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COUNCIL FOR THE BOROUGH OF DUNMORE

PUBLIC HEARING

HELD:

Monday, September 27th, 2021

TIME:

6:40 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
- THOMAS EHNOT
- VINCE AMICO
- JANET BRIER
- ELIZABETH ZANGARDI
- MICHAEL P. PERRY, Esquire, Solicitor
- TIMOTHY BURKE, Mayor
- VITO RUGGIERO, Borough Manager

MARIA McCOOL, RPR  
OFFICIAL COURT REPORTER

1 (Pledge of Allegiance.)

2

3 ATTY. PERRY: Just to get started,  
4 this is the advertised time for the third  
5 public hearing on the SAPA, Scranton  
6 Abington Planning Association ordinance  
7 schedule to begin at 6:30. It's now almost  
8 6:40. So we're ready to begin if there is any  
9 public comment.

10 MR. DEMPSEY: I just want to do a  
11 roll call, first.

12 ATTY. PERRY: Oh, I'm sorry.

13 MR. DEMPSEY: That's okay. Vito?

14 MR. RUGGIERO: Mrs. McDonald  
15 Zangardi.

16 MS. ZANGARDI: Here.

17 MR. RUGGIERO: Mrs. Scrimalli.

18 MS. SCRIMALLI: Here.

19 MR. RUGGIERO: Mr. Ehnnot.

20 MR. EHNNOT: Here.

21 MR. RUGGIERO: Mr. Dempsey.

22 MR. DEMPSEY: Here.

23 MR. RUGGIERO: Mr. Amico.

24 MR. AMICO: Here.

25 MR. RUGGIERO: Mr. Hallinan. Mr.

1 Amico.

2 MR. AMICO: Here.

3 MR. RUGGIERO: Mrs. Brier.

4 MS. BRIER: Here.

5 MR. RUGGIERO: Mayor Burke.

6 MAYOR BURKE: Here.

7 MR. DEMPSEY: Does -- I know you've  
8 been here. There are members here from the  
9 SAPA if you could please just stand up and  
10 state your name and your position, please?

11 MS. DONATO: Mary Liz Donato,  
12 Regional Planning Manager for Lackawanna  
13 County.

14 MR. DEMPSEY: Thank you.

15 MR. PITONIAK: Steve Pitoniak,  
16 Planning Department Manager for Lackawanna  
17 County.

18 MR. DEMPSEY: And do you guys want  
19 to address the -- it looks like it's an  
20 amendment to the SAPA Plan that we're here for  
21 a hearing.

22 MS. DONATO: Yeah, we're here to  
23 answer any questions anybody may -- I know  
24 that Joe Lorince was working with the  
25 consultant directly on the changes.

1           ATTY. PERRY: Well, the changes have  
2 all been published so that the public is aware  
3 of what changes have been made. So I don't  
4 know if anyone has any --

5           THE COURT: All right. Does anyone  
6 from the --

7           ATTY. PERRY: -- wish to speak to  
8 any of the changes?

9           MR. DEMPSEY: Anyone from the public  
10 have any comment on any of the changes that  
11 have been posted? Mr. Duncan, sure.

12          MR. DUNCAN: Do you need my name and  
13 address?

14          MR. DEMPSEY: Yes, please.

15          MR. DUNCAN: Gary Duncan, 117 Barton  
16 Street, Dunmore. I wasn't at the first two  
17 public hearings. I apologize in the advance if  
18 the questions have been asked before.

19                 But is it possible to get from the  
20 two representatives from Lackawanna County just  
21 a quick review or from anybody on Council for  
22 that matter, a quick review of the amendment  
23 and what changes were made if there were any  
24 changes in verbiage, any vocabulary changes,  
25 anything added to the amendment -- if it's an

1 amendment, something's been amended.

2 So has there been vocabulary  
3 subtracted to or added -- subtracted from or  
4 added to the previous amendment?

5 ATTY. PERRY: I could tell you,  
6 Mr. Duncan, that nothing's been added. There  
7 have been certain uses -- there have been no  
8 uses that have been added. There have been  
9 certain uses that have been subtracted. And  
10 that it's very extensive to go through it.

11 MR. DUNCAN: I'm sorry?

12 ATTY. PERRY: It's very extensive to  
13 go through it. But I'll leave it to the  
14 planning commission experts here if they wish  
15 to -- I don't know how long it would take you  
16 to go through what the changes are.

17 MS. DONATO: Well, right off the  
18 bat, I know that junkyard was eliminated and  
19 the waste energy facility was eliminated. And  
20 then there was a few other uses that were just  
21 changed from either permitted to conditional or  
22 to special exceptions.

23 ATTY. PERRY: Right. Exactly.

24 MS. DONATO: And it's just a -- it  
25 wasn't maybe -- less than ten I would say.

1 MS. BRIER: Medical marijuana was  
2 added.

3 ATTY. PERRY: It was added, okay.

4 MR. RUGGIERO: Mr. Duncan, what I  
5 can do is give you this document. This is  
6 every use that the Borough has and what are the  
7 permitted, conditional, or omitted from the --

8 MR. DUNCAN: I was primarily -- my  
9 question was concerned about vocabulary, any  
10 changes in the amendment itself. I could look  
11 at that. I appreciate that if you want to  
12 leave it there. I'm glad to look at it.

13 I asked the questions I asked  
14 because on our agenda tonight for Council at  
15 least what I gathered unless there's been  
16 something that's changed since it was posted  
17 online today, I know we'll be taking a vote on  
18 this later.

19 So I just want a clarification for  
20 myself what the verbiage -- Scranton I believe  
21 if somebody could correct me, I don't think  
22 Scranton has voted on this yet?

23 ATTY. PERRY: I don't believe so.

24 MS. BRIER: No, they haven't.

25 MR. DUNCAN: They have not, correct?

1 MS. BRIER: No.

2 MR. DUNCAN: Okay. Thank you. So I  
3 know it has to be a contiguous -- but anyway, I  
4 know it has to be contiguous if Scranton  
5 doesn't vote into it. So even if we vote,  
6 we're -- isn't it almost a moot point then? If  
7 Scranton opted not to get into this yet, would  
8 it not be wise to hold off until we see  
9 Scranton being the largest municipality, would  
10 it not be wise to wait for Scranton to see  
11 where they're at?

12 I don't think we're on a deadline.  
13 That's my understanding. We don't have a date  
14 certain that this has to be completed by.  
15 Would it not hurt -- would it hurt to table it  
16 until we see where Scranton is at because if  
17 they don't vote in favor of it, it is a moot  
18 point. We don't have a contiguous --

19 MS. BRIER: And that's a very good  
20 point because we did vote to, you know, we had  
21 this discussion in June. And we did vote to  
22 table it until Scranton decided -- until  
23 Scranton voted.

24 And in all transparency, tonight we  
25 talked to Bill Gaughan and Jessica and, you

1 know, made them aware of it. They said it  
2 hasn't come before them yet.

3 So they are looking at a couple more  
4 months I think before they'll be -- will make  
5 that decision. I agree with you. I think it  
6 would be wise to wait until Scranton has -- you  
7 know, we had a resolution in June to that  
8 effect. So I think you're right.

9 I think it be would behoove us to  
10 wait. But again, I'm one person on Council.  
11 And there's lots of other people.

12 MS. ZANGARDI: Yeah, I have no  
13 problem with waiting until Scranton votes on  
14 it, Janet. I think that's a --

15 MS. BRIER: I had some questions too  
16 about the -- I'm sorry, you go. You finish.  
17 I'm sorry.

18 MR. DUNCAN: Sorry about that. You  
19 said it. You're just one person. And taking a  
20 look around the room, I'm just the one person  
21 that's not an elected official. I'm the one  
22 person from the public. So I do have to ask  
23 these questions.

24 MS. BRIER: Sure you do.

25 MR. DUNCAN: So I'm sorry to



1           interrupt you. Please bear with me. That  
2           being said, now this, Mrs. Brier, what you just  
3           stated, why are we voting tonight then? If  
4           we're not on a deadline, I guess that is  
5           another thing that I'm missing.

6                     If there isn't a date that this has  
7           to be done by, then I don't see any pressure to  
8           vote on it tonight. Why are we voting on it  
9           tonight? Six out of seven Council members  
10          here, certainly somebody can tell me why the  
11          urgency then. Why not wait for Scranton?

12                    MR. DEMPSEY: This isn't urgent.  
13          This has been going on for years. This isn't  
14          urgent. This has been on the agenda, you know,  
15          I can't even tell you how many times over the  
16          last eight years that I've been on it, not this  
17          actual vote.

18                    The actual vote has been on it, I  
19          don't know, three meetings, four meetings,  
20          maybe.

21                    MR. DUNCAN: This is the third  
22          public hearing.

23                    MR. DEMPSEY: Yeah, so this isn't  
24          urgent.

25                    MS. BRIER: I think your question

1 was why do we have to do it tonight.

2 MR. DUNCAN: Correct. That is my  
3 question.

4 MR. DEMPSEY: Because it was posted.  
5 It was advertised. And we're here. And it's  
6 on the agenda.

7 MR. DUNCAN: It's a public hearing.  
8 We have to do this.

9 MR. DEMPSEY: Yeah, and there could  
10 be a motion to table. There could be a motion  
11 to adopt. There could be a motion to deny it.  
12 But it's on the agenda. The thing is here and  
13 whatever happens, happens.

14 MR. DUNCAN: That's why I'm asking  
15 the questions I'm asking.

16 MR. DEMPSEY: Sure.

17 MR. DUNCAN: So we'll see at the  
18 Council meeting and we'll see how it plays out.  
19 Thank you.

20 MR. DEMPSEY: Sure.

21 MR. DUNCAN: I hope the numbers see  
22 it that we can continue it.

23 MR. DEMPSEY: Thanks, Mr. Duncan.

24 MS. BRIER: Thank you. I do have  
25 some questions.

1 MR. DEMPSEY: I was just going to  
2 ask anybody else from the public and then I'll  
3 open it up to the Council members.

4 MS. BRIER: Sure.

5 MR. DEMPSEY: Anybody else from the  
6 public have any comment with regard to SAPA?

7 (No response.)

8 MR. DEMPSEY: Seeing none, I'll open  
9 it up. Mrs. Brier?

10 MS. BRIER: Yeah, I went through  
11 the -- I don't know what it's called.  
12 Transect?

13 MS. DONATO: Yes.

14 MS. BRIER: And there were changes  
15 made to every one of them in terms of the lot  
16 dimension standards, lot size, impervious  
17 surface, excess restructural footprint, rear  
18 yard, front yard, side yard, rear yard. I also  
19 don't know what that means. And the change was  
20 made to every transect.

21 MS. DONATO: The setbacks you mean?  
22 The numbers?

23 MS. BRIER: I beg your pardon?

24 MS. DONATO: The numbers, the  
25 setback requirements, is that what you're

1 talking about?

2 MS. BRIER: Lot dimension standards  
3 it says.

4 MS. DONATO: Okay. Was that  
5 something that the Borough had wanted --

6 MS. BRIER: Who is the consultant?  
7 I didn't even know we had a consultant.

8 MS. DONATO: Environmental Planning.  
9 They're out in Pittsburgh.

10 MS. BRIER: They are the original  
11 ones. They're the ones who gave us the wrong  
12 information.

13 MS. DONATO: Well, they've been  
14 updating it as they've been getting the  
15 information.

16 MS. BRIER: The man stood here and  
17 said certain uses were in here that weren't.  
18 He just didn't seem to know it. He didn't seem  
19 to know. So a lot -- my question now is, you  
20 know, I don't what this means these changes. I  
21 have no idea. I'm just asking the question,  
22 like, why it was changed, these lot dimension  
23 standards.

24 MS. DONATO: I don't know either.  
25 Joe's not here tonight. I mean, he would be

1 the one.

2 MS. ZANGARDI: He was here earlier.

3 MS. DONATO: He was working with  
4 EPD. And if there was a reason why they were  
5 changed, I would hope he would know.

6 MS. BRIER: Okay. And that's  
7 another reason why I think, you know, it  
8 doesn't makes sense. If we can't get these  
9 answers tonight -- I don't know what these  
10 things are because I don't know enough about  
11 zoning.

12 And I don't think anyone else here  
13 can answer these questions either. So that is,  
14 I mean, that's my concern. This is something  
15 that's going to be set in stone for quite a  
16 long time. And if we back out of it in the  
17 next five years, we're going to have to pay for  
18 municipalities to change their zoning -- the  
19 other SAPA participants. So I --

20 MR. PITONIAK: If you change the lot  
21 dimensions or something along those lines, that  
22 doesn't affect the other municipalities. The  
23 only thing that would affect the other  
24 municipalities, if you eliminated uses that are  
25 not allowed in any other municipality.

1 MS. BRIER: Yeah, Steve, you had  
2 said that before. But I don't even know if  
3 that's -- we're talking about -- we're talking  
4 about lot dimension standards.

5 MR. PITONIAK: As far as the lot  
6 dimension standards, over the 9 or 10 meetings  
7 we've had with representatives from Dunmore  
8 Borough, these are the requirements that they  
9 asked the consultants to put in.

10 MS. BRIER: Well, this just got put  
11 in. This just got put in. This -- I compared  
12 it to the old one. And it's completely  
13 different. And that's my concern.

14 MR. PITONIAK: Again, why the  
15 changes were made, that came from Dunmore  
16 because the consultant only made the changes  
17 that were requested by the representatives from  
18 Dunmore.

19 MS. BRIER: No, no, I understand  
20 that. But we don't know why and don't know  
21 anything about why this was changed or what  
22 affect it will have. And I have no idea. I  
23 don't think anyone else here has any idea.  
24 That's my concern. I'd also like to ask a  
25 historical question, like, did we go, like, to

1 Throop, Dickson City, Olyphant, Jessup,  
2 Peckville, Archbald, Carbondale, Mayfield, any  
3 of those other Lackawanna County municipalities  
4 with this?

5 MR. PITONIAK: No, they are not part  
6 of the SAPA group.

7 MS. BRIER: But did we ask them to  
8 join the SAPA group ever?

9 MS. DONATO: I don't believe so. It  
10 started out in -- it started out in the  
11 Abingtons and then it kind of grew from there.  
12 At what point they decided that was it, I don't  
13 know.

14 We as the County weren't involved in  
15 that original stage. So I don't know if  
16 they --

17 MS. BRIER: I just wondered.

18 MS. DONATO: There were 11  
19 municipalities to begin with. There's two that  
20 have backed out since. They were both in the  
21 Abingtons. I know there were like Ransom  
22 Township was approached. They didn't want to  
23 get involved.

24 Old Forge did want to get involved  
25 but because they -- Ransom didn't want to get

1           involved, they weren't contiguous.

2                   MS. BRIER: Contiguous.

3                   MS. DONATO: Right.

4                   MS. BRIER: Well, there are changes  
5 here that can't be explained tonight anyway.

6                   MS. DONATO: On the setbacks if they  
7 were changed --

8                   MS. BRIER: They were all changed.  
9 Every single transect was changed. And again,  
10 I'm not saying they were -- it's bad or worse.  
11 I'm just saying I don't know. I don't know if  
12 it's -- what it means, all of these changes  
13 were made.

14                   You know, as you said, we've been  
15 doing this for years and now all of these, you  
16 know, every single one of them had a certain  
17 lot standard and now, all of a sudden, the lot  
18 standard is changed in just this one.

19                   And, you know, there were some  
20 additions, you know, medical marijuana was one.  
21 Some of them like conservation city, we took  
22 out wind turbines and put in wireless  
23 communication antenna and added a carport,  
24 garage and shed, private and home based  
25 business, neighborhood mixed -- the physical



1 uses changed completely.

2 There was many more additions. That  
3 was number 11 and number 14 transect, the city  
4 neighbor mixed use took out nursing homes and  
5 personal care homes and then number 17, the  
6 principal use changed and number 19 -- that  
7 added the medical marijuana.

8 So my, you know, the reason I'm  
9 asking this is because, you know, to get  
10 answers about this very important issue for the  
11 Borough and for going forward. And if we don't  
12 have answers, then I think it would be foolish  
13 to vote on it.

14 But that is just my opinion. Again,  
15 I'm one person. So that's all I have, Mike.

16 MR. DEMPSEY: Thanks, Mrs. Brier.  
17 Mr. Amico, do you have anything?

18 MR. AMICO: I'm good right now.  
19 Thank you.

20 MR. DEMPSEY: Thank you. Mr. Ehnot?

21 MR. EHNOT: No.

22 MR. DEMPSEY: Mrs. Scrimalli, do you  
23 have anything?

24 MS. SCRIMALLI: Nothing. Thank you.

25 MR. DEMPSEY: Mrs. Zangardi, do you

1 have anything?

2 MS. ZANGARDI: I'm good. Thank you.

3 MR. DEMPSEY: Mayor Burke?

4 MAYOR BURKE: Nothing.

5 MR. DEMPSEY: Okay. And with that,  
6 some people did trickle in. We're in a SAPA  
7 hearing. Did anybody want to comment on SAPA  
8 prior to concluding the hearing?

9 (No response.)

10 MR. DEMPSEY: Seeing none, I think  
11 we can conclude the hearing now. And we'll  
12 take a short break. I think it's not 7:00 yet.  
13 I need a motion to conclude the hearing.

14 MS. BRIER: I'll make that motion.

15 MR. DEMPSEY: Do I have a second?

16 MS. ZANGARDI: I'll second.

17 MR. AMICO: I'll second.

18 MR. DEMPSEY: All those in favor

19 aye.

20 ALL MEMBERS: Aye.

21 MR. DEMPSEY: Opposed?

22 (No response.)

23 MR. DEMPSEY: The ayes have it and  
24 the hearing is concluded at 6:54. We'll resume  
25 public session at 7.

C E R T I F I C A T E

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3 I hereby certify that the proceedings and  
4 evidence are contained fully and accurately in the  
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