

Planning Commission Minutes  
January 18, 2018

On Thursday, January 18, 2018, the Eldred Township Planning Commission met in a regular meeting at 7:00 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, PA.

**In Attendance:** In attendance were Robert Boileau; Archie Craig; Mike Kolba; Charles Phillips; James Leiding and Solicitor Michael Gaul.

**Call to Order:** The meeting was called to order by Robert Boileau at 7:00 P.M. Mr. Boileau asked for a nomination for a temporary chair.

**Reorganization:**

- There was a motion by Mike Kolba and seconded by Robert Boileau to appoint Archie Craig, Temporary Chairman. Motion carried (5-0).
- There was a motion by James Leiding and seconded by Mike Kolba to appoint Robert Boileau as Chairman. Motion carried (5-0).
- There was a motion by Charles Phillips and seconded by Mike Kolba to appoint James Leiding as Vice-Chairman. Motion carried (5-0).
- There was a motion by Robert Boileau and seconded by Charles Phillips to appoint Helen Mackes as Secretary. Motion carried (5-0).

This ends the Reorganizational meeting.

**Regular Meeting:** Chairman Robert Boileau presiding.

**Approval of the Minutes:**

- There was a motion by Mike Kolba and seconded by Robert Boileau to approve the minutes of November 16, 2017. Motion carried (5-0).
- There was a motion by James Leiding and seconded by Archie Craig to approve the minutes of December 21, 2017. Motion carried 5-0.

**New Business:** PennDot Connects has sent an email (forwarded to the Planners on Jan. 11). Mr. Boileau asked the planners to consider attending one of the workshops. Registration is through the email.

**Old Business:** Mr. Boileau referenced the agenda items which the PC reviewed throughout the year (windmills, medical marijuana, mini-cell towers, agricultural products processing and acreage requirements for horses), and suggested that the members who researched and advised the Commission on these topics, continue to follow those topics and bring to the Commission any new information that they believe the Commission should consider.

Mr. Boileau then discussed the idea of having a flow chart that describes the process an application follows from submission to permitting. His concerns are that since the process can be complicated by reviews and delays, that a deadline could be missed, prompting a deemed approval that would not be in the Township's best interest, and also that the Commission should be apprised, in a timely manner, of any project or person that may come before the Commission.

Solicitor Gaul responded that once a submission (for a special exception or conditional use has been accepted, the Township has 60 days to have a hearing. Mr. Phillips asked if there was any reason that the Township could reject an application for review. Solicitor Gaul replied that if the appropriate Township entity (as stated in the Zoning Ordinance) deems the application is complete, then application is then considered accepted.

A lengthy discussion followed regarding exactly when an application is officially accepted, who accepts the application and when the timeframes indicated in the Municipal Code and Zoning Ordinances begin.

Mr. Boileau asked about an applicant appearing before the Commission, after an application has been submitted. (He referenced the unexpected appearance of the Nestle group at a meeting following their SE Submission). Solicitor Gaul answered that what should happen, is that a letter should go out to the applicant and (notice) to the Planners, Solicitor and Engineer, confirming receipt of the application and asking for their presence at the next meeting of the Planning Commission, when a review of the application will take place, the Planners, Solicitor and perhaps the Engineer can be prepared to ask and answer questions. If all the requirements in the Zoning Ordinance are complied with, then it is reasonable to have an applicant appear at the next Planning Commission meeting to have the submission reviewed for completeness.

After much discussion about the details, Solicitor Gaul suggested that when a plan comes in to the Township, the Secretary or other authorized Township employee, providing the correct number of copies are present and the fees are paid, the application should be timestamped, and a receipt given to the applicant. Next (*immediately*), the appropriate Township officials are to be notified of a submission, copies distributed and a letter describing this activity goes out to the applicant, all the

relevant Township Officials and Appointees, the Solicitor and Township Engineer, and all timeframes that apply shall proceed from this original submission date.

Then Mr Kolba read from the Eldred Township Zoning Ordinance which says (excerpt follows):

303.1.5 Official Date of the Preliminary Plan Submission - The official date of the Preliminary Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

- A. If the submission is not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and, the submission shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the submission is complete and acceptable, the Planning Commission Secretary shall complete an official submission receipt listing **the date of the said meeting as the Official Date of the Preliminary Plan Submission** and forward said receipt to the Applicant.

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Solicitor Gaul indicated that depending upon the deficiencies, it is customary to permit revisions to be made and submitted. The applicant is required to pay the costs of additional reviews. Those plans could be conditionally approved, with notification of the conditions to the applicant. Additionally, Solicitor Gaul noted that the no township Code can supersede the Pennsylvania Code as it relates to Zoning requirements.

**Public Comment:** There was not public comment.

**Adjournment:** There was a motion by James Leiding and seconded by Archie Craig to adjourn. Motion carried (5-0).

Respectfully submitted,

E. Ann Velopolcek, Secretary

