

THE TOBYHANNA TOWNSHIP PLANNING COMMISSION  
REGULAR BUSINESS MEETING  
AUGUST 2, 2018

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The August Regular Business Meeting of the Tobyhanna Township Planning Commission (“Commission”) was held on August 2, 2018 at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

Present are Mark Sincavage via phone, Michelle Bisbing, Patricia Rinehimer, Robert (Bob) McHale, and Solicitor Jonathan Reiss. Anne Lamberton and Brendon Carroll are not present.

1. Solicitor Jonathan Reiss verifies that Mark Sincavage can hear and understand the audience, and that the audience can hear and understand Mark Sincavage.
2. Chair Mark Sincavage calls the meeting to order at 5:30PM.
3. New Business
  - a. Fountainhead Development Group and A & M Realty Special Exception Request – Private Fleet Repair Shop. Mark Sincavage states that he does not see identified owners on the site plan. Michael (Mike) Gazza, the attorney representing the applicant, states his client is a tenant of the property. The properties are owned by A & M Realty and Fountainhead LLC.

Mike Gazza states the property has a proposed common well head. Mark Sincavage asks if they need an agreement for the common wellhead. Jonathan Reiss replies technically no, but recommends they consider it, in case the lots are sold separately in the future. Bob McHale states there should be access and utility easements, Barbara Nichols agrees.

Mike Gazza states the property owner has not yet plotted the sewer line. As a condition of approval, a utility easement will be granted from the front tract to the rear tract. The access is on a private, plotted road. Barbara Nichols states the access should be reflected on the plan.

Jonathan Reiss asks if Gazza searched the title to see if there’s an easement for the road. Mike Gazza states it’s a recorded plat, so it’s of record. He will add the road to the plan. Mark Sincavage confirms the road should have a 50 ft. right-of-way. Jonathan Reiss asks if there are any notes on the recorded plan about the private drive. Mike Gazza states Kerrick Ave is now called Harry James Ln. Barbara Nichols states that Harry James Ln is a known easement.

Mark Sincavage states that the land development plan should reflect that road, and the applicant's attorney must research to verify that the road is recorded. Condition 1: show the right of way on the recorded plans. Jonathan Reiss states on the review Barbara Nichols and Bob McHale put together, that condition will be added as item 3 to show access easements to the lot via Harry James Ln. This is a special exception plan. Mike Gazza states this is not intended for land development. This is not intended to be a public garage, it's a repair shop for a company that will work on its own trucks. Mark Sincavage asks if it should be a condition that the commercial access be paved. Bob McHale states that Venezia's property was to be paved, but the Board allowed him to have gravel parking in the back with a letter of credit for the money to pave if needed. Mark Sincavage states he feels that should be a condition also. Bob McHale suggests the applicant shade any areas in the front that should be paved. Jonathan Reiss states this is addressed under number 3, under general observations, recommendations, and possible conditions.

Mike Gazza states that Harry James Ln. is not totally paved. The applicant cannot be required to pave the road. Requiring a paved driveway to intersect a gravel road does not make sense.

Bob McHale states the volume of trucks will determine whether or not the road should be paved. Mark Sincavage states the financial security could be posted and depending on the number of traffic movements, engineering could determine if the area should be paved. Jonathan Reiss states concerning parking, if a business doesn't believe they will need all of the parking allotted per the township's zoning ordinance, the township has allowed the business to reserve the land for potential parking spaces, post financial security for five years, and enter into an agreement that they will build additional parking if deemed necessary by the township. This gives the township time to determine activity level.

Mark Sincavage states at the end of five years, they would either be required to complete the work or the financial security would be returned. How many vehicles a day would require pavement? Jonathan Reiss states it is more of an issue of the condition of the area and what happens when it's traversed. The easement may prohibit anyone from paving.

Barbara Nichols states they could get an easement across Eddie Abraham's property so they could have paved access. Mike Gazza states his client is a tenant; infrastructure changes are the landlord's responsibility. There will be a couple of trucks per week using the building. What triggers the bond? Mark Sincavage states it would be at the discretion of the township engineer. Mike Gazza states it

will be light traffic, and it seems there's already more traffic on the back property. Mark Sincavage states that it seems it should be paved or have securities posted for five years. Bob McHale states the Commission could establish that dust control measures be implemented as directed by a township official. Mark Sincavage agrees.

Mike Gazza states the ordinance has prohibitions in §155-88. Mark Sincavage states that the ordinance states that driveways must be paved. Mike Gazza states under subsection E, it says "hard-surfaced." He suggests a plan note that prudent measures should be taken to avoid dust.

Mark Sincavage states the ordinance says "hard-surfaced," which seems to mean pavement. Mike Gazza states he would ask for a waiver. The lot is hard, compacted gravel, which may be considered a hard surface. Bob McHale states during heavy rain, it wouldn't be classified as a hard surface.

Mark Sincavage states the applicant is raising an objection to what is being proposed. The ordinance states on commercial properties the road must be paved, but we must research to determine if driveways must be paved. Jonathan Reiss states §155-55 B reads as follows: "all driveways, passageways and parking areas for multifamily residences, commercial uses and industrial uses shall be constructed of a minimum of six-inch compacted crushed stone, shale or bank-run gravel, 1 1/2 inches of ID-2 bituminous binder base course and one inch of ID-2 bituminous wearing course, or of equivalent or superior material. (1) A waiver of the bituminous base and wearing courses of pavement is eligible for light commercial uses under Article VIII of this chapter if the total number of average daily "trip ends" or average daily traffic (ADT) of said use is less than 400 (200 vehicles in one day)." Mark Sincavage states the applicant must request a waiver from the ZHB, but dust should be addressed as a condition.

Jonathan Reiss asks based on the applicant asking for a waiver, what are the thoughts of the Commission on that request? Barbara Nichols states in lieu of getting a waiver, we could put a note on the plan that states that dust will be mitigated by the tenant as needed, and they can still request a waiver for pavement. The Commission agrees to accept the waiver if dust will be mitigated.

Mike Gazza states the tenant has no plans for a sign. If they choose to have one in the future, it will be compliant with the sign ordinances. Bob McHale states §155-88.G.1-4 specifies that signs should conform to certain regulations.

Mark Sincavage asks if there are any changes to the letter, besides clarifying dust. Jonathan Reiss states Number 3 will read "access and utility easements" instead

of “access and utility easement” and recommend the waiver of the paving requirement, so long as a condition of the special exception is that prudent measures shall be taken to address dust control.

Michelle Bisbing motions to make the letter from the township dated August 2, 2018 as conditions for the special exception of A & M Real Estate LLC and the Fountainhead Development Group, Patricia Rinehimer seconds. Vote: all in favor, motion carries.

4. Minutes
  - a. Michelle Bisbing motions to approve the minutes from the June 19, 2018 Special Meeting, Patricia Rinehimer seconds. Vote: minutes accepted.
5. Old Business – none.
6. Public Comment – none
7. Meeting adjourned at 6:09PM.

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Minutes recorded by Julia Heilakka and Matthew Helbers