

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
May 2, 2023

The meeting was called to order by Chairman Weimer at 6:58pm at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA.

Board Members present:

William Weimer, Lynn Kelly, Alma I. Ruiz-Smith, Cara Rogan and Clare Colgan

Board Members absent:

None

Staff present:

Patrick Armstrong, Solicitor, Erin Masker, Township Secretary, Meredith Thompson, Business Manager and Tomas Keane, Director of Codes and Zoning

Announcements:

Mr. Weimer announced the following:

- Public Input will be considered at the beginning of the meeting for non-agenda items. The public will be given an opportunity to speak on each agenda matter.
- The meeting is being recorded to aid in the preparation of the minutes, please remember to state your name and community or city you reside in before speaking.

1. Public input

- D. Pope asked if there was any answer received on the potholes that are between the post office and Hap Arnold Blvd. in Tobyhanna. Mr. Weimer stated that PennDOT patched some of the holes between Midway and the post office.
- D. Pope asked why there were no Supervisors at the DEP hearing being advised that it took place at the same time as the PSATS convention.
- D. Pope stated that it appeared as though the Board made a deal with the PMCC North developer and the attorney when they left the room and disregarded the sunshine act as it appeared when they left the room. Solicitor Armstrong stated that he went upstairs to the conference room with his Board to discuss privileged legal matters and when he returned downstairs, he had a conversation with the Attorney for the developer in the hallway when the Board had already returned to the meeting room. After his conversation with the attorney, he then asked the Board to return to the upstairs meeting room for further conversation with him. The developer and developer's attorney were never in either executive session or part of either conversation. He apologized if that was how it appeared when the developer and their attorney went down the hallway when the board left the meeting room for executive session, but that was not the case at all. Attorney Kaplan concurred that they were never a part of any conversation and that he only spoke with Solicitor Armstrong in the hallway, never the Board.
- D. Pope asked if everyone carools to PSATS. Ms. Kelly stated that everyone that attended PSATS throughout the week attended on various days, therefore when they were able to carpool, they did, but if not, they drove either their own vehicles or township vehicles based on availability.
- M. Wood reminded the Board that they need to judge the CTHA art show between 5/15-5/18/23 and that they will be having an award ceremony on 5/19/23 at 6pm which the Board is also invited to.
- J. Miller thanked the Board and Solicitor Armstrong for all that they do and asked where we stand on the adoption of the Act 167 ordinance being advised by Township Engineer, Greg Haas that he and Mr. Kresge are reviewing the model ordinance and will be providing a memo to the Board with their recommendation.
- M. Peterson thanked the Board for the STR work session and asked what the next steps are being advised

that Solicitor Armstrong will be working on an updated draft ordinance for the Board to discuss and consider at an upcoming work session. Once they have an agreed upon draft they will begin moving forward on the review by the county if necessary and then proceed with the advertisement for public hearing.

- H. Smith asked if the Board has seen all the trash along the roads and in the woods as he sees it every day when he is walking. He stated that the homeowners need to be contacted and made to clean it up. Mr. Weimer stated that there is a process and timeline that we need to follow before taking legal action. Discussion took place on reviewing the timeline that is in the ordinance for legal action to begin.

2. Approval of minutes / notes:

- April 18, 2023 Regular Meeting Minutes

Ms. Kelly made a motion second by Ms. Ruiz-Smith to approve the minutes of the April 18, 2023 meeting with one correction.

- **Discussion:** Ms. Ruiz-Smith stated that on page 5, the certificate of occupancy referenced should be changed to a resale certificate.
- **Vote:** All in favor, motion passes.

3. Northampton Farms, LLC. Preliminary Major Subdivision Plan- Waiver Requests (394/396 Memorial Blvd, Tobyhanna, PA)

Attorney Erich Schock was in attendance on behalf of his client Northampton Farms, LLC. for their major subdivision plan. He stated that they are before the board to request a waiver to gain access to their property off of Route 611 south of the Mountain Center which would require them to cross wetlands. Solicitor Armstrong stated that the applicant has a court stenographer in attendance this evening to transcribe the conversations of the evening relating to this agenda item, stating that this is not a public hearing therefore no one is being sworn in. He stated that the applicant is looking for guidance relating to the subdivision plan for access to the property. Attorney Schock stated that the subdivision and land development plans are both reliant upon access stating that it was unclear by their meeting with the Planning Commission how this would be addressed by the board. He stated that the subdivision plan requires access to the property, and it would be unreasonable and create an undue hardship to not grant this waiver. Ms. Ruiz-Smith asked if they are able to gain access from Veterans Drive, being advised that they have had multiple emails and calls with Walmart which they were told no they would not allow them to use Veterans Drive to access the property. Paul Szewczak, Benchmark Engineering was in attendance to discuss the plan and specifics relating to the access, stating that PennDOT is requiring them to provide access directly across from Main Street and are also requiring them to provide deceleration lanes/turning lanes. Discussion took place on the driveway location in proximity to the wetlands and the signal that will be required to be installed. Ms. Kelly asked about the total number of vehicles a day based on the driveway permit that is being applied for being advised 1800 per day which includes employee trips and is over a 24-hour period. P. Szewczak stated that they are still working on addressing the PennDOT comments. Ms. Kelly stated that this project may require property to be taken by eminent domain and asked who would be contacting the property owners that would be affected, being advised that since it is a PennDOT road, they would be involved in the process. Ms. Kelly asked what the plan is for the 611 entrance for the gas station being advised that PennDOT would like the gas station to be accessed only from the Main Street side. Mr. Weimer asked if there has been any conversation with PennDOT about widening Main Street, being advised that they may be required to do so due to the turning lane that will have to be constructed. He also asked if there is a way to flip flop the main driveway with the emergency access being advised that they cannot as PennDOT is requiring the bigger hook. Solicitor Armstrong asked if there are other uses that are permitted on the property that would not require the high-volume driveway being advised that there may be other uses but either way the wetlands would be impacted due to the requirement of having the driveway accessing the parking lot to line up with Main Street. Matthew Jennette from Geo-Technology Associates, Inc. was in attendance to speak on the wetland types that are located on the property stating that of all the wetlands on the property, those that will be affected are of a lesser quality. He

reviewed the process for moving wetlands stating that they would probably not be required to add wetlands to the same property as they would not want to cut down any more trees on the property and stated that there are already wetlands located by Polly's run that are part of the conservation easement in perpetuity which will never be able to be touched. He stated that when they look to move wetlands, they look for areas with water at the surface so as not to have to cut down trees to create them. He reviewed the animals that are known to be in some of the areas that are being affected and stated that although they are not on the site, they are included in the report. He stated that the impacts are considered de minimis, and will be reviewed by DEP, also stating that if they were to be required to replace the wetlands they would be adjacent to a stream in the same watershed. M. Jenette stated that the other option that is sometimes required is to purchase credits from a bank or to provide the fee in lieu of. Ms. Kelly asked how the Walmart easement impacts the project, being advised that the drainage from Walmart will continue to go where it goes and does not affect the easement. Ms. Colgan asked if they offered to purchase Veterans Drive from Walmart with Luke Jaindl stating that they had numerous calls with Walmart and that it took them some time to be directed to the correct representative due to the management at the local DC changing. He stated that they offered to build a truck parking area on their property as well as upgrade the road and they were told no, no matter what was offered, Walmart was not interested. Attorney Schock stated that his client wouldn't be before you making the waiver request if they would have agreed to allow us access off Veterans Drive. Mr. Weimer asked if the Chapter 105 was in the process being advised that it is. Attorney Schock stated that they are requesting a waiver for disturbance of wetlands from de minimis .15% solely to access their property. Township Engineer, Greg Haas asked if the waiver request that is before you for the subdivision plan will carry over to the land development plan stating that there haven't been any revised plans submitted. MS. Kelly asked if the applicant would consider a 90-day time extension based on all the information that was provided this evening and the Penndot letter, being advised that they would extend their time extension until the end of June. Attorney Schock stated that would give the Board time to review everything and then if there are any questions, they can let him know in the meantime.

Ms. Ruiz-Smith made a motion second by Ms. Rogan to Table the Review of the Waiver Request for Northampton Farms, LLC.

- **Vote:** All in favor, motion passes.

4. Resolution #11-2023 Imperial Realty Property Group, LLC. Sewage Planning Module (Corporate Center Dr. East/Kolb Court & Belmont Avenue)

Solicitor Armstrong reviewed the three items that are on the agenda this evening for Imperial Realty Property Group, LLC. which consists of the sewage planning module, the waiver request and the consideration of conditional approval for the land development plan. He stated that there have been recent revisions in which the requirement for two of the three waivers have been resolved and the only waiver that is still being requested is to allow parking in between the building and the road. Discussion took place on the parking requirements which are being constructed in accordance with the township ordinance and the spillway which will be a modified version that will meet the intent of the ordinance in which the berm will be built on natural ground as defined in the ordinance. All of the Township SEO's comments in his letter pertaining to the Sewage Planning Module have been addressed and the only item relating to the planning module that is still being reviewed by the Township Solicitor is the operations and maintenance agreement. Mr. Weimer asked if you will tap into the PMEDC sewer system if service becomes available, being advised that they would.

Mr. Weimer made a motion second by Ms. Ruiz-Smith to Adopt and Authorize Erin Masker, Township Secretary to Execute Resolution #11-2023: Sewage Planning Module for Imperial Realty Property Group, LLC. conditioned on the agreement of the comments on the Operations and Maintenance Agreement.

- **Discussion:** None
- **Vote:** 4-0-1, motion passes. (Ms. Colgan abstained)

5. Imperial Realty Property Group, LLC. Land Development Plan Waiver Requests

Mr. Weimer made a motion second by Ms. Ruiz-Smith to grant the Requested Waiver of the SALDO 355-54 in relation to the Imperial Realty Property Group, LLC./Corporate Center Warehouse Land Development Plan Subject to and Conditioned on Applicant receiving and securing Final Land Development Approval from the Board of Supervisors and complying with all other applicable SALDO, Zoning and township requirements.

- **Discussion:** Ms. Kelly asked what the percentage of the road that is within the outer buffer being advised they are not requesting a waiver on that but that it is less than 20% as allowed by the township ordinance. Township Engineer, Greg Haas stated 18-19% but under 20%.
- **Vote:** All in favor, motion passes.

6. Imperial Realty Property Group Land Development Plan (Corporate Center Dr. East/Kolb Court & Belmont Avenue)

Ms. Kelly asked Attorney Kaplan how much of a time extension his client is willing to provide to the Board as there are still many outside agency approvals that are required and the fact that there is still another review letter to come due to the recent changes to the plan that were made. Solicitor Armstrong stated that the waivers listed on the plan will also need to be removed as they are not being requested any longer. Township Engineer, Attorney Kaplan stated that we are complying with the ordinance. Greg Haas stated that there has not been a formal resubmittal of the retaining wall design or land development plan revisions which would have to include removing blacktop and replacing it with grass and provide detail on the spillway which appears to meet the intent of the township ordinance. Ms. Kelly stated that there is no recommendation from the PC and stated that once the changes are made to the plan, they should go back to the PC for review and to receive a recommendation with Attorney Kaplan stating that they are not going back to the PC. Attorney Kaplan stated that they will do the same as they did with the other plan that he was before them on and accept preliminary land development plan approval and will await the outside agency approvals and come back to the Board for final land development plan approval and to work through the necessary agreements in the meantime. Ms. Kelly asked Solicitor Armstrong to review the process of preliminary land development approval vs. final land development plan approval confirming that the 90-day timeframe would begin again once the final LDP is submitted back to the PC. Tom Skeans stated that they will not move any earth at the site without final land development approval. Ms. Ruiz-Smith stated that most of the comments are outside agency approvals and agreements. Ms. Kelly stated that she is concerned with these large projects and wants to be sure that she does her due diligence on the projects. Discussion ensued on the comments in the review letter that are outstanding. Attorney Kaplan stated that if they come back to a future meeting it will be for preliminary/final land development approval and not for just preliminary as discussed, this evening.

Ms. Kelly made a motion second by Ms. Rogan to Table the Preliminary/Final Land Development Plan for Imperial Realty Property Group, LLC.

- **Discussion:** Mr. Weimer asked Ms. Masker to add this to a future meeting.
- **Vote:** All in favor, motion passes.

7. Conditional Approval of the Minor Subdivision Joining of Lots 8 & 9, Block 83, Section 1, Arrowhead Lake, Property Owner(s): John K. and Susan Suh

Ms. Ruiz-Smith made a motion second by Mr. Weimer to grant Conditional Approval of the Minor Subdivision Joining of Lots 8 & 9, Block 83, Section 1, Arrowhead Lake, Property Owner(s): John K. and Susan Suh.

- **Discussion:** Ms. Ruiz-Smith asked about the comment referencing the shed on the property in the MCPC review letter.
- **Vote:** All in favor, motion passes.

8. Current obligations

• General Fund	\$ 377,572.11
• Sewer Fund	\$ 21,819.82
Total Disbursements	\$ 399,391.93

Ms. Colgan made a motion second by Ms. Rogan to Authorize Paying the Current Obligations in the Amount of \$399,391.93 as presented.

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

9. Key Takeaways from PSATS

Mr. Weimer made a motion second by Ms. Kelly to table the discussion on Key Takeaways from PSATS.

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

10. Business Manager Comments/Updates

Ms. Thompson stated that the municipal center telephone upgrade will take place next week, at which point our phone service may be down for a few minutes She stated that a Savvy Citizens notification will be sent out.

Ms. Thompson stated that she and Mr. Keane will be meeting with the company on the administration vehicle garage tomorrow morning.

11. Solicitor Armstrong Comments/Updates

Nothing to report.

12. Board of Supervisors Executive Sessions

- Saturday, April 29, 2023 from 3:10pm-3:29pm Re: Legal & Personnel

13. Adjournment

Ms. Rogan made a motion second by Ms. Colgan to adjourn at 9:35pm.

NEXT WORK SESSION/ REGULAR BOARD MEETING:

Regular Meeting Wednesday, May 17, 2023, at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA.

- Work Session/Regular Meeting – 6:00pm

Submitted by: _____ Date: _____
Erin Masker, Township Secretary

Witnessed by: _____ Date: _____
William Weimer, Chairman