

DALLAS TOWNSHIP ZONING HEARING BOARD
Monday, April 16, 2018

The Dallas Township Zoning Hearing Board held their monthly meeting on Monday, April 16, 2018 at 6:30pm at the Municipal Building located at 2919 SR 309 Hwy., Dallas, Luzerne County, Pennsylvania.

Present were Robert Bayer Chairman, Mary Rodriguez, Mary Barbara Gilligan, members, Carl M. Alber Zoning Officer, Donald Karpowich, Solicitor, Tammy Miller, Secretary, Judy A. Black, Courts Recorder and Interested Parties.

Chairman, Robert Bayer opened the April meeting and asked if all members have received copies of the Treasurer's report and will entertain a Motion. Motion was made by **Mary Barbara Gilligan** and seconded by **Robert Bayer**. Motion was carried.

Solicitor, Karpowich asked if the case was properly advertised and posted, and if the contiguous property owner had been notified. Zoning Officer, C. Alber answered that it was.

Case #1

Joey Irvin, 98 W. Mt. Airy Rd., Shavertown, PA, is seeking a variance under Section 1509 for a self-storage facility for landscaping equipment, such as: trailers, plows, trucks, pavers, and some hand tools, plants, mulch, etc., at 1189 Lower Demunds Rd Dallas Township, located in a Suburban Residential District (S-1).

Solicitor, Karpowich questioned Zoning Officer, Mr. Alber why he picked the definition "Public Uses" rather than "Contractor's Storage".

CONTRACTOR'S STORAGE: A lot, building, or part thereof, used to store materials used by a contractor in the construction of a road, highway, structure or building, landscaping or utilities.

PUBLIC USES: Public parks and administrative, cultural and service buildings, excluding public land or buildings primarily devoted to the storage and maintenance of equipment or material.

Atty. Karpowich: it's a contractor's storage yard is the request. Is the owner of the property here? Mr. Young replied yes and was sworn in along with other's who were testifying.

Atty. Karpowich, asked Mr. Young if he operates from the property, currently? He replied that he operates a used car lot and that he has a Pennsylvania dealer's license. Atty. Karpowich asked Mr. Young if he was going to surrender that license as part of the sale? Mr. Young replied that is correct.

Atty. Karpowich stated, so you consent for him to be here today, making that request and you're going to finance the property and you are no longer going to be in possession, is that correct? And you reviewed this gentleman's application and you agree with it? You do understand that if his request is approved that you can no longer operate a car lot from that property.

Mr. Young replied yes. We have an understanding, that if he receives zoning approval, I will sell him the lot and I will no longer operate a car lot from the property. I don't want to surrender that until he gets zoning approval; I know that I'm okay with that.

Mr. Young stated this has been there since 1940, of one type or another. Up until I bought it, no-one was ever required to have occupancy permit, but the state required it for a car lot. So, it does have an occupancy permit with the building now.

Atty. Karpowich asked have there been improvements to the property?

J. Young stated the main building was the house, then a cinder block building was built against it as an office building, then there's a separate garage, 24' x 42', somewhere in that area. It was a store, a church, a pizza place, a couple different kind of trucking companies, it was everything. When I bought it, it was a landscaping business – STICKS & STONES.

Atty. Karpowich asked J. Irvin what are your intentions with the house; do you intend on living on the property and operating the business from the property. J. Irvin stated the house is for renting; in which it is rented now.

Atty. Karpowich stated, so you're just going to basically store your landscaping equipment in the garage? J. Irvin stated some will be inside and some outside.

Atty. Karpowich asked how are you going to utilize the exterior of the property? J. Irvin said storage of trailers, trucks, landscape supplies, etc. Atty. Karpowich asked how many of them are you going to store outside the building? J. Irvin stated two (2) trailers; one is twelve foot and the other is a sixteen-foot trailer; that can kind of hide behind the garage. Then there are two trucks and two plows. There are other various landscaping supplies and equipment; such as mulch, plants, pavers, salt spreader for the plow trucks). Some hand tools that will be in the garage for repairs on vehicles and equipment.

Atty. Karpowich asked what is the surrounding neighborhood like, is it residential.....? J. Irvin replied yes. Pulverman's is right across the street and as far as I know, I pass through there at eleven o'clock at night and they are still making noise over there. I believe they go 24/7. I believe there are other commercial properties close to us.

Atty. Karpowich stated, the problem with the application is there's not a plan here. My recommendation is that it be continued and that he submits a plan that shows exactly what's going to be stored and where. See, when you fill out your application, this part here has to be drawn to scale and this is blank. Carl cut you a break by taking it, in which he should have rejected it.

M. Rodriguez stated we need a physical drawing; showing the building, where the mulch is going to be stored at and so forth.

C. Alber stated there was nothing said about mulch or anything else being stored. Whatever he put on the application is what he submitted. Atty. Karpowich stated he also talked about selling retail. C. Alber that was never brought up until tonight.

Atty. Karpowich stated **MULTIPLE TALKING** where the uses are on the property, because if the Board is inclined to grant it, they're going to limit it to that. You don't want the yard to look like a dog's breakfast and having neighbors complaining.

Atty. Karpowich stated if he wants to do retail sales then we continue it; if you want to amend your application. You can advertise for that, too. Otherwise, you're going to be out there storing mulch; you're not going to be able to sell it there because your application doesn't allow for it. when you get to retail, there's a whole lot more of questions; like how many parking spaces are going to be dedicated to customers coming in and buying stuff? You will need a whole parking plan.

Mr. Patrick O'Malley from 155 Ripple Brooke Road, Tunkhannock stated he owns property next door and that he was not opposing this issue.

The Board members voted unanimously to table this issue and for the applicant to bring in a sketch plan. The Board members also voted unanimously not to accept applications without a sketch plan. Motion was carried.

A motion to adjourn the meeting was made by Mary Barbara Gilligan, seconded by Mary Rodriguez and carried.

The meeting adjourned at: 7:05pm

RESPECTFULLY SUBMITTED,

Tammy L. Miller

TAMMY L. MILLER, SECRETARY-TREASURER
DALLAS TOWNSHIP ZONING HEARING BOARD