

TOBYHANNA TOWNSHIP PLANNING COMMISSION
REGULAR BUSINESS MEETING
JULY 7, 2022

The July 2022 Regular Business Meeting of the Tobyhanna Township Planning Commission (“Commission”) was held on July 7, 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, Michelle Bisbing, Rachel Schickling, Al Kerrick, Edwin Miller. Also, present, Zoning Officer, Lourdes Aponte, Township Engineer, Bob McHale and Township Solicitor Harry Coleman, Esquire.

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. Consider the Minutes of:
 - a. Consider the Minutes of May 5, 2022, Regular Business Meeting. Ms. Bisbing motions to approve the minutes. Mr. Miller seconds. Mr. Kerrick abstains as he was not there. All in favor. Vote carries 4-0.
 - b. Consider the Minutes of May 12, 2022, Work Session Meeting. Ms. Schickling motions to approve the minutes. Ms. Bisbing seconds. Mr. Kerrick abstains as he was not there. All in favor. Vote carries 4-0.
4. Old Business
 - a. Dunne Manning – Planning Module: Dave Lear, Lehigh Engineering is here to present.

Mr. Lear stated that they will be submitting revised plans to the Township tomorrow regarding land development. They are working diligently with the outside agencies with the HOP and DEP and they are hoping to get positive feedback within 30 days.

Mr. McHale states that the sewage enforcement officer has looked at the planning module and approved it.
 - b. 109 Realty, LLC: Eric Snyder, Keystone Consulting Engineering is here to present.

Mr. Snyder stated that they are going to request the plan be tabled. They would like to give an update of the plans. They are looking to redesign the site. It will be near the same square footage of the building space with 4 long narrow buildings which will prompt adjustments to their stormwater. They are hoping to be in next month with revised plans addressing Mr. McHale’s comments. Ms. Bisbing asks if it is less square footage. Mr. Snyder stated that it is merely the same square footage. There will be internal storage with narrow buildings. A discussion was held.

Mr. Snyder stated that they provided the Township with a time extension.

5. New Business:

- a. Xavier Landscape and Designs – Land Development: Eric Snyder, Keystone Consulting Engineering and Will DeMarco, Xavier Landscape and Designs are here to present.

Mr. Snyder states that they have a land development application and have received the June 23rd review letter from Mr. McHale. They are working on addressing the issues in his review letter.

Mr. Snyder states that they are requesting a waiver of stormwater. They had Jillian Olsen from Cherry Ridge complete a wetlands study. A discussion was held. Mr. Coleman stated that he will forward an Indemnification Agreement to Mr. Snyder.

Mr. Snyder stated that they are working with the sewage enforcement officer and will be providing a septic design. A discussion was held.

Mr. Keiper entertains a motion that based on Mr. McHale's review, it is recommended that the proposed preliminary/final land development be approved subject to the applicant's satisfactory response to the items listed in the review letter. Ms. Schickling makes that motion. Mr. Miller seconds. Vote carries 4-1. Mr. Kerrick states that he voted no because he believes these items should be solved here at Planning Commission and not before the Board of Supervisors.

Mr. Snyder asks if they can make a recommendation on the waiver. A discussion was held. Mr. Coleman will add indemnification language to the Development Agreement.

6. Review of Subdivision and Land Development Ordinance:

Mr. Keiper states that Ms. Canfield has forwarded a draft Ordinance regarding amendment suggestions to the subdivision land development to expediate some of these plans that are coming in. Ms. Canfield took the definition from the MPC. Mr. Keiper states that changing that Ordinance and definition is fine; however, we have conflict with other ordinances and wherever there is conflict between minimum standards or requirements, the most stringent standard or requirement should apply. Mr. Keiper asks Mr. Coleman in 155-16 Commercial Industrial M(3), does this mean the Board of Supervisors can ignore the requirement and go ahead and approve it. Mr. Coleman states that it has to do with the Board of Supervisors having the final say on what commercial development is acceptable and unacceptable within the Township.

Ms. Canfield states that Ms. Aponte and herself had worked together on this and discussed the 2 minor changes they thought will be beneficial for the Planning Commission, developers as well as the staff. A discussion was held.

Mr. Keiper states that 135-5 is too broad and that MPC 603.1 states that the zoning officer should be ruling in favor of the applicant. A discussion was held.

Ms. Schickling makes a motion for this Ordinance to go the Board of Supervisors with an addition of replacing 135.5 with 603.1 and adding the zoning amendment as discussed. Ms. Bisbing seconds. All in favor. Vote carries 5-0.

7. Open Discussion: None

8. Public Comment: None.

Mr. Keiper entertained a motion for adjournment. Ms. Bisbing motions to adjourn, Mr. Kerrick seconds. Vote carries 5-0. Meeting adjourned at 7:52 PM.

Minutes recorded by Bethanne Eisler