

TOBYHANNA TOWNSHIP PLANNING COMMISSION – BOARD OF SUPERVISORS
JOINT REGULAR BUSINESS MEETING
NOVEMBER 4, 2021

The November 2021 Joint Regular Business Meeting of the Tobyhanna Township Planning Commission (“Commission”) and Tobyhanna Township Board of Supervisors (“Supervisors”) was held on November 4, 2021, 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, Rachel Schickling, Edwin Miller Al Kerrick. Also present are Board of Supervisors: John Kerrick, David Carbone, Brendon Carroll, John Holahan and Rachel Schickling; Township Manager, Robert Bartal, Zoning Officer, Abbey Spector, and Township Engineer, Bob McHale and Township Solicitor Harry Coleman, Esquire. Michelle Bisbing was not present.

1. Sam Keiper calls the meeting to order at 6:00PM for the Planning Commission and asks that John Kerrick to call the meeting to order for the Board of Supervisors. John called to order the special meeting. 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 October 7, 2021, Planning Commission Regular Business Meeting: Ms. Schickling motions to approve the minutes. Mr. Miller seconds. Al Kerrick abstains as he was not at this meeting. Vote carries 3-0.
5. Old Business
 - a. Active Applications
 - i. Dunne Manning –

David Lear from Lehigh Engineering is present to give an update on the Dunne Manne project.

Dunne Manning has been working toward obtaining crucial sanitary sewer easement agreements with two separate entities. Legal counsels are in discussion, and it is hopeful there will be a resolve soon.

The sewer planning module was submitted to the State and the group met with DEP on-site.

Due to the disturbance associated with the septic system, an NPDES permit is required. The group has been in contact with DEP to discuss.

Mr. Lear states the hope is have a resubmission plan ready in time for the next Planning Commission meeting depending on progress with the outstanding issues. He asks for an update on Phase One of the Township project for feedback from the Commission as the other outstanding items is the fire lanes.

Mr. Keiper asked how many gallons per day is planned for the septic. Mr. Lear explains it is sized for the facility and the fast-food restaurant but is unsure of the exact gallons. A preliminary design has been sent to the Sewage Enforcement Officer, but action cannot be taken without Planning Module action.

Mr. Keiper asked if they still have to get the NPDES permit even though it is on two separate parcels. Mr. Lear responded yes as it deals with one complete project.

The Commission and Board have no further questions.

Mr. Bartal gave an update regarding a call with Earl Armitage. Phase One is on schedule to go to bid in January 2022 with construction to begin shortly thereafter. Mr. Lear states the intent to have building plans into the Township for approval by then.

Mr. Bartal states the closing on the Luzzi property is planned for the following day and the EDA approved the lot joinder of their property and are preparing for sale.

Mr. McHale asked how the HOP was coming along. Mr. Lear stated that they do not need the HOP as long as the Township Phase One was done. Mr. McHale asked if they are going to issue an interim one. Mr. Lear stated that they didn't ask for that because they knew the Township was in that process, so as long as the Township's is secured, they will be following just with that. Mr. Bartal stated that Mr. Coleman has been working with Mr. Fogarty on that.

Mr. Lear explains the intent with the drive thru. If the Township is close to bidding the project, they will include it in the next submission as it was previously engineered but not included on this plan. It is discussed that a revised plan will be submitted for this.

b. Adam Kerrick's Open Space Definition

Mr. Kerrick proposed a use and accompanying definition to be added the current open space zoning regulations of the Township for a country inn/rural boutique resort. The intent is to combine tourism and outdoor activities through allowance of a hotel and spa, amenities and agrotourism such as stables, gift shops, barns, staff quarters, event venues, or other structures compatible in size, scale and appearance with the rural

surroundings. The proposed definition includes minimum lot size, width and depth, maximum lot coverage, setbacks, habitable floor area, and maximum building height.

Mr. Kerrick explains the intent of the proposed use and definition is to create an opportunity for low-density, high-quality development. He feels it fits the intent of open space while preserving the heritage of the Poconos.

Mr. Keiper states there is little or no definition in the ordinance to accommodate this type of development in an open space area. Resorts of other sizes are accommodated for elsewhere. The intent of open space is to have limited use and more space with less structures. He questions the size of the parcel. Mr. Kerrick explains it is over 250 acres in this county.

Mr. Keiper clarifies the location and that any definition/use change would only be applicable to portions of the property in Tobyhanna Township.

Mr. Keiper believes this includes the intent of many of the uses allowed in open space (i.e., fishing club, farm and hunting club, etc.) just under one umbrella. Mr. Kerrick confirms this is his intent.

The process of amending the ordinance to incorporate the use and definition is discussed. The amendment would be to the zoning ordinance.

Ms. Schickling asks how many parcels 100 acres in the Township are. Staff will review.

Mr. McHale asks if Mr. Kerrick has a concept plan that would help the Commission visualize the tract. Mr. Kerrick indicates he is working on one. There is discussion regarding the appropriate size of a parcel for this type of use. A concept would be helpful to determine what the proposed lot coverage would look like. Mr. McHale suggests looking to other parts of the country that may have a similar concept and that the building code may set certain standards.

Al Kerrick stated that we don't want to shrink this down to the point that where this type of development can't exist. Mr. Carroll stated about being so restrictive that it can't be done in the Township. Mr. Keiper responded that the percentage coverage is going to control the amount that is on their property. The open space requires maximum coverage for a 10-acre parcel of 1% for single family dwelling, a hunting club is 1% if it is a 50-acre parcel, fishing club is 1% if it is a 50-acre parcel, a farm is allowed 5%, daycare is allowed 1%. When you start looking at those 1% sections, if you had a 200-acre parcel and you made it into 20 10 acre lots, you would have 20% coverage. So, his coverage is sufficient, and it protects the open space.

Mr. McHale suggests that we clarify even though we define our lot coverage in our ordinance is building whereas other ordinance lot coverage is impervious coverage and things like that. You want to note or reference the current ordinance definitions so that you don't get stuck with somebody wanting to count all impervious cover. Mr. Keiper responded that lot coverage here does not include impervious coverage. Mr. McHale stated that according to our current ordinance, lot coverage is for building only.

With no further questions, the property owner and the Township will do independent review and reconvene with the findings.

c. Review of Subdivision and Land Development Ordinance Definitions

Mr. Keiper explains the Planning Commission has been in the process of reviewing the Subdivision Land Development Ordinance (SALDO). At this time, the definitions have been reviewed with some meriting further research. The intent is to simplify the process and have common definitions where possible between SALDO and zoning.

Mr. Keiper continues to explain concerns with provisions of the ordinance such as a discrepancy between buffer requirements and setbacks as one example of items to be reviewed in this process.

Mr. Kerrick asks if the Commission has reviewed the pack of definitions. Mr. Keiper explains they have and feel they are well drafted.

There is discussion regarding the intent of the revision: to better coincide with other Township ordinances to simplify the process and avoid having to reference multiple documents with contradicting information. Certain definitions have been notated for inclusion in this Zoning Ordinance when it comes under review.

Mr. McHale explains that other references such as DEP Chapters 102 and 105, or PennDOT were used.

Ms. Schickling explains references to other documents were included as well as to ease the process of searching.

Mr. Carroll stated that he appreciated the efforts to take on this task. Mr. Coleman applauded the Commission because when we looked at various definitions and different sources, the most concise and reasonable definition was always selected. It will make it a lot easier for the citizens who have to use your ordinance.

6. New Business: None.

7. Open Discussion: None

8. Public Comment: None

Ms. Schickling motions to adjourn, Mr. Miller seconds. Vote carries 4-0; all in favor for the Planning Commission. Mr. Carbone motions to adjourn, Mr. Carroll seconds. Votes carries 5-0; all in favor for the Board of Supervisors. Meeting adjourned at 6:34 PM.

Minutes recorded by Bethanne Eisler