THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

REGULAR BUSINESS MEETING

FEBRUARY 1, 2018

The Regular Business Meeting of the Tobyhanna Township Planning Commission was held on February 1, 2018, at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

Present were Michelle Bisbing, Patricia Rinehimer, Anne Lamberton, Brendon Carroll, Robert (Bob) McHale, Zoning Officer Barbara Nichols, and Solicitor Jonathan Reiss. Mark Sincavage was absent.

1. Vice Chair Michelle Bisbing calls the meeting to order at 5:30PM.
2. The Pledge of Allegiance is recited.
3. Public Comment – none.
4. Anne Lamberton motions to accept the minutes from the January 16, 2017 Reorganizational and Regular Business Meeting, Brendon Carroll seconds. Vote: Michelle Bisbing abstains because she was not present at the meeting, Patricia Rinehimer, Anne Lamberton, Brendon Carroll vote in favor; motion carries.
5. Old Business
   1. Temporarily tabled until later in the meeting.
6. New Business
   1. Final Minor Subdivision Plan – John H. Burger Jr. & Phyllis H. Burger. Terry Martin of Martin and Robbins Engineering states that this minor subdivision concerns a 49-acre plot of land on Burger Road, just past Pocono Transcrete. A 1.9-acre plot of land with frontage on Burger road is being divided from the parcel and conveyed to Mr. and Mrs. Burger’s daughter and son-in-law. The lot has sewage, water, and a driveway. The driveway is directly on the proposed property line because it will become a common driveway for both parcels. Comments from the township’s engineer have been addressed. Language needs to be addressed concerning the shared driveway and a well on the small parcel that services another building on the larger parcel; Jerry Hanna, a lawyer for the Burgers, will address both questions. Terry Martin states that he has yet to receive comments from the Monroe County Planning Commission (MCPC), and it won’t be on their agenda until February 12th.

Anne Lamberton motions to approve the final minor subdivision for John H. Burger Jr. & Phyllis H. Burger and the waivers set forth in the waiver request form, dated January 26, 2018, conditional upon the following criteria: must follow the outlined changes in the township engineer’s letter of January 26, 2018, must receive a favorable review letter from the MCPC, and must have a unilateral declaration of easement addressing the shared well and driveway, Brendon Carroll seconds. Vote: motion carries.

1. Old Business
   1. Cell Tower Ordinance (Research in Progress). Bob McHale states that after looking through the 22-page amendment, he suggests changes. First, anything highlighted in purple is information that is similar in nature. He suggests creating a standard of care at the front of the document and addressing any changes to it in individual sections. This alteration would cut out a large number of pages. Second, McHale asks that the definitions in the ordinance match Federal, State, and then industry standard definitions in that order of priority, Federal being of highest priority. Third, he suggests creating an indemnification agreement template, which would save time. Jonathan Reiss states that this would prevent anyone from arguing with the indemnification because it is in the ordinance. The Planning Commission also decides to create a common driveway easement template. Fourth, Bob McHale states that concerning curbing, PennDOT requires greater setbacks than what is currently listed. Brendon Carroll suggests referencing PennDOT standards, and the Commission agrees.

Bob McHale explains that as the proposed ordinance is written, antennas and equipment qualify as non-tower, while utility poles, buildings, and communication towers qualify as tower-based.

Barbara Nichols brings House Bill 1620 to the Commission’s attention, and states that the bill is horrible. Nichols spoke with Representative Jack Rader’s office, and Rep. Rader does not believe the bill will make it out of committee. Bob McHale states that it is horrendous; townships will not be indemnified, the only way the company is liable for damages is if a competent court deems the cause was negligence, and townships have no authority over the tower if it is mounted in a structure. Jonathan Reiss states that Cohen Law in Pittsburgh is leading the charge against the bill.

Bob McHale states that the names on the bill are Miccarelli, Farry, D. Costa, Snyder, DiGirolamo, and Murt. Jonathan Reiss states that part of this reaction occurred when a company that builds and sets up antenna systems gained Public Utility Commission (PUC) utility status and put up poles in a community with underground utilities. PUC status means that a company can do anything in the right of way. Jonathan Reiss states that while the carriers support this bill, it is two companies who build systems that are trying to push this through.

1. Open Discussion
   1. Anne Lamberton enquires about the order of completion for the proposed Pocono Commercial Retail Entertainment District (PCRED), the sign ordinance, and the Blakeslee Village District. Bob McHale states the order is: PCRED, Sign Ordinance, Blakeslee Village District. This is because digital signs must be allowed somewhere in the township, so the PCRED must be created before the sign ordinance can state that digital signs are allowed only in PCRED, so they can be banned from the Blakeslee Village District.
   2. Autumn Canfield asks if, due to slow progress, the joint meeting between the Planning Commission and the Board of Supervisor should be postponed. The Commission decides to push the meeting to March, date to be determined.
2. Public Comment – none.
3. Meeting adjourned at 6:00PM.

Minutes recorded by Julia Heilakka