

Tobyhanna Township Planning Commission
June 9, 2011
Meeting Minutes

The meeting of the Tobyhanna Township Planning Commission was held at 7:00 p.m. on June 9, 2011 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	Mark Sincavage	Chair
	Joseph Miller	Vice Chair
	Rob Baxter	Secretary
	Anne Lamberton	Member
	Patricia Rinehimer	Member
	Robert McHale	Township Engineer
	Patrick Armstrong	Township Solicitor

The meeting was called to order at 7:00 p.m. by Mr. Mark Sincavage.

Approval of Minutes

A Baxter/Miller motion was made to approve the minutes of June 2, 2011. Motion passed 5-0.

Confirmed Appointments

None.

Planning

Zoning Ordinance Amendment – The Planning Commission extensively reviewed and discussed a portion of the proposed definition section of the Zoning Ordinance Amendment, together with Articles I, II and part of IV. The PC did not get through the entire definition section nor did it get through all of Articles listed above, but recommended the following revisions be made to that portion of the definition section and Articles I, II and IV that it did review:

1. The Commission made a continuing recommendation to revise the language throughout the proposed Zoning Ordinance Amendment to refer to the subject municipality as “Township” and/or “Tobyhanna Township” and to refer to the subject County as “Monroe County.”
2. The Commission made a continuing recommendation to delete any terms that are not used in the text of the Zoning Ordinance Amendment.
3. The Commission recommended the addition of “...lawfully used as stated therein.” at the end of the definition of “certificate of use/occupancy.”
4. The Commission recommended adding “See Section 155(11)(k)” to the definition of “clear site triangle.”
5. The Commission recommended deleting the term “commercial” from the definition terms and substantive definition of “commercial communication device support structure” and “commercial communication device support structure height.”
6. The Commission recommended deleting the definition of “communications support structure height” on page 9.

7. The Commission recommended adding a definition for “church” to read “See place of worship.”
8. The Commission recommended that the definition of “common facilities” be amended to read “...in a development that have been...”
9. The Commission recommended the definition of “comprehensive plan” be amended by adding the following language to the end of the definition: “...textual matter, as approved by Tobyhanna Township.”
10. The Commission recommended deleting the definition of “convenience store” on page 9 in its entirety and keeping the definition of “convenience store” on page 10, but deleting “off-premises” from that definition.
11. The Commission recommended the definition of “condominium” be revised to be consistent with the MPC and the PA Condominium Act.
12. The Commission recommended the definition of “conference center” be revised to read “...facility used for conferences and seminars, which may have accommodations...”
13. The Commission recommended adding the following to the end of the definition of “conservation design subdivision”: “...perpetuity. See Section _____.”
14. The Commission recommended deleting the definition of “contractor’s yard” if that term is not used within the text of the ordinance. If the term is used within the text of the ordinance, the Commission recommended revisiting the definition for revisions.
15. The Commission recommended deleting the definition of “conventional design subdivision” if that term is not within the body of the ordinance.
16. The Commission recommended deleting “non-profit” from the definition of “country club” and adding the following language: “...managed by a membership organization...”
17. The Commission recommended the definition of “cultural center” be revised to read “...operated building and/or land...” and “...exhibits of a cultural and/or artistic interest...”
18. The Commission discussed revising the definitions for “day care center” and “day care family home”, but decided to keep the definitions currently proposed unless revisions are determined to be needed based on State statute or law.
19. The Commission recommended deleting the definitions of “decision” and “determination” from the proposed ordinance.
20. The Commission discussed the proposed definitions of “development” and “development improvement” and decided to revisit those definitions and possibly revise them at a later date.
21. The Commission recommended revising the definition of “density” to read “...dwelling units per acre of land.”
22. The Commission recommended that the Solicitor review the case and statutory law on “domestic violence shelter” and determine whether it was necessary to include such a definition in the ordinance.
23. The Commission recommended the definitions for “townhouse”, “garden apartment building” and “apartment building” be revised to delete the references to specific heights/stories (ie. delete references to 2.5 stories and/or 35 feet.)
24. The Commission recommended deleting the definition of “dump.”
25. The Commission recommended the definition of “driveway” be the same definition used by Penn DOT.
26. The Commission recommended deleting the definition for “drive-in stand/use.”

At this point in the meeting, the Commission decided to stop going through the definition section on page 12, and determined that it would be more efficient to go through the body of the proposed ordinance. Therefore, the Commission began reviewing and commenting on the following Sections of the proposed Zoning Ordinance Amendment:

ARTICLE I.

1. The Commission recommended revising Section 100 to read "...The Tobyhanna Township Zoning Ordinance of 1977, as amended,..."
2. The Commission also recommended deleting the last sentence in Section 100 and having the Solicitor provide a substitution for the same.
3. The Commission recommended adding the following to Section 103.4(A) based on the Zoning Officer's suggestion: "..., building, regulated sign and/or driveway encroachment permit."
4. The Commission recommended possibly revising Section 103.7 and/or deleting the same.

ARTICLE II.

1. The Commission did not discuss this Article of the proposed Zoning Ordinance Amendment but indicated that they will review it and provide comments at the next meeting.

ARTICLE IV.

1. The Commission recommended deleting the references to "Resource Conservation District" and recommended there be no such District within the Township.
2. The Commission confirmed that the Township should maintain its own Zoning Ordinance for Tobyhanna Township and the Commission did not want a "Joint Zoning Ordinance" as defined by the MPC at this time.
3. The PC questioned whether a "Floodplain Overlay District" was necessary in the Zoning Ordinance given the fact floodplains are governed in other sections of the Township's Code of Ordinances. The PC therefore recommended deleting the Floodplain Overlay District unless the same is required for reasons unknown to the Commission.
4. The Commission confirmed that the Zoning Map of the Township will need to be revised concurrently with the proposed Zoning Ordinance Amendment and that the Zoning Map should be revised to be consistent with Section 403.1, relating to District Boundaries.
5. The Commission recommended clarifying Section 403.3 by revising the end of the Section to read as follows: "...regulations of each subject municipality. All property located within the jurisdictional boundaries of Tobyhanna Township shall comply with the then existing Tobyhanna Township Zoning Ordinance."
6. The Commission recommended Section 404.1(A) be revised to read as follows: "No land and no structure in a particular zoning district shall be used for any use which is not specifically listed within the Schedule of Uses for that particular district, and only in accord with all other requirements of this Ordinance, unless otherwise permitted by this Ordinance."

7. The Commission recommended that Section 404.2(A) be revised to read "...an application is made to the Township for such use..."
8. The Commission recommended "porches" be deleted from "accessory uses permitted in all districts" in Section 405.
9. The Commission recommended "Resource Conservation Areas" be deleted from the RR-Rural Residential District-Schedule of Uses in Section 405.
10. The Planning Commission recommended deleting "commercial" from "archery range, outdoor" and recommended removing such a use from the "special exception" list and placing it in the "permitted uses" list in the RR-Rural Residential District under Section 405.
11. The Commission recommended deleting the definition of "Group Home, Institutional" from the definition section and further recommended deleting the same from the "special exception" list in the RR-Rural Residential District under Section 405.
12. The Commission recommended moving "model home" to a conditional use in the RR District under Section 405.

The Commission had an extensive discussion on special exception and conditional uses and will be discussing which uses should be permitted by right, special exception and/or conditional use at the next meeting. The Commission wanted to ensure only those uses that require ZHB and/or Supervisor review are listed as special exceptions and/or conditional uses.

The Commission did not complete its review of the proposed Zoning Ordinance Amendment and scheduled two special meetings to continue its discussion on the same for June 30, 2011 at 6:00 p.m. and July 5, 2011 at 5:00 p.m. The Commission will continue with its review of the Zoning Ordinance Amendment at that time.

Old Business

None.

New Business

None.

Public Comment

None.

Plans to Accept for Review

None.

Adjournment

Chairman Sincavage adjourned the meeting at 9:10 p.m.