

TOBYHANNA TOWNSHIP PLANNING COMMISSION
REGULAR BUSINESS MEETING
MAY 5, 2022

The May 2022 Regular Business Meeting of the Tobyhanna Township Planning Commission (“Commission”) was held on May 5, 2022, via the platform GoToMeeting as well as in person at the Government Center Building due to the COVID-19 pandemic.

Present are Marlin “Sam” Keiper, Edwin Miller, Michelle Bisbing, Rachel Schickling. Also, present Zoning Officer, Lourdes Aponte, Township Engineer, Bob McHale and Township Solicitor Harry Coleman, Esquire. Al Kerrick is not present.

1. Sam Keiper calls the meeting to order at 6:30 P.M. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Old Business
 - a. Dunne Manning – no one present.
 - b. Pennsylvania Glacial Till, LLC - Michael Kaspszyk, counsel for Pennsylvania Glacial Till, LLC and Michael Chrysanthopoulos, a principle of Pennsylvania Glacial Till, LLC are here to present.

Mr. Kaspszyk states that this was put on the agenda so that Attorney Coleman could do research as far as making a recommendation to the Board of Supervisors. Mr. Kaspszyk did review the comments of the Monroe County Planning Commission and they do not have any objection to their comments. They agree with most of the issues raised in the April 12, 2022, opinion letter of the Monroe County Planning Commission. Mr. Coleman states that the problem with the process within the Township is for the Planning Commission to conduct the initial review and then make a recommendation to the Board of Supervisors. Mr. Kaspszyk states that their request for an enactment of the ordinance that changes this land from rural residential to a commercial industrial zone. Their request is that the Planning Commission make a recommendation to the Board of Supervisors consistent with the Monroe County Planning Commission to enact the ordinance. Mr. Keiper states that they have read the report of the Monroe County Planning Commission. Mr. Keiper also states that they are asking for a change of zoning with no specific request of any type and to make this request is premature. Ms. Shickling agrees and states that she is apprehensive in doing this with spot zoning. Mr. Keiper asked if there is any type of motion. Ms. Schickling makes a motion that we do not change it. With no second, motion is not considered. Ms. Canfield advises the Planning Commission that this is scheduled to go before the Board of Supervisors on May 16, 2022.

Mr. Keiper calls for an executive session. Planning Commission goes into executive session at 6:44 pm and returns at 7:00 pm. Mr. Keiper states that they are back from executive session with Attorney Coleman regarding issues.

Mr. Kaspszyk has comments regarding the spot zoning issue. In paragraph 3 of the Monroe County Planning Commission letter, it states that spot zoning is an issue but with the perspective applicant that is their burden to defend and if the Board of Supervisors were to approve this and someone were to appeal it on the issue of spot zoning, it is not the job of the Board of Supervisors to defend that appeal, it is the applicant's burden. The Monroe County Planning Commission states that a non-conforming land use cannot be created by the proposed rezoning. If this were granted, it doesn't change the current use of the land. Mr. Kaspszyk states that the most important comment in paragraph 5 of the Monroe County Planning Commission letter is "it should be noted that the proposed rezone would expand commercial industrial zoned areas of the Township and allow the opportunities to redevelop properties in a manner that would increase the local tax base." Mr. Kaspszyk states that they still submit that what they are proposing is less detrimental and impactful to the Township. Mr. Kaspszyk asks the Planning Commission to make a recommendation to the Board of Supervisors or make a recommendation that you are not getting a recommendation.

Ellen Lott – she is a renter in the Township and on the Tunkhannock Township Planning Commission. She states that in 2019 the Planning Commission approved a zoning map, and the quarry was a rural residential zone. Three years ago, you said that this was the correct zone, nothing has changed on that land except for the applicant's interest in using it for a more intensive commercial use. She urged the Planning Commission to follow the plans that were already done.

Mr. Keiper entertains a motion to move forward to the Board of Supervisors with no recommendation. Mr. Millers makes the motion. Ms. Schickling seconds. Vote carries 4-0.

- c. Chicken Ordinance – This has been tabled until the next meeting.

4. New Business:

- a. 940 Shopping Center – Sketch plan - Anthony from 940 Shopping Center is here to present.

Anthony states that their original plan was to build a motel there a few years ago. They could not proceed because of the obstacles they have with sewer, water and sprinklers. He stated that he can connect to the Township's sewer if they put in a mini mart but not for a motel or restaurant. It can only hold 10 bathrooms which is not enough for a motel. That is why they changed direction and are doing a shopping center. They also did not have enough parking spaces due to the wetlands in the back. They are going this route and they think they meet the criteria with parking and sewer.

Ms. Schickling asks if this is going to be one store. Anthony states that they are thinking of doing one store, a mini version of Walmart or an Ace Hardware. Mr. Keiper asks if the wetlands have been delineated and Anthony states that they are. Ms. Bisbing asks if

both in and out are on Old Route 940. Anthony states that is correct and the building is set back further than the current building so they can have parking and enough room for traffic to get in and out. Mr. McHale states that the traffic engineer will look at this. It might be that there is only going to be one access point or a one-way in, one-way out which PennDot does sometimes in this situation.

Mr. Keiper asks Mr. McHale if this is going to be classified a minor or major subdivision. Mr. McHale states it is land development. A discussion was held.

Anthony states that it is going to be a 17,600 square foot building which is the same square footage as what is already there. They are demolishing the current building. Mr. Keiper states this is a land development plan. Anthony states that 2 years ago they got approval for a hotel, and this is pretty much the same use. They were told they could rebuild the hotel without having to go through the land development process. A discussion was held.

Ms. Shickling asked if they are going to have a sign on the building. Anthony states that they are not there yet. The first step is if this gets approved to have the building torn down.

Mr. Keiper states that they can proceed with their land development plan.

5. Review of Subdivision and Land Development Ordinance – This is tabled until the next meeting.
6. Open Discussion: Mr. Keiper states that based on the public hearing that was held regarding the amendment for the country resort, residents were concerned with the amount of open space areas for people to utilize. He doesn't know if our website has any reference to this and feels that a recommendation to the Board of Supervisors to consider updating the website and include some information regarding the thousands of acres that are available. Mr. McHale states that the Monroe County Planning Commission has always been great to work with and they could take our Township and pull that information by zoning districts and give us the number of lots and total of acres. A discussion was held.

Mr. Keiper asks Ms. Canfield to give a note to the Board of Supervisors to indicate the Planning Commission's question on that.

7. Public Comment: None

Mr. Keiper entertained a motion for adjournment. Mr. Miller motions to adjourn, Ms. Schickling seconds. Vote carries 4-0. Meeting adjourned at 7:58 PM.

Minutes recorded by Bethanne Eisler