

**THE BOROUGH OF CLARKS SUMMIT  
PLANNING COMMISSION  
TUESDAY, NOVEMBER 20, 2012**

The November Regular Meeting of the Planning Commission was conducted on Tuesday, November 20, 2012 at approximately 7:02 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> Floor, 304 South State Street, Borough of Clark's Summit, County of Lackawanna and Commonwealth of Pennsylvania. Chairman John Durdan called the meeting to order.

Members in attendance were Mr. John Durdan, Mr. Ed Yasinskas, Mr. Len Wesolowski, CEO Lori Harris, Mr. John Recicar, Mr. Carson Helfrich, Recording Secretary Ms. Virginia Kehoe, Mr. Chris O' Boyle. Attorney Mike Cowley was absent.

**APPROVAL OF THE AGENDA:** Ed Yasinskas made the first motion to approve the agenda, John Recicar seconded the motion, the vote was unanimous 5-0.

**APPROVAL OF MINUTES:**

September 19, 2012: Ed Yasinskas made the first motion to approve the September minutes, John Recicar seconded the motion, the vote was unanimous 5-0.

**COMMUNICATIONS:** Virginia Kehoe stated that she received a phone call from a Law Firm who informed her that Towerco has sold their rights and their lease to another company. The person from the Law Firm was aware that there was a conditional approval pending for Towerco and they asked for an itemized list of the conditions and a status as to where they were on the conditions.

**PUBLIC INPUT/COMMENT:**

**SITE PLANS AND RE-SUBDIVISIONS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

CVS Land Development:

Mr. Sean McDermott with the Zaremba Group spoke introduced Solicitor Kim Scanlan from Oliver, Price and Rhodes, and Civil Engineer Drew Barton from Larson Design Group. Mr. McDermott stated that the four properties are under contract and they make up approximately 2.8 acres on the corner of State and Winola. This is where the 14,600 square foot CVS, with a drive through in the rear, would be located. They are proposing a right-in-only entrance off of State Street and a full access driveway on Winola Road. They have met with PennDOT and DEP. There are three tanks underground on three of the properties and there has been soil testing in that area. They will expect test for DEP approval in the future. They were in front of the ZHB and approved for two variances. The first is for the driveway variance and the second is allowing 56.5% of impervious coverage. As part of the Traffic Impact Assessment with PennDOT, they are proposing a tweaking of the timing of the stoplights, per PennDOT's

recommendation and approval. They pushed the access on Winola Road as far away as possible and will be reducing the 6 driveways in that area to two. Concerning parking, 58 spots are required, 77 spots are provided. The question was asked if all the parking is necessary. Mr. McDermott responded that CVS intends to do a tremendous amount of business. Parking at their current location is very difficult, they want to make sure there is enough parking. They put in a bank of landscaped curb islands through the center of the lot to provide a break in the parking. Question was asked, if construction starts in June when will it open? Answer: The first quarter of 2014. Stormwater control was discussed. Concerning the issue of contamination, it is very deep; if during the excavation they find contaminated soil it would be removed per DEP regulations. Sewer will go out to Winola Road where there are existing lateral. Phone lines and power lines will be buried and they will incur the cost from the utilities to bury the lines. PennDOT suggested changing the alignment of the right-only driveway, so it discourages a left hand-turn from State Street.

504.3: There is minor spillage of light in the back, over to the Wells' property. More of a security issue than anything else. Since it is not a residential area this should not be an issue.

504.6: Previously discussed parking spaces

504.9: They believe they met that ordinance, they will ask for clarification on the buffers. The chain link fence already exists, and they would just be extending the fence.

504.13A: They need to discuss this with Borough Engineer Bob Naegele

504.16.C: ADA van space, need qualification.

505: Signage will be a separate permit from the plans that are being reviewed.

701.1.F: Buffers, need qualification.

701.8.D: Discussed the lighting so is not too much glare.

701.3: They have not been asked to provide an Environmental Impact Statement not for a commercial site. Don't see the need for this. Have this in writing to email to CEO Lori Harris.

402.5.N.3: If it is shown on the location map, that would be sufficient. A bigger picture than just the subject property is needed.

402.5.S: Didn't include the name because there are many. The Planning Commission can accept the officers who have filed with the state. They can waive this provision as the company is publically traded.

402.5.T: Developer different from the land owner, not an issue.

402.5.FF.12: The note needs to show up in the title search.

402.5.FF.14: The waivers, variances or other considerations are listed.

402.6.G.3: PAWCo. currently provides services to the area. Letter states that.

402.6.H.1: Paperwork is there for the PA DEP sewage facilities planning module.

402.6.J: LCCD confirmation has not been submitted yet; Waiting for approval from the Planning Commission and ZHB.

402.6.N: Underground lines need the easement and need approval for that. This applies to stormwater pipes also. Need condition of approval.

500: No issue approving plans before Borough Council's approval.

607.16.E: Will look into driveway grading.

902.1.A: Aerial showing is close to being done

Additional items:

The Fire Chief's email he has a few questions that he wants answered. There is no hydrant on the corner of the property. They will consult with fire-company to discuss where a fire hydrant would be best. The water company would have input too because of the water lines. The Clarks Summit Borough would be responsible for maintenance of hydrants. Don't know the cost impact to the Borough. The building has a sprinkler system also. Check on the connections for that also. A Zoning Hearing Board application has been submitted. One lot is non-conforming but the combination of all the lots together is conforming.

503.2.C: An easement or an agreement for fencing is sufficient.

504.7: Loading and unloading area needed to be labeled.

504.8.C: Variance has been granted for driveways.

504.8.D: The code says 75 ft space between the center line of your drive and center line of the intersection. The question is what is the center? The distance from the a stop box 47 feet. This is sufficient.

504.8.E: The Highway Occupancy Permit has been submitted to PennDOT.

504.9.B.2: Discussed fences.

701.1.D: Take a look at buffers.

701.6: Noise is nothing substantial.

701.7: Vibration is nothing substantial.

701.8: Add notation about the lighting and glare.

701.13: Awaiting letter from LCCD for adequacy.

703: EIS was discussed.

303.B: Site inspection not necessary.

303.1.4.A: Lori Harris received a draft version, can be used and modified.

303.1.5.B: This is also on the checklist.

303.4: Waiting for comments.

Len Wesolowski made the first motion to accept the plan for review, seconded by Chris O'Boyle, motion carried 5-0.

Virginia Kehoe asked if a waiver is needed. Borough Council has 90 days from this date to approve this plan. February 6, 2013 is the Council Meeting where it would be a possibility for Council to vote. Ms. Kehoe also stated that Council would like more than 2 weeks to review the application. The question was asked, can a plan go to Council for a vote. Virginia Kehoe responded, yes, if it is a preliminary plan, not a final plan, it can be voted on but there may be questions as to why it wasn't finalized.

Zoning Ordinance Amendment re: gas drilling

Before Act 13, local municipalities could not regulate gas drilling any more stringently than what DEP does in terms of the environmental aspects of it. In April the state legislature passed what was called Act 13 which was an amendment to the gas and oil act and that required all municipalities to allow gas drilling in every zoning district in the commonwealth, including high density residential. You could set substantial setbacks in the residential districts for the separation. That was challenged by a couple of environmental groups and a number of

municipalities. The Commonwealth Court held that the provisions of Act 13 that related to zoning were invalid because it was a spot zoning issue. They were thrown out so that the municipalities do not have to provide for that in every district. That DEP is being appealing that to the state supreme court.

**ADJOURNMENT:** Ed Yasinkas made the first motion to adjourn the Planning Commission meeting, seconded by John Recicar, motion carried 5-0. 8:39pm.

These meeting minutes are respectfully submitted by Jennifer Schmidt