

Planning Commission Minutes  
April 19, 2018

On April 19, 2018 a regular Meeting of the Eldred Township Planning Commission took place at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, Pennsylvania.

**In Attendance:** In attendance were Robert Boileau, Chairman; Carey Krum; Archie Craig; Charles Phillips and Michael Gaul Solicitor.

**Call to Order:** The meeting was called to order at 7:00 P.M. by Chairman Robert Boileau.

**Public Comment on Non-Agenda Items:** There was no public comment on non- agenda items.

**Approval of Minutes:** There was a motion by Robert Boileau and seconded by Archie Craig to approve the minutes of March 15, 2018 Motion carried (4-0).

**Old Business:** Curt Bush appeared before the Commission to present an “as-built” plan for the Personal Care Home to the Planners. Solicitor Gaul suggested that As-Built Plans are generally kept by the Township as a historical record of the construction for any future reference necessary.

Mr. Boileau read a letter from Hanover Engineering indicating its review and recommending no changes, and also related a message from the Zoning Officer also indicating no issues.

Solicitor Gaul will discuss with the Zoning Officer and the engineers to determine whether the plan needs to be recorded as an amendment to the original recorded plan at the Monroe County Courthouse.

- There was a motion by Robert Boileau and seconded by Carey Krum to approve the “as-built” plan as modified, except that it be recorded at the Courthouse if it is required after consultation with the Zoning Officer and the engineer. Motion carried (4-0).

**New Business:** Lot Joinder; Kuehner Fields

Steve Gitch and Rudy Wolfe of Keystone Engineering appeared to discuss a lot joinder. Solicitor Gaul indicated that this is in fact a lot consolidation. Solicitor Gaul stated that the simplest way to do this is with an owner's affidavit, as required by our SALDO.

After some discussion:

- There was a motion by Robert Boileau and seconded by Carey Krum to recommend to the Board of Supervisors, the approval of the consolidation of lots 20 and 21 at Kuehner Fields, owner L. Moyer, subject to the approval of the solicitor.

Keystone Engineering also brought a discussion of a minor subdivision of a 2-acre lot from a 223-acre lot. They are asking for guidance for a waiver of the requirement of septic testing on the remainder lot as it will be used for agricultural purposes only. Mr. Boileau read the DEP waiver language. Solicitor Gaul read from the Eldred Township Zoning Ordinance (§707.9 (b)) that only a proposed lot with sub-surface sewage disposal in a wellhead protection area would require testing for a non-buildable lot with the appropriate language. Accordingly, this proposed minor subdivision would not require an additional waiver from Eldred Township, unless the Zoning Officer has a different opinion.

**Ordinance 2018-03; Zoning Change:** Solicitor Gaul explained that the use of Township facilities are now subject to some Special Exceptions or conditional uses which puts decisions in the hands of appointed rather than the elected officials of the Township. The change would make "Township Facilities" a permitted use in all zoning districts.

Since there is some inconsistency in our Zoning Ordinance, including some definitions, Solicitor Gaul has attempted to resolve some issues by this addition to the schedules of uses. After lengthy discussion:

- There was a motion by Robert Boileau and seconded by Archie Craig to make the recommendation to the Board of Supervisors to approve Ordinance 2018-03. Motion carried (3-0). Carey Krum abstaining.

**Polk Township Zoning and SALDO Review:** The Planners briefly reviewed the proposed changes and had no additional comment.

**ASA-** Documents were delivered to the Planning Commission for review at the next Planning Commission meeting.

**New Member Appointment:** Robert Boileau announced that the Board of Supervisors has appointed Donna Mikol as the new planner (replacing Helen Mackes).

**Treasurer Position:** Mr. Boileau has determined that there is no requirement for the Planning Commission to have a Treasurer, therefore Mr. Boileau is resigning the position of Treasurer with Helen Mackes being honored as the last Planning commission treasurer.

**Seminar:** Mr. Boileau announced that a seminar is available, funds have been approved on May 4.

**Adjournment:**

There was a motion by Archie Craig and seconded by Charles Phillips to adjourn. Motion carried (4-0) Meeting adjourned at 8:40 P.M.

Respectfully submitted,

E. Ann Velopolcek, Secretary

## Planning Commission

### Meeting Minutes

March 17, 2016

On March 17, 2016 a Regular Meeting of the Eldred Township Planning Commission took place at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, Pennsylvania.

**In Attendance:** In attendance were Robert Boileau (Chairman), Helen Mackes (Vice Chairman), Charles Phillips (Secretary), Archie Craig, Carey Krum, Mike Kolba and Gary Hoffman. Also in attendance was Michael Gaul (Solicitor).

**Meeting Called to Order:** The meeting was called to order by Robert Boileau at 7:30 P.M.

An announcement was made that Curtis Bush and Channel 13 News were recording the meeting.

### **Approval of Minutes:**

- A motion was made by Archie Craig and seconded by Helen Mackes to approve the minutes of February 16, 2016. Motion carried (7-0).
- A motion was made by Helen Mackes and seconded by Carey Krum to approve the minutes of February 18, 2016. Motion carried (7-0).
- A motion was made by Gary Hoffman and seconded by Mike Kolba to approve the minutes of February 26, 2016. Motion carried (7-0).

**New Business:** Review of Nestle's application for Special Exception approval of Water Extraction Use.

Robert Boileau read proposed changes to the previously circulated draft written Advisory Review of the Planning Commission regarding the Nestle application.

Helen Mackes brought to the attention of the planners resolution 91-3 "The Acceptance of the Old Stone Arch Bridge at Station 73+25 L.R. 45002, section AO1, Abandoned by Penn Dot" and adopted by the Eldred Township Board of Supervisors on December 4, 1991.

Ms. Mackes asked that the document be made part of the Commission's records on the Nestle application and included in the minutes.

Solicitor Gaul stated that there would need to be more investigation into the easement for the road used as access to the bridge.

There was lengthy discussion about the details of the application and the draft advisory review. The topics of concern were:

- The propriety of the Application, re: completeness
- The number of trucks allowed on site at any given time
- Insufficient well monitoring of adjacent wells
- The restrictions created by the wellhead protection zones for future uses on existing property owners
- Federal Mandates re: pre-existing rural uses
- Well Protection Commitment (not included in application)
- Community Benefit (not included in application)

- A motion was made by Gary Hoffman and seconded by Charles Phillips to approve the draft written advisory review, recommending denial of the Nestle special exception application for a water extraction use, as revised. Motion carried (7-0).

Robert Boileau read a statement regarding the e-mail sent by Attorney Wimmer to Darcy Gannon on March 21, 2014. (Statement attached.)

Gary Hoffman made a statement about the involvement of Township Employees and Elected Officials in the current situation and stated that he expected all employees and elected officials of the Township to be held to a high standard of conduct.

There were some public comments on this issue.

**Old Business:** Robert Boileau announced that the Walters subdivision has been cancelled.

**Other:** There were more public comments regarding Nestles Special Exception Application.

**Adjournment:** There was a motion by Mike Kolba and seconded by Helen Mackes to adjourn, Motion Carried (7-0). The meeting was adjourned at 9:22 P.M.

Respectfully Submitted,

E. Ann Velopolcek

Planning Commission Secretary

Cc: Eldred Township Board of Supervisors; Monroe County Planning Commission; Solicitor Michael Gaul; Solicitor Ronold Karasek; Engineer Brien Kocher; SEO Jacob Schray; Zoning Officer Ellerslie Helm.



Planning Commission  
February 15, 2018

**Call to Order:** the meeting was called to order by Chairman Robert Boileau at 7:00 P.M.

**In Attendance:** Robert Boileau, Chairman; Charles Phillips, Archie Craig, Carey Krum, Brien Kocher, Engineer and Solicitor Michael Gaul. Not in attendance were Helen Mackes, Mike Kolba and James Leiding.

**Approval of Minutes:**

- There was a motion by Archie Craig and seconded by Charles Phillips to approve the minutes of January 18, 2018. Motion carried (4-0).

**Beck Application for Special Exception:** Heather and Christopher Beck appeared before the Commission with Attorney David Martino to present for review an application for Special Exception. Robert Boileau explained that the Planning Commission would review and make a recommendation to the Zoning Hearing Board on the special Exception but that any variance applications would not come to the Planning Commission.

Attorney David Martino Explained that the Becks are seeking a special Exception to operate a home-based business of home occupation variance to store tree trimming equipment. He presented a sketch plan.

Solicitor Gaul asked what exactly was being asked for in the application.

Attorney Martino replied that he believes a special exception for the acreage (4.2) would be required as the Zoning Ordinance requires 5 acres.

Mr. Boileau pointed out that in the R district, a home-based business is not a permitted use.

Mr. Boileau gave the Becks some guidance about a proper sketch plan and what should be shown, and suggested they should include that with their application.

Mr. Phillips stated that the Becks were in effect asking for a rezoning and that spot zoning was not permitted. He believes that a curative amendment would be necessary. Solicitor Gaul suggested that having the property rezoned as AR might be a solution.

Mr. Beck stated that the present uses are residential, employee parking, vehicle/equipment parking. Mr Kocher described the proposed use of the property as a contractor's yard, also not a permitted use except in the RR district.

He read the definition from the SALDO: Contractor's Yard - Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.

After much discussion:

- There was a motion by Robert Boileau and seconded by Carey Krum that the Planning Commission recommend to the Zoning Hearing Board that the application be denied for primarily 2 reasons: that a home-based business is permitted only in the AR and RR districts and not in the R district and that a contractor's yard is not a permitted use in the R district. A variance would be required to place both a home-based business or a contractor's yard in the R Zone. In the event that variances are granted, a detailed plot plan would need to be submitted to determine a Special Exception use. Motion carried (4-0).

Minor Subdivision Flow Chart: The Planners were given a flow chart to review.

- There was a motion by Robert Boileau and seconded by Archie Craig that the Commission send a letter to the Board of Supervisors requesting that amendments to the zoning and SALDO appear on the website and that a page be added that will contain Public Notices. Motion carried (4-0).

New Business: There was no new business.

Adjournment:

- There was a motion by Archie Craig and seconded by Charles Phillips to adjourn. Motion carried (4-0). Meeting adjourned at 8:25 P.M.

Respectfully submitted,

E. Ann Velopolcek







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

