

# 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 # 672

January 15<sup>th</sup>, 2025

6:00 p.m.

### I. Pledge of Allegiance

### II. Call to Order & Roll Call

Ed Coleman, Vice-Chairman, called the meeting to order establishing a quorum.

Present	Absent	Staff
	Randy Ehrenzeller	Matthew C. Jones
Ed Coleman		Robert Kenney
Stacy Huber		Paul Litwin, Esquire
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)

*Mark Stuber identified himself as a landowner adjacent to the Bunker Hill Solar project. He said that he'd been told by the applicant that the project would not encroach into the field across from his house. He added that the applicant had said that Indian artifacts were common in the lot and asked if that were sufficient to stop the project from moving forward.*

*Ed Coleman said that the developer had several issues to address but that archaeological items were not addressed by the ordinance, so the Planning Commission couldn't use that to stop the project. He asked for confirmation from Paul Litwin, who said he couldn't recall seeing archaeological items addressed in the ordinance. Matt Jones agreed that it was not.*

*Mr. Stuber asked if there were any way to stop the project. Matt said that staff was waiting on revised plans, and that the project couldn't move forward until those revised plans were received and approved.*

*Meghan Coury, another adjacent landowner, said that she had raised concerns about the impact of the project on her property to the applicant, specifically the visibility of the solar panels. Matt said that the County can require the applicant to screen the panels from view, and Ed added that the ordinance was recently amended to require solar project applicants to submit a decommissioning agreement before any plan can be approved.*

*Ms. Coury said that Miller Road would also be an issue, as the road is essentially a one-lane road that is unpaved. Mr. Stuber asked how the applicant's property would be accessed. Matt answered that the solar project would be accessed by both Miller Road and Bunker Hill Road and added that Miller Road belongs to the township, which is aware of the project and is enforcing the road's ten-ton weight limit. He said the applicant would also need to secure a township driveway permit.*

#### **IV. Agenda**

*Matt Jones said that staff had received plans for a subdivision and land development for a proposed PA State Police barracks in Tunkhannock Twp. the afternoon of the meeting. He said that the submittal appeared to be complete, and asked to add discussion of accepting the plan as received to the agenda.*

**V. Announcement:** On Jan. 6<sup>th</sup>, 2025 the County Commissioners voted unanimously to re-appoint the following members to new four-year terms with the Planning Commission through Dec. 31<sup>st</sup>, 2028:

- Dale Brown
- Randy Ehrenzeller
- Roger Hadsall

Congratulations!

**VI. 2025 Re-organization of Planning Commission: Nomination and Election of PC Officers:**

- Chair
- Vice-Chair
- Secretary

*A motion was made by Roger Hadsall to re-nominate the current officers for another term, seconded by Bob Thorne. The vote carried unanimously.*

**VII. Approval of Minutes #671 – December 18<sup>th</sup>, 2024 Planning Commission meeting**

*A motion was made by Dale Brown to approve the Minutes #671 – December 18<sup>th</sup>, 2024, seconded by Roger Hadsall. The vote was carried unanimously.*

**VIII. Correspondence**

A. Chronological Report – December 18<sup>th</sup>, 2024 to January 13<sup>th</sup>, 2025

*Matt Jones told the members that Dale Brown had contacted staff prior to the meeting asking about one of the items on the Chronological Report, a letter regarding an enforcement issue. He said that Dale had requested more information be shared with the members than what was included in the report. Paul Litwin recommended that the matter be discussed after the meeting in executive session, to which the members agreed.*

**IX.**Subdivision and Land Development

A. Minor Subdivision Report

*(Accepted as presented)*

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

Decision not due until March 19, 2025 meeting.

-Several required items remain outstanding as previously communicated.

-Staff update regarding site access: applicant's burden of proof: recent correspondence.

*Matt Jones said that a decision was not required until March, and that several items remained outstanding. He said that an updated plan was expected soon, and that he had recently sent a letter to the applicant explaining what steps were needed to establish clear access to the site.*

*Matt explained that in the 1983, the previous owners of the applicant's lot (the Schupps) had joined an agreement giving access to the originally proposed right-of-way for Wellwood Dr. He said that the Highfields Section IV subdivision in 2000 altered the course of the right-of-way, and in 2001 Anthony Talarico issued a declaration of covenants and a grant of access relocating Wellwood Dr. and listing who had access to the road.*

*Matt said that the relocated right-of-way included where the applicant proposed electric lines accessing the solar farm, so that the question of whether that area was included was settled, but that the issue of whether the applicant was allowed to access the road remained. He said that Mr. Talarico had included the owners of the lots in Highfields IV as having access, but not the Schupps. He added that whether or not it was legally correct or acceptable for Mr. Talarico to exclude the Schupps from having access to the relocated right-of-way, it was never challenged.*

*Matt explained that this created a grey area, since the original right-of-way from the 1983 agreement, which the Schupps did have access to, would run close to or through the Young family's dwelling, built at some point after the subdivision in 2000. He also explained the current layout and ownership of the Highfield IV lots: two lots belonging to the Capuchin Sisters and the Diocese of Scranton, one formerly belonging to S.A.F.E. (recently sold to Beyond Addiction, a substance abuse recovery organization), and the Youngs' lot, which was subdivided after 2000. He said that the 2001*

*declaration of covenants said that changes to access rights for Wellwood Dr. would require 75% approval from the lot owners.*

*Sergey Kuznetsov, the applicant, said that he's addressing the issue in two ways. He said that he was working with Mr. Talarico to create a new easement agreement, and that he was also meeting with an attorney because the title search company and the bank which had given him a mortgage for the property had both agreed that he had access rights due to the 1983 agreement. He said he would have a significant update on the issue by the February meeting.*

*Ed Coleman asked Sergey if he'd had a title search done and if they'd addressed the easement. Sergey said that he did and they had, and that he would be meeting with them again shortly to address staff's concerns regarding the 2001 agreement. Ed reminded him that the current deadline for the project was the March meeting.*

*Matt said that staff had originally received the 1983 agreement and the 2000 subdivision map from the applicant and his engineer, but that the 2001 agreement had not been included. He asked Sergey if his title search company knew about the 2001 agreement, to which Sergey answered that he didn't know.*

*Ed asked Paul Litwin if the Planning Commission had the authority to decide if the applicant had legal access to Wellwood Dr. Paul said that it was not, it would be up to the courts. Matt said that the ordinance requires every property to have access to the road. Paul asked if there was any other access to the property, to which Sergey said he didn't know. Sergey added that the property had been farmed for decades, and questioned how that could be done without legal access.*

*Paul asked if the 1983 agreement was a filed easement. Matt said that it was an easement for a road that was never developed, and was later developed in a different area. Paul asked if there was a written record. Matt answered that it was recorded with the Recorder of Deeds.*

*Paul explained that if the Schupps were given legal access in the 1983 agreement it couldn't be extinguished without their approval, so whatever Mr. Talarico did after the 1983 agreement couldn't revoke the Schupps access. Matt answered that the corridor that the Schupps, and subsequently Sergey, had access to now runs through the Young property, potentially through their house. He said that it was unclear if the Schupps knew the right-of-way had been relocated and unclear if they had challenged the change.*

*Ed said his concern is that the Planning Commission doesn't have the authority to say that Sergey's title search company is right or wrong regarding access to Wellwood Dr. Paul recommended an executive session to discuss the issue after the meeting.*

*Matt explained that his recommendation was for Sergey to speak with an attorney regarding a new agreement. He said the Youngs already supported granting access to the road, so Sergey would only need to convince the Capuchin Sisters and the Catholic Diocese to reach the 75% approval threshold.*

*Ed said that the issue wouldn't be settled at that meeting and reiterated that Sergey's deadline was the March meeting, and strongly suggested that he continue to work towards that deadline.*

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

Staff update:

- Staff issued comprehensive punch-list for the plan to applicant on Jan. 10, 2025.
- Staff still reviewing proposed de-commissioning materials.
- Applicant expected to soon submit revised plan and financial securities/agreements.

Staff recommends Approval of the following Time Extension Request:

- Applicant has requested a 28-day extension reaching from Jan. 31, 2025 to Feb. 28, 2025. This would allow the project to be considered at the Feb. 19, 2025 Planning Commission meeting.

*Matt said that he had issued a punch-list to the applicant the prior week, but that he was still reviewing the decommissioning plans for the proposed solar facilities. He added that the applicant was expected to submit a revised plan along with financial securities and agreements. He said that the applicant had asked for a time extension through February 28<sup>th</sup>.*

*A motion to grant a time extension through the end of February 2025 was made by Dale Brown and seconded by Jeremy Leaidicker. The vote was carried unanimously.*

D. **PA State Police – Land Development Plan – Tunkhannock Township – File #2025-5 – Plan accepted as received**

*Matt Jones said that the subdivision and land development plans had been dropped off at the planning office that afternoon, and that since the County Commissioners had indicated that it was a priority project, he wanted to bring it before the Planning Commission that day rather than waiting until the following month's meeting for the plan to be accepted.*

*He explained that the proposed project would first subdivide the lot containing the County's Emergency Operations Center in Tunkhannock Township, approximately 20 acres straddling Sunnyside Road. The ten-acre vacant section on the northern side of Sunnyside Road would be split off and developed with a planned barracks for the State Police. He said that the subdivision was a minor plan concurrently submitted, which would be processed in-house by staff.*

*Matt said that the state government wanted to lease the new lot from the county for the development of an 8,800 sq. ft. state police barracks. He asked that the members vote to confirm the plans as complete, submitted, and received in order to start the 90-day window for review.*

*Paul Litwin clarified that the county would not be leasing the lot to the state. He said the lot would be leased by a developer specializing in police barracks who would then lease the building to the state police. Ed asked if that would put the property back on the tax rolls, and Paul answered that he believed it would but was unsure.*

*Matt said that he'd had the chance to look through the submittal to ensure that it*

*had all the essential components. He added that any small items missing could be gathered from the applicant before a final approval or disapproval of the plan were to be issued.*

*A motion to accept the plans as received was made by Matt Austin, and seconded by Roger Hadsall. The vote was carried unanimously.*

**X.** Old Business- *None raised.*

**XI.** New Business- *None raised.*

**XII.** Visitors & Guests- Meghan Coury, Mark Stuble, Sergey Kuznetsov

**XIII.** Adjournment-

*Paul Litwin reminded the members that an executive session was needed to address the correspondence about which Dale Brown had asked.*

*A motion to adjourn the meeting and move to executive session was made at 6:42 p.m. by Stacy Huber, seconded by Bob Thorne, and carried unanimously.*