

DALLAS TOWNSHIP PLANNING COMMISSION
Tuesday, February 11, 2020

The Dallas Township Planning Commission conducted their 2020 Organization meeting followed by their monthly meeting on Tuesday February 11, 2020 at 7:00pm in the Municipal Building located at 105 Lt. Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania.

PRESENT

CHAIRMAN; JACK DODSON, MEMBERS; ROBERT BESECKER, JR., DAN JONES, CHARLES KISHBAUGH, TOWNSHIP ENGINEER; THOMAS J. DOUGHTON, SOLICITOR; THOMAS J. MOSCA (filling in for Ben Jones) and SECRETARY/TREASURER; TAMMY MILLER

ABSENT: Solicitor; Benjamin R. Jones, member; Walter Belchick and Zoning Officer; Carl M. Alber.

NOMINATIONS FOR CHAIRMAN – Nominations from the Board

Solicitor; Mosca, opened the floor for nominations for Chairman of the Planning Commission. Motion made by D. Jones to nominate Jack Dodson, seconded by C. Kishbaugh. Motion carried.

MOMINATION FOR VICE-CHAIRMAN – Nominations from the Board

Solicitor; Mosca opened the floor for nominations for Vice-Chairman of the Planning Commission. Motion was made by Chairman Dodson to nominate Robert Besecker, Jr., seconded by C. Kishbaugh. Motion carried.

Approval of Minutes and Treasurer’s Report:

Motion by C. Kishbaugh, seconded by R. Besecker, Jr. to approve the minutes and treasurer’s report for the month of January 14, 2020 Meeting. Motion carried.

DALLAS TWP. SOUTHSIDE PARK– Lot Consolidation – M. Barry, Dallas Twp., Manager is representing on behalf of the applicant, (Dallas Twp.). T. Doughton stated he received an email that included a copy of the plan with all the necessary corrections that needed to be made and with notes on the plan.

T. Doughton stated he researched the deeds at the courthouse as it was discussed from December’s meeting. There was only one deed found with a condition: It was the deed for the largest part of the park- “Dallas Construction Company”. There is a reverter clause within the deed, that if the property is not being used as a “park” it reverses back to the McHenry Estate, which is Goss Manor. With that being said, everything else has been resolved. C. Kishbaugh made a motion for **Preliminary Final Plan approval for the 25-Lot Consolidation**, seconded by D. Jones. Motion carried.

DALLAS TWP SOUTHSIDE PARK Nature Playground & MS4 Improvement project – Final Land Development Plan Approval. Bryan Smith from Barry Isett & Associates, Inc. requested not to be on the agenda for tonight’s meeting. They need to revise the plans before presenting it to the Commission.

BACK MOUNTAIN VETERINARY HOSPITAL - Robert Moosic from LaBella Associates. R. Moosic stated he is here on behalf of Dr. Brock Phillips to grant the Planning Commission a one-year time extension for Preliminary Land Development Approval from **February 11, 2020 to February 10, 2021** to render a decision for the said project. R. Moosic stated Dr. Brock Phillips is in the position to start construction in the Spring of this year. C. Kishbaugh made a motion for a **1-yr extension**, seconded by R. Besecker, Jr. Motion carried.

ELMCREST PARK MINOR SUBDIVISION – Chris Vincelli, surveyor from M.A.C. REALTY was presenting. C. Vincelli presented a revised plan. Solicitor, Mosca asked Vincelli you had a preliminary approval back in 2011 for Elmcrest Park, are you abandoning it? Vincelli told him no. Solicitor Mosca stated you are

asking for approval for these three (3) lots and do you believe you have the ability to build on these lots that were part of the preliminary approval in 2011? Vincelli replied absolutely. Vincelli asked is there any reason why I would doubt that. Solicitor Mosca stated yes, because you've got three lots here It's a preliminary approval and not a matter of record at this point. It does not have final approval and is not withdrawing any of that. T. Mosca said okay. What I would suggest is that if you think you are going to build on lots that are similar or the same as to what was approved in 2011, you would have to file a new plan. Vincelli stated for Final approval, we will do that. Solicitor Mosca stated for preliminary approval. If the PC were to grant with what you're asking here; you're asking for three lots: Lot 1 is 20.54 acres, Lot 2 is 0.44 acres and Lot 3 is 0.46 acres. these lots are not lots of record; because there was never a final approval and never recorded on a plan. So, by asking for these three lots you're effectively undoing what you did here. I'm asking if that's your intentions. Vincelli stated It's a preliminary plan, it's not a matter of record. Solicitor Mosca said his point is if you think you're going to come back and say you want to build on these other lots without filing for another subdivision. Vincelli stated he will have to file again anyway; he would have to file for final approval and rebuild the whole plan. Mosca stated it wouldn't be final approval, it would be preliminary approval. Vincelli stated that he doesn't agree with that. Solicitor Mosca said okay.

COMMENTS: Luzerne County comments were received – 1/28/2020.

Tom stated the bearings were not shown on the plan. Vincelli stated they are on there. Tom said he can't read them; they are so small. Vincelli stated he can definitely make them bigger on the next plan.

Section 404.18 All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Luzerne County.

Comment: The Easement of the extension of Birch Street as described in the deed book 3006 page 215272 is not shown on the plan. Additionally, an easement for the Sanitary Sewer owned by DAMA and the Water main need to be submitted and shown on the plan.

Vincelli stated he added it on the revised plan and added a line there and some text: **50' Easement to service land development company only.**

Tom stated there must be an easement there. Vincelli stated they do not exist and has had a discussion with DAMA several times over the fact that they don't have an easement for the entire sewer line on his property; including that piece. That goes for the water main line as well. Ben Jones is completely aware of the situation. Vincelli said he can't show it, if it's not there. Tom told him to note that in his response.

Section 406.6 Tom said you need to get the form letters for the applicable utilities.

Comment: All Subdivisions and Land Developments must supply correspondence from DEP and DAMA approving a Sewage Facilities Planning Module.

Tom stated he talked with Ryan Gruver from DEP and said any exemption letters issued prior to 2019 are not valid. Vincelli stated he talked with his boss; Scott Novatnak and told him the exemptions that he has for Elmcrest Park do not expire. Tom told Vincelli to get it in writing. Vincelli said he has been exempted from Planning module. Now they are asking me to plan; the exemption is still good. Why would he have to do a Component 3 Planning Module? Vincelli said in his opinion he feels that he has met the burden of what this Planning Commission requires. Tom said you would have to talk with DEP and get a letter from them stating the exemptions or subdivision is valid. Vincelli said if he gets a letter saying the exemptions are still valid, then he's good to go. Tom said yeah, I would say you are. Solicitor Mosca, asked Tom D. are those exemptions with regard to the seventeen (17) Lots for the preliminary plan that was approved or is that to respect to these three (3) Lots? Tom said they are in respect to the seventeen (17) Lots. Solicitor Mosca asked do we need exemption letters with respect to these three (3) lots? Vincelli stated Lots 2 and 3 are part of one lot. Doughton said 2 and 3 were one lot

in the original plan. Solicitor Mosca said we can't have you carving out a couple of lots that were part of the preliminary approval and then lump the other twenty (20) acres. Vincelli said he has been allotted seventeen (17) exemptions. It doesn't matter whether he uses one here or one there. Mosca asked Tom D. is there a distinction between any of those exemptions. Doughton said he didn't know. Vincelli said no, there's not. It's sewage flow capacity.

Solicitor Mosca stated any letter that you get, is still going to be subject to approval or the Engineer or Planning Commission. Vincelli stated it is not DEP that is restricting him, it is DAMA and DAMA said it's not them it is DEP.

Wetlands, All Plans must specifically address the subject of as to whether any wetlands are located upon the site.

Comment: It appears that Wetlands are present along Lots 1, 2 and 3. It is highly unlikely that the wetlands as shown follow the exact property line.

Vincelli stated lot 2 & 3 were designed to stay out of the wetlands; he put those lines there. Doughton said before there is any earth disturbance building permits issued on any lots it must be verified there are no wetlands on the lot. Vincelli tells Tom he has an NPDES Permit and a wetland delineation. Doughton states that it is ten (10) years old. Vincelli states it is still enforced; he renews it every five years. It was handed in with the submission.

Section 806.2 Each lot or area platted for residential use shall be accessible from an existing or proposed street. **Tom said his question there is how do you get to lot #2; there is no road frontage. Vincelli told him there is a 30' easement. Doughton said it can serve up to two lots under the ordinance with a private drive or private road. Vincelli stated he is only serving one.**

Section 806.8 Flag lots shall be avoided when alternate development layouts would yield the same number of lots otherwise permitted with the elimination of flag lots. The approval of flag lots shall subject to the following standards:

Doughton said what he is concerned about is if you are subdividing these; what avoids you from these other spurs from lot 1 here and coming back next month and you want to subdivide two lots from out of the original subdivision. Vincelli asked what's wrong with that. Doughton stated you are dissecting a preliminary plan. Vincelli stated he is not going to do that because he has put in a pond, the sewer, storm drainage; the plan that you see over there is like at 60% right now. He is way beyond that and way too much money invested in the plan that he already has. The reason why he wants to isolate these two lots from the development is because the features of the ground are very hilly and the houses are Ranch style homes and need to be like the other homes that are there.

Storm Water Management

The Applicant has completed the Storm water Mgt application as required.

COMMENT:

This Subdivision qualifies for Exemption as per Section 302 of the DT Storm Water Mgt. Ordinance. Storm water management plans must be submitted prior to the issuance of any building permits.

Vincelli said Elmcrest Park has an approved Storm Water Management plan and continues to maintain a NPDES Permit. Tom D. told Vincelli he will have to show the application when he applies for a building permit your impervious area calculated for that section of the plans has not changed. When you attempt to secure a building permit, you're going to have to re-due the application, submit the storm water plan that J. Stachokus did and show that you are not creating additional impervious on that lot. Vincelli said understood.

Misericordia University - request a letter of support from the Planning Commission for their 2020 LSA grant application. They would like to know if the project meets comprehensive plan conformity.

Chairman Dodson asked what the downfall would be for the Planning Commission if they signed this letter knowing the supervisors aren't in favor of it? The commission doesn't want to take the chance in signing a letter for someone else knowing it may jeopardize the chances of the township in receiving grant funds for a new salt shed. The commission stated they would be in favor in sending a short letter if the project meets comprehensive plan conformity and as long as the Supervisors and Luzerne County are okay with it.

Twp. Manager, M. Barry told the Commission he will confirm with Luzerne County Planning tomorrow to see what they did over the past three years as examples and will get back to them on it.

Discussion on SALDO Amendments – Tom Doughton stated we are scheduling some work sessions and going over the SALDO to see what needs to be amended. It has not been updated since 2008. We would like Jack, Tammy, Carl, Martin and myself to be part of the committee or anyone else that can attend during the day.

Discussion on Amending the Zoning Map - There are multiple errors on the zoning map. Everyone should look it over and see if they find any other errors. We will meet and have a work session before going any further with this.

ADJOURNMENT

There being no further business before the Board, D. Jones made a **Motion to adjourn**, seconded by R. Besecker, Jr., and carried. The Meeting adjourned at 8:15 pm.

Respectfully submitted,

Tammy L. Miller

Tammy L. Miller, Secretary-Treasurer