

Planning Commission- County of Wyoming Pennsylvania

Minutes # 687

May 20, 2026

6:00 pm

WYOMING COUNTY PLANNING COMMISSION

Randy Ehrenzeller Ed Coleman Stacy Huber
Matthew J. Austin Dale Brown Roger Hadsall
Jeremy Leaidicker Paul Rowker 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 and Pledge of Allegiance

Vice-Chairman Ed Coleman called the Planning Commission to order. He stated there are seven (7) members present constituting a quorum.

Table with 3 columns: Present, Absent, Staff. Lists names of attendees and staff members.

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

Mr. Coleman asked if there were any additions or deletions to the Agenda. Director Jones responded in the negative.

IV. Public Comment- (If audience members wish to address the commission, please let the Chairman know which Agenda item you wish to address, or that you wish to address an item not on the agenda)

Vice-Chairman Edward Coleman said the public could comment now or at any time during the meeting for a topic on the Agenda or on anything else they would like to bring forward. He asked if there were any comments at the present time. The Director asked anyone making comments to state out loud their name and where they reside. No public comments were offered at this time.

V. Announcements: None to report from Staff.

VI. Approval of minutes #686 from last meeting of April 15, 2026

Mr. Coleman asked if there were any comments. Mr. Dale Brown said if there were no comments he would make a motion to approve the minutes. Mr. Roger Hadsall seconded the motion and it was passed unanimously.

VII. Correspondence: Review of Chronological Report from April 2, 2026 through May 6, 2026.

Mr. Coleman asked if there were questions or comments on the Chronological Report. Mr. Jeremy Leaidicker asked for information on the Applicant, Veolia Water, listed on May 5, 2026. He had not heard of the Applicant and wondered if they were a public water utility or a private business. Matt Jones said it is not clear to him. He knows that they have a presence in Harrisburg and elsewhere. He believes Veolia Water may be a private water outfit. They have proposed a subdivision in the past. They are proposing to take some of one landowner's land and add it to another neighboring land owners' property where there happens to be a spring lot, a natural water source. The owner of the spring lot is deceased for over 100 years. They want to add property to that neighboring lot. The rumor is presumably they want to build a water facility on that lot. They have already been advised that would be problematic because they don't own the property.

In the first subdivision they did not identify the deceased landowners of the property. They claimed to own it. That was not the case so their application was disapproved. Now they presented a plan showing the owners as the deceased parties. We may have to approve their application on a technicality because there is nothing else to stand on to deny it. The second shoe to drop would be them coming in for a land development. They have already been advised that the landowner's signature would be required on the application. If they want to take the land in an adverse fashion they could attempt to do so with the help of an attorney and the courts.

Mr. Dale Brown asked who had been paying the taxes all this time. He was told no one. It fell under the radar on the tax rolls for decades. When it was brought to our attention the county assessor put it back on the tax rolls. Now if taxes are not paid for five years it can be presented for a tax claim sale. The back years cannot be counted. Planning staff dug through years of really old deeds to find that it even existed. This is the second application that has been presented to the Planning Office. The first was denied.

Mr. Coleman asks if there are any other questions on the Chronological Report. There were none and it was accepted as presented.

VIII. Subdivision and Land Development

- A. Review Minor/Unique Plans Report for April 2, 2026 through May 6, 2026.

Mr. Coleman asked if there were any questions on the Minor/Unique Plans Report. There were no questions. It was accepted as presented.

- B. **Jonah J. Smith – Minor Subdivision Plan – Monroe Township – File #2026-14**

-Waiver requested from needing to pave the first 50 feet of length of a Minimum Access Drive that would be shared between three (3) lots as typically required by §607.71. A vote is requested of the Commission. Only the Commission has the authority to approve waiver requests. Staff can approve/disapprove minor plans in-house, but Staff does not have the authority to grant waiver requests.

-Waiver requested from needing to make the paved portion of the Minimum Access Drive 18 feet wide as typically required by Table VI.

Director Jones said he would give a brief introduction about the Jonah J. Smith Minor Subdivision and Eric Kytte, PLS, Surveyor is here to present for his client. This is a minor subdivision plan that we traditionally process in house at staff level according to our ordinance. The applicants requested a waiver and it's a similar situation as last month's applicant when Mr. Randy Wiernusz of Sugar Hollow Auto Repair had requested waivers for paving the apron of a newly-shared driveway.

The Applicants tonight are asking for two waivers that relate to paving the driveway apron. Matt Jones requests the members look at the images on the monitor screens. He indicates a large rectangle in the middle of the plan and states it is the Jonah J. Smith property in question. He shows Crow Hill Road to the north. He mentions paper plans have been placed on the table for the members to peruse as well. The applicant is proposing a lot be cut off in the northeast corner of this property. It will become a new standalone lot. There is a private driveway that runs from Crow Hill Road in the northeast corner of the lot. It runs down south through the existing lot and reaches all the way down to a neighboring lot in the southeast owned by Sherri Parsons.

Sherri Parsons uses this long driveway so it's already shared between two lots. The act of cutting off a lot in the top right corner would create a third lot on this driveway system. Any development that has occurred in the past is water under the bridge. Under the current ordinance and 2024 amendment there is a requirement that any shared driveway between 2 or 3 lots or dwelling units must be paved 18 foot wide by 50 feet deep where it meets the local or state road. In this case it will be the local Crow Hill Road. This has been a fairly unpopular requirement from 2024. The Applicant in this case is asking for relief from that requirement to pave the apron. He directs the conversation to Eric Kytte, PLS and asks him to add anything he might have left out.

Eric Kytte, PLS introduces himself to the Board and says he is the surveyor that prepared the plan in front of the Board tonight. He states that Mr. Smith is preparing to cut his house off from the rest of the parent tract. He wishes to let the members know that Mr. Smith's house, well and septic are not listed on the plan but do exist. There is no new house proposed on the plan tonight. The driveway is gravel. Crow Hill Road is gravel. The Monroe Township zoning officer and their planning commission were okay with the waiver request Mr. Smith is making. They were fine with his asking

the County Planning Commission for the waivers this evening. He is creating a 2.67 acre lot. This will leave the residual property with a remaining 42.26 acres of land.

Director Jones stated he received the executed Municipal comment form from the township zoning officer. The form stated that they had no concerns with the Waiver. They did state that if a third house was considered in the future the driveway improvements should go before their Supervisors. This is not protocol. He says that the decision is being made now in front of the board during the Subdivision Proposal process. The question tonight is whether a promissory note will be required on the plan that the driveway apron will be paved or will he be released from that requirement. Now is the decision as to if this would occur, during the Subdivision proposal process.

If they cut the third lot out on the driveway system there is the potential to build a third house. Mr. Kytte states the remaining lands have the potential of using the driveway to build a house behind the current house that is there. There is also another one thousand feet of road frontage that a potential home owner could utilize along Crow Hill Rd. Mr. Kytte said he does not know what the future holds.

Mr. Ed Coleman asks if a Waiver could be approved with a condition that paving be required if subdivision occurs. Mr. Kytte said he could not say that any future owner would choose to use this driveway. Mr. Jones said that any future subdivision or land development would require an application be filed with the Planning Office. This would prompt and trigger the same process of the Board considering what the new proposal would be and what standards it would be held to.

Attorney Litwin asked how many dwellings are on the remaining lands now. Mr. Kytte responded zero. The response from Paul was that if someone came in and wanted to build a house on the remaining lands they would not need any approval from the Board. Mr. Kytte reiterated that they would not need to use this particular driveway as well. Mr. Dale Brown stated they would not need approval for one house but if there were more than one they would need to come for approval. It was responded correct.

Mr. Kytte said color photos of the driveway had been placed in the packets presented to members this evening. Matt Jones confirms that there is also a portion of Crow Hill Road that the residual lot would retain access to. If someone wanted to build a house on remaining lands they would have several hundred feet to use for a new driveway cut. They would also have access to the driveway in question this evening.

Matt Jones comments that the color photos provided by Eric of the driveway show that the driveway is in a fairly flat area. Mr. Coleman asked if there were any questions from the Board on this driveway waiver. Mr. Matt Austin made a motion to approve the Waiver from needing to pave the first 50 feet of length of a Minimum Access Drive that would be shared between three (3) lots as typically required by §607.71 and the Waiver requested from needing to make the paved portion of the shared minimum access drive 18 feet wide as typically required by Table VI-1. Mr. Jeremy Leaidicker seconded the motion and it was passed unanimously. Mr. Kytte thanks the Board for their time.

IX. Old Business: None to report

X. New Business: **Discuss Draft Amendment** to the Wyoming County Subdivision and Land Development Ordinance: “**Affecting Land Developments Including Those Pertaining to Data Centers**”.

Attorney Litwin opened the discussion with a suggestion on how to proceed. He stated that the board is seeing the proposed Ordinance for the first time. He is concerned about litigation exposure and the mechanism for doing what we want to do. He suggested that public comment on the proposal be made. They can discuss if they are for or against data centers and the regulations they would like to see in place. After public comment is heard he would suggest they adjourn to an Executive session and then reconvene next month for further discussion and substantive analysis of the draft.

Mr. Coleman invites the public in attendance to make comments regarding why they are here this evening and any comments they might have. He says that conversation can be made on the Draft Ordinance in front of the Board or any other topic of their choosing.

Director Jones asks the public to please speak loudly and give their name and where they reside. Ms. Susan Distadio of Tunkhannock comes forward. She says she has been following AI (artificial intelligence) and its concerns for a while. She mentions that she attended a meeting last week regarding AI. Commissioner Tom Henry is in the audience this evening and she states that he was present at this meeting as well. She has a few comments she would like to share that she has not heard previously for the Board's consideration. Lackawanna County is a hot spot for Data Centers. They are asking that a data center that would come into their area would first post a bond prior to construction. This would protect the county if anything happened while the data center was being constructed. She offers that it would be preferable for the data center to have a closed loop system for the water they use for cooling so they won't be pulling large amounts from local water sources. She notes that in the current draft Ordinance amendment, the builder/user would be responsible for the cleanout only when they leave. She wonders what would happen to the rest of the building. Who would pay the taxes on that property? She suggests demolition of the property's buildings if they are leaving. She is concerned about the final cost for the tax payer.

She also notes the use of high-tension power lines for data centers. Once they build their power plant she assumes they would want to sell power to the local utility. She is concerned about how many high-tension lines there will be to solely suit data center needs and the quickest way to get to the electric power grid. She notes the scenic beauty of our county and says wires placed at will could make the area quite ugly in a short time. She believes it will be a detriment to our county to have multiple high-tension wires installed. She states she is in the real estate business. People and business are drawn here because of what is seen visually in our county and they will no longer be attracted to come here. She mentioned a tv news story she saw of a woman in the southern states with a lovely yard and inground pool. She will no longer be able to use the pool because of high tension lines being strung across her property for data center use. She thanks the Board for their time.

Mr. Coleman asks if anyone else present wishes to comment. Ms. Cathy Saporito of Eaton Township comes forward and says she agrees with all the statements of Ms. Distadio. She quotes the Pennsylvania Commonwealth Constitution and says "its residents have the right to clean air, pure water, and the preservation of natural, scenic, historic and apostolic values of the environment. Public natural resources will become the property of all the people including generations yet to come. As trustees of these resources the Commonwealth shall conserve and maintain them for the benefit of all the people." Data centers do not coincide with this statement in her opinion. She believes they are taking away the beauty of the area. She thinks there should be a mile between the data centers and where residents live. The sound the data center produces is terrible and people residing near

them are developing respiratory issues. She does not believe these are things we need in this area. She has a list of recommendations including a county peerage. They had everything done within 2 days and they were graded an A- as to what they were going to do with their data centers. There is a list of the missing items that would have given them a grade of 100%. Mr. Coleman asks if Matt Jones can be given a copy of her documents. It is collected from her post meeting to have a copy made. She would recommend the Board going over these documents before a recommendation on data centers can be made.

Jordan Delzell of Eaton Township steps forward and says she agrees with the comments of Cathy Saporito. She asks if there is a potential for a data center development in the near future that there is an opportunity for a public hearing. She would like the community to have time to give feedback at that time. She doesn't want a decision to be made without the consent of the community at large. Mr. Coleman said the public is made aware of the monthly meetings so everyone would have notice of a development being introduced. He also tells her that since she resides in Eaton Township she has the benefit of their own zoning ordinance and planning commission. Eaton Township would also have to publicize their meeting before conducting it.

Commissioner Tom Henry states that there are 10 municipalities that have zoning. She states that Lackawanna County, in the Archbald, Jessup area has recently turned down a request for a data center. The company was told that they would have to have a power source if they wanted to build one. Before they got permission to build a data center they would need the power source. So now the same companies have applied to build power plants. Once the power plants are up it will open the door for additional data centers. She knows there is a lot of talk, she's just sharing what she heard.

Mr. Coleman thanks her for her comments and asks if anyone else has questions or concerns. Director Jones said he would like to make some comments generally and not specifically about the Ordinance itself but toward the editorials and response to comments made here tonight. He wants to let the audience know that a local municipal government or county under state law cannot completely outlaw any particular proposed development that may come to a community. We cannot completely outlaw potential developments. There are certain powers under State enabling legislation that would allow us to put in certain safe guards. Through Ordinances they could mitigate some of the potential negative impacts of those developments.

He would like to make two other points. There has been a lot of discussion about the potential for a moratorium on applications and developments. Under the existing state law counties and local towns cannot institute a moratorium on new proposals or developments. For that to change there would have to be new legislation in Harrisburg enacted by State legislatures by a majority and then signed into law by the governor. To the effect that people might be interested in advocating for a moratorium they can direct that advocacy to their elected representatives if they wish.

He also wants to say that he proposed the draft ordinance amendment as a starting point for discussion on Friday at the direction of the County Board of Commissioners. It's on the front table and everyone is welcome to take a copy. If you and your neighbors in your particular local town feel that more should be done beyond what is proposed in this draft Ordinance amendment you might consider advocating for zoning within your local town. Local municipal governments can do even more through zoning at the local level to segregate and further restrict or mitigate various kinds of developments. They can limit where they go and how frequently they can occur, where and what impacts can be further mitigated. It's something to think about for local governments. They have

that arrow in their quiver available to them under current prevailing state enabling legislation. Local towns can pass zoning if they decide it is right for their local town.

Mr. Coleman asked if these statements created any additional questions.

Ms. Delzell confirmed that the local municipalities can put zoning in place that is more of a protection than the laws held by the county. She was told this was correct. Director Jones told her when a development is presented and a local town has zoning then it has to meet both articles. It has to meet the county SALDO as well as the local zoning ordinance. If there is anything particular in the local zoning ordinance that is specific to a particular item that is different in the county SALDO the local zoning provision will trump the county provision.

Attorney Litwin added that there are municipalities in Wyoming County that also have their own SALDO and they don't come under the county regulations.

Mr. Eric Mark of the Wyoming County Press asked Director Jones how much of the draft Ordinance amendment he produced is based on what other municipalities or counties have in effect and which municipalities and counties they are. Matt Jones said it is hard to say because he has done a lot of research in the past year. He has looked at lots of different things in order to pull this particular package together for the county as a starting point to the discussion. He has a list of other jurisdictions that have passed or proposed different ordinance provisions and he's looked at almost all of those packets to see what good ideas they have. He has a list of at least ten or more local towns or counties that have enacted or proposed something within Pennsylvania amidst reading news articles and other information available.

Mr. Mark says he is trying to bridge the divide from persons saying on the one hand this draft ordinance amendment is well developed and on the other, saying there are concerns for litigation exposure. How did the other jurisdictions advance regulations while minimizing litigation exposure? Attorney Litwin stated that this is the first time the Wyoming County Planning Commission is looking at the new draft Ordinance amendment Matt Jones has presented. If you are familiar with Bradford County and Susquehanna County they have come up with draft amendments to their SALDO. Those have been revised significantly from each first draft. He wants to make sure that our Commissioners and the Planning Commission are aware of what legal pitfalls might exist before we proceed. These types of developments have sophisticated Developers with a lot of money. We want to make sure that whatever we do we could withstand that type of challenge.

Mr. Mark said if the Planning Commission were to approve the Ordinance next month and the Commissioners were to approve it at their next Commissioners' meeting how soon would the regulations actually take effect. Matt Jones said the absolute soonest they might take effect would be June 24th but it would probably be later than that. This would be if it went lightning fast. It could take into July or even August depending on how it plays out. He defers to the Commissioners to ask if this is a fair timeline. They agree and say absolutely.

Commissioner Rick Wilbur said they were expecting to get information from the Planning Commission. The bottom line is that the Commissioners would like to get something in place as soon as possible because there are no proposals presently, but this could change in the future, and we want to be prepared with a solid regulatory footing. This is our main focus. Director Jones said if an application presents itself now it would be dealt with under the existing prevailing rules. Mr.

Roger Hadsall asks if it would be helpful to have a Special Meeting. Mr. Jones said Attorney Litwin has suggested an Executive Session with legal counsel. Mr. Wilbur said he believes a Special Meeting could be held after the Planning Commission Board has had an opportunity to review and familiarize themselves with the proposed Ordinance. Mr. Coleman said he would prefer not to go a whole month out without having the Ordinance in place. He suggested a Special Meeting be scheduled in ten days or so. Director Jones said that both he and Commissioner Wilbur will not be available in early June. There was discussion on when a session could be scheduled and it was suggested that members could attend by zoom.

Commissioner Wilbur said he appreciates all of the members' attendance at the meetings and he knows they consider the Ordinance amendment effort a top issue deserving a special meeting. He wanted to make sure everyone knew that there is no current data center development filed in the Planning Office. This does not mean that tomorrow someone won't come through the door. This is why there is a matter of speed on this.

Commissioner Henry said they as commissioners want to make sure the health and safety of all the residents is taken care of. Commissioner Wilbur heartily agreed with his statement. They want to make sure it's done right. Mr. Henry wants to make sure they are doing the right thing.

Attorney Litwin stated that they would adjourn tonight and go directly into an Executive session to consult privately with legal counsel. There would be no further decisions made tonight. There would be no further deliberations. They would also not reconvene later in the evening publicly.

XI. Visitors and Guests:

Eric Kytte, PLS, Surveyor, Tom Henry, Wyoming County Commissioner, Richard Wilbur, Wyoming County Commissioner, David Daniels, Resident, Mauri Rapp, Rocket Courier, Cathy Saporito, Landowner, Eric Mark, Press Examiner, Jordan Delzell, Resident, Jay Jadick, Resident, Ernie King, Wyoming County Commissioner, Susan Distadio, Resident

XII. Adjournment

A motion to adjourn was made by Mr. Dale Brown and seconded by Mr. Robert Thorne and carried.

The meeting adjourned at 6:35 p.m.

Commission staff may be reached at:

WYOMING COUNTY OFFICE OF COMMUNITY PLANNING

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WyomingCountyPA.gov/board