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BEFORE: DUNMORE ZONING BOARD

IN RE: 1. Michelle Mecca  
2. David and Casey Bouselli  
3. Jigar Patel

DATE: July 20, 2023

TIME: 7:00

PLACE: DUNMORE COMMUNITY CENTER  
DUNMORE, PA 18512

BOARD MEMBERS:

- GERARD LONGO - Chairman
- TERRY MCDONNELL
- PETER SABIA, JR.
- ROBERT CUFF
- STEVE YANISKO
- MOLLY CLARK, ESQ. - Solicitor

Maria McCool, RPR  
Official Court Reporter

1 (Pledge of Allegiance.)

2

3 MR. LONGO: All right. Mike, can we  
4 have a roll call?

5 MR. BRAZIL: Mr. Sabia.

6 MR. SABIA: Here.

7 MR. BRAZIL: Mr. Longo.

8 MR. LONGO: Here.

9 MR. BRAZIL: Mr. Yanisko.

10 MR. YANISKO: Here.

11 MR. BRAZIL: Mr. McDonnell.

12 MR. MCDONNELL: Here.

13 MR. BRAZIL: Mr. Cuff.

14 MR. CUFF: Here.

15 MR. BRAZIL: Attorney Dempsey is on  
16 the phone. Michael Brazil, here.

17 MR. LONGO: Okay, first on the  
18 agenda tonight is Michelle Mecca seeking a  
19 variance to operate a beauty salon at 615  
20 Bednar Street in Dunmore.

21 MR. MENDOLA: Good evening, Mr.  
22 Chairman, Board members.

23 MR. LONGO: Good evening.

24 MR. MENDOLA: I'm here representing  
25 Michelle at her home on Bednar Street. We did

1 a full survey, showed all conditions as is --  
2 as they are. First thing she wants to put a  
3 garage on the side of the house. And she's  
4 going to come out my survey shows 7 foot. So I  
5 think -- I'm hoping that we could get a  
6 variance for the side setback.

7 And then I think in your ordinance  
8 is there something that calls for a combination  
9 of setback for side yards?

10 MR. LONGO: Combination, 10 feet and  
11 10 so total of 25, right? Is that what you are  
12 referring to?

13 MR. MENDOLA: Yeah.

14 MR. LONGO: Yeah.

15 MR. MENDOLA: We want to go to 7.

16 MR. LONGO: You want to go from 10  
17 down to 7.

18 MR. MENDOLA: Correct. Now, on that  
19 particular side of the house, Michelle, you  
20 could help me. She has pictures and also she  
21 has a letter on that side of the house from the  
22 neighbor that said they had no problem with  
23 going to 7 foot.

24 MR. LONGO: We have a copy of the  
25 letter.

1 MR. MENDOLA: You do?

2 MR. LONGO: Yeah.

3 MR. MCDONNELL: I saw it.

4 MR. MENDOLA: Michelle will show you  
5 some copies of the condition.

6 MR. MCDONNELL: Bob, this is 7 foot  
7 off of there?

8 MR. MENDOLA: Seven foot from the  
9 boundary line to the garage.

10 MR. YANISKO: It's off this.

11 MR. MENDOLA: That's the -- that's  
12 where it will be off of that.

13 MR. LONGO: You're going to extend  
14 it out.

15 MR. YANISKO: Are they present?

16 MR. MENDOLA: We have a letter.

17 MR. LONGO: So you're going to use  
18 this common wall?

19 MR. MENDOLA: Yeah.

20 MS. MECCA: Can I do that?

21 MR. LONGO: Use that common wall?

22 MS. MECCA: Yeah.

23 MR. LONGO: Save you room.

24 MR. YANISKO: Yeah, you're better  
25 off using it.

1 MR. MENDOLA: That's the way to do  
2 it.

3 MS. MECCA: And what type of  
4 foundation do I need?

5 MR. LONGO: That's not with us.

6 MS. MECCA: Okay.

7 MR. LONGO: Okay. And then you're  
8 going to use that for a beauty salon?

9 MS. MECCA: The existing garage that  
10 I have.

11 MR. LONGO: This garage.

12 MS. MECCA: Yeah.

13 MR. LONGO: And the new garage is  
14 for your car.

15 MS. MECCA: Yeah.

16 MR. MENDOLA: Correct.

17 MR. LONGO: Where are you going  
18 to have the parking for the beauty salon, in  
19 the front?

20 MS. MECCA: In front, yeah.

21 MR. MENDOLA: You'll have at least  
22 three cars to park there.

23 MS. MECCA: Three or four will fit  
24 across my driveway.

25 MR. MENDOLA: You could sneak four

1 in but you won't have four people at one time.

2 MS. MECCA: Right. Yeah, only one  
3 person.

4 MR. SABIA: How many chairs?

5 MS. MECCA: One to two.

6 MR. SABIA: No signs, no nothing?

7 MR. MENDOLA: You're not going to  
8 have any signs.

9 MS. MECCA: I was going to if I  
10 could.

11 MR. YANISKO: You have to have a  
12 sign. It don't have to be lighted but you have  
13 to have -- through the state.

14 MS. MECCA: Like I could do a flag  
15 or something like that.

16 MR. LONGO: You could put something  
17 in your window.

18 MS. MECCA: They told me I could put  
19 a flag up.

20 MR. MCDONNELL: Just you there,  
21 Michelle?

22 MS. MECCA: Yeah, for now.

23 MR. LONGO: Do you see yourself  
24 hiring people for there when you said for now?

25 MS. MECCA: No, not now, no, not in

1 the beginning, not down the road. I don't  
2 know.

3 MR. LONGO: We're just worried about  
4 the parking.

5 MR. MCDONNELL: If that happens you  
6 are ripping some hedges out.

7 MR. YANISKO: Yeah, there's no  
8 street parking.

9 MR. LONGO: Any questions? No?

10 MR. YANISKO: I like it.

11 MR. LONGO: Anybody in the audience  
12 have any questions on this beauty salon? No  
13 questions from the audience. Molly?

14 ATTY. CLARK: No, no questions here,  
15 guys.

16 MR. LONGO: All right. Do I have a  
17 motion to approve the variance to allow the  
18 garage with a 7 foot side yard?

19 MR. YANISKO: I make a motion, yes.

20 MR. LONGO: I have a motion. Do I  
21 have a second?

22 MR. SABIA: I'll second it.

23 MR. LONGO: Okay. Roll call, Mike.

24 MR. BRAZIL: Mr. Sabia.

25 MR. SABIA: Yes.

1 MR. BRAZIL: Mr. Longo.

2 MR. LONGO: Yes.

3 MR. BRAZIL: Mr. Yanisko.

4 MR. YANISKO: Yes.

5 MR. BRAZIL: Mr. McDonnell.

6 MR. MCDONNELL: Yes.

7 MR. BRAZIL: Mr. Cuff.

8 MR. CUFF: Yes.

9 MR. BRAZIL: You're approved.

10 MR. LONGO: Good luck.

11 MS. MECCA: Thank you, appreciate

12 it.

13

14 (Hearing concluded.)

15

16

17 HEARING TWO, DAVID AND CASEY

18 BOUSELLI

19

20 MR. LONGO: Next on the agenda is  
21 David and Casey Bouselli seeking variance for a  
22 side yard setback at 1807 Electric Street. How  
23 are you? Can you get sworn in?

24

25 DAVID BOUSELLI, having been called

1 as a witness and being duly sworn testifies as  
2 follows:

3  
4 MR. LONGO: Casey, are you going to  
5 speak?

6 MS. BOUSELLI: No.

7 MR. BOUSELLI: I have some pictures  
8 on what we're planning on doing and then I have  
9 some pictures to show.

10 MR. LONGO: We have all that --

11 MR. BOUSELLI: If you just note one  
12 thing I wanted to show was, like, this wall  
13 here, this is the wall. We want to follow the  
14 line to the house. So this would actually  
15 be -- this is not a foundation. You know what  
16 I mean, the foundation would be inside which --  
17 so this would show you actually, like, the side  
18 of the actual house.

19 So it would actually be 5 foot from  
20 the property to this to where the foundation is  
21 going to be. It's going to follow the  
22 existing. That wall is not the existing  
23 foundation.

24 MR. LONGO: I got you.

25 MR. BOUSELLI: Then there is

1 pictures too if you wanted to see just the  
2 layout how it's situated.

3 MR. LONGO: What is this wall?

4 MR. BOUSELLI: It's just -- I don't  
5 know. Maybe the grade was wrong when they  
6 built it and they just built a wall along  
7 side -- if you see on the -- this is probably  
8 the best picture to show you.

9 MR. LONGO: That is 5 feet from here  
10 to here?

11 MR. YANISKO: Dave, where is the  
12 property line on here?

13 MR. BOUSELLI: That is the best one.  
14 The white mark is going to be the corner. And  
15 then do you see the wall I'm talking about  
16 there? It's 5 foot from there.

17 MR. MCDONNELL: This wall?

18 MR. BOUSELLI: Yeah. Like I said,  
19 the new foundation is not going to follow that  
20 wall. It's going to be in --

21 MR. YANISKO: Right. Yeah.

22 MR. LONGO: You're showing us 5 feet  
23 but you don't have that on the survey? I don't  
24 see it.

25 MR. BOUSELLI: The survey -- well,

1           that's what I'm showing you that wall. It's  
2           3.55 but that's to that inside --

3                   MR. LONGO: Can we have the audience  
4           keep it down so the stenographer can hear?

5                   MR. BOUSELLI: Here's the front of  
6           the house where that pin is. But that wall  
7           meets that other wall. That is what I'm saying  
8           it's actually going to be where that pillar is.

9                   MR. LONGO: I understand what you  
10          are doing. But it should be on a survey that  
11          is stamped saying the distance. I don't see it  
12          on here.

13                   MR. BOUSELLI: It only shows the  
14          three.

15                   MR. LONGO: I see the 3 feet to that  
16          wall.

17                   MR. BOUSELLI: It only shows the  
18          335. But that is to the retaining wall. That  
19          is not going to be the new -- that's where he  
20          measured at the pin. He put a peg right at the  
21          corner there and the corner there.

22                   MR. YANISKO: Is your addition going  
23          at an angle or is it going straight?

24                   MR. BOUSELLI: It's fairly straight  
25          with the property line. You could see the

1 property pinned to the wall, not to the  
2 foundation.

3 MR. LONGO: So it's only the 3 feet  
4 and then we're going have to make these part of  
5 the record.

6 MR. BOUSELLI: Okay.

7 MR. SABIA: What's there now, patio?  
8 Is that what's there?

9 MR. BOUSELLI: Yeah.

10 MR. CUFF: One story addition.

11 MR. BOUSELLI: One story, yeah.

12 MR. MCDONNELL: Is the deck staying?

13 MR. BOUSELLI: It's going come off  
14 until the rest of it --

15 MR. MCDONNELL: I got you. I got  
16 you.

17 MR. LONGO: It's on this one. It  
18 will be even with the house and that's going to  
19 be 5 feet. So we're going to make this part of  
20 the record.

21 MR. CUFF: What is the existing  
22 house --

23 MR. BOUSELLI: It's going to follow  
24 the existing house. Let me show you --

25 MR. LONGO: Is this correct? That

1 is going to be 5 feet?

2 MR. BOUSELLI: Yeah, straight.

3 Yeah, and this will be 5 also because you're  
4 going to the side.

5 MR. SABIA: You're taking your deck  
6 down.

7 MR. BOUSELLI: Yeah.

8 MR. LONGO: Do you want to mark this  
9 up and then sign it? Mark the other one.  
10 We're just doing this because it's not on the  
11 survey. Can we mark these as Exhibit A and B?

12  
13 (Two pictures marked as Exhibit A  
14 and B given to Mr. Brazil.)

15  
16 MR. LONGO: Okay. Anybody else?

17 MR. YANISKO: Are your neighbors  
18 here?

19 MR. LONGO: Anybody in the audience  
20 have any questions? Come on up.

21  
22 TARA BECCHETTI, having been called  
23 as a witness and being duly sworn testifies as  
24 follows:

25 MR. LONGO: Do you want to see these

1 pictures?

2 MS. BECCHETTI: Yes, please. So  
3 from the peg line, how many feet in does he  
4 have to be in order to start building?

5 MR. LONGO: He's asking for a  
6 variance. It's going to be 5 feet -- 10.

7 MS. BECCHETTI: I don't agree with  
8 that strictly because it's very close to my  
9 side of the house. And I'm just concerned  
10 about, you know, just the closeness of the  
11 addition coming back. Now, is it going to end  
12 where this paint mark is or is it going back  
13 further?

14 MR. LONGO: It will be 20 by 22.

15 MR. MCDONNELL: It doesn't matter  
16 where it's going to end. For you it matters  
17 where it starts. It doesn't matter where it  
18 ends. Is this your house here? This is your  
19 house?

20 MS. BECCHETTI: Yes.

21 MR. MCDONNELL: What is this in your  
22 backyard back there?

23 MS. BECCHETTI: That is my in-ground  
24 pool.

25 MR. SABIA: It won't be that far

1 back.

2 MS. BECCHETTI: So my concern -- the  
3 only thing I don't agree with is the closeness  
4 from the property lines when digging everything  
5 out because I don't know how it's going to  
6 affect the ground and the shifting of it. He  
7 also asked me if he could level my property  
8 over here.

9 I don't know why he asked to level  
10 the property. He just said it would benefit me  
11 in the long run.

12 MR. LONGO: Do you have --

13 MR. MCDONNELL: Probably for  
14 stormwater or for rain.

15 MR. BOUSELLI: If you look at the  
16 pictures, what I was saying is it would  
17 probably help you when I was doing it. This is  
18 a hill. It's actually a pretty steep hill. It  
19 doesn't look that steep. But that foundation  
20 is going to be here.

21 So while I'm digging this all out,  
22 I'm going to naturally grade mine, put drain  
23 tile --

24 MR. LONGO: Into the foundation.

25 MR. BOUSELLI: Into the yard. The

1 yard is sloped back too. So I just said if you  
2 wanted me to while we were doing that, it would  
3 be a good idea to probably -- so we don't have  
4 a puddle, don't have water sitting in the yard.

5 MS. BECCHETTI: Yeah, I don't want  
6 my property touched with anything.

7 MR. BOUSELLI: That's fine.

8 MR. MCDONNELL: That's your choice.

9 MR. LONGO: That's your choice. He  
10 doesn't have to touch your property.

11 MR. BOUSELLI: That's fine. It  
12 would be the same thing. I would actually take  
13 this down. That is my property down -- you  
14 know what I mean, take that down to the --

15 MR. LONGO: She doesn't want hers  
16 touched.

17 MR. BOUSELLI: That's fine. That's  
18 going to fall into whatever grade I have.

19 MR. LONGO: You're disputing the 5  
20 feet.

21 MS. BECCHETTI: Yes.

22 MR. LONGO: In my opinion, there is  
23 no other way to make that -- I mean, he's  
24 running it parallel to her -- parallel with the  
25 house.

1 MS. BECCHETTI: Right.

2 MR. LONGO: So he does have a  
3 hardship. He can't do it any other way.

4 MS. BECCHETTI: Yeah, I just don't  
5 agree to that because of the closeness of how  
6 it's coming out towards --

7 MS. BOUSELLI: It's right there.  
8 Your house is right there.

9 MR. BOUSELLI: Yeah, this is all --

10 MR. YANISKO: It's actually going  
11 back and forth. It's not --

12 MR. LONGO: Because of that wall,  
13 right?

14 MR. BOUSELLI: Right.

15 MS. BECCHETTI: As long as it's  
16 within regulations I don't care what they do.  
17 They could build whatever as long as it's  
18 within their 10 feet and my property doesn't  
19 get, you know, obstructed by that.

20 MR. BOUSELLI: That's fine.

21 MR. MCDONNELL: I don't see it  
22 negatively affecting your property as far as  
23 earth or anything like that.

24 MR. BOUSELLI: When I asked you  
25 about that, I asked you thinking it would

1 benefit you. You are actually going to pick up  
2 almost 10 feet of yard if I was to fix your  
3 hill --

4 MR. MCDONNELL: Level yard.

5 MR. LONGO: Do you understand what  
6 he's saying? You would actually pick up more  
7 land on your side because he would be using  
8 that.

9 MS. BECCHETTI: Right. Right.

10 MS. BOUSELLI: It's more privacy for  
11 you.

12 MS. BECCHETTI: I just would like to  
13 leave everything the same the way it is.

14 MS. BOUSELLI: Yeah, your land?

15 MS. BECCHETTI: Everything, yeah.

16 MS. BOUSELLI: Yeah, we don't have  
17 to flatten it.

18 MR. SABIA: Yeah, that's your  
19 choice. If you don't want to, that's fine.

20 MS. BECCHETTI: Yeah.

21 MR. SABIA: Less work for him.

22 MS. BOUSELLI: And money.

23 MR. LONGO: All right.

24 MS. BECCHETTI: So that's my stance  
25 on it.

1 MR. LONGO: I got you.

2 MR. YANISKO: Are you the owner  
3 of -- what property do you own?

4 MS. BECCHETTI: 1811 right next door  
5 to them. I own my home.

6 MR. YANISKO: All right, just making  
7 sure on the record.

8 MR. LONGO: Anything else?

9 MS. BECCHETTI: That's it. Thank  
10 you.

11 MR. LONGO: Anybody else have  
12 anything to say on this? All right. Do we  
13 have a motion to allow the addition with a 5  
14 foot variance?

15 MR. MCDONNELL: I'll make a motion.

16 MR. LONGO: Need a second.

17 MR. YANISKO: I'll second it.

18 MR. LONGO: Okay, Mike.

19 MR. BRAZIL: Mr. Sabia.

20 MR. SABIA: Yes.

21 MR. BRAZIL: Mr. Longo.

22 MR. LONGO: Yes.

23 MR. BRAZIL: Mr. Yanisko.

24 MR. YANISKO: Yes.

25 MR. BRAZIL: Mr. McDonnell.

1 MR. MCDONNELL: Yes.

2 MR. BRAZIL: Mr. Cuff.

3 MR. CUFF: Yes.

4 MR. BRAZIL: Motion is approved.

5 MR. LONGO: Good luck.

6 MS. BOUSELLI: Thank you.

7 Appreciate it.

8

9 (Hearing concluded.)

10

11 HEARING 3, JIGAR PATEL

12

13 MR. LONGO: Next on the agenda is  
14 Jigar Patel seeking a change of commercial use,  
15 commercial use property operating a game room  
16 at 1127-1131 Monroe Avenue.

17

18 JIGAR PATEL and GOPAL PATEL, having  
19 been called as a witness and being duly sworn  
20 testifies as follows:

21

22 MR. LONGO: Do you want to tell us  
23 about your project?

24

25 MR. JIGAR PATEL: Yeah, so we are  
just changing the purpose of the business from

1 the laundromat to the game room. We're going  
2 to put like two aisles of ax throw and archery  
3 and a couple pool tables.

4 MR. LONGO: And I see an arcade.

5 MR. GOPAL PATEL: And a virtual  
6 reality mini golf.

7 MR. JIGAR PATEL: Like, indoor kind  
8 of thing, golf simulator.

9 MR. LONGO: Is it going to be used  
10 for anything else?

11 MR. JIGAR PATEL: No.

12 MR. LONGO: What are the tables for?

13 MR. GOPAL PATEL: So people that  
14 play ax throw so they can put their stuff on  
15 it.

16 MR. LONGO: They sit there at the  
17 tables. Are you going to serve any kind of  
18 food?

19 MR. JIGAR PATEL: No.

20 MR. LONGO: Do you have a parking  
21 layout or a parking plan?

22 MR. GOPAL PATEL: No, we don't.  
23 But we could easily fit about 20 cars. And if  
24 needed to be, I could knock down the walls  
25 and --

1 MR. LONGO: We need a parking plan.  
2 Also, each table requires so much parking  
3 spaces just like a restaurant. So if you will  
4 have people sitting at the tables -- if you  
5 have the parking, we need a parking plan.

6 MR. GOPAL PATEL: Okay. We didn't  
7 plan it or create it or anything.

8 MR. LONGO: What's the hours of  
9 operation?

10 MR. JIGAR PATEL: Like from noon, 12  
11 to 9.

12 MR. LONGO: 12 to 9, okay. You are  
13 using this property more than the laundromat  
14 was used. So it's -- there is a lot more use  
15 to this project than the laundromat. And you  
16 are in an R-2 zone. That's a neighborhood. So  
17 that is going to require a decision on our  
18 part. Does anybody have any questions?

19 MR. MCDONNELL: What is the arcade  
20 games again?

21 MR. GOPAL PATEL: Virtual reality,  
22 the mini golf that you throw the golf at the  
23 screen and it shows the ball where it's going  
24 to land.

25 MR. LONGO: Are you going to have

1           any gambling machines in there, payoff  
2           machines?

3                       MR. GOPAL PATEL: No.

4                       MR. LONGO: Payoff machines.

5                       MR. PATEL: No. I own the Pizza Hut  
6           on the street. I live in Dunmore. Like a fun  
7           room kind of thing, like people come and just  
8           have some fun.

9                       MR. LONGO: No gambling, no payoff.

10                      MR. JIGAR PATEL: No.

11                      MR. MCDONNELL: The problem is there  
12           was a dry cleaner there that maybe had three  
13           people a day, four people a day. Maybe they  
14           worked from 7 to 5, drive-through.

15                      MR. PATEL: My plans were originally  
16           to put my office there. But since my mom  
17           passed away I decided to have my office at my  
18           house.

19                      MR. LONGO: An office would be  
20           perfect.

21                      MR. PATEL: That is why one of the  
22           reasons I never did any construction and then  
23           my nephew goes let's put this and I said, okay.  
24           I live in Dunmore as well.

25                      MR. LONGO: Okay.

1 MR. MCDONNELL: There is lighting.  
2 It's an R-2. It's a neighborhood.

3 MR. LONGO: You're going to be open  
4 until 9:00. So that requires lighting. The  
5 laundromat closed at 5.

6 MR. MCDONNELL: Yeah, so it's a big  
7 change.

8 MR. CUFF: Did you say you are going  
9 to do archery in there?

10 MR. GOPAL PATEL: Yes, archery, ax  
11 throwing, like, combined same.

12 MR. CUFF: Archery seems to need  
13 more space than you have.

14 MR. GOPAL PATEL: It's not like a  
15 big one. It's just like to have some fun for  
16 the people.

17 MR. MCDONNELL: They throw axes.

18 MR. CUFF: But archery is --

19 MR. JIGAR PATEL: No, it's not going  
20 to be that big.

21 MR. LONGO: It's not bow and arrow.  
22 It's an ax.

23 MR. GOPAL PATEL: I seen the concept  
24 in Kingston where they have an ax throw. And I  
25 thought it was a good idea.

1 MR. LONGO: It is.

2 MR. GOPAL PATEL: Something new that  
3 is every day --

4 MR. MCDONNELL: There is one down by  
5 National Bakery on Sanderson.

6 MR. JIGAR PATEL: I heard about it.

7 MR. MCDONNELL: That is more of a  
8 fit, like, down on Capouse down in a  
9 residential area, you know --

10 MR. LONGO: We're going to need a  
11 parking plan. I'm going to ask the audience if  
12 they have any questions. One at a time come up  
13 and get sworn in. Everybody could speak but  
14 one at a time.

15  
16 SARAH KENEHAN, having been called as  
17 a witness and being duly sworn testifies as  
18 follows:

19  
20 MS. KENEHAN: Hi everybody. My name  
21 is Sarah Kenehan with my husband. I live at  
22 1206 Monroe. So we're not too far from the  
23 property in question. We bought the house  
24 about six years ago. And we really love it.  
25 It's a good fit for us.

1 I want to thank you for the  
2 opportunity to talk about this and to bring our  
3 concerns because together with many of the  
4 neighbors on the street we're very concerned  
5 about this proposal. And so I wish to object  
6 to this on four points.

7 It going to take a bit so I  
8 apologize in advance for my lengthiness but I  
9 thought a lot about this. So I intend to make  
10 four distinction points to support this  
11 objection.

12 First, the proposal under  
13 consideration will harm the community through  
14 decreased property values, increased noise and  
15 traffic and by changing the culture of the  
16 neighborhood. In doing so would be in direct  
17 violation of the community goals outlined in  
18 the ordinance.

19 Number two, there are serious public  
20 welfare and property value concerns related to  
21 the development of the property; three, the C-1  
22 zoning status associated with the property is  
23 not appropriate for the business in question;  
24 and four, even if the C-1 status were  
25 appropriate the size of the property does not

1 conform to the amusement guidelines outlined in  
2 the ordinance. And so to grant a variance in  
3 this case would alter the essential character  
4 of the neighborhood and potentially pose a  
5 threat to public welfare.

6 So let me elaborate. I think that  
7 accepting this proposal would be a violation of  
8 the community goals as outlined in the Dunmore  
9 Zoning Ordinance. And these goals include but  
10 are not limited to and this is from Article  
11 1.3, control development so that it occurs in  
12 an efficient and logical manner, which does not  
13 deviate from or harm the character of the  
14 immediate neighborhood.

15 Number two, protect property values  
16 and the integrity of neighborhoods for all  
17 classes and uses; number three, promote land  
18 use to control and limit both population and  
19 structural density, street congestion, and  
20 water runoff and to provide for adequate light  
21 and air; four, establish land use patterns that  
22 would result in safe efficient mostly  
23 congestion free vehicular circulation system;  
24 and five, preserve and protect the nature and  
25 character and integrity of the neighborhood.

1                   Each of those articles importantly  
2                   is punctuated by the statement quote, violation  
3                   of these objectives will not be permitted under  
4                   any circumstance for any reason. With regard  
5                   to property value, real estate experts agree  
6                   that one of the sure-fire ways to decrease  
7                   property value is to allow for the development  
8                   of property that will bring noise or traffic  
9                   and that will change the culture of the  
10                  neighborhood.

11                  I would argue that the proposed game  
12                  room would do just this. We have a large  
13                  family population on the street. The traffic  
14                  and parking is already problematic. Traffic is  
15                  particularly bad many times a day during  
16                  hospital shifts because we're so close to those  
17                  hospitals.

18                  And parking is already terrible.  
19                  Many of the homes there do not have driveways  
20                  and many of the homes are multifamily homes.  
21                  There are several cars per home parked on the  
22                  street at any given time. So this increases  
23                  not just traffic congestion, but decreases  
24                  visibility and to see who is on the sidewalk  
25                  and who is crossing, etc.

1                   We don't know how many people they  
2                   are predicting to have. But like you all have  
3                   said, this is a huge change from the traffic  
4                   pattern from the previous business Spotless  
5                   Cleaners.

6                   At any given time there was maybe  
7                   two or three people there in and out very  
8                   quickly. So the additional traffic that we  
9                   could expect from a venue that would host many  
10                  people for large periods of time would make the  
11                  area that is already congested more congested  
12                  and less safe for those of us who live on the  
13                  street.

14                 Noise is also a concern. If similar  
15                 businesses in our area are any indication,  
16                 there will be increased noise, car door  
17                 slamming, people shouting, talking and laughing  
18                 well into evening and on the weekends. This  
19                 would be a serious nuisance for those of us who  
20                 live on the street with those families that  
21                 have small children, people who work from home  
22                 it would be a problem.

23                 And finally the culture and  
24                 integrity of the neighborhood. This family  
25                 street is zoned R-2. There are many young

1 families as well as people that live on this  
2 road for well over 50 years. People know one  
3 another, look out for one another.

4 We are respectful of the fact that  
5 we live very close to one another. And so we  
6 are mindful of noise, parked cars, trash and  
7 the like. This business would directly  
8 undermine this culture. To be clear, this is  
9 not a business that would benefit the  
10 neighborhood.

11 It does not meet any need to render  
12 a service that most of us would want or enjoy.  
13 In short, the neighborhood would get nothing  
14 from this project. The relationship would be  
15 unidirectional, parasitical evening. We need a  
16 neighborhood partnership that is reciprocal.

17 Each of these concerns are worsened  
18 if the owners eventually apply for BYOB status  
19 or a liquor license. And to me, this seems  
20 like it could happen since all the other  
21 businesses of this sort which he would be  
22 competing with serve alcohol.

23 There are serious development  
24 questions and concerns as well. This has been  
25 a dry cleaner since the 1950s. So for many

1 decades there was likely PCE which is a known  
2 carcinogen and neurotoxin was used on this  
3 site. Has anyone explored whether or not these  
4 or similar chemicals remain in the building or  
5 the land around it?

6 Is the building actually safe for  
7 people to be in? If there are chemicals like  
8 PCE, will construction disturb or distribute  
9 them? As you probably already know, we have  
10 massive flooding problems on the road. On the  
11 odd side of the 1200 block whenever it rains  
12 heavily or the snow melts very quickly, that  
13 whole side of the street floods.

14 There are serious concerns about  
15 whether or not development on this property and  
16 construction will make that problem worse.  
17 Should these homeowners who are already bearing  
18 a disproportionate financial burden of the  
19 flooding just wait and see what happens? I  
20 think this needs to be investigated.

21 In order to fit all the parking  
22 spaces necessary, probably required, the owner  
23 will likely have to clear the trees and  
24 vegetation at the back of the property. This  
25 will expose more of the PP and L facility from

1 the street, which is certainly undesirable  
2 aesthetically and may have negative impacts on  
3 the values of the surrounding property.

4 Third, I think the C-1 status is  
5 radically inappropriate. It's my understanding  
6 that the lot was granted to a nonconforming C-1  
7 status before Spotless Cleaners. The community  
8 never had the chance to weigh in whether this  
9 was a welcome and permanent change to the  
10 neighborhood.

11 According to the zoning rules, the  
12 C-1 status was passed onto Spotless without  
13 much trouble because as you know, the business  
14 before that was also a dry cleaners. The  
15 business in question has been labeled a game  
16 room. There is no game room category in the  
17 zoning ordinances.

18 There is, however, an amusement  
19 arcade category and a billiard/pool room  
20 category. The former can be categorized as  
21 C-1, 2, or 3. The latter as C-2 or 3. I would  
22 argue that the more appropriate categorization  
23 of this business would be at least C-2  
24 billiard/pool room.

25 But even this seems incorrect. The

1 plans provided depict three pool tables and  
2 four ax throwing lanes. While there are arcade  
3 games, the existence of the pool tables and the  
4 ax throwing lanes change the very nature and  
5 character of the business and would seem to  
6 demand more restrictive zone status.

7 There are serious safety concerns  
8 associated with ax throwing. People could die.  
9 People could be maimed. People could be  
10 seriously injured if it's not regulated  
11 correctly. This activity is nothing like  
12 either playing video games, virtual golf, or  
13 playing pool.

14 In fact, given these safety  
15 concerns, ax throwing is more like an indoor  
16 shooting range than it is an arcade or pool  
17 hall. Indoor shooting range is C-3. In deed,  
18 similar businesses in our area are in heavy  
19 commercial zones. So the C-1 status seems  
20 inappropriate for the business under  
21 consideration.

22 And the regulations outlined in the  
23 zoning ordinance reenforce this judgement and I  
24 will read to you what they are: Article 7.2,  
25 Article 7.230(a) and Article 7.1. This all to

1 say that given the regulations outlined in the  
2 zoning ordinance, permitting this change of use  
3 would be a violation of the rules even if the  
4 business is granted a C-1 status, which I argue  
5 there are strong reasons to deny.

6 Let's assume though that the C-1  
7 change of use status is granted. According to  
8 Article 5 which dictates regulations for  
9 amusement uses under which the amusement arcade  
10 presumably falls, there are concerns about  
11 whether the property can meet the zoning  
12 requirement of amusement facilities.

13 Article 5.110(a) dictates that the  
14 lot size be not less than 2 acres. This lot is  
15 not even a half an acre. To waive this  
16 requirement to such a degree would not be  
17 granting the owners a little wiggle room,  
18 rather it would suggest that this business is  
19 not subject to the regulations outlined for  
20 amusement facilities.

21 To do this in the situation in which  
22 the neighborhood would not benefit from the  
23 exemption and in a way that deviates from the  
24 community goals previously mentioned would be  
25 particularly egregious.

1                   And finally, granting this variance  
2                   would be in direct opposition to Article  
3                   8.210(a)(4) since as I argued already, to do so  
4                   would alter the essential character of the  
5                   neighborhood and potentially pose a threat to  
6                   public welfare.

7                   So to summarize, the proposal under  
8                   consideration is not desired by the community,  
9                   nor will it benefit the community. I strongly  
10                  and respectfully urge the zoning board to vote  
11                  against this proposal for the good of the  
12                  borough, the neighborhood, and its residents.  
13                  Thank you.

14                  MR. LONGO: Thank you.

15                  ATTY. CLARK: See if Maria needs a  
16                  break. That was a lot.

17                  MR. LONGO: Next person that wants  
18                  to speak?

19  
20                  ANN CHASE, having been called  
21                  as a witness and being duly sworn, was  
22                  examined and testified as follows:

23  
24                  MS. CHASE: Thank you for the  
25                  opportunity to speak with you today. I won't

1 reiterate much of what Sarah has already talked  
2 about. But I want to say that I have lived on  
3 Monroe Avenue since 1988 with my husband.

4 And I know the neighborhood very  
5 well. I went to Christ The King School when it  
6 was there many years ago even predating  
7 obviously recent years. And the nature of that  
8 was a drive-in, drop-in advertised as a  
9 drive-in, drop-in dry cleaners.

10 Again, we've already talked about  
11 the hours. And I just want to reiterate that I  
12 did some research on similar facilities in our  
13 local area. They are all in downtown Scranton,  
14 Lackawanna Avenue, South Washington Avenue,  
15 Capouse Avenue, Scranton-Carbondale Highway,  
16 Providence Road, Main Avenue.

17 All of these are defined as  
18 commercial or industrial. The Electric City Ax  
19 is an industrial zone as I think someone  
20 already mentioned. I just want to reiterate  
21 that the 2 acre ordinance in terms of an  
22 amusement facility should be 87,120 square  
23 feet. This is 17,000 square feet, less than 20  
24 percent of the required area.

25 And I won't reiterate the parking

1 concerns that I have. But, you know, it just  
2 seems that the number of places, you know,  
3 couple of people at a pool table, a couple of  
4 people at ax throwing lane, people at the  
5 tables that are there. There are couches  
6 listed on the site plan. The arcades, we're  
7 talking perhaps 40 people in that venue at one  
8 time.

9 I don't see how that can be  
10 accommodated in the square footage that is  
11 available on that site to have appropriate  
12 ingress and egress so that it's not a safety  
13 concern for cars coming down that street and  
14 for the children that are riding their bikes,  
15 etc.

16 So in conclusion respectfully, this  
17 usage does not belong in a residential  
18 neighborhood. The requested change is a use  
19 permitted in a different type of district,  
20 requires additional space, will disrupt the  
21 character of the neighborhood and most  
22 importantly result in a decline in our property  
23 values. Thank you for your attention. I very  
24 much appreciate the opportunity to speak with  
25 you.

1 MR. LONGO: Thank you. Next.

2

3 BARBARA SEVENSKY, having been called  
4 as a witness and being duly sworn testifies as  
5 follows:

6

7 MS. SEVENSKY: I live at 1202 Monroe  
8 Avenue which is almost across the street from  
9 the place between my parents and myself, our  
10 family has owned that property since the early  
11 1950s. I know that there have been several  
12 other businesses on the street throughout that  
13 time.

14 But as previously stated the  
15 cleaners, the Clean Rite Cleaners and Spotless  
16 Cleaners were entirely different. People drove  
17 up, dropped off, went. No one parked. No one  
18 stayed there. They closed very early in the  
19 evening. They weren't open on the weekends.  
20 They weren't open at nights. It was very  
21 quiet.

22 It didn't disrupt the character of  
23 the neighborhood and rather than go over  
24 everything, the excellent presentations of  
25 Sarah and Ann, I would just like to say I agree

1 with everything that they said. And I feel a  
2 business of this sort belongs in something like  
3 the Big Lots plaza or something like that, not  
4 in the middle of a residential neighborhood and  
5 I would ask you to turn down this zoning  
6 ordinance.

7 MR. LONGO: Okay. Is there anyone  
8 else out there that would like to speak?

9  
10 SEAN MCDONOUGH, having been called  
11 as a witness and being duly sworn testifies as  
12 follows:

13  
14 MR. MCDONOUGH: There is nothing I  
15 could say that all these great people haven't  
16 said. My neighbor Joe 1204 kind of said maybe  
17 that I could just speak for him. He has a  
18 young family. He's been here a few years.  
19 He's right across the street from the place and  
20 he's not really of the mind that he wants it  
21 there.

22 I'll say for my own perspective I'm  
23 a United States Marine combat veteran. I  
24 served in the infantry and I kind of don't like  
25 the idea of things that glorify violence. I

1 think it's kind of -- not all down for the ax  
2 throwing and stuff like that. I don't think  
3 it's a great thing for kids to get into, me  
4 personally as a combat vet just saying.

5 So I would just say that I'm also  
6 opposed obviously. And I hope you take all the  
7 neighborhood's thoughts and feelings into  
8 consideration. Thank you.

9 MR. LONGO: Thank you.

10

11 TIMOTHY DREWES, having been called  
12 as a witness and being duly sworn testifies as  
13 follows:

14

15 MR. DREWES: My family has been in  
16 the neighborhood for about 60 to 70 years. I  
17 know I'm one of the younger people in the  
18 neighborhood but I plan on starting a family in  
19 the next couple years. I don't think I want my  
20 kids -- I was thinking about it today. I don't  
21 think I want my kids, especially after the  
22 incident that happened today growing up with  
23 people coming and going and staying there.

24

25 And I don't know who it is, you  
know, going down all that. We're trying to

1           develop into a young close-knit community down  
2           there. They were saying about the floods and  
3           all that and we really come together on that  
4           stuff.

5                        So with my kids coming up, you know,  
6           we've raised so many great people in our  
7           neighborhood. You've seen them. I don't know  
8           if that business coming into this neighborhood  
9           would help. I think a lot of people would move  
10          out and that we're losing good people to our  
11          great town.

12                       I hate to see that because I'm, you  
13          know, my blood runs crimson. So I strongly  
14          hope you guys deny this motion. Thank you.

15                       MR. LONGO: Thank you. Anybody  
16          else? No one else -- we have one more.

17                       MR. SABIA: Molly, do you have any  
18          questions?

19                       ATTY. CLARK: I do not have any  
20          questions, guys.

21                       MR. LONGO: Okay, we have one more.

22  
23                       THOMAS ALDRICH, having been called  
24          as a witness and being duly sworn testifies as  
25          follows:

1 MR. ALDRICH: I don't have anything  
2 prepared like they did. They did a fantastic  
3 job. I would have to agree with just about  
4 everything that has been said. I live three  
5 houses up from them. I have been there since  
6 1991. And the neighborhood has been a nice  
7 neighborhood, quiet. And it was worse when  
8 Price Chopper was up on the hill.

9 We had traffic like crazy. But  
10 right now it's liveable, no problems. And I'm  
11 afraid that this would set the tone for a  
12 change in the neighborhood. And it just -- it  
13 wouldn't fit. I would be concerned about  
14 noise, about possible problems between gaming  
15 people and also the traffic.

16 It would increase traffic. It would  
17 also create a parking problem for people who  
18 live on the street. And we don't all work  
19 first shift. So I would oppose it.

20 MR. LONGO: Okay. Thank you. Do we  
21 have anyone else? No one else. All right.  
22 Obviously we can't approve this plan without a  
23 parking plan and without a light plan. But we  
24 could reject it tonight if I have a motion to  
25 reject the plan.

1 MR. SABIA: I'll make a motion.

2 MR. YANISKO: I'll second it.

3 MR. LONGO: Okay. Roll call.

4 MR. BRAZIL: Mr. Sabia.

5 MR. SABIA: Yes.

6 MR. LONGO: This is a motion to

7 reject.

8 MR. SABIA: Yes.

9 MR. BRAZIL: Mr. Longo.

10 MR. LONGO: Yes.

11 MR. BRAZIL: Mr. Yanisko.

12 MR. YANISKO: Yes.

13 MR. BRAZIL: Mr. McDonnell.

14 MR. MCDONNELL: Yes.

15 MR. BRAZIL: Mr. Cuff.

16 MR. CUFF: Yes.

17 MR. LONGO: Motion passes. It's

18 rejected. Come back with a lesser use.

19 MR. GOPAL PATEL: I'll probably keep

20 it the way it is. I'll probably just let it

21 sit until somebody in my family can take over.

22 Thank you. It was nice seeing you.

23 MR. LONGO: Thank you. Okay, we

24 need a motion to adjourn.

25 MR. MCDONNELL: Motion.

1 MR. LONGO: All in favor. Meeting  
2 adjourned.

3 ATTY. CLARK: See you guys.

4 MR. LONGO: See you, Molly.

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C E R T I F I C A T E

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2  
3 I hereby certify that the proceedings and  
4 evidence are contained fully and accurately in the  
5 notes taken by me of the above-cause and that this copy  
6 is a correct transcript of the same to the best of my  
7 ability.

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