an extension of ninety (90) days planning module letter. Solicitor, McCall said Note that the Engineer for the Back Mountain Veterinary Hospital extends the Planning Commission a ninety day extension in which to consider approval or rejection of the Land Development Plan. DATE: 6/11/18.

Ill Guys Pizza, Dallas - T. Connolly was representing on behalf of Ill Guys Pizza. On March 1st, he resubmitted a one (1) page plan, in order to take care of county comments. This is the lot where King Neptune use to be.

- **Comment #1**, regarding the primary use as a parking area within a B-2 District. **The restaurant is a service oriented business, which is a permitted use. The parking lot is an accessory use, which also is permitted under the B-2 District.**
- **Comment #8**, **there are no proposed buildings, so it is not relevant to show building setback lines on the plan. Building setback data for the B-2 Zone is shown in a table on Sheet 1.**

- **Comment #10, the work within the R/W will be restored from stone to grass and feels it is not necessary for a PADOT HOP this type of work. We are not accessing the highway.**
- **Comment #11, was satisfied**
- **Comment # 18, the latest plans have been revised to keep all proposed contours within the property lines. See Sheet #3.**
- **Comment #19, the parking lot naturally slopes from Garbutt Ave to the existing precast retaining wall. A 4" wide by 4" high asphalt curb is shown on the typical wall section on Sheet 8. The curb will channel all runoff away from the neighboring property and into Carr Ave. Note that since the impervious cover is less in the post developed condition, the amount of runoff entering Carr Ave will also be less than what is currently directed there.**

It was mentioned to T. Connolly that a driveway permit application needs to be filled out and what the fee would be for a driveway permit.

T. Doughton stated that all comments have been satisfied.

Solicitor, McCall stated that with all comments having been addressed satisfactorily, a motion for **Final Plan Approval** is appropriate. Motion was made by C. Kishbaugh and seconded by D. Jones. Motion was carried.

Zoning Officer, Alber raised concerns about the water runoff to the adjoining properties, where they will be building a new animal hospital. T. Doughton stated that's why he suggested the contours on the plan. C. Alber asked what happens if there is water runoff down the road; because he will be the one receiving phone calls. T. Doughton stated the only way to do that is, I'll have to make sure the site is built right to the plans. The plan shows no storm water being directed that way. T. Connolly stated if for some reason the asphalt curb gets destroyed in snow plowing, then yeah, it may happen. That asphalt curb is going to channel all the water runoff out to the alley. C. Alber asked where is the water going to go off of Carr Ave, because it's going to run towards Center Hill Road. T. Connolly stated the same way it goes right now. T. Connolly stated we are decreasing the impervious there, that's why I didn't have to put in any kind of underground detention or anything like that. C. Alber said okay.

Twp. Engineer, T. Doughton said there was an existing facility on site (King Neptune), and with no building on the lot, it is now one Hundred percent impervious. As a result of that lot being a pre-existing property, he's entitled to eighty percent credit of the impervious that was existing.

R. Besecker, Jr. said isn't that going to be paved at some time, and won't that create water runoff? T. Connolly stated they have within a year to get the paving completed. It will be re-graded, so that it will be sloped going towards Carr Ave. Right now, it is stone surface and I haven't heard anyone finding any issues with water runoff. Eventually, it will be all grass on both sides – the highway side and Garbutt Ave side, with a small little strip of pavement within the property lines. The wall there now, will remain. A small vegetative area along the top of the wall and at the edge of the pave will be asphalt curb.

T. Doughton stated technically, what you are approving tonight is for the project to go ahead. So, he has a year to complete the work to this plan. It's not built to this plan right now, but the plan that is on the table here, this site does not need that plan right now. It requires a total regrading of the lot. Solicitor, McCall asked T. Doughton if the design would prevent it from water runoff and Tom replied yes. T. Doughton said according to the pre-existing contours, the site has not changed, hardly at all in grade. If water went that way towards the Vet Clinic when King Neptune was there, it's still going that way, by the look of the contours, it probably is.

There was a brief discussion about doing land development without a permit and the wall that is there now. Zoning Officer, C. Alber stopped the work they were doing. Concrete barriers have been placed around the lot so that no one is able to use the lot at this time. C. Alber said in his opinion, he doesn't think the water will

drain correctly with the heavy rains we have been encountering lately. T. Doughton stated that three (3) engineers have reviewed and calculated that it will work. T. Connolly said it is all directed to the same point of interest, which is out at the corner of W. Center Hill Road and the highway.

A motion was made by C. Kishbaugh and seconded by D. Jones for **Final Plan Approval** for the bottom lot of where King Neptune was located. Motion was carried.

Friedman / Huntzinger Subdivision – Dennis Evans is representing on behalf of R. Friedman and J. Huntzinger. D. Evans stated we just received DEP approval this week. There was a discussion last month as to who owned Gypsy Lane and the private road. Evans stated that he has an easement that pertains to Gypsy Lane and the easement to the front of this parcel here; saying that it's already in a maintenance agreement just for taking care of Gypsy Lane. Solicitor, McCall asked to look it over. Solicitor, McCall stated he has a copy of it and said it states that the Mitchell's are the owners. D. Evans agreed. Solicitor, McCall explained in order to use it; he will have to get an easement from the Mitchells. Solicitor, McCall asked if a title commitment had been done on the property, for the purpose of the sale. D. Evans said we can't sell it yet because we have to make it two (2) acres before it's sold. Solicitor, McCall said he assumed that the buyer placed a title order; he would love to see the commitment, to see how it references Gypsy Lane and what the rights are on the Friedman property now. We need to determine whether this is one of the properties associated with the easement agreement and I don't see it. There should be two (2) Resolutions: 1) if it is one of the lots that is included in this easement agreement –"IF", but there should have been the granting of the right to use Gypsy Lane in the deed to Mr. Friedman together, with the obligation which arise under the maintenance agreement in this. This calls for joint sharing. Solicitor, McCall determine that lot 3 is not a part of the easement, but lot 1, 2, and 4 are, because lot 3 point out to the state highway. Solicitor, McCall questioned who transferred the property to Mr. Friedman? R. Friedman replied Wasserott's. D. Evans stated that Wasserott was the previous owner to that piece of property. Solicitor, McCall replied but he is not a party to this easement agreement. what you are saying. I can't prove any of what you are saying. Mr. Friedman has a title insurance policy issued to him and you'll be able to check with the party who issued it and they will be able to expose their title notes to you and they will determine if this was one of the lots. Also, you will have to approach Saddle Ridge Home owners Association, they will have a say in this as well. J. Huntzinger stated he reached out to Jared who is the President of the association, two days ago. He said he will get him a copy of the maintenance agreement, so that he can sign off on it. Solicitor, McCall said that would solve your situation with respect to the developer, Mr. Halbing and the homeowners association, but there are activities....and I have no idea what's in their recorded agreement. We need more evidence of what this lot is. J. Huntzinger questioned if he were to receive a right extended to him from one of the property owners in the easement agreement and provide the bases for you're paying the share of it. That's what the commission is looking for. Find out what the legal status of Gypsy Lane is. Your lender is going to require you to do a title search, because you plan to buy and build.

The Beaumont Inn 33, LLC – Pavilion. D. Monk was representing on behalf of the Beaumont Inn. Monk said back in January, we were allowed to put modified and dirt on the road to make it passable; with doing this, the excavator discovered the existing road was too steep to bring trucks down. In the meantime, the road was altered and Phil Trowbridge from the Conservation District came out and did a site assessment; we were found in violation because the altering of the road. Monk said he sent a letter to Dallas Twp, stating we were in violation. It was explained to P. Trowbridge as to why the road had been altered, and signed and initialed the violation report. Monk said he talked with T. Doughton on this matter and told him you can do this at Final Approval as an "As-Built" condition. The Conservation District sent an approval letter to the township based on the moving of the road. Solicitor, McCall stated it would be in your best interest , so there would be no objections is to submit it as a supplement to the initial plan so that it's of Record, so that we know what's being done is approved. Then your "as built" will be in with conformity with your original plan as supplemented. You will of course have to have the "as built" to us and recorded. T. Doughton stated you will

need to do an official engineering plan; submit a sketch plan showing the difference, just like the Conservation District, and Tammy and I will scan the document and put it in Record. Then when you file for your final set of plans, there won't be any objections of it showing that it's different from the initial submission. T. Doughton stated he will initial the plans himself.

The Beaumont Inn 33, LLC – Wedding Path / Pergola. R. Friedman explained this is for information only and that he would like to further develop an existing portion of the Beaumont Inn into a Wedding Lawn Path / Pergola, in order to have a place for the ceremonies. We would like to construct a single-story, open sided, wood-framed wedding pergola structure; totaling 280 sq. ft. As well as constructing an additional entry path to access the pedestrian bridge, near the existing paved parking area abutting Route 309 highway.

T. Doughton stated, the only impervious will be the roof from the pergola, and/or depending what materials you decide to use for the pathways. You mentioned using Landscape stone; I know for a fact that is exempt from stormwater planning; but to be sure he would look up the definition for that to make sure as to whether it is exempt or not.

Doughton stated this will be a separate Land Development Plan because you've already received Preliminary Plan Approval for the previous Land Development for the Pavilion. This will be a minor land development. T. Doughton said just show how much of whatever material you decide to use and how much of it will be considered impervious. Doughton stated he will need to know how much credit they will be applying for of impervious area that is pre-existing and how much will be constructed there. We need to see a number of what impervious is being removed from the bocce court, seeing it is being converted into a wedding lawn.

Motion to adjourn was made by D. Jones and seconded by R. Besecker, Jr. Motion was carried.

There being no further business, the meeting adjourned at 8:45pm

Respectfully submitted,

Tammy L. Miller

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