

LUZERNE COUNTY ZONING HEARING BOARD MINUTES

June 1, 2021

ATTENDANCE

Present were Dave Williams, Chairman, and Leon Schuster member, Michael Butera, Solicitor, Angela Sallemi, Standing Commissioner, Kathy Wood, Recording Secretary and Interested Parties.

Absent was Bill Harris, member.

MINUTES.

A motion was made by Mr. Schuster, seconded by Mr. Williams, and carried to approve the minutes of April 6, 2021.

Mr. Williams asked if the cases were properly advertised and posted, and if the contiguous property owners had been notified. Mrs. Wood answered that they were.

Case #1

Ryan Spencer, 679 Lehman Outlet Road, Dallas, PA, request a Right Side Yard Variance – required 25 ft., requested 10 ft. to construct a 24 ft. x 30 ft. accessory use structure (pole building for personal use) at that address, Lake Township, located in a (AG) Agricultural District.

Ryan Spencer was present. He stated his property is on an angle and he looking to put the pole barn in an area where he can back a tow trailer into his pole barn.

No objectors were present.

A motion was made by Mr. Williams, seconded by Mr. Schuster, and unanimously carried, to approve a Right Side Yard Variance 10 ft. to construct a 24 ft. x 30 ft. accessory use structure (pole building for personal use) in an (AG) Agricultural District, in Lake Township.

Case # 2

Patricia Besz, 20 Sharpe St., Wyoming, PA, requests a Rear Yard Variance - required 30 ft., requested 5 ft. to enclose a 12 ft. x 21 ft. attached carport and convert into a three (3) season sunroom at that address, Wyoming Borough, located in a (R-2) Two-Family Residence District.

Patricia Besz was present. She stated she wishes to enclose her carport and make it into a three season sunroom. She stated when she purchased the house the carport was screened in and she took down the screening.

George Whibley, A & E. Sunrooms and Remodel showed the Board pictures of the work that will be done. He also stated a new sidewalk will be installed.

No objectors were present.

A motion was made by Mr. Schuster, seconded by Mr. Williams and unanimously carried, to approve a Rear Yard Variance 5 ft. to enclose a 12 ft. x 21 ft. attached carport and convert into a three (3) season sunroom in a Two-Family Residence District in Wyoming Borough.

Case 4#

1852 Wyoming, LLC, Brendan Johnson, 28 Thorndal Circle, 3rd Floor, Darien, CT requests a Special Exception to construct a 95 ft. x 37.3 f.t car wash/auto detailing facility with associated amenities at 2004 Wyoming Ave. Wyoming Borough, located in a (CB) Community Business District.

Attorney Rich Williams representing Brendan Johnson was present along with Jude Cooney from A & E Engineering Group.

Attorney Williams stated the property is where the Bo Brothers bar and restaurant was located. He stated the building will be torn down and the car wash will be constructed.

Jude Cooney stated the property is on Wyoming Ave. He stated about 80% of the property is paved. Mr. Cooney stated that the building which is 6,300 sq. ft. will be demolished and a new 3,600 sq. ft. car wash building will be constructed on the property. He stated there will be around 22 stalls for cars and the property is served by public water and sewer.

Chairman Williams was concerned about Abrahams Creek. He asked if any water or residue from the car wash operations get into Abrahams Creek.

Steve Sause, Cloud Ten Car Wash, stated that all the water must be contained. The have holding tanks and separator tanks and everything get filtered.

Attorney Williams stated a land development will be required for this project if approved.

No objectors were present.

A motion was made by Mr. Williams, seconded by Mr. Schuster and carried, to approve a Special Exception to construct a 95 ft. x 37.3 ft. car wash/auto detailing facility with associated amenities at 2004 Wyoming Ave., located in a (CB) Community Business District in Wyoming Borough.

Case #3

Elaine Deluca, 95 Sandy Beach Rd., Wapwallopen, PA, requests a Special Exception to use a single family dwelling at 97 Sandy Beach Rd., Lily Lake, as a short term vacation rental dwelling in Conyngham Township, located in a Single Family Residence District.

Elaine and Robert Deluca was present along with their attorney Stephen Menn.

Attorney Menn stated that this is a request for a Special Exception and a Special Exception is a permitted use under the ordinance as long as the use will not have an adverse impact to the neighborhood. He stated the short term rental at 97 Sand Beach Rd. has been going on for approximately 8 years. It was just recently that the Deluca's required a Special Exception to continue renting the property.

Attorney Menn stated there have been no police calls for this property nor has there been any complaints to the municipality. Attorney Menn stated that the Deluca's have taken care of any complaints about their renters immediately.

Attorney Menn stated one of the complaints from Lily Lake residents was people renting from the Deluca's going to an area called Sandy Beach which is a private beach. Attorney Menn stated the Deluca's posted a sign at the rental property stating that Sandy Beach is not

an allowed area. Attorney Menn also presented to the board a copy of the Deluca's short-term rental agreement and also Addendum A & B which are the rules and regulations for renting the property.

Elaine Deluca showed the Board 8 pictures of the property including the driveway and parking area, the cottage and a picture showing the distance of the nearest neighbor which is about 50 to 55 ft.

Ms. Deluca stated it is a small cottage with one bedroom on the first floor and in the attic area there are two single beds.

Ms. Deluca stated they have two docks on their property and there is no reason for any of her renters to use the area of Sandy Beach.

John Borek, 2240 Church Rd, Mountaintop stated his family has owned property at the lake for at least 100 years and he feels Lily Lake is not a vacation rental area.

He stated his aunt Barbara Aszuk, adjoining property owner to the Deluca's stays at the lake from May until October and that she has an issue with the Deluca's allowing their renters to bring along pets, mostly dogs. He stated she feels afraid.

Barbara Duggan asked why the Deluca's didn't ask permission to do short-term rentals from their cottage years ago.

Elaine Deluca stated she called the treasurer's office at the county years ago and asked how to apply and start paying the hotel tax for the property. She got that information and the Deluca's have been paying the hotel tax for years.

Barbara Aszuk adjoining property owner stated she doesn't feel safe. She stated she is not going to call Elaine and complain every time her renters do something that she feels they should not be doing. She stated that is not her style. She also stated that she does not like people to bring their dogs because she is afraid they will go after her dogs if they are not leashed.

Sharon Roke, a year round resident stated that she has been at Sandy Beach with her dog and some of Deluca's renters were there swimming and also have had their dog with them.

John Wojciechowski representing the Lily Lake Property Association stated that they do not want anyone at the lake to do short term rentals.

Frank Higgins, 82 Sandy Beach Rd. stated short-term rentals are bad for a residential area, and bad for the community. He wants the Board to deny the application.

The Board entered into Executive Session at 8:15 P.M. and reconvened at 8:34 P.M.

A motion was made by Mr. Williams, seconded by Mr. Schuster and unanimously carried, to DENY a Special Exception to use a single family dwelling at 97 Sandy Beach Rd., Lily Lake, as a short term vacation rental dwelling located in a Single Family Residence District in Conyngham Township.

ADJOURNMENT.

A motion was made by Mr. Schuster, seconded by Mr. Williams and carried to adjourn the meeting.

RESPECTFULLY SUBMITTED,

Kathy Wood

**KATHY WOOD, RECORDING SECRETARY
LUZERNE COUNTY ZONING HEARING BOARD**