

**MINUTES**

**LUZERNE COUNTY PLANNING COMMISSION**

**January 10, 2019**

**ATTENDANCE.**

Present were N. Brian Caverly; Karen Fleisher; George Prehatin; Gary Swartz; and Shane Novak, Members; Heath Eddy, Planning Commission Executive Director; Attorney Michael Butera, Planning Commission Solicitor and Representatives for Rezoning.

Absent were Cinda Hartman, Vice-Chairman; Christine McLaughlin, Nancy Eckert, Secretary and Patrice Persico, members.

**MINUTES.**

A motion was made by George Prehatin, seconded by Gary Swartz and unanimously carried to approve the minutes of November 8, 2018.

**REZONING**

1. Harry & Alice Baluski, 69 Cherry Hill Road, Shickshinny, PA, request the rezoning of a parcel at 181 Route 239, Union Township, from a C-1 (Conservation District) to a B-3 (Highway Business District) to operate an open air market (antiques & retail items).

Chairman Brian Caverly stated he will not be part of the decision because he has represented the family in the past.

**Harry Baluski and Attorney Mark McNealis were present.**

**Attorney McNealis stated the reason they are here is to correct a notice of violation on the property.**

**Attorney McNealis stated that John Lucas is also in attendance. He stated that Mr. Lucas had erected a small building and had been using the property since 2008 selling farm produce.**

**Attorney McNealis stated that all the properties around the parcel are zoned business.**

**Harry Baluski stated when Mr. Lucas was using the property no one ever questioned his use so he assumed when he was approached by a gentlemen to use the property to sell antiques and other items there wouldn't be a problem.**

**Attorney McNealis stated there are at least 10 to 15 commercial properties (B-3) surrounding the parcel that is zoned Conservation. Attorney McNealis stated that Mr. Baluski owns all the properties on the side of the street that adjoins the single Conservation zoned parcel.**

**Attorney McNealis stated because the surrounding properties are zoned B-3 it would be appropriate to expand the existing zoning district.**

**Attorney McNealis stated there is an easement on the property that is being considered for the rezoning and Mr. Baluski will be blocking off the easement to protect the neighbor's access and to not have any encroachments on the property.**

**John Lucas, Lucas Farms stated he rented the property in 2008 from Mr. Baluski and was selling farm produce and in 2010 erected a small building on the property. He stated he sold his produce there for 10 years and no one ever contacted him that he was in violation. Mr. Lucas stated he now operates from another location.**

**Heath Eddy, Director of the Luzerne County Planning Commission stated that the property should have been zoned commercial and his recommendation would be to recommend to County Council the rezoning of the parcel from a C-1 Conservation District to a B-3 highway Business District.**

**A motion was made by Mr. Swartz, seconded by Mr. Prehadin and unanimously carried to recommend approval of the rezoning to the County Council.**

**ADJOURNMENT**

**A motion was made by Mr. Swartz, seconded by Mr. Prehadin and unanimously carried to adjourn the meeting.**

**RESPECTFULLY SUBMITTED,**

  
**KATHY WOOD, RECORDING SECRETARY**

**LUZERNE COUNTY PLANNING COMMISSION  
FOR  
NANCY ECKERT, SECRETARY**