

THROOP COUNCIL

Throop Borough Building
436 Sanderson Street
Throop, Pennsylvania

In re: BURKE STONE HEARING

Monday, August 28, 2017

5:30 p.m.

MEMBERS PRESENT: RICHARD KUCHARSKI, PRESIDENT
 JAMES BARNICK, JR, MEMBER
 VINCE TANANA, MEMBER
 WAYNE WILLIAMS, MEMBER
 CHARLENE TOMASOVITCH, MEMBER
 ROBERT MAGLIOCCHI, MEMBER
 JOHN MUSEWICZ, MEMBER

ALSO PRESENT:

LOUIS A. CIMINI, ESQ.-SOLICITOR
 LENORE DOLAN, ASSISTANT TREASURER
 RENEE O'MALLEY - SECRETARY
 ROBIN GALLI - CHIEF CLERK/TREASURER

Smith Reporting Service
 Janet E. Smith
 570-650-0753

CERTIFIED
COPY

C-O-N-T-E-N-T-S

E X H I B I T S

NUMBER: MARKED

BURKE:

Ex. No. 1 - 6/7/17 letter 6

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1 P-R-O-C-E-E-D-I-N-G-S

2 MR. KUCHARSKI: The first issue is a
3 hearing on the request from Burke Stone to amend the
4 zoning ordinance map, property identified as 26.5 acres
5 on Marshwood Road, Pin Number 12502020020 and the
6 request to change the zoning from CS to C2.

7 MR. CIMINI: C3.

8 MR. KUCHARSKI: I'm sorry. C3 to C2,
9 pending comments from the County Planning Commission
10 and the approval has already been granted by the Throop
11 Planning Commission.

12 MR. CIMINI: All right. This was the
13 time and date scheduled for an application submitted by
14 Burke Stone to, as Council president said, to amend the
15 zoning from a C3 to a C2 zone.

16 First, I'd like to have some comments
17 from our zoning officer to identify procedures that he
18 followed prior to getting to this point.

19 MR. LOKUTA: My name is Bob Lokuta,
20 L-o-k-u-t-a. For this hearing, for the record, the
21 legal ads were run in the Scranton Times on 8/16 and
22 8/21 of this year.

23 There were 14 letters mailed out to
24 surrounding property owners of this property on August
25 18th. And the property was posted August 21st.

1 This issue started quite awhile ago. Mr.
2 Burke approached and gave me his intentions on trying
3 to develop this property.

4 And, at first, his intentions were to
5 change it from a C3 to an I2. And at the Planning
6 Agency Meeting, the permitted uses for a C or an I2 are
7 a little wild, as far as you can have a slaughter
8 house, you could have a distillery and stuff like that.
9 And the one property owner that's very close to this
10 property kind of balked at that.

11 There was negotiations. At the next
12 Planning Agency Meeting, Mr. Burke came back and
13 changed his request from the change from a C3 to a C2,
14 where the permitted uses are more inclined with that
15 element up there.

16 And the Planning Agency gave their
17 approval. And I believe Council was sent
18 correspondence to that effect. That's where we are as
19 of today.

20 MR. CIMINI: Okay. And, subsequent,
21 there were two hearings before the Throop Planning
22 Commission.

23 MR. LOKUTA: The Planning Commission met,
24 well, on two different occasions. They were scheduled
25 meetings and they discussed the Burke issue.

1 The first one, like I said, changing it
2 to an I2, permitted uses were a little bit rough. The
3 second time they met, the request was from a C3 to a
4 C2.

5 MR. CIMINI: And did the Planning
6 Commission give their approval for that change?

7 MR. LOKUTA: Yes, they did.

8 MR. CIMINI: Do we have that in writing?

9 MR. LOKUTA: Yes, we do. Bear with me a
10 second.

11 MR. CIMINI: Okay. You presented a
12 letter dated June 7th, 2017. I'll read it into the
13 record and ask that it be attached as an exhibit.

14 From the Throop Planning Agency. Dear
15 members of the council. The Planning Agency met on
16 Tuesday, June 6th, 2017 and passed a motion to make a
17 referral to Council to consider a request from Jason
18 Burke, from Burke Stone, for a citizen's request for
19 amendment to text or map of the zoning ordinance.

20 Mr. Burke is purchasing the weinberg
21 property on Marshwood Road to expand his current
22 business and is requesting a zoning ordinance change
23 from his property from C3 to C2. Sincerely, Cathy
24 Reilly, Planning secretary.

25

1 (Burke Exhibit Number 1 was marked for
2 identification.)

3 MR. CIMINI: Does Council have any
4 questions for Mr. Lokuta?

5 MR. BARNICK JR: You're looking at this
6 from the Marshwood side.

7 MR. LOKUTA: It's across the street from
8 Nivert Metal. And it starts at the stop sign at the
9 top of the hill and goes down to Underwood Road, that
10 all wooded area right there.

11 Mary Tanners house is the one property
12 that's involved there, right there. There's also a
13 substantial PPL easement that goes through that
14 property.

15 This is a handout from the first -- here.
16 Maybe you can share it.

17 MR. KUCHARSKI: No opposition, right?

18 MR. LOKUTA: No. As of right now, no.
19 The only one that voiced any type of opposition was
20 Mary Ruth and her husband at the first and second
21 planning meetings. And I believe the issues have been
22 worked out to both the satisfaction of the Tanners and
23 Mr. Burke.

24 MR. CIMINI: You Mr. Burke?

25 MR. BURKE: Yes, sir.

1 MR. CIMINI: Does anyone have any
2 questions for Mr. Burke? Would you like to address
3 Council in any way?

4 MR. BURKE: Yeah. If you guys would.
5 Jason Burke, for those of you who don't know me. The
6 way this property is zoned now, you pretty much can't
7 do anything that I need to do down there and can't
8 expand the business anymore at our place, until we have
9 more room.

10 I'm renting space across the street. For
11 me, it's kind of ridiculous. So, in order for me to
12 grow at all in any way, shape or form, I'm going to get
13 this property and develop it.

14 So, I talked to Mary Ruth. And we came
15 to an agreement upon where it was going to be zoned at
16 and I was going to leave certain amount of space
17 between her home and what I'm doing there.

18 And pretty much just going to develop.
19 There's probably -- for right now, probably develop
20 about 50 to 60 percent of it. Put a couple buildings
21 up at the far end so we can store equipment, vehicles,
22 and the rest of it is pretty much going to be for
23 storage of natural stone, parking of equipment and
24 vehicles.

25 MR. BARNICK JR: And you need this to

1 keep your business going?

2 MR. BURKE: If we're going to expand
3 whatsoever, yeah. We're completely out of room, if you
4 ever drive by our place.

5 MR. BARNICK JR: I've been there several
6 times.

7 MR. BURKE: Yeah. It's tight. So, doing
8 the best we can for what we have. But it would greatly
9 help us.

10 MR. BARNICK JR: That's a problem of
11 having a business in Throop.

12 MR. CIMINI: Anybody have any questions
13 of Mr. Burke?

14 MR. WILLIAMS: The agreement with Miss
15 Tanner, is there anything in writing or by handshake?

16 MR. BURKE: It's by handshake. My word
17 is my word. And the reason why we did -- I didn't
18 change it to an I2 is because, you know, she wasn't
19 really worried about what I was going to do, because
20 cutting natural stone is not in any way, shape or form
21 bad for the environment.

22 But, down the road, if I were to sell it
23 to anybody or anything, that's what she was worried
24 about. So I agreed to the C2, which could get me by
25 with what I need now.

1 And if I do ever want to do any of the
2 cutting operations down there, I won't be able to do
3 it. But I can always come back to you guys and ask if
4 I can get a variance to do it up there. Miss Tanner
5 said she would not have a problem with it.

6 So, I mean, she's my neighbor. It's not
7 how you do things. If you want to continue to have a
8 business, you can't do that kind of thing to people. I
9 know I have to come back here again, I want you guys to
10 be happy with me.

11 MR. CIMINI: Mr. Burke, you understand
12 that even if this is approved, you still have to comply
13 with all other rules and regulations of the Zoning
14 Ordinance or Planning Commission for any development on
15 the property.

16 MR. BURKE: Yes, sir. We'll have to get
17 an EAS plan and everything. I didn't go ahead --
18 obviously, you all know the kind of cost that goes with
19 planning. Can be 10 or 30,000 bucks.

20 So, before I spend that kind of money, I
21 want to make sure it was okay with everybody what I was
22 doing.

23 MR. CIMINI: Why don't we -- Mary Ruth,
24 do you want to --

25 MS. TANNER: I'm Mary Tanner. And I am

1 the home that is within the land that he's looking to
2 purchase. And as Bob did express, the concern that I
3 had it being an I2 was our main concern as far as with
4 my husband and my children living in the home.

5 Because I had brought it to the attention
6 at the meeting that, you know, of all the acres, if he
7 didn't need that and decided in the future to sell,
8 some of the things that can be put in that zone was a
9 definite concern of our families.

10 So, Jason has reached out to me. And,
11 you know, being rezoned, my husband and myself were
12 absolutely fine with having it rezoned to a C2.

13 And I just wanted to say that Jason has
14 always been respectful and, you know, has always taken
15 our family and where we live into consideration.

16 So, I appreciate that greatly. So I just
17 wanted that to be known that, you know, he wasn't
18 anyone that came in like this hard tough guy, and be
19 like, hey, I'm getting this.

20 He was always respectful and always had
21 consideration for our family. So I appreciate that.

22 MR. CIMINI: Mary Ruth, do you want to
23 put on the record what the terms of your agreement are,
24 if you know them or either one of you, if you want?

25 MS. TANNER: Well, what was discussed was

1 that, you know, he had said that, you know, his
2 intention is, and you can correct me if I'm wrong on
3 anything, okay, was to put the storage units for his
4 rock, but that he would always have to take into
5 consideration to give us a little buffer around our
6 property area so that nothing came, like,
7 overwhelmingly right on top of our house. Am I
8 correct?

9 MR. BURKE: Yes. And I also told Miss
10 Tanner, we have quite a bit of material we wind up with
11 up there that's a waste product.

12 If we did start to get to where it was a
13 problem to them, I mean, I would gladly build a mound,
14 a visual barrier and plant foliage on top of it. But I
15 really don't think we're ever going to get that close
16 to her home.

17 Right now, the plan is to be about 350
18 feet away from the house, at the very closest. And
19 that's going to be awhile down the road before we even
20 get that far.

21 And as we get closer, I will talk to
22 them. But we're talking, if I ever want to get closer,
23 have to build some type of a mound so they couldn't see
24 what was going on over there.

25 And, definitely, I would do that no

1 matter what, because that's their home. I don't want
2 to be running a business right next to their house.
3 It's ignorant.

4 MR. CIMINI: Mary Ruth, you're satisfied?
5 All your concerns have been addressed?

6 MS. TANNER: Yeah. My husband and I are
7 both satisfied, yes.

8 MR. BARNICK JR: Why did it have to go
9 from C3 to 2?

10 MR. LOKUTA: The permitted use. Your
11 permitted uses in a C3 zone, corporate headquarters,
12 computer centers, professional offices, home care, that
13 type of uses.

14 Whereas, the C2, it's all of the C1 and,
15 like, building material yards, roofing, light
16 manufacturing. It's the permitted uses that dictated
17 to go to the C2.

18 MR. CIMINI: In the row behind Mary, is
19 anyone here for this hearing? Have any comment, the
20 back row. Anyone here for this? Jim? Bobby? No one
21 else. Mr. Topiak? No.

22 Okay. With that, we can close the
23 hearing and I ask Council if they want to make a
24 motion. Rich, do you have a motion in front of you?
25 Anyone that wants to make that.

1 MR. MAGLIOCCHI: I'll make the motion,
2 Robin, to approve the application and request submitted
3 by Burke Stone to amend the zoning ordinance map for
4 property identified as 26.5 acres on Marshwood Road,
5 pin Number 12503020020 from C3 to C2 pending comments
6 by County Planning Commission. Approval was already
7 granted by the Throop Borough Planning Commission.

8 MS. TOMASOVITCH: Second.

9 MR. KUCHARSKI: Motion by Bob. Seconded
10 by Char. So, Bob, this hasn't been approved yet by the
11 --

12 MR. LOKUTA: Planning Agency wants to
13 give the comments.

14 MR. KUCHARSKI: Lackawanna County?

15 MR. LOKUTA: Right, right. Should you
16 decide to look favorably upon this issue, it will be
17 contingent upon a thumbs-up from the County.

18 MR. KUCHARSKI:: Okay. Any other
19 questions? Role call.

20 MS. GALLI: Musewicz.

21 MR. MUSEWICZ: For.

22 MS. GALLI: Barnick.

23 MR. BARNICK JR: For.

24 MS. GALLI: Tomasovitch.

25 MS. TOMASOVITCH: For.

1 MS. GALLI: Williams.

2 MR. WILLIAMS: For.

3 MS. GALLI: Tanana.

4 MR. TANANA: For.

5 MS. GALLI: Magliocchi.

6 MR. MAGLIOCCHI: For.

7 Ms. GALLI: Kucharski.

8 MR. KUCHARSKI: For. All in favor.

9 Motion carried.

10 MR. CIMINI: That concludes the hearing.

11 Thank you.

12 (Whereupon, at 5:45 p.m, the hearing was
13 concluded.)

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CERTIFICATE

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3 I hereby certify, as the stenographic reporter,
4 that the foregoing proceedings were reported
5 stenographically by me, and thereafter reduced to
6 typewriting by me or under my direction; and that this
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8 my ability.

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12 BY: _____

13 Janet E. Smith, Court Reporter
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**Throop Planning Agency
436 Sanderson Street
Throop, PA. 18512**

June 7, 2017

Dear Members of Council,

The Planning Agency met on Tuesday June 6, 2017 and passed a motion to make a referral to Council to consider a request from Jason Burke from Burke Stone for a Citizens Request for Amendment to Text or Map of the Zoning Ordinance. Mr. Burke is purchasing the Weinberg property on Marshwood Road to expand his current business and is requesting a Zoning Ordinance change for this property from C3 to C2.

Sincerely,

Cathy Reilly

Cathy Reilly
Planning Secretary

*Burke D,
~~8/28/17~~
8/28/17, 5:30*