

TOBYHANNA TOWNSHIP PLANNING COMMISSION  
REGULAR BUSINESS MEETING  
APRIL 7, 2022

---

The April 2022 Regular Business Meeting of the Tobyhanna Township Planning Commission (“Commission”) was held on April 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, Rachel Schickling, Al Kerrick, Michelle Bisbing. Also, present Zoning Officer, Lourdes Aponte, Township Engineer, Bob McHale and Township Solicitor Harry Coleman, Esquire. Edwin Miller 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. Public comment on agenda items: None
4. Minutes
  - a. Consider the Minutes of February 10, 2022, Work Session Meeting. Ms. Schickling motions to approve the minutes. Ms. Bisbing seconds. All in favor. Vote carries 4-0.
  - b. Consider the Minutes of March 3, 2022, Regular Business Meeting. Ms. Bisbing motions to approve the minutes. Mr. Kerrick seconds. Ms. Schickling abstains as she was not there. All in favor. Vote carries 3-0.
  - c. Consider the Minutes of March 10, 2022, Work Session Meeting. Ms. Bisbing motions to approve the minutes, Mr. Kerrick seconds. Ms. Schickling abstains as she was not there. All in favor. Vote carries 3-0

5. Old Business

- a. Dunne Manning – David Lear of Lehigh Valley Engineering is present to give an update on the Dunne Manning project. Prior to the meeting this evening Mr. Lear sent an email with their responses to the Township Engineer’s comments on their plans they submitted two to three weeks ago. The letter tries to explain how they did address those comments. Mr. Lear brought two sets of plans, one is an overall to show what the roadway looked like, and the other is a landscape plan showing the fencing and other items they feel are a concern. They do not have a problem with any of the items on the Township Engineer’s letter. They are also in the process of obtaining HOP and NPDES permits.

Mr. Lear stated that they would like to request a waiver for the buffer width as they do not have the 25 feet in the back between the building, drive-thru and Stillwater Lane. A discussion was held.

Mr. Keiper asked about the septic operation and why they have 3 effluent pumps. A discussion was held.

Mr. McHale states that a lot of progress has been made and it would be good to update us on where they are at. Mr. Lear stated they submitted their septic design to the Sewage Enforcement Officer three weeks ago for his review. They have additional zoning requests for variances, and they have submitted for a variance hearing and are waiting for a hearing date. They have also had a pre-application meeting with the Monroe County Planning Commission.

Mr. Lear asked about the possibility of a joint Board of Supervisors/Planning Commission session so they could come in one more time and ask for a dual conditional approval. Mr. Keiper stated that the Planning Commission is fine with that.

Ms. Schickling makes a motion for this to be tabled for Bob McHale's satisfactory review of the applicant's response of this evening and they will try to get joint meeting. Mr. Kerrick seconds. All in favor. Vote carries 4-0.

- b. Chicken Ordinance – Mr. Keiper states there are areas of concerns and due to the timeframe tonight we are going to table this until our next regular meeting in May.

#### 6. New Business:

- a. 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 is not a validity challenge, or a curative amendment and they are not saying there is some defect with the Township's Ordinance. They are saying that this particular parcel of land, a rezoning from Rural Residential to Commercial Industrial is feasible and makes sense for this particular parcel of land. The main reason is that is a heavily industrial use. There is a surface mining operation and permitted asphalt concrete manufacturing on this property. Their position is that this is less impactful, more financially beneficial uses of this property that would come into fruition if it was rezoned to the Commercial Industrial zone. Mr. Kaspszyk stated that Mr. Chrysanthopoulos, one of the principles of Pennsylvania Glacial Till, LLC initially submitted a letter to the Township in September and suggested that one of the potential uses would be for a distribution center. This is no signed Agreement of Sale and there is no land development proposed at this time. This is a straight request for rezoning of this 400-acre parcel of land.

Mr. Kaspszyk stated that they believe that any potential use other than the current permitted use would be less impactful, would have a better financial result for the community, potentially produce higher paying jobs and also a tax revenue increase for the County and Township.

Mr. Kaspszyk stated that this parcel of land is indistinguishable from the surrounding parcels of land and is being treated differently than the other parcels as the surrounding parcels are preserved woodlands. This land is an operating quarry with minimal use. There are not many Commercial Industrial lands in the Township and if you are going to

put a Commercial Industrial zone somewhere it makes sense to have it where an existing quarry is. A discussion was held.

Mr. Keiper states that it seems to be a bit of a challenge to have a property rezoned without any kind of a plan or intended use. Mr. Kaspszyk stated that he understands that a lot of times this comes in with land development and that there is a potential that this is going to be a distribution warehouse or a solar farm to power a small data center. A discussion was held.

Mr. Keiper asked if there were any comments from the public.

Ellen Lott – She is a renter in the Township. She wants to urge the Planning Commission to deny this change for a lot of reasons. This really is an area that is already protected. The Rural Residential zoning is designed to protect fragile, environmental, and unique areas from development. Rezoning of this 400-acre quarry site for commercial use is not consistent with the character or current zoning of the lands that surround the quarry. She just wants to urge the Planning Commission to not change the zoning because when you open that door, you do not know what you are going to get, and it opens a pretty big door.

Dawn Goren – She is a resident of the Township. She echoes a lot of the things that Ms. Lott stated but also would like to point out that the property also has a lot of natural resource value. The streams in the area are designated EV and it contains wetlands. It is considered important head water lands and it also ranks as having a heavy impact to clean and abundant water.

Rick Trushnicki (?) – He is the President of North Pocono Care Water Conservation Division. His concerns are the water qualities and the rural resort and recreation aspect of that area of the county. This would change it dramatically. They talked about Caughbaugh Road and improvements to that but 115 can't stand the traffic it gets now and it is so far from the Turnpike. It would run rough shot over the road and that is another concern of his.

Tammy Livesey – President of Blakeslee Community Center. They have been getting a lot of feedback from the residents that Blakeslee is becoming a warehouse zone and they are concerned. There is no other reason that they would want this to be Commercial Industrial except for the financial benefit of the property owner. It does not benefit the residents or the Township. It goes against the 2030 Monroe County Comprehensive Plan. Please recommend protecting the residents and stand for all of us as a whole rather than one individual.

Pat Simonek – He is a resident of the Township. His question is, since the proposal behind the Community Center is no longer on the table, what is the procedure to get that changed to Commercial from Commercial Industrial, so we don't have someone else come in wanting to build a trucking terminal. A discussion was held.

Faith Zurbie – She is a scientist with Delaware River Keepers Network. They are a non-profit advocacy program. They understand that this particular spot maybe in a D watershed. They have not looked at all the data but wanted the Planning Commission to

and they would be happy to help look at information. They would urge you to not to recommend that at this point. They do not believe that sighting these warehouses in exceptional value watersheds would be indictive to the use. They would just urge the Commission to takes its time and if they would like to tap them for information, please do. There are different reclamation requirements that are required of people who extract resources from our lands and those should be followed. They would urge the Commission to use the comments of the Monroe County Planning Commission information, the non-profit and residents who showed up and not rush into anything.

Barbara Schalu (?) She is a resident and realtor in the Township. She doesn't think Blakeslee needs a distribution center and this location is not going to help Blakeslee. Blakeslee needs better retail, sidewalks and medical care facilities. This will not increase our property values and that is something you have to consider. You are going to have to hire employees and people can't get employees so this will become a shutdown facility. She is just asking that you consider what this is going to do to our little neighborhood.

Donna Schlagel (?) – She is an original person from the area and a realtor. She thinks their business does not belong here. Blakeslee has always been a vacation friendly, family-oriented community. She sells in Eagle Rock, which is a beautiful community, but once you leave the community you are in an industrial area and that is what we are leaning towards. The Planning Commission's job is to control what we have left. We need retail, restaurants and places for people to work.

Mr. Kaspszyk has a rebuttal. These are all legitimate concerns and if there was a land development plan almost everything everyone talked about would have been addressed. This is no guarantee this is going to be a trucking facility. The potential allowed in a Commercial Industrial zone is not going to be nearly as invasive as an operating quarry.

Rome – She is resident of the Township and has lived on Caughbaugh Road for 12 years. She is concerned about the exceptional value water quality district because that is a dirt road and sediment created by road dust is the number one pollutant of rivers. She agrees that this is something that needs to be given time and a lot of study needs to be done. She feels this is not in the best interest of our Township to rezone this property and would like to see this property preserved to benefit everybody.

Ms. Shickling asked Mr. McHale with all the manufacturing things coming forth, do we have a traffic impact study for 115 and 940. Mr. McHale stated that we could look into this with PennDOT.

Ms. Bisbing makes a motion to take this matter under advisement to review additional information and make a recommendation at the next meeting. Ms. Shickling seconds. All in favor. Vote carries 4-0

7. Review of Subdivision and Land Development Ordinance – Mr. Keiper states we are tabling this until the next meeting.

8. Open Discussion: None

9. Public Comment: Ellen Lott asks if the Supervisors will vote on this topic prior to hearing from the Planning Commission. Mr. Keiper states that they will wait for a response from the Planning Commission. Ms. Canfield states that they already voted to move forward with advertising. A discussion was held. Ms. Lott asked if there is a public hearing already scheduled. Ms. Canfield advised that it is the second Monday in May. The public hearing will be on May 16<sup>th</sup> the next Board of Supervisors meeting.

Mr. Keiper entertained a motion for adjournment. Ms. Bisbing motions to adjourn, Ms. Schickling seconds. Mr. Kerrick left the meeting early. Vote carries 3-0. Meeting adjourned at 8:02 PM.

Minutes recorded by Bethanne Eisler