

**DALLAS TOWNSHIP ZONING HEARING BOARD**  
**Monday, March 18, 2019**

The Dallas Township Zoning Hearing Board held their monthly meeting on Monday, March 18, 2019 at 6:30 p.m. at the Municipal Building located at 105 Lt. Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania.

**Present were Robert Bayer, Chairman, Mary Barbara Gilligan, member, Nandakumar Palissery, Alternate member, Carl M. Alber, Zoning Officer, Sean Logsdon, Solicitor, Tammy Miller, Secretary, and Interested Parties.**

**Absent was Mary Rodriguez, member and Donald Karpowich, Solicitor.**

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

**Case #1**

**Misericordia University**, 301 Lake Street, Dallas, Pa., is seeking a variance under Section 1509 needs a Special Exception whether to convert a commercial printing and warehouse space to university education to semi-public uses and medical clinics (instructional), student athletic and recreational uses; and administrative offices.

Atty. Mark Van Loon from Rosenn Jenkin & Greenwald was representing on behalf of Misericordia University and with him is Mark Van Etten VP for Finance and Administration at Misericordia University. Atty. Van Loon stated what he would like to do in connection with our application for a special exception for the conversion of the Payne Printery building is ask Mr. Van Etten to review with you the drawing you see on the easel and you have what appears before you that is made part of the application, to familiarize you with the area surrounding as the Payne building into evidence, why we believe that the plain view is consistent with the area and why we satisfied the standards for a special exception use as requested.

M. Van Etten stated Payne Printery is located at 3235 Memorial Highway, Dallas, Pa., across from Twin Stacks Complex. There are many commercial buildings that surround the property, along with residential properties as well. The property is split zoned; the lower part of the driveway is in a B-2 zone; we are asking for a special exception on the portion of where the facility is located, which is S-1. It currently is being used as a commercial printing facility or it could also be used as warehousing or a commercial structure.

Atty. M. Van Loon stated the drawings are a proposed conceptual plan for the layout of the facility, if acquired by MU and used for its intended purpose. M. Van Etten stated this will be used as a mixed-use facility, the gray area is proposed to be an educational type facility which will include practice space for athletic teams; you see a half court basketball court drawing. This other area here is a volley ball court and here you see two drawn hidden tunnels for baseball teams to practice. Another area is classroom space for two (2) Occupational Therapy (OT) Labs for training and pediatrics lab. In the upper part of the layout are office spaces with a faculty that will teach these classes and some community clinics, in which they run several clinics (autism, OT, PT & nursing) throughout their properties, along with patient examining rooms.

M. Van Etten stated the facility currently has forty-five (45) parking spaces and there is a loading dock, in which would be created into eighteen (18) additional parking spaces – totaling sixty-three (63) parking spaces at the facility. Square footage is approximately forty-thousand (40,000') square feet. Approximately half of the space

would be used for practice space for athletics and the other half would be for clinic, lab, classroom and faculty spaces.

Atty. Van Loon stated is there an additional access way to the property, other than the access off of route 415? M. Van Etten stated there is. There is a deeded easement that runs with this parcel between Ecumenical Enterprises and exits down onto Lake Street. Atty. Van Loon asked could it provide emergency access? M. Van Etten replied, yes. Atty. Van Loon asked are there any plans to extend the building footprint or will it be used in the same footprint as it is now? M. Van Etten replied, the intentions are to use it as it is now. Atty. Van Loon asked do you anticipate any of the planned operations would cause any adverse impact outside the building footprint? Van Etten replied, No, I don't. Atty. Van Loon asked do you anticipate the plain use will reduce the truck traffic to the facility if it's operated as educational uses from the --. Van Etten stated that he does not anticipate any truck traffic.

M.B. Gilligan asked if the easement would be used for an emergency road; is that going to be available for use besides emergencies? Like do you find student's going back and forth, by not using their vehicles. Van Etten replied it could be used for footpath traffic. N. Palissery asked is that emergency easement to be paved at some point? Van Etten stated there was a home there previously, first part of that roadway is the driveway access to the Gauntlett household and then it turns into a gravel lot. It's been there since at least the 60's, there's no intentions on paving it, but we would if it became heavily used; just for maintenance purposes. N. Palissery stated so students just travel down 415 to get to this facility? M. Van Etten stated, unless they were walking. N. Palissery asked if they were to walk then, they would actually have to walk across someone's driveway to get there? M. Van Etten told him no, and showed from the drawing of where the driveway's location is and stated there are sidewalks for them to cross the street. The easement on this end is connected to the Payne parcel and at this end it is attached to the 240 Lake Street, LLC. N. Palissery asked what is 240 Lake Street. M. Van Etten stated it is owned by Brett Gauntlett.

Chairman, Bayer asked once the building gets fully operational; what would the maximum head count be on individuals utilizing the building at one time? M. Van Etten stated classrooms are generally around twenty-five (25) individuals, if they are having a class there while the athletic teams are there; maybe fifty (50). Chairman, Bayer stated as far as sewer, have you talked with DAMA yet? M. Van Etten stated the laterals were inspected today. R. Bayer asked if the water is on-site well or public? B. Gauntlett stated it is public water. Van Etten stated that Payne property had one hundred-thirty employees – roughly, at peak operations. It operated on three (3) shifts. R. Bayer said okay, last question on the recreational facilities - is that strictly intermural? There aren't going to be any bleachers or having people coming in that would require additional parking? M. Van Etten replied no, the practice floor isn't wide enough for anything competitively speaking; it's just for practice.

A resident asked did you say this was going to be semi-public use or is this going to be for MU students, faculty and staff; and if this goes through, will you be putting a traffic light at the bottom of that driveway or no? M. Van Etten replied the semi-public portion of it is the exam rooms for clinics and that's the public access. If we offer free clinic, then they get some occupational therapy on-site.

Zoning Officer, Carl M. Alber stated you said the sewer capacity will increase or stay the same? M. Van Etten stated it will stay the same, there is nothing going on here that will use a lot of water, just using the restrooms. C. Alber stated the easement here, it's all grown in? M. Van Etten stated it's grown in on the Payne side not the other side. C. Alber asked would they need a written agreement for the use of the easement? Atty. Logsdon asked is there an agreement that's recorded in the Recorded Deeds Office? M. Van Etten stated there is. C. Alber asked with Misericordia or with the Payne Printery? M. Van Etten stated there is one with Payne Printery and 240 Lake Street, LLC with access to the front property and there will be one with Misericordia name on it as well. C. Alber asked you don't have that easement agreement right now. M. Van Etten stated we don't own the building yet. As

part of the transfer, it'll be a recorded easement. C. Alber asked would that be required before the approval or is that part of the approval? Atty. S. Logsdon stated, I think that would be part of the approval.

Atty. Logsdon asked Mr. Van Loon and Van Etten, right now you are seeking a special exception because the use would be school, or accessory uses to a school, is that correct? Van Loon replied, correct. Atty. Logsdon said, in terms of the standards that are applied to a special exception, one of them is police, fire. Atty. Logsdon asked, is this going to be patrolled by campus security or campus police or is this on Dallas Township to patrol and have jurisdiction over it? M. Van Etten replied, our campus security will patrol it? Atty. Logsdon asked, how many employees are you thinking will be at the building, besides students? M. Van Etten replied, the most we would have is nine (9), full time employees, that would have office space there, they would be faculty offices there, not necessarily full time – they teach in other buildings. Atty. Logsdon asked what are the hours of operation for the building going to be? M. Van Etten stated depending on the time of year, we open up around between 7 and 8:30am. Then close at 10:00pm. Atty. Logsdon asked that would be regulated by security and they will be the ones that open and close the buildings at night? Van Etten replied yes. Atty. Logsdon asked would you be expecting any deliveries to be made to the building? M. Van Etten replied No. Atty. Logsdon asked any special equipment going to be added to the properties? Van Etten replied No.

C. Alber asked, are you adding anymore lighting to the parking lot, then what's there now to the facility? Van Etten replied No. Brett Gauntlett said I don't know that it needs to be, Carl. There's a lot of lighting there, that we don't currently utilize. Just trying to keep energy levels down. C. Alber stated, I just wanted to make sure that you're not going to add any more lights, then what's there now; that's all.

Van Loon stated to Mr. Gauntlett for the record, state what your residents address is. B. Gauntlett stated - 280 Lake Street, Dallas, Pa. 18612.

Atty. Logsdon asked Zoning Officer, C. Alber if he is the person that reviewed the application for the zoning permit? C. Alber replied yes. Atty. Logsdon asked, you also denied this permit? C. Alber replied yes, I did. Atty. Logsdon asked, you also were provided with an appeal application from the applicant? C. Alber replied yes. Atty. Logsdon asked pursuant to the Zoning Ordinance, was this hearing advertised in a local newspaper and which paper would that be? C. Alber replied "The Citizens Voice". Atty. Logsdon stated, in terms of the posting requirements of the property, was the property posted before the hearing pursuant to the Zoning Ordinance? C. Alber replied, yes it was. Atty. Logsdon asked was notice provided to adjoining property owners pursuant to the Zoning Ordinance? C. Alber replied yes it was. Atty. Logsdon asked C. Alber for copies of the information he was questioned upon. C. Alber stated I do. Atty. Logsdon stated these will be marked as Twp. Exhibits 1, 2, 3, 4.

Twp. 1 - will be Legal Ad.

Twp. 2 - will be the denied letter for the application that was submitted by Misericordia University,

Twp. 3 - will be notice letters to adjoining property owners, and

Twp. 4 - will be posting notice of the property.

Chairman R. Bayer asked if any one had any objections – there were none.

(A brief Executive Session was taken at 6:59 p.m. and returned at 7:08 p.m.)

The application was granted with three stipulations:

1. Easement for the secondary access road/off Lake Street will solely be for pedestrians and emergency use only.
2. Applicant must provide a letter from both utilities Dallas Area Municipal Authority (DAMA) for sewer, and from the water company (Suez) stating from both entities can and will provide service to the facility.
3. Applicant must refund the advertising cost of \$220.00; Invoice is still outstanding.

N. Palissery stated in light of the stipulations that have been presented and the decision that the board has made and moving forward the granting of the special exception pursuant to Section 1510 in this matter is in favor of Misericordia University. Motion was made by N. Palissery and seconded by M.B. Gilligan. Motion was carried.

A motion to adjourn the meeting was made by Mary Barbara Gilligan and seconded by Nanda Palissery. Motion was carried.

The meeting adjourned at: 7:10 p.m.

**RESPECTFULLY SUBMITTED,**

***Tammy L. Miller***

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