

LUZERNE COUNTY ZONING HEARING BOARD MINUTES

July 6, 2021

ATTENDANCE

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

MINUTES.

A motion was made by Mr. Schuster, seconded by Mr. Williams, and carried to approve the minutes of June 1, 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

Christopher Zielinski, 1007 Russell St., Avoca, PA, request a Front Yard Variance – required 30 ft., requested 14 ft. to add a 16 ft. x 36 ft. two-story right side addition to an existing residential structure at that address, Avoca Borough, located in a (R-1) Single Family Residence District.

Christopher Zielinski was present along with his contractor, Ron Piccolotti.

Mr. Piccolotti stated the addition will be even with the established front porch. The addition will be 4 ft. back from the front of the house and will not protrude out any farther out than the porch.

No objectors were present.

A motion was made by Mr. Schuster, seconded by Mr. Harris and unanimously carried, to approve a Front Yard Variance 14 ft. to add a 16 ft. x 36 ft. two-story side addition to an existing residential structure, Avoca Borough, located in a (R-1) Single Family Residence District.

Case #2

JMQ Properties LLC, Richard Parry, 346 Troxell Switch Road, Dallas, PA, request the following variances: Lot #1 – Lot Width – required 100 ft., requested 70.22 ft., Lot No. #2 – Lot Width – required 100 ft., requested 81.37 ft. to subdivide and reconfigure two (2) existing lots, making a new Lot #3 with existing residential structures at 346, 350 & 352 Troxell Switch Road, Lake Township located in a (R-1) Single Family Residence District.

A motion was made by Mr. Schuster, seconded by Mr. Williams and unanimously carried, to continue Case #2 subject to the applicant signing and notarizing a waiver to attend the meeting and agree to the new date of the hearing which would be September 7, 2021.

Case #3

John Burgette, 7 Regulators Lane, Avoca, PA, request a Use Variance to construct a 18,600 sq. ft. building and a 5 ft. x 10 ft. sign, to operate a construction business including commercial offices, service garage and yard for a construction and traffic control business off Smith St., Dupont Borough located in a (R-2) Two-Family Residence District.

John Burgette was present along with John Mandarano, P.E., KBA Engineering.

Mr. Mandarano stated the project will be on a 15-acre site. He stated the property lies on the edge of Dupont Borough adjacent to Pittston Township. The majority of the property is adjacent to railroads and a Highway Business District along the northerly property

boundary and an Industrial Redevelopment District along a portion of the southerly property boundary. The adjacent Highway Business District and Industrial Redevelopment District lie in Pittston Township. Mr. Mandarano stated Mr. Burgette would be constructing a metal building 18,600 sq. ft. (15,600 sq. ft. for storage and a 3,600 sq. ft. office space) within the building. Mr. Mandarano stated the building will house general construction material and storage of some equipment.

Mr. Mandarano stated Mr. Burgette does general construction excavating and has a traffic regulation business. Stored on the property would be trucks, trailers, vans, excavators, backhoes, loaders, rollers, portable message boards, traffic control devices including signs, barricades, cones and barrels.

Mr. Mandarano stated there would be five (5) employees working on site full time, one (1) in HR, an office manager and two (2) working in the garage. The rest of the employees would be on the road at construction sites.

Mr. Burgette stated there would be around twenty-five (25) people coming in and out of the property, picking up vans and equipment to take to a job site, between 6:30 A.M. to 7:00 A.M. He also stated the workers would start returning around 4:00 P.M.

Mr. Burgette stated once in a while there could be an emergency that would require someone to come to the property after business hours for additional equipment to handle the emergency situation.

Board member Harris asked about storage of materials on the property.

Mr. Burgette stated that in the winter time the business slows down. He stated that they would be parking around 12 to 15 crash trucks on the property along with rubber base

cones, some signs, message boards and arrow boards in the rear of the property. Mr.

Burgette also stated there is a tree buffer surrounding the property.

Mr. Burgette stated that access to the property will be from Smith Street. He also stated he owns single axel trucks, one tandem truck, an excavator and bulldozer.

Board member Shuster asked Mr. Burgette what is the width of Smith Street.

Mr. Burgette stated that it is around 20 ft. and it is a two-way street.

Chairman Williams asked how will Mr. Burgette be able to get his vehicles down Smith Street. He stated it will be very difficult trying to make the corners.

Stanley Knick, President Dupont Borough Council, representing council and the residents of Dupont Borough stated that the roads leading to property are very narrow and should not have that much traffic on them. He stated the children play on the roads. He stated the garbage truck sometimes has a hard time getting through the streets in that area. He stated council is against the project.

Tim Bozek, 107 Stanton St. stated that the project should be located in an industrial area not in a residential area.

Bob Jones, 420 Smith St. acting on behalf of the residents of Stanton, Lincoln and Smith streets, Dupont Borough stated that the properties were purchased by residents because of the nearness to services also for the comfort and serenity of a neighborhood that for the most part is traffic free.

He stated that their property values will decrease if this area becomes commercial and this business is allowed.

He also stated that these are residential streets that will be used to enter and exit the construction company's property. He stated that Stanton & Lincoln Streets are 24 ft. wide while Smith St. is 19 ft. wide. Mr. Jones stated that commercial vehicles will not have enough room to drive through these streets because of the parking on both sides of the street. He also stated that if employees are trailering equipment they will more than likely drive over resident's property. Mr. Jones stated there is only one way in and out of their area and there are no sidewalks in this area. The kids ride their bikes and walk to the school bus stop on these streets. For these reasons the residents in this area are against the granting of the Use Variance.

Mr. Jones had stated in his presentation to the Zoning Board that the area was going to be rezoned to Industrial.

Board member Schuster stated to Mr. Jones and the audience that this is not a request for a rezoning, this is a Use Variance request, the property would remain a Two-Family Residence (R-2) District.

Melissa Edwards, 450 Lincoln Street stated the borough garbage truck has a hard time getting through the neighborhood. She also stated she lives in a bi-level home and when the leaves fall from the tree area she will be able to see directly onto the property.

She stated the streets are too narrow for additional traffic and the granting of a Use Variance will impact the neighborhood and their property values. She stated her neighborhood is a cul-de-sac and the residents are accustomed to privacy and with minimal traffic. Ms. Edwards stated that there will be an increase of noise and air pollution in the neighborhood.

Mark Kowalczyk, 234 Simpson St., Dupont stated that he is a contractor and he did a house demolition on a section of Smith Street. He stated these roads are not for everyday commercial activity. He stated he had a hard time getting equipment in and out of this area for the demolition project.

Joe Joyce, 425 Smith St., Dupont, stated he was on the Dupont Borough Planning Commission in 1999, before the town turned over planning and zoning to the county. He stated the Dupont Borough Planning Commission denied a housing development on the property because of the entrance and the potential of an increase in traffic.

John Burgette addressed the audience. He stated he does not want to disrupt the neighborhood and make it unsafe. He stated where he presently operates his business, if he hears of any complaints from neighbors he takes immediate action to resolve the problem. He also stated whatever the outcome of the hearing he will still like to develop the property. Mr. Burgette stated he would like to do a housing project on the property.

The Board entered into Executive Session at 8:05 P.M. and reconvened at 8:12 P.M.

A motion was made by Mr. Harris, seconded by Mr. Schuster and unanimously carried, to DENY a Use Variance to construct a 18,600 sq. ft. building and a 5 ft. x 10 ft. sign, to operate a construction business including commercial offices, service garage and yard for a construction and traffic control business off Smith St., in a (R-2) Two-Family Residence District in Dupont Borough.

ADJOURNMENT.

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

RESEPECTULLY SUBMITTED,

Kathy Wood
KATHY WOOD, RECORDING SECRETARY

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