

DALLAS TOWNSHIP
ZONING HEARING BOARD
JANUARY 18, 2021
****MINUTES****

The Dallas Township Zoning Hearing Board held their monthly meeting on Monday, January 18, 2021 at 6:30 pm at the Administration Building, located at 105 Lt. Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania.

PRESENT: Chairman Robert Bayer, Zoning Officer Carl M. Alber, Solicitor Donald G. Karpowich, Secretary Tammy Miller, Twp. Manager Martin Barry, Court Stenographer Pam **Pratt**, Applicant Bernard C. Banks, Jr., and Marketing Consultant Amanda Faneck was at the Administration Building to set up Facebook Live to allow additional residents to participate in the meeting. All were wearing masks, checked temperatures used hand sanitizer and sat 6 ft., apart. In attendance via Go To Meeting /phone included: Board Members Mary Rodriguez and Mary Barbara Gilligan.

MINUTES and TREASURER'S REPORT

R. Bayer, opened the January meeting followed by the pledge of allegiance. R. Bayer made a Motion to approve the minutes from November's Meeting and treasurer's report from November and December, 2020. Seconded by M. Rodriguez. MOTION CARRIED.

Bernard C. Banks, Jr. of 298 Old Carverton Road, Shavertown, PA. is seeking a 60-foot variance pursuant to Section 512(2). It does not meet the minimum required setback of 100 ft., for a natural watercourse in an S-1 Zoning District, as required by the Dallas Township Zoning Ordinance. Property is located at Lots 1 and 2 Birch St., Elmcrest, Dallas, Pa.

Mr. Banks stated he is seeking a forty (40) ft., variance rather than a hundred (100) ft., variance from the property line, in order to have room to be able to build a home on the property. He is planning to bring the property up to grade and convert it into a buildable lot. It has one hundred, seventy-one (171) ft., of road frontage and has public sewer and water hook-up.

Mr. Banks stated his surveyor advised him against building on it, because of the 100 ft., setback from the stream. In 2008, it was labeled as unbuildable, but yet he is paying taxes on the property. He would like to place a house on the property and then sell it. Karpowich said no matter what zoning district your property is in, it still requires a hundred (100) ft., from the stream bank.

Solicitor Karpowich asked Mr. Banks in regards to the deed of the property; which was submitted with the application; there is a deed dated October 18, 1972; where the owners are John F. Banks and Bernard C. Banks, Jr., Partners in Land Development, Company. B. Banks stated John is his brother and that he has all rights to his brother's property (Partners in Land Development, Co.). Solicitor Karpowich asked Mr. Banks if he had other documentation that shows he is authorized to be present here today on behalf of his brother (John). Otherwise, he has nothing in front of him that states as such. B. Banks stated he has a settlement and release agreement from when he bought his brother's assets from American Asphalt and other companies.

Karpowich stated the only thing we received is a deed that was recorded in 1972. If you're saying it was a lot consolidation; then those two (2) lots were consolidated? B. Banks replied yes, they were. Karpowich stated he is a little confused...did you come to the twp., with a reverse subdivision or a waiver signed by the supervisors that allowed the lot consolidation? Those are the only two (2) ways that he is aware of in order to consolidate a lot without a formal subdivision. B. Banks said in April of 2020 they went to the courthouse at the assessor's office and combined the two (2) lots as one (1) PIN #. Karpowich stated in either case, it requires the townships approval and we don't see that in the records.

Zoning Officer Carl Alber explained to Mr. Banks that all subdivisions or reverse subdivisions come before Dallas Townships Planning Commission for review and is approved through the Commission. He has never seen this presented to the Planning Commission his ten (10) years here. B. Banks told him because he never presented one. Solicitor Karpowich stated well the lots cannot be consolidated then, they still have to be separate. So, what you are proposing to do is create a building envelope that's going to straddle two (2) lots. The Zoning Board can't even grant it, unless you were to consolidate the lots properly. The other issue with the plan that was submitted; you have two (2) encroachments on the property: 1) a garage and 2) a shed. Banks said he is talking with the property owner and working on an easement agreement that was recommended by their Attorney; rather than going through a subdivision. Karpowich said he will need to see the **easement agreement** as well, if that's what they are planning to do.

Karpowich asked how far will the encroached structures be from the new building on the new lot that you created? B. Banks said he just drew in an area providing setbacks. Karpowich stated that's the other problem, not knowing the size of the house you're going to build. As part of the variance process, we have to grant a minimum to afford your relief and without knowing the size of the house you're going to build, I don't know how the board can grant you a variance.

Alber told Mr. Banks in order to be granted a variance from the Zoning Board, the setbacks need to be **forty (40) ft., for front yard setback, forty (40) ft., rear yard setback and each side yard setback is fifteen (15) ft., and one hundred (100) ft., from the stream bank**, for what he proposes to do.

M. Rodriguez said without a proper deed though, a decision can't be made, correct? R. Bayer replied, that is correct.

Solicitor Karpowich stated to Mr. Banks before going with a formal process of a subdivision, ask the Zoning Board for a continuance for next month. Sit down with your surveyor and bring him to next month's meeting and have a concrete plan of where the house is going to be and what the size of the house will be. If the Board grants you a variance, they would condition it upon you getting the lots consolidated and then get the packet from Ms. Miller and go through the subdivision process.

B. Banks asked, in order to get a variance, I would need the footprint of the house? Karpowich said that is correct. Alber stated all we need are the dimensions of the house and how it will be on the lot. You just have to make sure the setbacks are forty (40) ft. in front and rear, and fifteen (15) ft., on each side. Karpowich said you also need to come back with your Deed. If there's a new deed and if there's not, then you have to get that into the record that shows that your brother has signed off.

Mr. Banks requested for a continuance from the Board.

R. Bayer made a Motion that the application by Mr. Banks be moved to a continuance until February 15, 2021 Meeting. Seconded by M.B. Gilligan. Motion carried.

Next Meeting is February 15, 2021 at 6:30PM.

ADJOURN MEETING

R. Bayer made a Motion to adjourn the meeting, seconded by M. B. Gilligan. Motion Carried.
The Meeting adjourned 7:11 pm.

Respectfully submitted,

Tammy L. Miller

**Tammy L. Miller,
Secretary/Treasurer**