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COUNCIL FOR THE BOROUGH OF DUNMORE

SAPA PUBLIC HEARING

HELD:

Monday, June 14th, 2021

TIME:

7:00 P.M.

LOCATION:

DUNMORE COMMUNITY CENTER
1414 Monroe Avenue
Dunmore, Pennsylvania

C O U N C I L M E M B E R S :

MICHAEL DEMPSEY, President

THOMAS HALLINAN, Vice President - absent

CAROL SCRIMALLI

VINCE AMICO

THOMAS EHNOT

JANET BRIER

ELIZABETH ZANGARDI

MICHAEL P. PERRY, Esquire, Solicitor

TIMOTHY BURKE, Mayor

VITO RUGGIERO, Borough Manager

MARIA McCOOL, RPR
OFFICIAL COURT REPORTER.

1 MR. RUGGIERO: Next is the public
2 hearing pursuant to the Pennsylvania
3 Municipalities Planning Code on Dunmore Borough
4 Resolution 2021-1; the consideration to enact
5 the proposed comprehensive update to the
6 Dunmore Borough Zoning Ordinance, which is
7 going be to SAPA. So, gentlemen, do you have
8 anything?

9 MR. SWARTZ: Andrew Swartz,
10 Environmental Planning and Design, 100 Ross
11 Street, Pittsburgh, Pennsylvania 15210. So I
12 think you all have the ordinance in front of
13 you or had the opportunity to review the
14 proposed ordinance which was described as a
15 comprehensive -- your existing ordinance was
16 originally drafted in 1977 and I think had some
17 amendments along the way.

18 It is kind of a reflection of the
19 overall SAPA effort in terms of taking the
20 major objectives that were defined as a part of
21 the regional comprehensive plan and then
22 bringing them kind of to fruition within each
23 of the municipalities individual zoning
24 ordinances.

25 So through the long process and

1 again COVID added an extra 12 months to the
2 whole effort, the communities have been working
3 together on individual ordinances of which they
4 would be sharing parts and pieces so anything
5 from definitions to specific standards.

6 One of the key things we'll get into
7 the specifics of Dunmore and you guys asked
8 questions and I know you had a previous meeting
9 in terms of some issues came up related to the
10 landfill.

11 But when the efforts started if we
12 took all the zoning maps of all of the
13 municipalities that were participating, there
14 were about 90 different zoning districts. So
15 one of the things that the SAPA group really
16 wanted to try to do is streamline efficiency
17 and get commonality where it was appropriate to
18 have commonality.

19 What ultimately we were able to
20 strike consensus and agreement on is boiling
21 down those nearly 100 districts down to 25.
22 Your ordinance has 12 zoning districts. Your
23 current ordinance has 12 zoning districts. So
24 it really isn't changed. We added one overlay
25 which is the landfill overlay.

1 So in some cases, some of the basic
2 essentials of land use, etc., that you'll find
3 in say one of your downtown districts will be
4 very similar to say Clarks Summit, a community
5 that has a similar or even some portions of
6 Scranton where they're similar in character,
7 meaning the building having the lot sizes and
8 those types of things.

9 Each of the land use lists though is
10 unique. So everybody has kind of their own set
11 of land uses. And that was kind of worked
12 through extensively -- Steve can describe how
13 many meetings in terms of going through and
14 reaching agreement.

15 And part of kind of the scheme of
16 zoning across the region, you guys will have
17 kind of a sharing agreement that you're sharing
18 land. So you're municipal responsibility, the
19 legal responsibility that you normally would
20 have as per kind of a Municipalities Planning
21 Code as well as court opinion you're only
22 responsible what is currently in your
23 ordinance.

24 So you don't in your current draft,
25 the proposed draft don't necessarily

1 accommodate all land uses. Some of the other
2 communities are maybe picking up some uses that
3 you didn't necessarily feel were appropriate
4 for you and vice versa.

5 You picked up some land uses that
6 you won't find anywhere else in terms of this
7 partnership, landfill being the example. You
8 guys picked up the landfill.

9 So the number of communities that
10 were participating in this was a really good
11 effort and really pinpoint the types of uses
12 that we thought should be in your community and
13 ones that could be accommodated somewhere else.
14 That's what you did. So with that said, the
15 landfill currently, the way you treat the
16 landfill it's a conditional use.

17 You're continuing to treat it as a
18 conditional use. We moved land use. It's
19 still an industrial district. We took all the
20 conditions and standards and attached them.
21 Part of the discussion that was happening back
22 as we were working with the committee was what
23 would happen in the future if the landfill if
24 they added solar panels. That's becoming a
25 trend.

1 Would they be capturing gas and
2 doing things like that? Maybe there would be
3 some other things going on. And so we thought
4 it was best to set the landfill in terms of an
5 overlay. It would give you more flexibility in
6 the future to be able to deal with it.

7 The standards that you guys reviewed
8 at the last meeting related to the conditional
9 uses are the same as you currently have in the
10 books. So that was an unfortunate thing. I
11 think there was a lot of discussion and a lot
12 of questions. The standards were exactly the
13 same.

14 As we were working through kind of
15 the ordinance putting the draft together,
16 everybody wanted to be able to maintain those
17 standards, not really change anything. So
18 things like you had an issue over structure,
19 the interpretation of structure related to
20 landfill.

21 That was the only thing that kind of
22 adjusted and would mirror basically what had
23 been agreed upon and decided previously through
24 some other actions.

25 So the current draft the one that is

1 advertised right now, the only change that
2 happened in terms of that, if you go back under
3 the 6.5 FF description, if you compare it to
4 the first paragraph in terms of your
5 conditional use in your current ordinance, the
6 only change that has been made is the reference
7 to the trash being really kind of for
8 Lackawanna County municipalities. That has
9 been removed.

10 There has been two other additions
11 and it's just the additions are pointing
12 specifically to the Solid Waste Act as well as
13 the DEP in terms of the requirements the DEP
14 would be imposing and in terms of any landfill
15 type of operation, any future application. If
16 you had another application it would cover
17 that.

18 MS. BRIER: That was my question.
19 The expansion approval for 44 years, who knows
20 what's going to happen. So say we needed to
21 amend this ordinance -- and I know we have that
22 five-year window where we have to pay for
23 everyone else's. Would that be the case if we
24 needed -- if something occurred that was
25 unanticipated because this is, you know, kind

1 of a massive undertaking.

2 MR. SWARTZ: Steve, I think this is
3 more of a question for you.

4 MR. PITONIAK: Steve Pitoniak,
5 Planning Department Manager for Lackawanna
6 County. The five year change is just for the
7 five years once the ordinance is adopted.
8 Right now of the nine municipalities, six have
9 adopted the ordinance.

10 The last three are Dunmore, Waverly
11 Township, which is also meeting tonight and the
12 City of Scranton. We're anticipating Scranton
13 will take action sometime in July. The
14 ordinance doesn't go into effect until all nine
15 municipalities approve it. Once it's approved,
16 that five-year window --

17 MS. BRIER: Steve, we really can't
18 anticipate what may or may not -- a different
19 type leachate treatment, you know, we have no
20 idea, you know, what may or may not come up. I
21 mean, I just think we'd be crazy to lock
22 ourselves in for five years in light of what
23 has just been proposed.

24 MR. PITONIAK: The five-year window
25 only comes in if there is a major change that

1 would affect the other municipalities. For
2 instance, with the landfill, okay, because
3 Dunmore is the only municipality that has the
4 landfill.

5 If you decided that you want to
6 eliminate the landfill from the borough, that
7 affects the other eight municipalities because
8 now we have to find someplace for the landfill.
9 But as long as you're maintaining that and
10 you're changing just the internal structure, it
11 doesn't affect the other municipalities then
12 that five-year window doesn't have it for you.

13 It's only if you're eliminating
14 something or adding something that impacts the
15 other eight.

16 MS. BRIER: Okay. Thank you.

17 MR. PITONIAK: And again, just to
18 reiterate that Waverly Township is meeting
19 tonight. We're hoping that City of Scranton
20 does it by July. And that's when everything
21 will take effect for the nine municipalities
22 then all approve it.

23 MS. BRIER: And what if one didn't?

24 MR. PITONIAK: If one didn't, we're
25 back to the drawing boards because we have to

1 find where those uses would go. And the only
2 other caveat just to make everybody aware of it
3 because the municipalities must be
4 continuous --

5 MS. BRIER: Right.

6 MR. PITONIAK: -- if for some reason
7 the City of Scranton votes this down, Dunmore
8 is out.

9 MS. BRIER: We're out. I read that.
10 And how about, you know, we're the only ones,
11 of course, with the landfill. So are there any
12 uses that, you know, we benefit from the other
13 say Clarks Summit has that -- some use that we
14 wouldn't have?

15 MR. PITONIAK: Yeah, offhand I don't
16 have them. But there are a couple uses that
17 nobody else took. I believe -- yeah, most of
18 them are what we call locally unwanted land
19 uses so things like --

20 MS. BRIER: What's that?

21 MR. PITONIAK: Could be a
22 gentleman's club. There is a whole variety.
23 There is also some other uses that I think from
24 an impact standpoint meaning traffic and those
25 types of things, some of the other

1 municipalities took on because they already
2 have those uses.

3 And that was kind of the ideal thing
4 when you have as many communities working in
5 the partnership as you guys did that you're
6 able to kind of share, spread it out a little
7 bit. And everybody has something. And so they
8 weren't going to zone it out so-to-speak if it
9 was already there.

10 But if it could free them of some of
11 the other uses, that's what they did. And
12 I -- no community -- this was one of the things
13 we were all working towards -- no community
14 took on more uses of those locally unwanted
15 than any of the other communities.

16 So think of it as playing poker.
17 Everybody threw in the same number of chips and
18 we had to sort out who was getting which chips.
19 That's how they kind of made the gentleman's
20 agreement and everybody stayed true to that.
21 There were things like group homes, okay, every
22 community still has their burden in terms of
23 group homes.

24 There's a couple uses that were kind
25 of treated from a land use standpoint a little

1 differently. There may be other federal
2 legislation that is out there. There's other
3 court legal protections. Solicitor, if I'm
4 saying anything that you don't agree with chime
5 in.

6 We didn't want to -- the group in
7 terms of the SAPA partnership, didn't want to
8 get into kind of exposing themselves to some
9 sort of challenge over something like a group
10 home. If you look in your ordinance, you'll
11 still have that type of use.

12 So anything that was on that fair
13 housing side of things you'll still see that.
14 But most of this stuff was really related to
15 more industrial uses which you guys have. You
16 took a lot of the burden. You freed yourself
17 of agriculture uses as where West Abington
18 and Newton kind of picked up those types of
19 land uses. So it -- that has worked out very
20 well.

21 And to add -- so the language if you
22 look at that 6.5 FF description, the reference
23 what we adopted throughout that entire section
24 most of it was already there. You guys have
25 already had that kind of imbedded was the

1 general reference to the current standards of
2 the Department of Environmental Protection.

3 So, yes, you have some specific
4 things. But most of your standards reference
5 to whatever the regulation the DEP has. So you
6 don't necessarily have to go change any detail
7 in the ordinance if you adopt the ordinance
8 because you just did a blanket kind of
9 description to what those standards are.

10 Again, most of that was already
11 there. We just -- in terms of kind of
12 reviewing having some discussions just kind of
13 tightened that up a little bit.

14 MR. AMICO: Is this updated yet?

15 MR. PITONIAK: Yes, everything's
16 been advertised. So everything that you guys
17 are looking through tonight has gone through
18 that advertising period that you needed to
19 have, etc.

20 I just wanted to raise one point
21 that AJ mentioned. Through this whole process
22 over the last two and a half years, whatever
23 it's been, we probably had between virtual,
24 meetings because of COVID and in-person
25 meetings with all the municipalities, we're

1 probably at 65 or 70 meetings and at least a
2 half dozen meetings virtually and in person
3 with representatives from Dunmore.

4 As AJ said, everybody was dealing --
5 we'll take this if you take that kind of thing.
6 So it's worked out because no municipality has
7 a burden larger than they had before I don't
8 believe.

9 MR. SWARTZ: In fact, I think some
10 of the municipalities have much less of a
11 burden. There is some communities that were
12 not providing for if they were doing their own
13 ordinance as they were currently before and you
14 really read the law and you followed what the
15 MPC and what the expectation is, they
16 weren't -- they were exclusionary in some
17 areas.

18 They had to fix that problem. There
19 were some problems that weren't going to be
20 easily able to fix that problem. That's what
21 brings them to the table to the discussion. So
22 some communities, obviously Dunmore was
23 probably one of those communities you had a
24 little bit more leverage because you had
25 something like a landfill that you could free

1 everybody else up with having to deal with.

2 There's a whole series of land uses
3 like everybody scratches their head, we're
4 really by law supposed to have a place for
5 that? And it's like, yeah. And then if you're
6 Clarks Summit and you're built out, it's like
7 where's that going to happen. So it was a good
8 effort. So hopefully we --

9 MS. BRIER: When will Scranton meet?

10 MR. PITONIAK: Our meeting sometime
11 this month I believe the Planning Commission
12 was going to have their first meeting and
13 hopefully because of the process that they have
14 to follow, Scranton has to do three readings
15 with their Council to approve things.

16 We're hoping that they could do it
17 in July. And just one other thing, the whole
18 purpose behind SAPA beginning 12 years ago was
19 economic development and avoid sprawl. And I
20 think this ordinance has done both. It's going
21 to be beneficial to Dunmore and to Scranton and
22 a couple other municipalities because it will
23 aim economic development to those
24 municipalities.

25 As AJ said, West Abington doesn't

1 want a heavy industrial park. Well, Dunmore
2 already has one. The Keystone park you have a
3 lot of empty buildings there. So now it's
4 going to force people to -- instead of
5 developing in West Abington or Newton to come
6 to Dunmore, the infrastructure is already
7 available. The structures are already there.
8 And it's going to have an economic benefit for
9 Dunmore.

10 MR. AMICO: Those communities won't
11 have the ability to -- West Abington, -- it's
12 not a permitted use.

13 MR. PITONIAK: There is only a
14 handful of communities that is a permitted use.
15 And in the scale of development, you know, a
16 place like say Clarks Summit may be able to
17 have a little bit of industrial. But it would
18 be small scale because the parcels are so
19 small.

20 MR. SWARTZ: And Steve's absolutely
21 right, from a land management standpoint the
22 idea of doing the zoning on a regional scale
23 would have made a lot of sense. If you're
24 trying to protect your character and trying to
25 promote economic development, what you guys

1 have gone through is exactly -- if I was coming
2 in to do a training session and talk to the
3 community, that's what I would be advocating
4 for. You guys are already steps ahead in terms
5 of going in that direction.

6 MR. PITONIAK: One of the other
7 things that we are working on, the County
8 Planning Commission right now is a regional
9 freight plan. And we're working with Lehigh
10 Valley, Lebanon County, the NEPA organization
11 and Berks County because development if you
12 don't -- if you're not aware of it is headed
13 this way.

14 The Lehigh Valley is basically built
15 out. And any available land is so expensive
16 that developers aren't even looking at it.
17 They're looking here. And we have plans in our
18 office for 10 buildings in Olyphant and Throop
19 boroughs of 900,000 to 1.2 million square feet,
20 the warehousing.

21 You've already got those buildings
22 in Dunmore. So hopefully you could use that to
23 get this development into where it's already
24 planned for or where it's available.

25 MR. SWARTZ: And I do apologize for

1 wearing shorts and sneakers. My little thing
2 here, it's little hard to put a pant leg over
3 the top. Sorry. Any questions related to the
4 current draft before entertaining public
5 comment? Anybody have any questions?

6 MR. DEMPSEY: No? I guess we'll
7 take public comment.

8 MR. RUGGIERO: Anything from the
9 public? So, Mr. Chairman, that will close the
10 public hearing and at 7:00 the regular Council
11 meeting will commence.

12 MR. DEMPSEY: Okay. Thank you.

13 MR. RUGGIERO: Thank you.

14 MS. SCRIMALLI: Thank you very much.

15 MS. ZANGARDI: Thank you for coming.
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