

MEETING MINUTES

Planning Commission- County of Wyoming Pennsylvania

Minutes # 677

June 18, 2025

6:00 pm

WYOMING COUNTY PLANNING COMMISSION

Randy Ehrenzeller
Matthew J. Austin
Jeremy Leaidicker

Ed Coleman
Dale Brown
Paul Rowker

Stacy Huber
Roger Hadsall
Robert Thorne

Meeting Location:

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

I. Pledge of Allegiance

The pledge was taken. Staff Director Matt Jones then verbally notified all participants that audio from the meeting would be recorded.

II. Call to Order & Roll Call

Ed Coleman Vice-Chair, called the meeting to order- establishing a quorum:

Present	Absent	Staff
	Randy Ehrenzeller, Chair	Matthew C. Jones, Director
Ed Coleman, Vice-Chair		Meghan Coury, Assistant
Stacy Huber, Secretary		Paul Litwin, Solicitor
Dale Brown		
Roger Hadsall		
Matthew J. Austin		
Robert Thorne		
	Paul Rowker	
Jeremy Leaidicker		

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

Mr. Coleman acknowledged that Ben Clemmer, PE of ARM Group was present to address Commission Members on the Tunkhannock Area School District Solar Projects- Mehoopany Site (HANDS School) Land Development Plan (Mehoopany Township) File #2025-18 and the Tunkhannock Area School District Solar Projects– Tunkhannock High School Land Development Plan (Tunkhannock Township) File #2025-19 agenda items.

IV. Approval of Today's Agenda (*additions or deletions?*)

(Accepted as presented).

V. Announcements:

Mr. Jones introduced the new staff assistant, Meghan Coury to the Commission and asked them to please welcome her. Ms. Coury thanked them and said she was happy to be working at the Planning Commission.

Mr. Coleman said that there were seven (7) members present this evening, and read the following announcements that were printed on the agenda:

- Eaton Township Zoning Hearing Board meeting on Starbucks appeals scheduled for 6:30 PM Wednesday, June 25, 2025 at Eaton Township Municipal Building, 1331 Hunter Highway, Tunkhannock, PA.
- Wyoming County opened application window on June 10, 2025 for Marcellus Legacy Mini-Grants. Deadline for applications has been extended to July 31, 2025. All program information is posted here: https://wyomingcountypa.gov/wp-content/uploads/2025-Mini-Grant-Application_Marcellus-Legacy-Fund.pdf
- PennDOT has shared their draft guidance on how to prepare grant applications for the next round of the Transportation Alternatives Set-Aside Program. Inquirers may contact Commission Staff for more information. Pedestrian/cyclist pathway improvements are among eligible projects. Municipalities/school districts may apply.

VI. Approval of Minutes #676 from last meeting of May 21, 2025

A motion was made by Dale Brown to approve the Minutes #676 of May 21, 2025, seconded by Stacy Huber and carried unanimously

VII. Correspondence: Review Chronological Report from May 13, 2025 through June 11, 2025

(Accepted as presented).

VIII. Subdivision and Land Development

- A. Review Minor/Unique Plans Report for May 13, 2025 through June 11, 2025.

A motion was made by Matt Austin to approve the Minor/Unique Plans Report, seconded by Jeremy Leaidicker, and carried unanimously.

- B. Tunkhannock Area School District Solar Projects – Mehoopany Site (HANDS School) Land Development Plan – Mehoopany Township – File #2025-18**

-Update: Recently over the phone, the developer's engineering team said they intend to submit a revised plan version with an expanded or reconfigured array design. They submitted a Time Extension Request.

-Action requested: Staff recommends Commission vote to approve developer's Time Extension Request to Aug. 31, 2025. Otherwise- Today would be the deadline for a decision on the current proposal.

Mr. Coleman asked about the Time Extension Request. Mr. Jones said he recommended its approval as it would allow the applicant time to revise the application, and allow Staff time to review the application, and a decision not needing to be made by the Commission until the August meeting. It would be prudent to give them that much time, to which they've expressed being amenable.

A motion to approve the Time Extension Request was made by Mr. Huber, seconded by Roger Hadsall, and carried unanimously.

C. Tunkhannock Area School District Solar Projects- Tunkhannock High School- Land Development Plan – Tunkhannock Township – File #2025-19

-Today is the deadline for a decision on this particular proposal.

-It was recently discovered that two sewer line easements exist in the area currently proposed for development (see Deed Book 68 Page 135; Deed Book 184 Page 120; and Instrument 2016-0433). The high school and surrounding neighborhood depend on these sewer lines. The easements state: "Grantor will not place... any... structure... over the easement area... that will interfere with the... maintenance... of the sewer lines."

-Staff believes this proposal should not be approved as currently presented because it does not appear to be compliant with the County Subdivision and Land Development Ordinance:

-Staff's recommendation was shared with the applicant's engineering team on May 27, 2025. Over the phone, they said they would explore whether they may reconfigure the proposed arrays around the eased sewer areas, and submit a new application to that effect, if necessary.

-Action requested: Staff recommends Commission vote to disapprove this plan because of noncompliance with the following Ordinance provisions:

- Plan does not show utility easements as required (§403.3V.4).
- Land developments must have operable sewer to be approved (§611A). This plan appears to pose problems for the continued operability/ready repair of its sewer system.

Mr. Coleman asked if today was the deadline for a decision on the proposal. Mr. Jones said today represents the last scheduled meeting of the Commission before a decision must be communicated, so effectively, yes. Mr. Coleman asked- When is the deadline for a decision to be communicated? Mr. Jones replied that July 15 is the deadline to communicate a decision, and the next Planning Commission meeting is scheduled to be held on July 16, so a decision is effectively necessary today. Mr. Coleman asked Mr. Clemmer: If his group was given an extension to the July meeting- Could he resolve the issue regarding sewer easements within that time? Mr. Clemmer said no; not within that timeframe. Mr. Coleman asked if an extension to August or September would help. Mr. Clemmer said, potentially yes.

Mr. Clemmer said he wanted to explain more about the current situation: His team was initially unaware of the sewer facilities. After learning of them by way of Staff's review letter, they hired a Surveyor to visit the site and plot the eased sewer areas into their project maps. This process is expected to take at least two (2) weeks. Reconfiguring the proposed arrays away from the sewer lines is anticipated to result in reduced electric generation for this particular project site. Mr. Clemmer said they would request an extension if it was still on the table. Mr. Coleman said he personally did not want to deny the current submission if the issue could be solved. He asked

Members to entertain a 90-day extension; he didn't want to "kill the project." Mr. Clemmer said if the plans were denied, there was a high likelihood they would come back with new plans to submit in the future- after re-designing the array configuration around the sewer easements. Mr. Coleman asked if that would result in new submission fees. Mr. Jones said, upon agreement of Members, he could waive a new application fee. He would suggest this only if the project was not substantially increased in size. If it was tripled in size, for example, it would be a brand new application fee and prudent to charge. He suggested that ARM Group be made to go "back to the drawing board" and see how they want to proceed, in consultation with their landowner client, the School Board. He said the idea of building over sewer lines is "a fatal flaw." The engineering team should re-evaluate if they and their client wish to resubmit and move the arrays around the eased areas, and whether the resulting project would still make financial sense to them. He said this was his recommendation based on non-compliance with the Ordinance.

Mr. Clemmer said he would be interested in a time extension to September. He expressed confidence that stormwater and erosion considerations would not change much as a result of the reconfiguration he envisions.

Mr. Jones noted that the current Limit of Disturbance (LOD) is 0.99 acres. The threshold for the erosion plan to not only be approved by the County Conservation District, but also the State DEP is if the LOD becomes one (1) acre or more (this would trigger DEP's NPDES Permit requirement). This can extend the time it takes for a project to receive final approval by months. Changing a project even modestly can sometimes create new noncompliance problems that weren't anticipated. The Director's opinion is they should go back to the drawing board and see whether a re-design is viable. They can figure out if they want to resubmit.

It was asked whether there is a limit on how long of an extension can be granted. Mr. Jones said it could be extended forever, but he does not advise extensions under certain circumstances. He stated that a lot of work goes into administration of applications presented to the Commission. Extension of projects with significant noncompliance issues requiring substantial re-evaluation can leave them in limbo. Their status has to be revisited prior to every Commission meeting.

Mr. Hadsall suggested that if the Commission denies the current submission, this "wouldn't hurt them." They would still be within their right to submit a new application if they determine a reconfigured project would still be viable.

Attorney Litwin noted that some enduring consequences of a project denial are: (1) Requirement of a new submission fee if a new application is subsequently submitted; and (2) New mailings when the County forwards the new submission onto the local municipal government for their review and comment as required by Ordinance; and (3) It may be determined that the new submission needs to be forwarded to the County's consulting engineer for review as well, depending on the circumstances. The main issue, Mr. Litwin suggested, is the burden of a new application fee for the applicant.

It was asked how much the fee is. Mr. Clemmer and Mr. Jones agreed that the minimum fee is typically around \$400.00 for small-scale land development proposals inside Wyoming County.

Mr. Jones noted that the application fees are in place to offset the cost to the County taxpayer to have Staff around to check and administer subdivision and land development applications against State and County law, and prevent problematic developments from occurring. He said he would understand if the Commission wished to waive the fee for a new application if the new application is of similar scale.

It was asked: Are there tax credits involved in the financing scheme for the School District's solar panel proposals? Mr. Clemmer replied yes.

Mr. Austin said the Director has a valid point regarding time-extended projects at risk of being “left in limbo.” Mr. Leaidicker reiterated that if the proposal was denied, the applicant could still come back and submit a re-designed project.

Mr. Clemmer said his main focus was eventual approval; once the sewer lines are superimposed, and the project re-designed, his aim is eventual approval. The exact timing or process is not as important as approval- however that could be obtained.

Mr. Coleman asked Mr. Clemmer: Has your firm had a conversation with the School District since discovery of the sewer lines? Does the School District still want the project to move forward? Mr. Clemmer replied yes, and said that the discovery of the sewer lines caused them to propose the Time Extension Request for the Mehoopany site. Whatever loss in electric generation that results at Tunkhannock High School, they now aim to make up for at the Mehoopany site.

Mr. Jones said the issue he is most worried about: If a time extension is granted to a project with a “fatal flaw,” such as the proposal to build over sewer lines, and a revised plan is never received... if a quorum of Members is not reached at the next meeting when a decision is due, then the flawed application would receive a Deemed Approval. This is the kind of mistake the Director most wishes to avoid.

A motion for Disapproval of the proposal as currently presented, for the noncompliance reasons stated in the agenda, was made by Mr. Brown, seconded by Mr. Hadsall, and carried.

Mr. Hadsall said he hoped the applicant would be able to submit a reconfigured application in the future.

Mr. Jones said Staff’s recommendation of Disapproval was in no way reflective of any personal feelings or sentiments, and he also hoped that a viable reconfiguration could be achieved.

Mr. Litwin asked whether a Decommission Plan and Agreement was drawn up for the project. Mr. Jones said it was his understanding that these items would not be required for the School District’s solar proposals because they aren’t of a commercial scale as described in the May 2024 amendment to the Ordinance. The electricity generation would be accessory to the primary use of the property as a school, and supplant the school’s electricity needs, rather than a primary purpose of mass generation for sale to the grid.

Some general discussion followed between Members, Staff, and Mr. Clemmer about how he might re-design the proposal.

Mr. Coleman suggested that the motion to Disapprove be amended to authorize the Planning Director with the discretion to not charge a new application fee on the TASD Solar High School Land Development Plan if a new application, of similar scale, is submitted in the future.

Mr. Brown made a motion to modify the previous motion to Deny to include the language suggested by Mr. Coleman. The motion to modify was seconded by Mr. Hadsall, and carried.

IX. Old Business: None to report from Staff.

X. New Business: None to report from Staff.

XI. Visitors & Guests:

Benjamin C. Clemmer, PE (ARM Group) and Eric Mark (Wyoming Examiner)

Mr. Eric Mark of the Wyoming Examiner introduced himself and stated that this was his first time attending a meeting of the Wyoming County Planning Commission. He wanted clarification on the decision on the Motion for Denial. After some discussion with the members, he obtained confirmation that the application for TASD Solar- Tunkhannock High School was denied by the Commission, but the applicant at their discretion might submit a revised application in the near future, and that the Commission has granted the Staff Director Mr. Jones authority not to charge them another submittal fee if any such new submission is of similar scope. It was confirmed that, at this time, the applicant's engineering team plans to adjust the proposed footprint of the project around the sewer easements recently found.

XII. Executive Session for Staff to update Members on a development project.

Members determined that the Executive Session would be held after adjournment of the regular meeting.

XIII. Adjournment

A motion to adjourn was made by Mr. Huber, seconded by Robert Thorne, and carried. The meeting adjourned at 6:35 PM.

Commission staff may be reached at:

WYOMING COUNTY OFFICE OF COMMUNITY PLANNING

1 Courthouse Square, 3rd Floor * Tunkhannock, PA 18657 * 570-996-2268

WyomingCountyPA.gov/board