

**THE BOROUGH OF CLARKS SUMMIT  
PLANNING COMMISSION  
WEDNESDAY, FEBRUARY 18, 2015**

**AGENDA**

The February Regular Meeting of the Planning Commission was conducted on Wednesday, February 18, 2015 at approximately 7:02 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 Yasinskas, Mr. John Recicar, Solicitor Mike Cowley, Code Officer Lori Harris, and Recording Secretary Ms. Virginia Kehoe. Mr. Carson Helfrich, Mr. Len Wesolowski, and Chris O' Boyle were absent.

**REORGANIZATION:** Ed Yasinskas made the first motion to nominate John Durdan as Chairperson for the Planning commission, seconded by John Recicar, vote was unanimous 3-0.

John Durdan made the first motion to nominate Ed Yasinskas as Vice Chairperson for the Planning Commission, seconded by John Recicar, vote was unanimous 3-0.

John Durdan made the first motion to nominate Michael Cowley as Solicitor for the Planning Commission, seconded by John Recicar, vote was unanimous 3-0.

John Durdan made the first motion to nominate Virginia Kehoe as the Recording Secretary for the Planning Commission, seconded by Ed Yasinskas, vote was unanimous 3-0.

**APPROVAL OF THE AGENDA:** John Recicar made the first motion to approve the agenda with the removal of the first three sets of minutes, seconded by Ed Yasinskas, vote was unanimous 3-0.

**APPROVAL OF MINUTES:**

September 18, 2013: Have already been approved

October 16, 2013: Have already been approved

December 18, 2013: Have already been approved

May 1, 2014: Ed Yasinskas made the first motion to accept the meetings minutes, seconded by John Recicar, vote was unanimous 3-0.

September 17, 2014: Ed Yasinskas made the first motion to accept the meetings minutes, seconded by John Recicar, vote was unanimous 3-0.

October 15, 2014: Ed Yasinskas made the first motion to accept the meetings minutes, seconded by John Recicar, vote was unanimous 3-0.

## **COMMUNICATIONS:**

PC Recommendation re: ordinance 2015-01: Virginia Kehoe stated that Council did make slight modifications to the ordinance and did go ahead and accept it. Ms. Kehoe stated that one of the changes is they left the RP's as professional uses and they did also allow for beauty parlors to sell beauty products. Council limited their gross sales of the beauty products to 5%.

Mr. & Mrs. Eugene Moyer: They wrote a letter concerning the curative amendment for 110 Maple.

## **PUBLIC INPUT/COMMENT:**

## **SITE PLANS AND RE-SUBDIVISIONS:**

## **OLD BUSINESS:**

Curative Amendment – 110 Maple: Joe Struchko spoke to the Planning Commission about the Curative Amendment he is seeking. When they first moved in, they were under the assumption that the property was commercial. Mr. Struchko stated that he received a letter from the old Borough Manager saying the property was commercial. He cannot find the letter. In 2002 there was a change and it shows the property now as residential, so it was changed. All they are asking for is the same opportunities that the property owners all around them have which is commercial property. Mr. Moyer, 120 Maple Street, sent a letter; they are vehemently against this being a commercial property. It is relatively dangerous at the bottom of Maple Avenue. Mr. Moyer stated that there is a major ice problem at the bottom of the hill, because of the car wash. There have been number of instances where cars have slid out to the main street and had accidents. There was at one time a fatal accident there where Maple Avenue meets 6 & 11. It's a hazard even in warm weather, because of the awkward access into the Kost Property. They are against additional commercial properties because they are afraid of the domino effect. If one property is allowed to be rezoned, what's to stop the next neighbor, immediately above, from doing the same thing? Mr. Moyer stated that there are too many commercial properties along route 6 & 11; it's beginning to look like a strip mall. Aesthetics aside because of safety reasons, another commercial property will cause additional congestion leading to additional accidents. Because of the intersection cars have a difficult time getting into the car wash and Kost Tire as it is right now. Safety is their primary concern. Mr. Moyer is asking for the basic decency of retaining a residential area. They bought their house understand that they were part of a residential community, and they would like to see it remain as a commercial free street. John Lawler, 116 Maple Street also commented about the property. Mr. Lawler stated that the zoning on the north side of Maple Avenue, from the corner of 6 & 11 up to Hemlock, there is Kost, which is commercial, and then there is the combination beauty shop and apartment. The house on the corner of Maple and Hemlock is residential. Mr. Lawler also stated that it is very common for off street parking to be at the beauty shop. Also, there is parking in front of 110 Maple Avenue, which essentially leaves one lane access for cars going both east and west. Mr. Lawler stated that he thinks this adds to the safety issue and they come down to the light at the end of Maple. Seen cars going up and they cannot get through, cars get lined up on 6 & 11, that kind of traffic issue that is really quite serious. They have a number of small children on Maple as well. Cars coming down Maple are not careful about the speed they travel. There are a

number of traffic issues that are already a problem and if there is another commercial property there, that would cause additional problems. Mrs. Lawler, 116 Maple Street then spoke to the Planning Commission. She stated that they always understood that the zoning was residential. Other than in the apartment bldg. that has the beauty shop, that was grandfathered in. If that would change there, it would revert back to residential. A lot of the properties are changing hands; they do have a lot of new families. There are plenty of children on the street. She would like to see the house stay residential. John Durdan referred to the zoning map of that area. It shows the Struchko house as R1. John Durdan stated that there is a situation where you have a highway and commercial district right next to an R1 zone and that why a lot of times they talk about doing an RP zone. Mr. Durdan read the definition of an RP zone, what is accepted uses are. Lori Harris stated that the principal permitted uses are apartment buildings, condominiums, forestry/garden apartments, public parks and playgrounds, single family detached dwellings, townhouses and two family dwellings. Under conditional uses, where they would have to come before the Planning Commission, Lori Harris read off those accepted uses are. Mrs. Harris stated bed and breakfasts, nursing homes, personal care homes or centers, places of worship, professional offices and buildings of a residential appearance consistent with the neighborhood, excluding any sale of goods, warehousing, service establishments, banks and similar uses. Virginia Kehoe stated that Mr. Struchko's request came in for commercial. John Durdan suggested an RP might be an appropriate buffer between the commercial and the residential. Ms. Kehoe stated that if this was made RP and a professional offices wanted to come in, before they could do so they would have to come before the Planning Commission, and the Planning Commission would go through the procedures, then they would have to go to Council for the final approval. If they got it then there would still be the issue of zoning. Ms. Kehoe stated that it is a very small property, there can only be so much business going on and so many cars in that spot. Mr. Lawler's concern is that they will sell the property to Kost Tire and they will use that as another parking lot. Virginia Kehoe stated that any time a use changes, if you are going from Residential to Commercial, they would still have to get a zoning permit and meet our zoning ordinance. Lori Harris stated that they could have the option of adjoin the two properties and use that as an accessory use. Mr. Lawler stated that would be a major issue. There is a big difference between and RP and Commercial. Mr. Lawler is against both RP and Commercial zoning, he against "commercial creep". John Durdan was asked the process as of right now. Mr. Durdan stated that before them is an application to change the property to a CC Zone. The Planning Commission makes a recommendation that then goes to Council for a vote. Council makes the final decision and that is open for public comment also. It started with a request for commercial but now maybe they can recommend RP as an alternative. Does this require another application? Ms. Kehoe stated that Council's solicitor would have to make that call as to how that needs to be handled. Planning Commission can send up a recommendation that states this. Solicitor Michael Cowley stated that his is not considered "spot zoning because this house is right next to a commercial property. Virginia Kehoe stated that Council will be hearing this March 4, 2015 at 7pm. It is a public meeting and they can attend. Ed Yasinskas made the first motion to take the vote for Council recommendation for the property to be changed to CC, seconded by John Recicar, vote was 1-2. Ed Yasinskas is in favor of changing the Maple Avenue home to CC, John Recicar and John Durdan voted no to the change in zoning. So the Planning Commission is not recommending 110 Maple to be changed to CC. John Durdan stated that as an alternative since the Planning Commission voted no to this rezoning, that RP would be a more reasonable suggestion to create a buffer. The property is right next to the car wash which

presents a problem when selling it. That would give him more opportunity to sell that property for other use. Ms. Kehoe stated that she would write this up and forward it for review.

**NEW BUSINESS:**

Curative Amendment – establish new zone (RP-1)

Year-end report: John Durdan stated that that year-end report needs to be done; the Planning Commission didn't have as many meetings as last year. They did do a few things and it's important to let Council know.

Ordinance regulating snakes: Code Enforcement Officer Lori Harris was inquiring about our Ordinance which might be a little lax in addressing something that specific. John Durdan asked if the issue is breeding snakes or just keeping them as pets. Virginia Kehoe stated that the issue is really the quantity of snakes. John Durdan stated that it comes down to if there is a dangerous or harmful situation created by the snakes. There was a situation in Carbondale that brought this subject up. At this point, there is no limit on non-venomous snakes. John Durdan stated that only if something takes place like this that the Borough would have to take action. Solicitor Mike Cowley suggested giving Lori Harris a legislative tool to handle this if needed. Virginia Kehoe stated that maybe by using maximum number of pets is a good option. Ms. Kehoe stated she would forward this to Carson Helfrich.

**ADJOURNMENT:**

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