

**COOLBAUGH TOWNSHIP  
MUNICIPAL CENTER**  
5520 Municipal Drive , Tobyhanna, PA 18466  
(570) 894-8490 • FAX (570) 894-8413

**COOLBAUGH TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
MONDAY, JUNE 8, 2015  
MINUTES**

The meeting was called to order by Planning Commission Chairman Bernard Kozen at 6:31pm in the meeting room of the Coolbaugh Township Municipal Center, 5520 Municipal Drive, Tobyhanna, PA.

Mr. Kozen led those present in the Pledge of Allegiance.

**Board Members present:**

Kevin Ambrogio, Bernard Kozen, Alma I. Riuз-Smith, Ronald Kluge and Dennis Noonan.

**Board Members absent:**

None

**Staff present:**

Solicitor H. Clark Connor, Engineer Russ Kresge and Acting Recording Secretary Erin Masker.

**Staff absent:**

None

**1. Approval of April 13, 2015 Meeting Minutes**

Mr. Kozen stated that there was no meeting held in May due to lack of items for discussion.

**Ms. Ruiz-Smith made a motion, seconded by Mr. Kluge to approve the April 13, 2015 minutes as presented.**

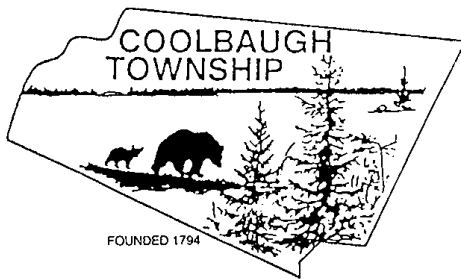
- **Discussion:** None.
- **Vote:** All in favor, motion passed.

**2. Dog Goods, LLC. Special Exception**

Mr. Connor, Township Solicitor stated that he must recuse himself from zoning issues as he represents the Zoning Hearing Board and stated that there will be a hearing scheduled within 60 days of June 3, 2015 for the special exception.

Mr. Kresge reviewed each item listed on his report, and discussion was as follows.

Mr. Courtright reviewed the plans to put a storage building in the old parking lot at the facility, stating that this is a wholesale business that need storage space to keep the products out of the weather. Mr. Ratinetz wanted to clarify that this is not a distribution center or truck terminal. That there will be two docks for the trucks to load and unload at. They will enter and exit from the same way. Mr. Courtright stated that he spoke to Mr. Brady, and it is his understanding that the special exception is required due to the storage building being considered warehousing according to SALDO 27-404.1. In the opinion of Mr. Kresge, this issue should be discussed by the applicant and Mr. Joe Brady, Township Zoning Officer, to come to a conclusion as to whether this pertains to the building that is being proposed.



## COOLBAUGH TOWNSHIP MUNICIPAL CENTER

5520 Municipal Drive , Tobyhanna, PA 18466  
(570) 894-8490 • FAX (570) 894-8413

### **Planning Commission June 8, 2015 Minutes Page 2 of 4**

Ms. Ruiz-Smith questioned the size of the trucks that will be entering and exiting the facility and was told by Mr. Ratinetz that they would be the size of box trucks as well as Fedex and UPS trucks. It is the understanding of Ms. Ruiz-Smith that this would be an accessory building more than a warehouse type building.

The maximum building height is 35' per Township ordinance and Mr. Courtright stated that the pole barn style building would on be approximately 16' in height, which would be well under the maximum allowed.

Exterior lighting will be addressed on the land development plan, as well as the parking demand analysis.

Dog Goods USA has already obtained a highway occupancy permit for use.

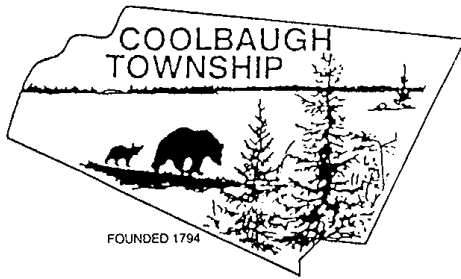
The buffer strip required between commercial and residential in a C-3 District would not pertain to this property as the buffer between the building and adjoining properties are set back more than 50' currently. Ms. Ruiz-Smith and Mr. Kozen both agreed that there should be some sort of trees planted between the properties as a screening. Ms. Ruiz-Smith requested that it be a type of evergreen so that it provides protection year round.

It was stated by the applicant that the building used for storage will not be required to have heat as the products store well in the cold, therefore the only electricity going to the building will be for the lighting which is run from the main building. Therefore the special exception pertaining to the fire or explosion hazard would not be required based on the census of the commission. The water for the facility will be provided by an on-site well that is already in place.

It was discussed and decided that an environmental and community assessment should not be required for this building based on the use that it is intended for.

The Stormwater Management and Earth Disturbance Ordinance would not pertain to this case as the building would be placed on existing blacktop in what was a parking area as stated by Mr. Ruiz-Smith the pavement is already in place and any disturbance of the land would have already occurred with the approval of someone in the past, therefore it would be grandfathered in.

It was stated that Mr. Brady would have the final say as far as the use of the building. Mr. H. Clark Connor stated that he would hope for the applicant and Mr. Brady to meet on the issues and resolve them before it has to go to the Zoning Hearing Board. Ms. Ruiz-Smith requested that the application be corrected to reflect the name of the company on the Public Hearing Application for Special Exception as it currently only reflects the applicant's individual name.



## COOLBAUGH TOWNSHIP MUNICIPAL CENTER

5520 Municipal Drive , Tobyhanna, PA 18466  
(570) 894-8490 • FAX (570) 894-8413

### Planning Commission June 8, 2015 Minutes Page 3 of 4

Motion made by Mr. Noonan seconded by Ms. Ruiz-Smith to recommend Dog Goods USA special exception move forward to the Zoning Hearing Board with final say by Zoning Officers interpretation of the use and subject to any comments by Township Engineer Russ Kresge with recommendation to provide screening between the property and pole barn building.

- **Discussion:** None
- **Vote:** All in Favor, motion passed. (Vote 4-0, Mr. Ambrosio had to excuse himself to attend a fire call at 6:50pm)

### 3. Acceptance of Dog Goods, LLC. Land Development Plan

Motion made by Mr. Kluge seconded by Ms. Ruiz—Smith to accept the application for Dog Goods USA land development plans for review.

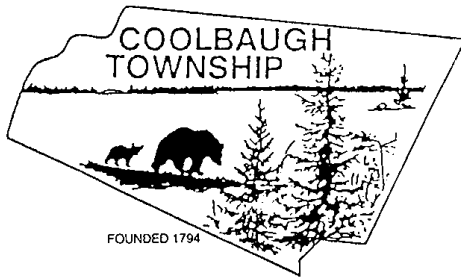
- Discussion: None
- Vote: All in favor, motion passed.

### 4. Bylaws

The commission was presented with the current copy of the bylaws as well as the document containing the minutes showing the approval of said bylaws from 1996 due to lack of a signed copy being on file. Mr. Kozen confirmed with Mr. Connor that these bylaws are valid since there is no signature, and he was told yes. Ms. Ruiz-Smith questioned Article IX asking that a definition be provided for what constitutes a “just cause” for missing a meeting. Mr. Kluge requested that there be a procedure that is to be followed when any commission member will be unable to attend a meeting so that it can be determined in advance whether there will be a quorum for the meeting to be held. Ms. Ruiz-Smith requested that a special meeting be held in order to review and revise the bylaws so that they may be presented to the Coolbaugh Township Board of Supervisors for approval. Mr. Kozen stated that it would not require a special meeting but that it could be included on the agenda for the July 13, 2015 meeting for discussion, which was agreed upon by all.

### 5. Public Input

Ms. Kelly made the commission aware of a current lawsuit that Coolbaugh Township is a part of regarding the Sunshine Act due to the bylaws that were created by the Pocono Mountain Regional Police Commission which overstep their powers by stating that they can keep members, remove members or determine that members are not suitable for the commission. She asked that the commission be very careful with their wording on the bylaws that they are reviewing and possibly revising so as not to run into the same problem as they are solely an advisory board to the Supervisors.



**COOLBAUGH TOWNSHIP  
MUNICIPAL CENTER**  
5520 Municipal Drive , Tobyhanna, PA 18466  
(570) 894-8490 • FAX (570) 894-8413

**Planning Commission  
April 13, 2015 Minutes  
Page 4 of 4**

**6. Adjournment**

There being no further business, a motion was made by Ms. Ruiz Smith, seconded by Mr. Noonan, to adjourn the meeting. All in favor, motion passed. Meeting adjourned at 7:27 PM.

**NEXT REGULAR COMMISSION MEETING: July 13, 2015**

Submitted by: \_\_\_\_\_  
Ronald Kluge, Planning Commission Secretary

Compiled by: \_\_\_\_\_  
Erin M. Masker, Acting Recording Secretary

Witnessed by: \_\_\_\_\_  
Bernard Kozen, Planning Commission Chairman

Date: \_\_\_\_\_