

**THE BOROUGH OF CLARKS SUMMIT  
PLANNING COMMISSION  
WEDNESDAY, DECEMBER 17, 2014**

**AGENDA**

The December Regular Meeting of the Planning Commission was conducted on Wednesday, December 17, 2014 at approximately 7:03 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> Floor, 304 South State Street, Borough of Clark's Summit, County of Lackawanna and Commonwealth of Pennsylvania. Chairman John Durdan called the meeting to order.

Members in attendance were Mr. John Durdan, Mr. Ed Yasinkas, Mr. John Recicar, Code Officer Lori Harris, Solicitor Dan Mulhern and Recording Secretary Ms. Virginia Kehoe. Solicitor Mike Cowley arrived at 7:06pm and left at 8:08pm. Mr. Carson Helfrich, Mr. Len Wesolowski, and Chris O' Boyle were absent.

**APPROVAL OF THE AGENDA:**

Ed Yasinkas made the first motion to approve the agenda, seconded by John Recicar, vote was unanimous 3-0.

**APPROVAL OF MINUTES:**

N/A

**COMMUNICATIONS:**

**PUBLIC INPUT/COMMENT:**

**SITE PLANS AND RE-SUBDIVISIONS:**

**OLD BUSINESS:**

CVS Final Development: Lori Harris has the final land development copy, everything has been met. Question was asked if there have been any traffic problems. Virginia Kehoe stated that there were only a few complaints that they can't turn left out of the one way in, beyond that, no problems or negative impact. CVS has a temporary certificate of occupancy. Council will vote in February on the other ordinances.

**NEW BUSINESS:**

**Curative Amendment** – 110 Maple: Virginia Kehoe stated that they are going for a Curative Amendment and Council would like to hear what the Planning Commission has to say

about it. They are looking to extend the CC Zone one property up from the corner. Right next to them is the car wash which is zoned CC. Attorney Goffer stated that his clients who own 110 Maple believe that at one time this property they won was once zoned commercial. At some point it was changed from commercial to residential. The mother still lives there and there is no way they will be able to sell this house and that is one main reason why they want to have it changed back to commercial. Joe Struchko is the owner of the house, in the early 70's Robo Car Wash moved in and they had a lot of problems. His mother lived there and she didn't complain about it, in 2002 there was a zoning change and it changed back to residential. Mr. Thorne sent them a letter stating that he approved the change in zoning back to commercial. They can't find the letter and there is not a copy anywhere. Right next to the house is the car wash, Kost Tire, and a beauty shop. Because of where they are now, if his mom left the house and it was to be sold, need some consideration in this matter. John Durdan stated that it would be nice to have that letter. Ms. Kehoe stated that they have searched and cannot find anything. The request is for 110 Maple Street. 112 Maple is interested too but they need to make a formal written request. John Durdan presently 110 Maple is zoned R1. Virginia Kehoe did tell John Durdan that she had spoken to Attorney Goffer and Mr. Struchko and explained that should a commercial entity want to use that property, it is a change of use and it would have to meet our zoning ordinance for commercial. So they would still have to meet our parking requirements and so forth if they wanted to make any changes to the footprint of the property they would have to come before the Planning Commission. Attorney Goffer stated that it is not their intention to develop this do that, just by making it commercial it would increase the value of the property. Ms Kehoe stated that today she received a letter from a concerned neighbor about the property being changed possibly to commercial. John Durdan stated that we need to discuss this more. As an RP we might have a better buffer that might satisfy the neighbor and provide the flexibility that Mr. Struchko is looking for. Question was asked, what happened prior to 2002, is there any records with the Assessor's Office in Scranton, is there any way we can find out and get more information. Virginia Kehoe stated that she has not been able to find anything on this. One of our DPW workers remembered posting the property in 2002. Attorney Mike Cowley stated that you have to assume that the 2002 Ordinance is valid. The timeframe for challenging the Ordinance has long expired so they need to move forward with this. The owner of 112 Maple stated that she was told that the commercial property went to the end of her driveway which included her house also. Virginia Kehoe stated that Attorney Goffer made this request on November 7, 2014, we have a 60 day window for Council to vote. Tonight is the first that 112 Maple wants to be included in this also. We would either have to do that as a separate Amendment or we would have to delay this to incorporate it. We have we have to post and advertise for 112 Maple as well. Ms. Kehoe asked if Attorney Goffer and Joe Struchko and Janet consider a waiver on the clock so that we would have time to include 112 Maple. We would need an additional application fee since we are changing the Ordinance, advertising and posting it again. But then we can do one Amendment for both. That would also give the Planning Commission time to reconvene and talk about this further. John Durdan stated that they would make a recommendation as to what they think as the Planning Commission then that goes to Council for approval. Solicitor Dan Mulhern stated that Attorney Goffer has his own separate claim at this point. 112 Maple has not submitted a written application; she would need to do this on her own without 110 Maple. Solicitor Mulhern stated that we would need to ask for an extension. Attorney Goffer stated that an extension is not a problem with Mr. Struchko. John Durdan stated that would be fair to all parties involved. Mr. Durdan asked if there is a problem

with a neighbor. Ms. Kehoe stated that she did receive a letter from a neighbor saying they were concerned of the impact the change would have on them. This will be taken off the January 7, 2015 Council meeting agenda. The next Planning Commission meeting will be February 18, 2015. Ms. Kehoe printed out a waiver for Attorney Goffer and Joe Struchko to sign.

**Curative Amendment – beauty parlors in an RP zone**

Attorney Pat Lavelle is asking for the Planning Commission to take a good look at the principal permitted uses in an RP zone. They are talking about the old train station by Bedford Street. It has approximately 3000 square feet, it's in an RP zone, and it is adjacent to Bedford Towers. He is seeking the Planning Commission's recommendation for Borough Council to the principal permitted uses in an RP zone be modified to include number one, professional offices, and number two a beauty parlor. Previously a portion of the building was utilized as a beauty parlor. It is next a facility where there should be no increase in traffic. There is ample parking in the lot to take care of that. Attorney Lavelle thinks it would be appropriate to amend the Ordinance to allow a beauty parlor to be in the building because one did exist there previously. John Durdan stated that the change that is being requested will change the RP Zoning everywhere in the Borough, not just this location that would be a big change for other neighborhoods as well. He said the change is for the principal permitted uses of the interior, the exterior requirements will still be the same. It would still require compliance with the special standards in Section 405 of the Ordinance. John Durdan looked at the Zoning Map in Council Chambers. They feel they are asking for a change that would only affect the interior of the property. Discussed creating a new zone in that area. It would take time to advertise, get approval and public input and comment. Slow them down at least another month. The Planning Commission would have to meet and come up with that they want in an RP1 zone. How they would define it, feeling out residents and presenting it to Council. Would have to have a public hearing. Their first proposal is to add a new use in an existing definition. As opposed to writing a whole new definition. Lori Harris asked if Lackawanna County Planning Commission would have to look into this if there is a whole new area to be zoned. John Durdan stated that if we approached this from a curative e Amendment standpoint do we have to go through the same process. Virginia Kehoe stated that with a Curative Amendment we really are adding a definition to existing verbiage, the Planning Commission could vote yes or no on that. If they do the Curative Amendment it affects every RP. Solicitor Dan Mulhern stated that Council is the decision maker. John Durdan stated if they make it a conditional use then they have to come before the Planning Commission before they let the beauty parlor in and go back before Council again. John Durdan stated that he thinks they all agree that this is a good fit for the property. Ed Yasinkas made the first motion to recommend approval of Ordinance 2015-01 to Council, seconded by John Recicar, vote was 2-0 with John Durdan abstaining.

**ADJOURNMENT:**

Ed Yasinkas made the first motion to adjourn, seconded by John Recicar, vote was unanimous 3-0.