

PLANNING COMMISSION MEETING
MINUTES
APRIL 13, 2021

The Dallas Township Planning Commission held their monthly meeting on Tuesday, April 13, 2021 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**) Robert Besecker, Jr., Dan Jones, Charles Kishbaugh, Daniel Mulhern, (**Solicitor**) William J. McCall, (**Secretary/Treasurer**) Tammy Miller and (**Twp. Manager**) Martin Barry. In attendance via Go To Meeting/phone included: (**Twp., Engineer**) Thomas J. Doughton. Marketing Consultant Amanda Faneck was at the Administration Building to set up Facebook Live to allow additional residents to participate in the meeting. Prior to the meeting all necessary precautions were taken due to COVID-19.

ABSENT: (Zoning Officer) Carl M. Alber

Approval of Minutes and Treasurer's Report:

Chairman Jack Dodson opened the April meeting followed by the pledge of allegiance.

C. Kishbaugh made a motion to approve the **Minutes** from March 9, 2021 Meeting and **Treasurer's Report** from March, 2021. R. Besecker, Jr. second the motion. Motion carried.

Discussion with Surveyor's Randy Howard and Randy Perry on SALDO Amendments – R. Perry stated we would like to propose to the Planning Commission a waiver; something we have been doing over at Lehman Township for close to fifteen (15) years now.

Solicitor McCall wanted to make sure everyone understood this is a legislative function, anything that has to be revised or amended to the SALDO or Zoning will come before the Township Supervisors, and they will bring it to the Planning Commission for recommendations at a meeting. R. Howard and R. Perry both understood what Solicitor McCall stated to them as to how this works.

R. Howard explains when the County re-assessed properties that were of two (2) or three (3) lots side by side, each property having their own PIN number and the property owner was receiving three (3) tax bills for each of those properties. What the County did was assessed each property at the highest value as a building lot, so taxes went through the roof. Property owners decided to combine their lots into one (1) parcel because the lots were too small for a residence. At that time, people were writing up deeds and taking them into the county; the County flagged them and said this is a subdivision under Act 247's definition of a subdivision. Basically, the County came up with a disclaimer or waiver. They presented a sample deed. R. Howard stated on page 86271 the wording was set up by the County and it basically says that the local Planning Commissions do not feel that the combination of two (2) lots is a subdivision. R. Howard said we don't view it as a subdivision and were going to allow the parcels to be combined under one (1) deed and the County accepts that form attached to the deed and then takes those three (3) lots and make them into one (1). It's really the Planning Commissions prerogative how they want to deal with it. What we require is a survey of the lots, the outside boundary of those three (3) lots, a survey map and a legal description; the waiver form is signed and it all goes to the courthouse and gets recorded and the taxes get changed. We don't charge any fee to do that at the township, but again that's up to the Municipality, if they accept this.

What we're trying to do is....right now, in Dallas Twp. if you own lots that are side by side you can come in and get a zoning variance and build across the lot line, but you still end up getting the two or three tax bills. This would eliminate that and it would eliminate the expense to the residents of the community for the cost of subdivisions. There are no fees that get paid to the county with this method. The only thing

that you have to pay for is the PIN certification and the recording fee. You don't have to pay for the Engineer's review or the Planning Commissions review. R. Howard believes the key to the whole thing, is when he talks to Planning Commissions has to come to an agreement that the combination of lots is not the subdivision as it's described in Act 247, which is the state that sets up Planning in the state of Pennsylvania. If you can come to that decision as a Planning Commission then we can go to the Supervisors and talk to them.

Solicitor McCall asked does the survey plan that you submit have both a present survey with lot lines and subsequently which would be a final. R. Howard replied yes. McCall said I would not want to have a Planning Commission approving something just based on the final as a result. Having read some of those documents there, he would not accept them. He has seen them without descriptions. R. Howard said it would be up to your planning commission what you would accept. McCall stated there should be a site map showing what the circumstances are at the moment and then one showing what will be post approval by the Planning Commission.

R. Perry stated the one thing they see as surveyors is people wanting to eliminate a lot line and having to spend thousands of dollars to do that, depending on which municipality you're with. We're trying to help them in not having to spend thousands of dollars.

McCall stated his concerns are they don't need a full survey to do this; the ordinance allows the submission a sketch plan. The sketch plan can be on an 8 1/2 by 11 sheet of paper. R. Perry said the sketch plan helps but not the ultimate goal. McCall states there is a balancing of the public interest that we not get into a point where there is insufficient data for review. To say there will be no engineering fee, I don't think this Planning Commission would ever agree to not having any engineering review by the Township Engineer. T. Doughton stated he believes there is a Resolution that kind of accomplishes what both Randy's are trying to do here. However, some of the requirements of the subdivision ordinance, our SALDO, requires certain size drawings. A lot combination never involves any review time. Basically, you look at it and ninety-nine (99%) percent of the time have no comments. Tom thinks what the problem is like R. Perry said, is the County fees. This is where the people are getting hammered, by doing lot combinations. McCall stated you have two means of egress 1) you can get a variance from the Zoning Hearing Board, which would resolve the problem of the interior lot line. If this is on a subdivision plan, a recorded subdivision plan you have a problem with elimination of the lot line, which may be effective from planning commission point of view but not from title point of view, because the dividing line does not go away. You're simply getting a variance to allow you to build without compliance from the side yard setbacks, which would be measured from the dividing line between the two lots. Each lot would have its own side yard variance.

McCall stated this is doable but submitting the request for approval without meeting the requirements of the SALDO; you'll have to submit a waiver request with the sketch plan requesting it as an element of approval that the planning commission waived compliance with the following: A, B, C, D, E. R. Howard replied that would be up to Dallas Township on how they want to handle it. McCall said no matter what we do, what are you going to do with the County? R. Howard stated that waiver goes right through to the County. It goes to mapping and they combine the lots and change the PIN number; the county doesn't even see it. It's not a subdivision. The wording in there states that our Planning Commission in Lehman Township or wherever they accept us does not believe that eliminating a line is a subdivision as defined in ACT 247. R. Perry stated you aren't cutting any corners, it's still being surveyed by a Professional Land Surveyor; it's signed, sealed and property lines are shown on the map. We would really like to see this happen in Dallas Township, but if it doesn't, it doesn't.

Chairman Dodson said you found a way to get around the County. What happens when County catches up with you? R. Perry states if you look at the definition for a subdivision under ACT 247, it does not say combining lots; it says a division of land. R. Howard stated the wording that's on that sheet is approved by them and have accepted it for ten (10) years or more.

R. Besecker, Jr. stated there is definitely an incentive for them to catch up with you guys, because they're losing tax revenue as you continue to do this. Solicitor McCall stated if the Planning Commission makes a determination after a full review of what we'd be impacted by such a decision, putting it together would not be a problem. The documents of what would be acceptable, but he would be favorable to sketch plans. It would certainly form the basis to a limited purpose that you're seeking.

R. Perry and R. Howard stated they appreciate everyone's time and listening to what they had to say.

DISCUSSION ON ZONING MAP REVISIONS– Twp. Manager, Martin Barry stated It was identified there were problems with the zoning map that was approved earlier in the year. Initially, the Zoning map was approved by Ordinance, but it was done incorrectly. So, on behalf of the Township Supervisors, they put in a request for the planning Commission to review the corrected map.... make comments, or if there are any concerns regarding the corrected zoning map. They would like to have this within the next forty-five (45) days or less. It will be scheduled for a public meeting for the public to review.

Chairman Dodson stated so are you okay if we have it by the next meeting? M. Barry replied, yes. Chairman Dodson asked if there was a smaller map to send out to everyone. M. Barry stated he would send a pdf copy to everyone, this week. Chairman, Dodson said if anyone wanted to come early and review the map they could, to make sure it is correct and then talk about it at the meeting.

M. Barry stated he would like to go over the major points:

The **PRD-5**, towards Parrish Street; the Lot lines were placed wrong on the map. The **Institutional District** that bordered between Ann Lane and Country Club Road are now corrected to go along with that District. The intersection of Upper Demunds Road and Sedler Road, the lines were put through the middle of the properties instead of using the property lines or natural boundaries or features. The same goes for Business-2, none of the property lines were even. The last item: **Manufactured Residential Home Parks** – Valley View Trailer Park out on Eddinger Road was marked correctly, but Country Pine Estates between Old Highway Road and SR 309 Highway and the Dallas Mobile Home Park also on SR 309 Highway, just passed the Police Station was not marked accordingly. M. Barry stated he would like to thank everyone involved for getting the zoning map corrected.

PUBLIC COMMENTS: There were no public comments

Next Meeting May 11, 2021 at 7pm.

ADJOURN:

C. Kishbaugh made a **Motion to adjourn**, seconded by **Dan Jones** and carried.
The Meeting adjourned at 8:04pm.

Respectfully submitted,

Tammy L. Miller

Tammy L. Miller, Secretary-Treasurer