

HAZLE TOWNSHIP ZONING HEARING

March 5, 2018

6:00 p.m.

The Meeting was called to order by Chairman Rick Korinchock at 6:01 p.m.

All in attendance recited the Pledge of Allegiance.

Roll Call:

Chairman, Rick Korinchock - Present

Vice-Chairman, Larry DeFluri – Present

Secretary – Paul Rashko - Present

Solicitor, Edward McNelis – Present

Zoning Officer, Fran Calarco - Present

Court Stenographer – Absent

Recording Secretary – Samantha Neaman – Present

Any person aggrieved by any decision of the Board of Adjustment or any Taxpayer or the Board of Supervisors may appeal to the court of Common Pleas of Luzerne County by petition duly verified setting forth that such decision is Arbitrary, Capricious and abuse of their discretion or otherwise not in accordance of Law and specifying the grounds on which he lies.

1. The application of Robert Yevak of 1011 N Locust Street, Hazleton, Pa. 18201, for a use variance to operate a used/car/truck sales Business at a property located at 308 W 36th Street, Hazle Township, Pa. 18202 in a B-1 (Neighborhood Commercial & Shopping Center) zone. This is a continuation from February 5, 2018

Robert Yevak was sworn in.

Attorney McNelis wanted to re-confirm that he represented Mr. Yevak in the past and that there was no objection.

Mr. Yevak has no objection.

Fran Calarco was sworn in.

HT#1 Application packet including neighbors notified.

Mr. Yevak explained that the used car/truck sales business will not repair cars. Vehicles will only be sold there. It will not look like a junk yard.

Korinchock asked if signs will be hung.

Yevak stated that there will be a sign hung but no lighting. The business hours will only be during the day hours, possibly 8:00 a.m. – 3:00 p.m.

Mark Vukson, a neighbor asked if the 8:00 a.m.- 3:00 p.m. hours be every day.

Yevak stated no. The hours would apply a few days per week.

Vukson asked if Yevak did a traffic study.

Yevak replied he wasn't doing one.

Lori Hudock, a neighbor, stated that when the previous tenants had the garage and the hours of operation were posted that the hours were not adhered to. Will there be hours of operation and will they be adhered to? And will it be open on the weekends as well?

Yevak replied yes to the hours of operation and there will be no weekend hours.

Vukson asked if Yevak will utilize the entire lot.

Yevak replied yes.

Alexander Sloom, current owner of the property commented how unhappy he was with the former tenants. He now supports this project because he would like the property cleaned up.

Rashko asked Yevak if the state requires him to post business hours.

Yevak responded yes.

DeFluri asked about use of restrooms for Yevak's customers.

Sloom responded customers from Yevak's may use the restrooms located in Woodlawn Plaza.

Vukson asked if he could speak following Yevak.

Vukson submitted a notarized letter from a neighbor opposing the application.

Vukson would like the application dismissed at this time due to the following:

- He was not notified of this application nor his sisters Lori Hudock and Mary Vukson
- Lack of site plan
- The meeting notice wasn't published in the Standard Speaker
- Signs were not conspicuously posted on the property
- Would like to know if 6 foot fence would be placed on property to satisfy regulations
- Protocol is not being followed

Calarco showed the bill along with the advertisement in the Standard Speaker.

DeFluri asked Vukson how he learned of the meeting if not notified.

Vukson responded that neighbor Debbie Edwards informed he and his sister.

DeFluri asked Vukson if he felt that Yevak will not respect the neighborhood.

Vukson responded that the neighborhood is not zoned for it and objects to it.

Korinchock asked if anyone else had comments.

Lori Hudock was sworn in. She stated that she did not receive any notification of the application. She also stated that the experience with the previous tenant was unsafe and lessened the value of the neighborhood. The visibility in trying to turn onto Route 309 would be extremely difficult. She fears compromising the neighborhood and lessening the value of what she has put her whole life into. She stated that the business should not be at her neighborhood's expense.

Korinchock asked Hudock if she has any issues with any of the businesses currently in the same building.

Hudock stated no.

Korinchock asked Yevak if he has anything to add.

Yevak added he will add lights if the neighborhood would prefer for safety. He will also add "No Parking" signs along 36th Street.

Vukson states there is a memorandum in the zoning ordinance and he has no problem with that. Added that the current tenants do not currently use the lot.

Korinchock made a motion for an executive session.

DeFluri motioned a 2nd

ROLL CALL: Rashko – aye; DeFluri – aye; Korinchock– aye

Executive session at 6:47 p.m.

Meeting resumed at 7:11 p.m.

Rashko made a motion to deny the application of of Robert Yevak of 1011 N Locust Street, Hazleton, Pa. 18201, for a use variance to operate a used/car/truck sales Business at a property located at 308 W 36th Street, Hazle Township, Pa. 18202 in a B-1 (Neighborhood Commercial & Shopping Center) zone. The application failed because they failed to provide proof for provisions for granting variances.

DeFluri motioned a 2nd

ROLL CALL: DeFluri – aye; Korinchock – aye; Rashko– aye

2. The amended application of Lucas Ferreras of 188 Beaver Brook Rd. Hazle Township, Pa. 18201 for a special exception to keep (2) goats & chickens on his property for his own personal use in an B-1 (Neighborhood Commercial & Shopping Center District) Zone. This is continuation from February 5, 2018.

HT#1 Applicant packet including neighbors notified.

Lucas Ferreras and Tairea Marie Ferreras were sworn in.

Attorney Steven Seach who represents Ferreras asked Lucas Ferreras if he posted the property.

Ferreras responded yes.

Seach stated that they should have permission as of right as stated in section 802.15 of the ordinance.

Section 320 states that chickens may be kept on his property.

DeFluri asked about the goats.

Seach is withdrawing the application for the goats.

Applicant #1 – Packet including the property deed. The property is 1.47 acres.

McNelis states that Attorney Seach highlighted the area on the exhibits that were submitted as Ferreras property.

Seach confirmed.

Ferreras explained that behind his property is woods. He stated that his neighbors have chickens, gilly hens, and peacocks. He adds that he wants to raise chickens on the property to teach his children his Dominican culture and traditions of feeding them the chicken eggs not induced by antibiotics.

Ferreras has a coupe on the property, 8 x 12 ft and 14 x 36 ft. The building is surrounded by 8 ft. chicken wire. The property itself is surrounded fully by a 4 ft. fence.

Ferreras stated his chickens do not leave the property. They do not make noise. The coupe is cleaned weekly and recomposed in the garden. The chickens require water, no emergency services. The coupe on the property is harmonious to others in the neighborhood similar to a shed.

DeFluri asked Ferreras to mark specifically where the coupe is located.

McNelis states that on the Beaver Brook Rd, going away from the road going away from the B-1 labeling the coupe "C-1" on the exhibit.

Ferreras will place new fencing for the chickens labeled "C-2".

Applicant #2 Computer generated definition of "avian"

Calarco asked what will be done during the summer months, the waste disposal will create bad smell.

Ferreras responded that they are already recomposing the waste for the garden.

Rashko asked how many chickens will be on the property.

Ferreras responded 23.

Amy Bodnar, a neighbor asked Ferreras if this was the first time

Robert Quinn, a neighbor asked if Ferreras stated that all neighbors have chickens. He also isn't comfortable driving in the neighborhood or reading the meters on Ferreras property due to the roaming of the chickens.

McNelis stated that no one could tell who the chickens belong to.

Rashko stated that the testimony states that "other" neighbors have chickens and not "all".

DeFluri asked Ferreras why he came before the board asking permission for the chickens when he already had them.

Ferreras answered that he received a letter from Calarco notifying him that he cannot have the chickens.

Korinchock asked for any other questions or comments.

McNelis states that the B-1 is in a shopping commercial district.

Seach responded that according to 802.15, the chickens are avian animals.

McNelis states that 802.02 clears the fact that these animals will not be pets. They will be used for eggs to feed his family.

Seach explained that the chickens will not be within 200 ft. of a residential district.

Applicant #3 Protz case

Applicant #4 Points of Law – special exception cases

McNelis asked the board if they will accept admissions of exhibits 1-4. The Board accepts.

Amy Bodnar was sworn in.

McNelis stated that Bodnar was a former client.

No objections by anyone.

Bodnar raised concerns that Ferreras chickens get out of the property and she has two dogs. Her dogs have gotten off the property and killed some chickens. She only asks that the chickens are contained.

Attorney Seach asked Bodnar if she is aware that there is a dog law to keep dogs contained and off another's property.

Quinn asked the board to place a cap on the amount of chickens.

The Board and Ferreras agreed to a cap of 30.

Korinchock made a motion for an executive session.

DeFluri motioned a 2nd

ROLL CALL: DeFluri – aye; Rashko – aye; Korinchock– aye

Executive session at 8:24 p.m.

Meeting resumed at 8:33 p.m.

Korinchock made a motion to approve the amended application of Lucas Ferreras of 188 Beaver Brook Rd. Hazle Township, Pa. 18201 for a special exception to keep chickens on his property for his own personal use in an B-1 (Neighborhood Commercial & Shopping Center District) Zone with the following provisions:

- 1.) No more than 30 chickens
- 2.) By the end of May, 2018 a new coupe and fence is installed being strong enough to deter other animals from coming in.

Rashko motioned a 2nd

ROLL CALL: DeFluri – aye; Rashko – aye; Korinchock– aye

Korinchock asked for any public comment.

3. Rashko made a motion to accept the proposed meeting schedule as listed below for 2018
- January 8, 2018
 - February 5, 2018
 - March 5, 2018
 - April 3, 2018 (Tuesday)
 - May 7, 2018
 - June 4, 2018
 - July 2, 2018
 - August 6, 2018
 - September 4, 2018 (Tuesday)
 - October 1, 2018
 - November 5, 2018
 - December 3, 2018

Rashko motioned a 2nd

ROLL CALL: DeFluri – aye; Korinchock – aye; Rashko– aye

Korinchock recognized William Gallagher as being appointed as an alternate to the Zoning Hearing Board on January 2, 2018 by the Hazle Township Supervisors.

Rashko made a motion to accept the February 5, 2018 meeting minutes.

DeFluri motioned a 2nd

ROLL CALL: DeFluri – aye; Korinchock – aye; Rashko– aye

Korinchock asked for public comment or questions.

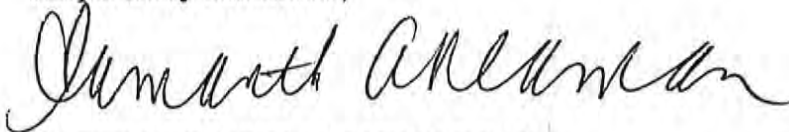
DeFluri made a motion to adjourn.

Rashko motioned a 2nd

ROLL CALL: DeFluri – aye; Korinchock – aye; Rashko– aye

The meeting was adjourned at 8:39 p.m.

Respectfully submitted,



HAZLE TOWNSHIP ZONING BOARD
Samantha A. Neaman, Recording Secretary