

TOBYHANNA TOWNSHIP PLANNING COMMISSION  
REGULAR BUSINESS MEETING  
APRIL 1, 2021

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The April 2021 Regular Business Meeting of the Tobyhanna Township Planning Commission (“Commission”) was held on April 1, 2021, via the platform GoToMeeting due to the COVID-19 pandemic.

Present are Michelle Bisbing, Marlin “Sam” Keiper, Rachel Schickling. Also present are Solicitor Frank D’Amore, and Township Engineer Bob McHale. Alfred Kerrick and Edwin Miller are absent.

1. Sam Keiper calls the meeting to order at 5:31PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Public comment on agenda items: none
4. Minutes
  - a. Consider the Minutes of the March 4, 2021 Planning Commission Regular Business meeting: Mr. Keiper discusses a change needed on Page 2, where it states “Mr. Matergia comments that that” should be changed to “that the”. In the paragraph “Mr. McHale comments” in the second sentence, “that” should be added prior to the word “still” in place of “than”. Ms. Bisbing motions to approve the March 4, 2021 Regular Business Meeting minutes with corrections stated. Ms. Schickling seconds. Vote carries 3-0.
5. Old Business
  - a. Active Plans
    - i. No update for LIVIC CIVIL, Dollar General, at this time.
  - b. By-Laws Amendment Discussion –

Ms. Canfield reformatted previous changes. She explains blue highlighted paragraphs represent sections of the Municipality Planning Code that were copied into the by-laws. Number 15 on page four was added as a reference from Zoning. The green highlights represent suggested changes; i.e. Chairman to Chairperson, time and date of meetings, and wording of the secretary duties. Yellow highlights represent questions she posed to Jonathan when she sent the draft for review.

Comments from the solicitor are then addressed.

On page 1, by-laws should have a hyphen. The Commission agrees.

On page 2, there was a typo but the new revised version represents the change. Ms. Canfield highlights the changes from revision 1 to revisions 2. A page number that was

inputted into a paragraph was removed. Appropriate separation of the sections was completed. All articles were bolded. Page numbers were added. There was a suggestion for Section 2 under Article VII that meetings should be designated regular business meetings, and changing the number 3 to read as a majority.

On page 5, the commission is okay with the officers section.

On page 6, Jonathan comments suggest wording the section on meetings differently. He suggests, "At the reorganization meeting, the Commission shall establish its meeting day and time for the calendar year which shall be advertised pursuant to the Sunshine Act. Any changes to the meeting schedule will also be advertised pursuant to the Sunshine Act." Mr. Keiper disagrees, and believes the current wording is acceptable. He does not want to preclude requirements from laws other than the Sunshine Law. The Commission is okay with wording as drafted.

In section 3, a number is missing. The number of days should be 3. The Commission is okay with this.

In section 4, Mr. Reiss recommends removing the sentence "However, the Commission may meet in closed session for discussion purposes." Mr. Keiper does not see a need to remove it. Ms. Bisbing does not feel it needs to be in the by-laws. Mr. Keiper argues if the sentence is removed, we remove the idea that we hold hearings for other things. Ms. Bisbing feels if the solicitor suggests removing it, it should be removed. Mr. Keiper references executive session. The Commission is okay with leaving the sentence.

For article X- Mr. Reiss suggests removing. Mr. Keiper believes it should stay as hearings may need to be held. Mr. Reiss provides in his comment suggested language if the article is kept. The commission agrees the language should be added and the article be kept.

Ms. Schickling motions to adopt the by-laws, Ms. Bisbing seconds. Vote carries 3-0.

## 6. New Business

- a. Suburban Propane Conditional Use- Mike Ughetto, William Cramer, and Shawn Langen are present. Documents are provided to the commission to explain the project. A letter from adjoining property owners is presented to show concurrence with the project.

It is explained the lot (Lot 13) is ideal for a propane use based on its location at the end of cul de sac, gates are already in place, and stormwater mitigation that is already installed as per the approved land development plan.

Mr. Keiper asks if the original Land Development plan that was approved has been withdrawn. It is explained that the plan depicting a building currently on file would not interfere with the facility and any proposed building would need the proper permits. Mr. Cramer feels a conditional use approval would supersede the original plan.

Mr. Mchale states the current plan has the needed items from the zoning ordinance Chapter 155 section 79(G) shown on the plan. Some items listed in the section are not applicable.

Mr. Langen explains that based on additional information that was received, information was added to the plans and new sets provided.

Mr. Spector would like a note on the plan stipulating the fence height.

Mr. Ughetto is okay increasing the fence a few feet. Typically, they have fence with barbed wire but the Code prohibits wiring.

Mr. Keiper asks if 155-106 items were also addressed. Mr. McHale indicates that the applicable sections were addressed.

Mr. McHale asks what happens to the propane in an event of a rupture to a tank.

Mr. Ughetto is unaware of any catastrophic issues. There are numerous safeties in place in the piping and the tank. Safety measures are discussed. Based on a facility screen through homeland security, cameras may be required. He also answers question regarding expansion in tanks.

Mr. Keiper asks about porta potties.

Mr. Cramer and Mr. Ughetto discuss a small pavilion type building that may be considered in the future for an open air cylinder filling station.

Ms. Schickling motions to recommend to the Board of Supervisors approval of the conditional use plan as proposed with the additional building discussed. Ms. Bisbing seconds. Vote carries 3-0.

b. Pocono Pines Self Storage – no representation present.

A letter from the Township Engineer and the County Planning Commission were received providing comments. The County Planning Commission indicated they were unable to find the section in the ordinance that allows for this use. Mr. McHale explains in the past, several self-storage facilities have been constructed. They were considered a similar use as in 155-16(b)-7 and in harmony with other uses in the district. It is discussed the use should be added to the ordinance.

Mr. Keiper comments, based on the deed, there is a right of way along the northwest side. To the left side there is a fence in an access or easement. Mr. McHale does not recall this and indicates a surveyor should indicate any easement on a plan. He continues to ask about a screening reference to ordinance 371 in Bob McHale's letter. He is unsure this is the correct number.

Ms. Schickling is concerned with the lighting. Mr. Spector references the 10-foot minimum requirement for a screening buffer to address lighting as well as discussing limits to the hours of operation to prevent unwanted noise and disturbance.

The waivers are discussed. A GIS or google earth map would satisfy the modification request. A note should be placed on the plan indicating there is no gas or sewer there.

Mr. Keiper believes an emergency gate access is needed on John Street. Fire code may require two points of access. A Fire Code site review is needed from Bureau Veritas.

Ms. Bisbing motions to table the plan until items in Bob McHale's letter are addressed. Ms. Schickling seconds. Vote carries 3-0.

c. Zoning Ordinance Amendment- permit issuance timeframe [Item taken out of order]

Planning Commission previously reviewed and recommended ten days. The Board reviewed comments and came back with a proposed fifteen-day timeframe.

Mr. Keiper discusses that the recourse is a waiver of fees, not a deemed approval. He questions if there is a timeframe that leads to deemed approval for zoning permits. It is unclear.

There is discussion regarding components of projects that have timeframes but no one knows what the timeframe for zoning permits is. The MPC does not have a zoning permit timeframe. Mr. Spector feels it is left up to the municipality. Mr. Keiper feels deemed approval should be addressed in the ordinance.

Mr. Keiper disagrees with the fifteen days. He believes it should be ten days. Ms. Bisbing explains the Commission is a recommending body and the board does not have to accept the recommendation.

Mr. Spector explains that the fifteen-day time frame allows for a buffer. No one holds the work with the intent to take that long but some permits do require more work than others.

Ms. Bisbing feels the Commission should make a recommendation as it is now April and timing is a concern.

There is discussion of the current process.

Ms. Bisbing recommends to the Board of Supervisors approval of the zoning ordinance amendment. Ms. Schickling seconds. Vote fails 2-1 with Mr. Keiper dissenting.

d. Approve proposed schedule – [Item taken out of order]

Ms. Canfield asked for timing purposes if the schedule could be reviewed prior to the zoning ordinance amendment. The Commission agrees.

Ms. Canfield explains the schedule provided reflects the change to 6:00pm. She is looking for approval on the schedule so the meetings can be advertised in bulk. The Commission is okay with the schedule. Ms. Bisbing motions to approve the 2021 meeting schedule as presented. Ms. Schickling seconds. Vote carries 3-0. All meetings moving forward will be at 6:00pm.

- e. Spreadsheet [Item not on agenda]. The spreadsheet used by office staff for SALDO tracking was provided to the commission. Mr. Keiper has suggestions. It is a good starting format. Some items are abbreviated; they should be spelled out. Ms. Bisbing suggests a key to define acronyms. Item Tabled.

7. Open Discussion: none

8. Public Comment: none

9. Ms. Schickling motions to adjourn, Mr. Keiper seconds. Meeting adjourned at 6:52PM [no quorum present for adjournment].

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Minutes recorded by Autumn Canfield