

WYOMING COUNTY OFFICE OF COMMUNITY PLANNING

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WYOMING COUNTY PLANNING COMMISSION

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

LOCATION

Minutes # 670 **November 20, 2024** **6:30 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		Caitlyn Allaoui
Dale Brown		Paul Litwin, Esquire
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)*

IV.Agenda

V.Approval of Minutes #669 – October 16, 2024 and Minutes for the Oct. 23rd, 2024 Joint Planning Commission/Commissioners meeting on the Mobility Study

Dale Brown made a motion to approve the Minutes #669 – October 16, 2024. The motion was seconded by Bob Thorne, and the vote was carried unanimously.

Stacy Huber made a motion to approve the Minutes for the Oct. 23rd, 2024 Joint Planning Commission/Commissioners meeting on the Mobility Study. The motion was seconded by Ed Coleman, and the vote was carried unanimously.

VI. Correspondence

- A. Chronological Report – October 16, 2024 to November 20, 2024

Members asked staff to explain several items, then accepted as presented.

VII. Subdivision and Land Development

- A. Minor Subdivision Report

(Accepted as presented)

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

Staff recommended *disapproval* of the land development plan due to non-compliance with the following Ordinance requirements which were cited for the applicant in staff's letter on Oct. 18, 2024:

- Wellwood Drive has not been proposed to be brought up to the standards of a Local Street/Road as required by SALDO §§607.2 and 607.7A and Tables VI-1 and VI-2. No signature permission from neighboring landowner of Marc Antony lot as co-applicant has been provided.
- Location of proposed electric lines not yet superimposed on plan with boundary lines and rights-of-way with easement references (§§403.3.E4; 403.3.K4 and 403.3J). No signature permission from neighbor as co-applicant provided for new electric lines to traverse the Marc Antony lot and/or along Wellwood Drive right-of-way (§§403.3B; 403.4E; 403.4M and 403.8B).
- Landscaping plan is missing detail on number of trees to be planted; the species of trees; and does not mitigate sight/glare of the proposed solar panels from the neighboring Young lot and Diocese lot as required by SALDO §§615.1H and 615.1I.
- License number of Professional Engineer has not been added to the plan as required by SALDO §§403.3D and 406.1 as well as §503(1) of PA Act 247 and §3 of PA Act 367.
- NPDES not yet received as required (§§306.8; 403.4G and 403.4I).

Matt Jones said that the project was approaching its decision deadline following a few time extensions. He explained that one of the main issues facing the project is whether the lot is accessible through an established right-of-way. An agreement signed in 1983 by a previous owner of the property indicates an easement was established, but conflicting information in the title history of adjoining properties indicates that legal access may be limited to a specific group of neighbors, excluding the lot in question.

Matt said that one of the neighboring lot owners, Mr. Talarico, had attended a previous meeting and was willing to negotiate access across his property from Wellwood Dr. to the solar farm, but Matt added that the ordinance would require that the road be improved to the standard of a local street (currently unpaved). He said that the applicant had not demonstrated a willingness to do so, and that no waiver request had been submitted. Also, Mr. Talarico would need to sign as a co-applicant to allow development of his property, both for paving and for running electric lines to the solar

farm (and/or a legal utility easement being established).

Given the question of access and the lack of a professional engineer's license number/seal on the plans, Matt recommended that the application be disapproved.

Randy Ehrenzeller asked if any of the deficiencies could be addressed by a waiver requested at the meeting. County Solicitor Paul Litwin answered that the waiver would have to be submitted in writing prior to the meeting.

Natalie Coffee, representing the applicant's engineering firm ARM Group LLC, introduced herself and the applicant, Sergey Kuznetsov, and asked to address the issue of access to the property. Sergey explained that he had purchased the property in May '24 and that he had sent county staff the results of the title search showing the access easement. He said that a section of the lot is used for farming, which utilizes heavier equipment than the solar farm would require and which currently accesses the lot using Wellwood Dr.

Sergey added that he had agreed to join the local HOA for the road. Alice Young, a neighboring property owner, said that she had brought a copy of the agreement for Sergey to sign, and said that it had already been signed by Mr. Talarico.

Randy Ehrenzeller asked if Sergey was now the owner of the right of way. Matt Jones clarified that Mr. Talarico owned the road, as it crossed through his property. Sergey said that he'd walked the property with Mr. Talarico, who had shown him both the right of way and where the farmer has been accessing the lot. He said that Mr. Talarico told him the farmer was not using the right of way, but that he would allow continued use. Sergey added that he and Mr. Talarico would jointly manage upkeep of the road.

Matt Jones reiterated that he'd found information in the neighboring properties' chains of title that made it unclear if the 1983 access agreement was still in effect, given changes in those properties since that agreement was signed.

Ed Coleman asked Paul Litwin if the decision of who does or does not have an easement is a civil matter for someone other than the Planning Commission to decide. Paul answered that an easement would be a civil matter if disputed. He added that if the right of way was moved and that Sergey had an oral agreement with Mr. Talarico, it should be written and recorded, the reference for which should be listed on the map.

Ed then asked if an extension could be granted to the applicant. Paul said that an extension request would have to have been submitted in writing prior to the meeting, and Matt Jones said that no such request had been received. Paul added that a denial of the application would not prevent resubmission.

Ed asked Natalie Coffee if she were the developer. She responded that she represented the developer as a member of the design engineer's firm. She explained that the firm's understanding was that the developer could only propose improvement within the easement from Wellwood Dr. to Sergey's property, not the entirety of Wellwood Dr.

Randy Ehrenzeller suggested to Sergey and Natalie that they contact county planning staff after the meeting and clarify steps for resubmission should the plan be denied, including waiver requests.

Paul Litwin asked Matt Jones about the issue of electric lines running to the

property. Matt answered that the proposed lines would cross Mr. Talarico's property and that it was unclear if the lines would be within any existing right of way.

Paul added that if there is a right of way, it would have to be determined that permanent facilities were allowed within it or if it were strictly for ingress/egress. He also asked if a substation would be required. Natalie answered that the engineer was still developing the interconnection plan.

Matt Jones displayed the section of the plan showing the proposed location of the lines and the potential intrusion onto Mr. Talarico's property. He said that he believed, between that and the paving of Wellwood Dr., Mr. Talarico would need to be a co-applicant. Randy Ehrenzeller questioned whether it would require Mr. Talarico as a co-applicant, to which Matt responded that it would since it would be an improvement built upon his property.

Ed Coleman said that paving the road could possibly be waived, but that the plan wasn't ready for submittal. Several other board members concurred, stating that everything must be in writing prior to the meeting. Sergey asked for another extension, and Paul Litwin answered that the request had to be in writing. Ed asked when the 90-day deadline was. Matt Jones answered that the deadline for a decision was Nov. 25th, which effectively meant that the decision must be rendered the night of the meeting (Nov. 20th).

Ed asked if Sergey could submit an extension request to the planning department before the 25th and if an electronic vote could then be held. Paul Litwin said the board could vote to conditionally grant the extension provided that the request is received within 24-48 hours, or else it would be denied. Ed suggested 4pm on Nov. 22nd as a deadline. Matt Jones recommended the extension be specifically for 60 days rather than 30, given the scope of work required of the applicant, all of which was pointed out in the meeting agenda and in a letter sent to the applicant on Oct. 18th.

A motion to approve a 60-day time extension if submitted in writing by 4pm, Nov. 22nd was made by Ed Coleman, and seconded by Dale Brown. The vote was carried 7-1 (Matt Austin dissenting, Randy Ehrenzeller abstaining).

C. Bunker Hill Solar – Land Development Plan – Tunkhannock Township – File #2024-32 – Update:

- Consulting engineer has provided review comments.
- Staff director will provide more comprehensive punch-list.
- Applicant expected to eventually revise plan after receiving director's letter.
- Project will be next discussed at Dec. 18, 2024 Planning Commission meeting.

Matt Jones said that staff will be providing a more thorough breakdown of required plan updates, and that he expects a revised submission in the coming weeks.

D. Rustic Creek – Preliminary Major Subdivision–Tunkhannock Township – File # 2024-36

Staff recommended *disapproval* of the following waiver request:

- Applicant has requested waiver from Tables VI-1 and VI-2 (and effectively from §§607.2 and 607.7A) which require the portion of the

pre-existing driveway running from State Route 6 to the front of the newly-proposed lot be brought up to the standards of a Local Street/Road.

Staff recommended *disapproval* of the land development plan due to non-compliance with the following Ordinance requirements which were flagged for the applicant's engineer by the County consulting engineer in a letter dated Oct. 3, 2024 and confirmed in a follow-up e-mail from the Planning director on Oct. 8, 2024:

- The portion of the pre-existing driveway running from State Route 6 to the front of the newly-proposed lot has not been proposed to be brought up to the standards of a Local Street/Road as required by §§607.2 and 607.7A and Tables VI-1 and VI-2.

Matt Jones explained that the project consisted of a campground complex with the owner's home also on the property, and that two other lots share the same minimum access drive as the campground. He said that the lot owner intends to subdivide the section of the lot containing the dwelling, which would create a fourth lot utilizing the minimum access drive and require that the drive be improved to the standard of a local street. He added that a portion of the drive is already paved but that sections remain unpaved, and that the applicant had submitted a waiver request to waive the paving requirement.

Matt also stated that he had heard from the County Emergency Management Director, who had expressed concerns over access to the property for emergency vehicles and urged that the situation not be made any less safe. Matt recommended disapproval of the waiver request and disapproval of the plan.

Lisa Zawadzki, the property owner, explained that the proposed subdivision would not increase traffic on the minimum access drive. She said that the purpose of the subdivision is to separate the residential and agricultural uses of the property to allow the campground to apply for funding through the USDA. She added that the road receives yearly maintenance, and that paving the road would constitute a safety issue for the children the campground frequently has as visitors, as the road's unpaved condition keeps car speeds much lower than if it were paved.

Lindy LaRue of Milnes Engineering spoke on the applicant's behalf, showing several pictures of the minimum access drive. He said that the road is paved for 272ft. from Rt. 6. He showed that signage is present to control speeds, which also helps mitigate dust issues, and said that there is adequate width and height clearance to allow emergency vehicle access to the campground.

Paul Litwin asked what the cost would be to chip seal the road. Lindy said he didn't know, and Lisa answered that she had considered using oil chips previously but that doing so could cause issues with the state DEP due to runoff into the adjacent creek.

A motion to grant the requested waiver was made by Matt Austin, and seconded by Dale Brown. The vote was carried unanimously.

A motion to approve the application was made by Ed Coleman, and seconded by Stacy Huber. The vote was carried unanimously.

E. Henry Meadows Housing – Land Development Plan – Tunkhannock Township – File #2024-40 – Waiver approved

Staff recommended approval of the following waiver request:

- Applicant has requested waiver of certain requirements in Table 803.2 – namely the maximum of 12 dwelling units allowed per apartment building – to allow for 34 units in the proposed building.

Items improved by recent plan revisions:

- The required 50 feet-wide ultimate right-of-way has been provided (§§803.3B and Table VI-1).
- A clear legend has been provided for the Lighting Plan on Sheet 10.
- The associated subdivision plan (File #2024-39) was granted conditional approval on Nov. 14.

Items that can be made conditions of eventual approval:

- When the related subdivision plan is finalized and recorded, please process a new deed and obtain a new Parcel Identification Number (PIN) for the new 7.61-acre lot. Please add the new deed reference number and Long-PIN reference (with all 15 digits, dashes, and dots) to the Site Data table on Sheet 1 (§§403.3B; 403.3I; and 406.1).
- Sewage exemption or approval from PA-DEP (§306.6).
- NPDES approval from PA-DEP and the County Conservation District (§306.8).
- A driveway permit for site access to Sunrise Lane will need to be obtained from Tunkhannock Township if not already secured. Please provide copy of Township driveway permit to the County Planning Office when available (§612.8C).

Items that will need to be addressed in the coming weeks:

- Please provide one (1) designated Loading/Unloading Berth to accommodate moving companies or small-truck deliveries near the (service) elevator or other key entrance to the building (§612.7).
- Please provide either a fire hydrant near the new building OR a copy of the proposed sprinkler system plan along with a note added to the land development plan coversheet referencing the sprinkler system plan (§620).
- Please obtain from the utility authority a letter confirming that peak water can be provided for the building's anticipated drinking water and hydrant pressure/sprinkler system needs (§611).
- Please plant one (1) street tree near the Sunrise Lane cul-de-sac and two (2) more trees along the north-south portion of the proposed minimum access drive (§§615.4A.1; 615.4A.3 and 615.4C.4).
- Please plant another shade tree on Sheet 9 in/near the bed of 20 chokecherry bushes to break up the parking lot heat-island effect (§615.3B.1).

- The County consulting engineer should review recent revisions to Appendices E+H of the PCSM to see if it satisfies any remaining concerns regarding stormwater control for the site.
- Possible conditional approval can be considered at Dec. 18, 2024 Planning Commission meeting.

Items to keep in mind:

- If the applicant wishes to obtain a copy of the Preliminary-Final Land Development Plan signed and recorded by the County, then the applicant will be required to bond the construction improvements. If a signed copy is not needed, then a notice-to-proceed letter can be provided when all conditions of approval are met. In that case, a site inspection, Certificate of Conformance, and the submittal, signature, and recordation of As-Built Plans would follow.

Jude Cooney from A+E Group, speaking on behalf of the applicant, addressed several issues raised by Matt Jones in previous correspondence. He said that the right of way provided to access the proposed structure had been widened to the required 50ft. and that the legend of the lighting plan had been corrected.

Matt Jones said that a subdivision plan related to the land development had been conditionally approved on November 14th and would be processed. He added that a similar waiver for the number of dwelling units was approved for another project in recent months.

Jude said that a loading/unloading area had been added for trucks and vans and that three trees had been added as requested by planning staff. Matt said that it appeared there would be no conflict between the proposed landscaping and the proposed lighting in the vicinity of the chokeberry bushes.

A motion to grant the requested waiver was made by Stacy Huber, and seconded by Paul Rowker. The vote was carried unanimously.

VIII. Old Business-

- i. Mobility Study received conditional approval on October 23, 2024

IX. New Business- *None raised.*

- X.** Visitors & Guests- Lisa Zawadzki, Natalie Coffee – ARM Group, Mick Goodwin – Milnes Engineering, Lindy LaRue – Milnes Engineering, Alice Young, Barry Young, Sergey Kuznetsov, John Carroll, Jude Cooney – A+E Group, Jessica Harker – Wyoming County Examiner

XI. Adjournment-

A motion was made at 7:35 p.m. by Roger Hadsall to adjourn the meeting; seconded by Bob Thorne, and carried unanimously.