

DALLAS TOWNSHIP PLANNING COMMISSION
Tuesday, May 8, 2018

The Dallas Township Planning Commission held their monthly meeting on Tuesday, May 8, 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-TREASURER, TAMMY MILLER.

Chairman, Jack Dodson, called the May 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 R. Besecker, Jr. Motion was carried.

MISERICORDIA UNIVERSITY – Campus Improvement - Preliminary Land Development Plan - Representing on behalf of Misericordia University was Nick Argot from Borton-Lawson. N. Argot said the last thing outstanding from last month's meeting was the NPDES Permit, which we received today and a fence was added around the existing basin; with a revised plan. The only thing outstanding is the Escrow account and normally that is set up after preliminary plan approval and the construction schedule.

Solicitor, McCall stated it would be appropriate to ask for a **motion to grant Preliminary Plan Approval to Misericordia University for its Land Development Plan.** Motion was made by D. Jones and seconded by Robert Besecker, Jr. Motion was carried.

MISERICORDIA UNIVERSITY – Final Major LD Plan – TROCAIRE BUILDING - N. Argot stated a submittal for Final Land Development plans and talked with Tom earlier today. Given there are still quite a few improvements that need to be made on the site; I would like to table the plans that were submitted and revisit it next month. Solicitor McCall asked about the time frame for a decision, but they were granted an extension at last month's meeting. It will expire June 9th.

FRIEDMAN / HUNTZINGER SUBDIVISION – Jeff Huntzinger was representing. J. Huntzinger stated from the last meeting he believes the only thing outstanding was that they need to get the Easement Agreement, in which he had with him; signed and notarized. He said we talked about the HOP, even though, we didn't need it for this, but we did get the ball rolling for the " **building permit.**" D. Evans stated we also added two (2) notes to the plan: 1) the HOP saying that **a building permit cannot be issued until the HOP is required.** 2) **Robert Friedman is entered into the Maintenance Agreement with Gypsy Lane** with Peggy Cobleigh, Robert Mitchell, and etc, etc. Solicitor, McCall discussed how he has seen all parties / successors have entered into a maintenance agreement for Gypsy Lane; for how each property owner needs protection by having this agreement and to who has an interest in Gypsy Lane as well as the right to use it. Atty. McCall stated he made a minimal revision with the agreement and also states that the legend indicates and acknowledges that Gypsy Lane is a private road and the township has no obligation to construct, repair, maintain, replace, and it is not appropriate for offering in acceptance for dedication until it is built to township road specifications. Solicitor, McCall stated it will be recorded independently so it will have all of the parties with ownership interests in the properties that are abutting on Gypsy Lane as well as ownership of Gypsy Lane. They are all joined in to this agreement extending to Mr. Friedman and when he transfers his lot, we'll still have all the parties bound to maintenance and repair. We do not have to be a part of that agreement. It's a matter of Record and it's the responsibility solely that of the owners of the lots that'll abut Gypsy Lane.

T. Doughton stated Penn Dot is directing us that we do not issue approval without requiring a Highway Occupancy Permit (HOP) for Gypsy Lane to enter onto the State Road. **They have applied for it and have added a note to the plan; but no building permit will be issued until such time there is a Highway Occupancy Permit (HOP). If they don't receive an HOP, they cannot build.**

The Mitchells have been excused from any maintenance cost, for them allowing others to be able to have usage of Gypsy Lane. Solicitor, McCall stated by the recording of the Easement Agreement, it'll establish of record the rights of all parties who abut on Gypsy Lane. To use it is a means of access to the property and it complies with our Policy that no more than two (2) homes located on a private road unless there is a maintenance agreement.

Solicitor, McCall states it would be appropriate to **grant Final Subdivision Approval; subject to their receiving a highway occupancy permit and subject to Atty. McCall having input in the creation of the paragraph relating to the private nature of Gypsy Lane.** Motion was made by C. Kishbaugh and seconded by R. Besecker, Jr. Motion was carried for **Final Approval.**

Motion to adjourn was made by R. Besecker, Jr. and seconded by W. Belchick. Motion was carried.

There being no further business, the meeting adjourned at 7:30pm

Respectfully submitted,

Tammy L. Miller
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