

WYOMING COUNTY OFFICE OF COMMUNITY PLANNING

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WYOMING COUNTY PLANNING COMMISSION

Randy Ehrenzeller	Ed Coleman	Stacy Huber
Matthew J. Austin	Dale Brown	Roger Hadsall
Jeremy Leaidicker	Paul Rowker	Robert Thorne

Wyoming County Emergency Operations Center 3880 State Route 6, Tunkhannock, PA 18657

Minutes # 673

February 19th, 2025

6:00 p.m.

I. Pledge of Allegiance

II. Call to Order & Roll Call

Randy Ehrenzeller, Chairman, called the meeting to order establishing a quorum.

Present	Absent	Staff
Randy Ehrenzeller		Matthew C. Jones
Ed Coleman		Robert Kenney
Stacy Huber		
Dale Brown		
Roger Hadsall		
Matthew J. Austin		
Robert Thorne		
Paul Rowker		
Jeremy Leaidicker		

III. Public Comment – (If members of the audience wish to address the commission on topics on the agenda, let the Chairman know what item that they wish to address, or that they wish to address the commission on an item not on the agenda)

Barry and Alice Young wanted to speak regarding the Tunkhannock Solar project as adjacent landowners. As the project would be discussed later in the meeting as an agenda item, they agreed to wait to comment.

Mark Stuble wanted to speak regarding the Bunker Hill Solar project as an adjacent landowner. As the project would be discussed later in the meeting as an agenda item, he agreed to wait to comment.

IV. Agenda

V. Announcement: The draft 2025-2050 Long-Range Transportation Plan is now posted for public comment.

Matt Jones said that the draft of the County's updated Long-Range Transportation plan was available for review both in-person at the Community Planning office and online. He added that the link to the on-line version was listed at the end of the agenda, and that the public comment period would be open through March 15th, 2025.

Matt then explained that the plan is utilized to determine allocation of funding for road and bridge repair throughout the five-county region. He said that the final version was set to be published in April.

VI. Approval of Minutes #672 – January 15th, 2025 Planning Commission meeting

A motion was made by Dale Brown to approve the Minutes #672 – January 15th, 2025, seconded by Ed Coleman. The vote was carried unanimously.

VII. Correspondence

A. Chronological Report – January 14th, 2025 to February 18th, 2025

(Accepted as presented)

VIII. Subdivision and Land Development

A. Minor Subdivision Report

(Accepted as presented)

B. Tunkhannock Solar Project – Land Development Plan – Tunkhannock Township – File #2024-11 – Discussion

Staff update:

- No revised plan has yet been received since Nov. 11, 2024. Outstanding items include:
 - Buffer landscaping trees still not yet proposed to extend to block sight of panels from the neighboring Young lot, and species names still missing from the plan (§615). This was flagged in staff's letter of Oct. 18, 2024, and discussed during Commission meeting on Nov. 20, 2024 (and printed on that day's agenda).
 - License number and signature of a credentialed Professional Engineer (PE) attesting to the accuracy of the presentation have still not been added to the plan as required by State & County law (§403.3D). This was flagged in staff's letter of Oct. 18, 2024 and in County consulting engineer's letter of June 17, 2024.
 - Payment of County consulting engineer bills remains outstanding since Aug. 15, 2024 (Invoice #1 of 2) and Nov. 14, 2024 (Invoice #2 of 2). Payment is required prior to plan approval (§1105).
- Decision due to be rendered at next Commission meeting on March 19th, 2025.

- Revised plan must be submitted no later than March 5th, 2025 to be considered (§306.2A.2).

Barry Young said that a letter he had received from staff, as well as discussion at previous meetings of the Planning Commission, indicated that access to the applicant's property utilizing Wellwood Drive was an issue that needed to be resolved, but that the current agenda appeared to have dropped it as a requirement. He asked if that were the case.

Matt Jones answered that it had been dropped as a condition. He explained that access had been an issue raised since the project had first been submitted to staff. He said that based on the available information it was unclear if the applicant had legal access to his property, and if so, where that access was located. He said that staff had flagged that issue to the applicant and his engineering firm from the start, and recommended a new agreement be drafted to resolve the issue.

However, after speaking with the county solicitor, Matt said that he had been advised that it was possible that the applicant could legally challenge such a position. He explained that because the previous owner of the lot had been utilizing Wellwood Drive for upwards of fifteen years, a judge could determine that the previous owner, and the new owner by extension, had a prescriptive easement (effectively "squatter's rights") to continue using the route. He said that the county solicitor had advised him not to hold up the access issue as the only reason to deny the plan.

Barry Young said he was not notified of the change and wanted to know why, since it affected him a great deal. Alice Young added that they had been copied on a letter from staff indicating that a resolution to the access question would be required and that they had sought legal counsel as a result, only to find out the morning of the meeting that it had been dropped as a condition for the applicant.

Randy Ehrenzeller asked if contacting neighboring landowners was a requirement, or something staff had been doing as a courtesy. Matt answered that it was not a requirement, but that staff had tried to keep up with as a courtesy because the issue affects the neighborhood. He apologized to the Youngs for not notifying them of the change and reiterated that the access issue had been dropped on the advice of the county solicitor.

Barry said that he was aware of state regulations/requirements for access roads for similar projects, and said that they were well beyond the current conditions of Wellwood Drive. He added that those requirements had been waived by the Planning Commission in a previous meeting, and said that he didn't object at the time because he was under the impression that a new use agreement for Wellwood Drive and its maintenance would be negotiated. He requested that, since the Commission wouldn't require a new agreement, the previous waiver be revisited.

Matt said that he believed the requirements Barry referred to were county regulations rather than the state. He explained that for a project of this scale, a private road like Wellwood Drive would need to be brought up to the standards in the County SALDO for a public road. He added that, while the paving waiver had been granted two months prior, final approval for the project had not yet been granted.

Barry said he would like that waiver revisited, as waiving the paving requirement while also not requiring a new use agreement is unfair to the neighboring landowners. Natalie Coffee, representing the applicant, said that she had spoken with the applicant

that morning and he had informed her that a new use agreement was still being drafted with his attorney. Barry answered that he was willing to continue negotiating, but that the applicant would have no motivation to grant any concessions. He asked what would happen if no agreement could be reached, and said that if none were reached he would like the paving waiver to be reconsidered.

Randy said that he thought it would be premature to revisit the waiver request until negotiations between the applicant and the surrounding landowners were complete. He added that since it would be a new agenda item, it would have to be added to the next month's meeting. Barry said he was okay with it waiting until the March meeting, but that deadlines were approaching.

Ed Coleman asked for clarification on the deadline for a decision on the plan, believing it to be March 19th. Matt said that the applicant had until March 5th to resubmit a revised plan addressing all outstanding items to staff in preparation for the March 19th meeting, where a decision would be required by the Commission. He said the waiver could be rescinded or upheld.

Matt continued by adding that the ordinance required all lots to have ingress/egress routes, and that both he and his predecessor had raised the issue for this project since the beginning. He said that the county solicitor had recently advised him that if a professional engineer put his or her seal and signature on a plan attesting to the accuracy of the conditions depicted, staff should take the engineer's word. However, the applicant's plan lacked both seal and signature from a professional engineer.

Matt added that landscaping was needed to screen the solar arrays from the Youngs' and Catholic Church's lots, not just the currently proposed screening for Mr. Talarico's lot, and also that the county consulting engineer's bills for reviewing the plan had been outstanding since August 2024 and needed to be paid before any final approval could be granted. He said that those issues, if not resolved by the March meeting, would be grounds for a denial of the project.

Matt explained that the project had initially been submitted the day before the ordinance amendment requiring a decommissioning agreement for commercial solar projects went into effect, and that while the applicant had presented an agreement, staff could not hold them to it unless the application were denied and later resubmitted. He said that the access issue was not enough on its own to deny the plan, but that the other three items would be.

Randy said that if the access issue could be resolved by the applicant and neighboring landowners prior to the March 5th submittal deadline for plan revisions then the Youngs' concerns would be addressed, meaning revisiting the paving waiver at the current meeting would be premature.

Ed Coleman asked why an engineer hasn't signed the plan yet. Natalie Coffee said that a revised plan was being worked on for the March 5th submittal deadline, and that it would have the required acknowledgement from the project's professional engineer.

Alice Young said she had been asked by the occupants of the Catholic Church's property adjacent to the project to inquire about the tree species utilized for the buffering requirements. She said that the blue spruce and Douglas firs in the area had a fungal infection, and said different species should be used. Matt said that neither of the two was recommended by the ordinance, as neither are native to the county, and he listed some of the approved options.

C. **Bunker Hill Solar – Land Development Plan – Tunkhannock Township – File #2024-32 – Time extension granted**

Staff update:

- Applicant has been advised that they need to submit a separate subdivision plan in order to lease portions of existing lots for panel development (definition of “Subdivision” in Article II).

Action requested:

- Staff recommends Commission vote to approve applicant’s Time-Extension Request through May 31, 2025 for the Land Development Plan.

Mark Stuble said that since the January meeting, he’d had the opportunity to look at the plans for the project, and that he appreciated the staff’s efforts to look out for adjacent landowners and answer questions that had arisen. He then asked if the liability of the decommissioning agreement fell on either the landowner or the developer, which Matt Jones confirmed.

Mark said that he’d raised the water runoff issue and how it would be addressed at an earlier township meeting regarding the project. He said that he’d also contacted staff about the issue and appreciated the prompt response he’d received.

Matt said that staff is waiting on a revised plan from the developer and that the stormwater plan review is ongoing, but that with the design of the panels and the size of the lots involved, rainwater should be able to infiltrate well enough that the post-construction conditions of the project are expected to be no worse than the pre-construction conditions for adjacent lots.

Mark said that he believed the developer had proposed an increase in the number of panels since the January meeting. Matt responded that due to the developer’s desire to lease portions of the lots, which would require subdivisions. He said that the project would likely be delayed several months while that process was complete, and that the developer had asked for a time extension through May.

Meghan Coury asked if the developer would be leasing the lots to other companies. Matt said that the developer is working with the landowners to subdivide the properties and have the new lots leased to private companies. He said that the process is still playing out.

Meghan then asked who, between the landowners and the developer, would be responsible for maintenance and decommissioning. Matt said that the responsibility would ultimately fall on the landowner but that it could be shared with the private companies.

Meghan asked who would be responsible if the current owners passed away. Matt said that bonds and developers’ agreements are required before final approval that would be used in cases where the site became inoperable. He said that in such cases, either the developer or the landowner at that time would be required to remove the solar facilities from the property.

Meghan asked how long the leases would be for, to which Matt answered that the developer was currently planning a 25-30 year lease. Ed Coleman added that they were putting up bonds to pay for the decommissioning. Matt said that even if the landowner

at the time of decommissioning was unwilling or unable to remove the facilities, the bonds could be used by the county to hire a company to complete the removal.

Meghan asked why the landowner would want to relinquish control by leasing to a developer or developers. Ed answered that the Commission wasn't sure of the reason. Matt added that the staff couldn't speak to the specific financial interests of the landowners or the developer.

Meghan asked if the developer would be reaching out regarding evergreen buffering, and said that she had heard the site was being increased by 25 acres. Matt said that the last version of the plan submitted to the Planning Office was the version that Meghan had seen, and that he'd heard nothing about a proposed expansion of the project. He added that such an expansion would require additional review, and could cause issues with the stormwater plan, the state DEP, and the County Conservation District.

A motion to grant a time extension through the end of May 31st, 2025 was made by Roger Hadsall and seconded by Matt Austin. The vote was carried unanimously.

D. PA State Police – Land Development Plan – Tunkhannock Township – File #2025-5 – Waiver granted

- Overview of project provided by applicant's engineer, George Albert.
- Discussion on proposed stormwater controls with County consulting engineer, Carl Schimmel.
- Action requested: Staff recommends Commission vote to approve applicant's request for waiver of buffer tree planting requirements (§615) due to safety concerns unique to site.

Matt Jones introduced George Albert, an engineer whose firm is the applicant and developer for the project, as well as Carl Schimmel from Atlas Engineering, who reviewed the stormwater plan on behalf of the county.

George explained that the project involved building a new state police barracks on a lot on Sunnyside Drive, across the street from the county's 911 facility. The barracks will be approximately 8,900 sq. ft. and one story, with a safety fence encircling the facility in accordance with state specifications. If unable to utilize the existing radio tower at the county 911 facility, a radio tower might need to be added to the project.

He said that a shooting range was planned for the rear of the property, bordered by large berms. He explained that the range would be for organized training events only, not open to the public and not available for troopers to train individually whenever they want. He said that due to demand for police facilities, the state police now include ranges in all facilities. He added that it will be offered to county personnel and the sheriffs for specialized training.

He said that, in agreement with the county, training activities will be coordinated with any funerals at the neighboring cemetery and that activity would be delayed until any such events are concluded.

George also explained the waiver request for landscaping requirements. He said that he and the state police were requesting the waiver to avoid providing any point of refuge around the facility or parking area, so that threats to the public and the troopers would have no cover or concealment in the immediate area. He added that such a

request is standard across the state for all new barracks.

He said that the goal is to complete construction by Spring 2026, and he hopes to work through the regulatory process and start construction by May or June 2025.

Paul Rowker said that at the previous day's meeting of the County Commissioners, the commissioners said that the shooting range would meet sound ordinances. George said that was correct. Dale Brown asked how loud a noise the ordinances allowed.

Matt said that he didn't believe there was a county noise ordinance, but that the applicant had proposed an eight-foot tall berm around the range that would funnel the sound away from the neighboring lots. George confirmed that such a berm would be included, and reiterated that training events would be coordinated with and give precedence to cemetery activities.

Matt said that he also didn't believe that Tunkhannock Twp. had a noise ordinance. He added that the township hadn't returned comments on the land development, only the related subdivision, and that the deadline for those comments was the day of the meeting. George said that because of the berms and the location of the range being against a mountain, the noise would be more noticeable across Tunkhannock Creek than on the lots adjacent to the project.

Additionally, George said that fescue grass on top of the berms would further deaden the sound. Bob Thorne asked what type of weapons would be fired at the facility, to which George answered that standard-issue sidearms and M4s would be used. He stressed that no automatic weapons would be used.

Dale Brown asked if the range would only be used by state police officers and possibly municipal officers. George confirmed, but said that it was only for scheduled qualification events rather than walk-on training.

Dale said that he is a member of the cemetery's board, and that prior to joining the board he never understood how many people access the cemetery. He said he wasn't sure about the sound-deadening properties of fescue grass, and was considering recommending a sound-proof fence. George said that one possibility that the police had considered would be limiting training events to one or two days per week to give the cemetery an idea of when they would happen, but that they're open to working with the neighboring lots.

Dale added that with cremations becoming more common, people could be in and out without the cemetery staff even knowing, meaning it would be difficult to give too much advanced notice to the police regarding funerals. George said that for the sake of visitors to the cemetery, limiting training to a certain day of the week and posting notice beforehand was a possibility.

Bob Thorne asked where the state police currently complete their qualifications. George said they utilize the range at the Wilkes Barre barracks. Bob then asked if an indoor shooting range had been considered. George answered that an indoor range would be too expensive to be feasible.

Dale asked if an existing private range could be used. George said that that the way the state police conduct their qualifications means the standard setup of an indoor range wouldn't work for them.

Matt Austin asked if qualifications were annual. George answered that they used to

be annual but had been changed to every three to six months, depending on officer responsibilities. He emphasized that with that frequency of training and the number of law enforcement agencies that required it, there was a huge demand for suitable ranges.

Paul Rowker asked if the proposed range would only be utilized for this barracks, which George confirmed. Dale asked about Fish and Game. George answered that they conduct training elsewhere. Dale then asked if Bradford County's state police barracks had a range. George was unsure, but said that all new barracks would have ranges attached to them.

A motion to approve the requested waiver for landscaping requirements was made by Ed Coleman, and seconded by Stacy Huber. The vote was carried unanimously.

Matt Jones pointed out that the berm surrounding the shooting range was only shown on the plan as being four feet tall on the western side, the side facing the cemetery. George said he'd noticed it as well, and that it would be updated to the correct height of eight feet.

Ed asked about the public entrance and if a gate were proposed to keep people from accessing the rear of the facility. George said that the entire facility would be fenced, with a secure gate accessed from the public parking lot near Sunnyside Drive.

Dale asked if the fence would be around the entire property or the barracks. George specified that the fence would enclose the barracks rather than running along the property lines.

Matt Jones asked Carl Schimmel to walk through his review of the stormwater management of the project. Carl said that there were several items that needed to be addressed, all but one of which were waiting on the County Conservation District's feedback on the loading ratios for the soil types present. He said the last issue he had was with the steep slope into the basin. George said that it would be addressed.

Dale asked if the stormwater would be directed to the southwest corner of the property. George confirmed it would. Dale said that there was a problem in that area, though he was unsure if the issue were on the county's lot or the cemetery's land. He said that the area frequently floods and covers a number of graves. George said there was a culvert in that area, but that it seemed to get blocked.

Bob Thorne commented that, with the amount of pavement proposed, the pipe for the culvert might need to be upgraded. Dale said it was a new pipe, but Bob specified the size of the pipe might need to change. George said he would take a look at the culvert.

IX. Old Business-

Matt Jones said that the Meshoppen Dollar General (File #2024-17) had completed the conditions of approval and that he had issued a Notice-to-Proceed-with-Construction letter for the project.

X. New Business- None raised.

XI. Visitors & Guests- Meghan Coury, Mark Stuble, Robert O'Malley, George Albert, Warren Howler, Alice Young, Barry Young, Natalie Coffee, R. Crossin, Carl Schimmel

XII. Adjournment-

A motion to adjourn the meeting was made at 7:05 p.m. by Roger Hadsall, seconded by Jeremy Leaidicker, and carried unanimously.