

DALLAS TOWNSHIP
ZONING HEARING BOARD
MAY 17, 2021
****MINUTES****

The Dallas Township Zoning Hearing Board held their monthly meeting on Monday, May 17, 2021 at 6:30 pm at the Administration Building, located at 105 Lt. Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania.

PRESENT: Chairman Robert Bayer, Board Member Mary Barbara Gilligan, Mary Rodriguez, Zoning Officer Carl M. Alber, Solicitor Donald G. Karpowich, Secretary Tammy Miller, Twp. Manager Martin Barry, Court Stenographer, Jessica Lewis, Applicants; Scott & John Henry and resident; Frederick Hockenbury. Due to COVID-19, all necessary precautions were taken prior to the meeting. There was no attendance via Go To Meeting /phone.

MINUTES and TREASURER’S REPORT

Chairman R. Bayer, opened the May meeting followed by the pledge of allegiance. M.B. Gilligan made a Motion to approve the minutes from April 19, 2021 Meeting and Treasurer’s Report from April, 2021. Seconded by R. Bayer. Motion carried.

Scott and John Henry of 239 Old River Road, Wilkes-Barre, PA 18702 – are seeking a Special Exception pursuant to Section 509.2, to allow a building use for residential purposes only in a B-2 (Highway Business) Zoning District. Property is located at 633 and 637 Main Road, Dallas, PA.18612

Solicitor Karpowich stated the following will be marked as municipal exhibits (M-1): applicant’s application, the appeal, public notice, and proof of publication. Are there any objections to those? Zoning Officer; C. Alber replied “No”.

Scott Henry was sworn in by Jessica Lewis, Court Stenographer. S. Henry stated there was a letter that was submitted with the appeal, requesting to simply allow a special exception for the properties 633 and 637 Main Road to be allowed to be used as a room and boarding house. Currently the buildings are a mixed use, business and residential. 633 Main Road is the nail salon and the owner operator is the primary resident of the building. 637 Main Road was formerly used as a doctor’s office on the first floor and the unit above the doctor’s office is occupied as a rental apartment. S. Henry’s request is that the said properties be used as residential only as a Rooming & Boarding House; possibly for students, but for anyone that would want to rent them, at a cost that would justify their investment.

Scott stated that he and John both live in the area and pass the properties on a daily basis going to work. It would be a good way for them to make sure there are no nuisances to the neighborhood or that the properties are being damaged in any way. Scott stated with that being said, the request is respectfully submitted. Chairman; R. Bayer asked the board if they had any questions...there were none.

Solicitor Karpowich questioned were you aware of the fact that the Nail Salon only allows the dwelling to be permitted provided that there is a business below it? S. Henry replied yes. Solicitor Karpowich stated so if there is no longer a business below it, the dwelling above it would not be permitted under the ordinance for that zoning district. S. Henry replied correct, which is what prompted the request for an appeal; to allow the properties to be zoned to a Room and Boarding House. Solicitor Karpowich asked in terms of your definition of a Room & Boarding House would you describe what your plans are in the event you purchased the property; for who will be residing in the first floor and how many and how will it be leased. S. Henry stated most likely it would be for students and believes the limit of non-related individuals to be able to live there is four (4). We would most likely have four (4) tenants in that building. It would be a per person lease. S. Henry stated that either property would need much modification for students to reside there. Solicitor Karpowich asked if he had a sample lease agreement? S. Henry stated that would be something they would have to get written up as of yet.

The lease agreement for 633 would be for the first and second floor, which would be for four (4) individuals, as one (1) unit. 637 Main Road was currently a doctor's office on the first floor and apartment on the second floor. Solicitor Karpowich asked will it be student housing on the first and second floor? What's the maximum number of students that can stay there? S. Henry stated he believes the code allows up to four (4) non-related individuals in a Room & Boarding House. This property is slightly different and the unit upstairs is separate. For the whole unit all together it would probably fit six individuals, at the most. Possibly two individuals upstairs and four downstairs. Solicitor Karpowich asked if there was a floor plan. S. Henry replied we don't have one, but we did do a walk through. We were waiting on a floor plan to see where we stood, regarding the decision from the Zoning Hearing Board.

Solicitor Karpowich asked if they have a sketch plan for each property that shows the amount of parking? S. Henry stated we have a sketch of the current parking; however, I revised the drawing so that it would have measurements and it would meet to scale. Solicitor Karpowich stated we will mark this as exhibit A-1. S. Henry stated we anticipate a maximum of ten (10) cars, but there's more than enough parking for each resident.

Solicitor Karpowich asked if the Board has any questions? Chairman R. Bayer stated you said you didn't have a lease drawn up yet? S. Henry replied that's correct. R. Bayer stated for your information these types of properties that you're requesting, especially with students; the biggest problem and burden to our Zoning Officer and police force of Dallas Township are parties. We definitely need to know how you're intending to control that? S. Henry stated option A would be a restriction on renting a portion of it to graduate students only; they intend to want to party less. Option B would be to rent to under graduates, and do whatever we could in the lease with the security deposit to try to discourage that type of thing. We don't want to have to deal with that kind of stuff either, especially if we are the ones maintaining it and doing improvements to the property.

Zoning Officer C. Alber stated there is also a nuisance ordinance, where if there are three (3) calls there at that property, it is a thousand-dollar (\$1,000.00) fine. Also, I have another question, regarding the parking. The drawing for parking; you have lines in the middle there. If you were to use them for parking, there is no turning radius there. S. Henry stated now that you mention it; they were just mapped out because they were there, that would not be a problem. C. Alber said don't forget now you need two (2) parking spaces for each guest; it's in the zoning ordinance. S. Henry said oh really. If there were ten (10) residents, we would need two (2) parking spaces for each guest. S. Henry stated we would need twenty (20) parking spaces. We would need to reconfigure the parking. C. Alber just make sure they are 9 X 18. If you are granted approval and plan on doing renovations inside; it would have to have sprinklers and hard wired. S. Henry said, is that right? C. Alber stated yes, because of 2015 Building Code.

Solicitor Karpowich asked if anyone else had any questions?

Frederick Hockenbury asked if this was going to be a half way house or a Section 8? He has a business nearby. S. Henry assured him it is not either of those.

Solicitor Karpowich questioned as to whether the owners are deceased. S. Henry stated that Peter Kaminski is deceased. 633 is in his estate. But 637 is owned by Karen Kaminski who is alive. That is who we have been communicating with. Solicitor Karpowich asked who is the agreement of sale with? S. Henry said it is with the Estate and Karen. Solicitor Karpowich asked if anyone had any further questions. There were none.

The Board entered into Executive Session at 7:08pm.

The Board meeting resumed at 7:32pm.

Solicitor Karpowich asked if the applicant had a request?

Scott & John Henry requested to withdraw the application.

Motion was made by M. Rodriguez to allow the applicants to withdraw the application. Seconded by M. B. Gilligan. Motion carried.

ADJOURNMENT

M. B. Gilligan made a Motion to adjourn the meeting, seconded by R. Bayer. Motion Carried.
The Meeting adjourned at 7:40pm.

Respectfully submitted,

Tammy L. Miller

Tammy L. Miller,
ZHB Secretary/Treasurer