

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION MINUTES
June 1, 2021

The work session was called to order by Chairman William Weimer at 6:00pm in the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna.

Board Members present:

William Weimer, Anthony Lamantia, Clare Colgan, Lynn Kelly and Alma I. Ruiz-Smith

Board Members absent:

None

Staff present:

Patrick Armstrong, Township Solicitor, Erin Masker, Township Secretary (via zoom) and Meredith Thompson, Business Manager

Staff absent:

None

1. Discussion on Request to Add Conditional Uses to the C-3 Zoning District- Sarah Bue Morris (Property located on Memorial Boulevard in the area of Prospect Street)

Sarah Bue- Morris, Civil Engineer, was in attendance along with Dr. Crow, Elliot Ogulnick, Allan Light to discuss the request to add conditional uses in the C-3 zoning district. Ms. Bue-Morris reviewed the plan which includes a hotel, travel plaza, distribution center and a senior living center. She stated that a wetland study and floodplain study will be conducted to depict the accurate locations of wetlands and floodplains on the properties. The senior housing will be able to be constructed within the 50' buffer. Ms. Bue-Morris reviewed the plan with the audience. Lot 4 is the preliminary location of the Distribution Center, which will have access from 423 and 611. The proposed DC is 529,000 sq. ft. Parking for trailers is provided as well as car parking. Ms. Bue-Morris provided the Board with a handout which explains all the zoning issues. The requested changes are as follows: Lot 4 and Lot 2 to be changed to Industrial. She stated that she will exceed the lot coverage, stating that her plan lot coverage is 53%, the current C-3 allows for 40% and Industrial will allow for 60% lot coverage. Ms. Bue-Morris reviewed the location of the properties on the Township Zoning Map. She stated that the location is ideal for this infrastructure to be located. She stated that they are also speaking to the state about acquiring a piece of property by swapping out lot 1 which is 19.34 acres for property from state game lands that is north and south of 423 on the east side of 380.

- **Discussion:** Guests in attendance asked about the location of the wetlands and the highways. Mr. Weimer stated that you are looking to change Lot 2 and Lot 4 to Industrial. Ms. Bue-Morris stated that they would need a waiver for the height of the hotel. Solicitor Armstrong stated that the last time you presented you were requesting to add conditional uses to the C-3 zoning district, now you are coming before the board to request that lots 2 and 4 be changed from C-3 to Industrial. The proposal for a hotel is allowed in C-3, truck stop and distribution center are not allowed, but are permitted uses in Industrial. Ms. Ruiz-Smith stated that abutting the Mountain Center there is a sliver of land that is zoned Industrial. If the developer were to purchase that tract of land it may change the outcome. Ms. Colgan stated that she is going to abstain from any and all discussions or votes on this change due to her employer who operates and builds travel plazas. Mr. Lamantia asked about the wetlands and the location on the maps, asking if we have to follow the maps when making decisions. Ms. Bue Morris stated that if you look at the federal wetlands site you will see a circle on this property. She stated that Dr. Crow wrote the wetlands definition and regulations for the Army Corp and now teaches. Mr. Lamantia stated that he has never heard of not following the federal information that is provided regarding wetlands. Mr. Crow stated that the federal maps are extrapolations based on soil maps

and topographies. They will tell you that they cannot be used for site specific projects. He stated that is why delineations are conducted to determine the exact location of the wetlands. Dr. Crow discussed his education and history of studies which includes studies of over five million miles throughout every state except for Hawaii since 1968. When the maps are created they are using old mapping and aerial photos to determine the wetlands on the federal maps. He stated that he walked the property and that the soil and the predominate species are not consistent with wetlands and there is no evidence of hydrology. The thing that counts most is ground truth data based on three parameters: soil, vegetation and hydrology. Mr. Weimer stated that the three main things are water, soil and vegetation, stating that if one of those items are not found, then it cannot be considered a wetland, correct? Being advised by Mr. Crow that is correct. Solicitor Armstrong stated that he wants to make sure that everyone is on the same page. The developer is proposing a zoning change, and there is no wetland delineation at this point. He stated that when the time comes that a Land Development Plan is submitted, it will then be up to the developer's professionals and the Township professionals to review the delineation and all other items relating to the Land Development Plan. Solicitor Armstrong stated that this conversation has gone in many directions and thinks that it would be best to stay on topic with the requests that are before the Board. Ms. Bue-Morris stated that if the Township changes lots 2 and 4 to Industrial, we will still need the hotel and truck stop added as an allowed use or conditional use. Solicitor Armstrong reviewed the request and stated that he believes that the travel plaza is allowed in the Industrial zoned areas. Solicitor Armstrong asked if there is anything else that is being requested, being advised that they would like to move the shopping center and pharmacy to industrial and would like to request an increase in the height for the hotel. Solicitor Armstrong asked if the Board had any other questions, stating that he does not believe that the Board is in a position to move on this request with Mr. Weimer stating that he is not. Ms. Kelly stated that lots 2,3 & 4 are all proposed to be developed and are all C-3 zones, all development would require a change of some kind, not one part of the development can be constructed without a change. The C-3 zone is commercial village zone designed to have commercial friendly development next to residents. There are a lot of residents in the area that have been there for years. The development proposed will affect their quality of life through air pollution, noise pollution, traffic and lighting as well as potential water issues with the creek. She stated there is industrial property located on Route 611 that is zoned for the proposed development that you are presenting. Ms. Kelly expressed her concerns with the wetlands and stated that there are extreme costs affiliated with dealing with soil from wetlands. Ms. Kelly discussed the HOPs that will need to be obtained as well as the possible traffic lights that will be required. Ms. Ruiz-Smith stated that under C-3 and C-1 hotels are allowed stating that if they choose to not make the hotel higher, then they would be able to build it without any changes and would be compliant. She stated that not the entire project would be an issue based on the current zoning ordinance. Mr. Weimer stated that the biggest concern is the potential for spot zoning and stated that the developer should be working within the guidelines that are currently in place with what is allowed. Mr. Weimer stated that he doesn't believe that the Board can change the zoning to Industrial. He stated that you can see the passion of the members of the Board to make sure that the choices that are made are in the best interest of the community.

Kelsey Beehler-Hovi: Ms. Hovi stated that with respect to soap boxing, the gentleman was allowed to speak on wetlands for a long period of time. She stated that just because he wrote the definition doesn't mean that he can change it to benefit others. There are people that are walking the game lands that can tell you where the wetlands are located and asked that an unbiased determination be made when the time comes. She stated that this project is a cancer that the community does not need. She asked that the Supervisors cut out this cancer and squash it. It doesn't benefit us as a community, you are taking away game lands and disrupting creeks. She stated that we don't need this and there are plenty of jobs down the street. She stated that it will lower the property taxes by lowering the property values. She hopes that the Board understand that the community doesn't need this, it is cancer, cut it out and be done with it.

Russell Oister: Uses the land in Tobyhanna for 55 years, stating that some of these changes will not affect him in the long run, but stated that he knows the Tobyhanna creek and Humler's Run. We say that the discussion is only about zoning, it is about the development. He lives between Reading and Philadelphia and is on the sewer authority and planning commission. If the law says that they have the right to do it they can, changes are only allowed for undue hardship. The main concern is the quality of life and environmental issues. Stand firm and don't grant waivers, and ask for a plan without waivers needed. He stated that someone else should be involved with the delineation as well as the proper professionals advising you.

Bill Leonard: Tobyhanna Conservation Assn- Retired Civil Engineer stated that the Tobyhanna Conservation Assn. is concerned with water quality, stating that Tobyhanna Creek is a high quality cold water fishery that is wetlands bound. He stated that Humler's Run has come a long way and that they have been working with the Tobyhanna Army Depot on cleanup. He stated that they should have to maintain 150' buffer and stated that the NPDES may require even more. There are state game lands and stated that the game commission usually requires a 4 to 1 swap, for every acre that they will give you, you will have to give them four acres. He expressed concerns with water runoff from the distribution center, road runoff, deicing materials from the trucks and oils that will run off from the Distribution center. He stated that their main concern is the impact on Tobyhanna Creek.

Sharon Beehler: Stated that she would like to comment on the zoning change request, stating that the zoning was put into place for a reason. She stated that the traffic will be as bad as Mount Pocono five points. We need to be concerned with the quality of life of the residents. She stated that the residents will not benefit from the zoning changes; it will be the developers and the land owners.

Allan Light: donated 22 acres back to the town for the wildlife stating that if the public is not happy with the plan, we will just walk away.

A gentleman that did not state his name asked that the Board read the opening lines of the C-3 zoning ordinance, Mr. Weimer read the following: The Commercial Village District recognizes those areas in Coolbaugh Township that have developed as a mix of residential and commercial uses, such as the villages of Tobyhanna and Pocono Summit. The intent of the district is to continue the development of such areas while maintaining the neighborhood commercial village atmosphere.

Joseph Rogan: Agreed with Mr. Weimer that the lack of industrial zoned properties in the area makes the request difficult to be accommodated. He does not believe that this project will benefit the township in keeping with the surrounding areas. He believes that this presentation was a hot mess and he believes that the vote should weigh heavily on the no.

Kelsey Beehler-Hovi: Stated that she believes that there would be more opposition in the room had the meeting time not been changed at the last minute, being advised by Mr. Weimer that the time was not changed; Facebook gave you the wrong information.

A gentleman that did not identify himself stating that there are questions on sewage, stormwater runoff, traffic flow, there are so many questions that have not been addressed. He stated that a friend of his made him aware that the state game lands are on a 99 year lease which has not been addressed. He stated that it is not a good location, stating that his property borders the driveway and he would like to see this project stopped.

Ms. Kelly asked the developer, stating that at the last meeting there was conversation that if the community was not in favor on the distribution center, that it would be removed and replaced by a senior living center, why was it not removed. Alan stated that they had no intention of removing the DC as it would be a profit for the developer.

Elliott Ogulnick: Our idea was to stimulate the local economy in a conscious way. Mr. Lamantia stated that he is in favor of economic development but stated that the zoning ordinance was worked on for years and was put into place for a reason. Mr. Olgulnick stated that there are 200-300 trucks going by our property currently and we have given some thought when putting this plan together. The Board wanted a truck plaza and we are providing one, the Board also wanted a senior living center which is proposed as well. The distribution center is in a great location right off the highway.

Brian Bloomer: Walmart DC is just about half a mile away, when they are getting deliveries in the middle of the night, I cannot open my windows. I did some measurements and found that all of the people in the village of Tobyhanna will be affected.

A lady that did not state her name asked if you have looked at the truck plaza located in Gouldsboro being advised by Elliott that it is a small company and stated that the stop in Gouldsboro is not large scale enough to meet the needs in this area. He stated that the proposed businesses that they are talking to are in favor of the proposed location.

Elliott Ogulnick: stated that at the last meeting the term swap should not have been used for the senior living center for the Distribution Center. He stated that it is would be a good addition to the community. Once they had a conversation with their investors it was determined that swapping out the distribution center would not be an option. Mr. Lamantia stated that the discussion was that the Distribution Center would be swapped for the senior housing not in addition to it.

2. Other Business

Nothing was heard.

3. Public Comment

D. Pope asked why the developer can't build in the industrial park being advised by Mr. Weimer that the Lynch Corp owns the property stating that if they could buy the property and work within the C-3 zoning guidelines then that is their legal right. D. Pope stated that there is always the potential to have issues with the buffer zones which could affect the community. A gentleman asked about the setbacks and stated that he is trying to determine whether he should sell his house before the property values tank from this development.

Work Session ended at 7:09pm.