

MINUTES
LUZERNE COUNTY PLANNING COMMISSION
March 14, 2019

ATTENDANCE

Present were N. Brian Caverly, Chairperson; Cinda Hartman, Vice-Chairperson, Karen Fleisher, George Prehadin, Gary Swartz and Shane Novak Members; Heath Eddy, Planning Commission Executive Director; Michael Butera Planning Commission Solicitor; Kathy Wood, Pat Dooley and Jim Weber Staff, Recording Secretary; and Representatives for Subdivision/Land Development and Rezoning.

Absent was Nancy Eckert, Secretary.

SUBDIVISION/LAND DEVELOPMENT:

1. MU Real Estate LLC, Mark Van Etten, Director of Facilities, 301 Lake Street, Dallas, PA, is seeking Preliminary Plan Approval for the Misericordia University Lake St. Parking Land Development in Dallas Borough. The project includes the demolition of several structures, adding 71 parking spaces, sidewalks and construction of a small park area in conjunction with the construction of PennDOT's roundabout at a 5 leg intersection at SR 415. The site includes several parcels located on Lake Street (SR 1047) in the Downtown Area-Downtown Commercial Zoning District.

Pat Dooley stated to the Commission that all Planning Commission and Engineer comments have been satisfactorily addressed and no Financial Security Guarantee is required.

Nick Argot, P.E. Borton-Lawson Engineering stated the University was hoping to get a grant for the project but that grant fell through. He stated the University itself will pay for the project which will be done in two phases. Phase 1 will be 80% of the project and Phase 1 the remaining 20%.

Pat Dooley stated Preliminary Plan Approval expires in three years at which time as built plans for Final Plan approval would be required.

No objectors were present.

Mr. Eddy stated staff is recommending approval.

A motion was made by Mr. Swartz, seconded by Ms. Fleisher and unanimously carried, to approve Preliminary Plan Approval for the Misericordia University Lake St. Parking Land Development in Dallas Borough.

REZONING:

1. John Fuches, 477 Grove St., William Fuches, 481 Grove St., and Charlotte Wojtas, 485 Grove St., Pringle, PA request the rezoning of their properties from a M-2 (Light Industrial District to a R-2 (Two-Family Residence District), Pringle Borough to have consistent zoning classification on the property and allow a residential use.

Jim Weber stated that one of the applicants would like to sell their property but the buyer cannot get financing for a mortgage because if the home was destroyed more than 60% of its value would be paid because of the current zoning classification.

Mr. Weber stated the applicants would like to change their zoning classification from a (M-2) Light Industrial Zoning District to a (R-2) Two-Family Zoning District.

Mr. Weber stated there is a R-2 Zoning District directly across the street.

William Fuches, owner of 479 Grove Street stated he was not aware of their zoning classification until his daughter tried to purchase Charlotte Wojtas' property at 485 Grove St. He stated the houses have been there since the 1920's. He stated he, his brother and Ms. Wojtas will not be able to sell their properties because of the zoning.

Mike Berish, President of Pringle Borough Council stated Council is not against the rezoning of the three properties.

Attorney Frank Hoegen representing Local Union 1319 Occupational Safety Health Trust which in the future will be building an educational center and union hall stated they are not necessarily objectors but are concerned adjoining property owners.

He stated when you change the zoning of the adjacent properties that will impact his client's property. He stated there may be some kind of compromise to give the applicants what they want while preserving his client's entitlements such as setbacks, noise levels, all the things that are allowed in the M-2 Light Industrial Zoning District. He stated that maybe conditions can be attached to preserve his client's rights.

Jude Cooney, P.E. stated when a M-2 Zoning District adjoins a R-2 Zoning District the setbacks change for any type of construction and use of the property. He also stated that the decibel levels for properties adjoining a residential district are a lot lower than decibel levels along other zoning districts.

After discussing at length the setbacks, height requirements and noise levels allowed for the M-2 Zoning District it was agreed upon by the applicants and Attorney Hoegen that conditions will be attached to the rezoning request.

Mr. Eddy stated staff is recommending approval of the rezoning with conditions.

A motion was made by Ms. Hartman, seconded by Mr. Swartz and unanimously carried to recommend approval of the rezoning to County Council with the following conditions:

- 1. Article 5 – Industrial Districts: Maintain Yard Area Setbacks and Height Regulations.**
- 2. Section 4.12 – M-2 Light Industrial District – Noise – Table A: Maintain Maximum Sound Pressure Level in Decibels.**

ADJOURNMENT

A motion was made by Ms. Hartman seconded Mr. Novak and unanimously carried to adjourn the meeting.

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Kathy Wood".

**KATHY WOOD, RECORDING SECRETARY
LUZERNE COUNTY PLANNING COMMISSION
FOR**

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