

THROOP BOROUGH COUNCIL  
THROOP, PENNSYLVANIA

IN RE: PUBLIC MEETING - ZONING CHANGE

JANUARY 28, 2021

6:00 P.M.

ZOOM MEETING

COUNCIL MEMBERS:

- RICHARD KUCHARSKI, PRESIDENT
- BOB MAGLIOCCHI, VICE-PRESIDENT
- VINCE TANANA
- MICHAEL CHORBA
- CHARLENE TOMASOVITCH
- WAYNE WILLIAMS
- ANTHONY GANGEMI
- LOUIS CIMINI, ESQUIRE, SOLICITOR
- JOSEPH TROPIAK, MAYOR

Mark Wozniak  
Official Court Reporter

1 MR. KUCHARSKI: Renee, do you want  
2 to start with roll call.

3 MS. O'MALLEY: Gangemi?

4 MR. GANGEMI: Present.

5 MS. O'MALLEY: Chorba?

6 MR. CHORBA: Here.

7 MS. O'MALLEY: Kucharski?

8 MR. KUCHARSKI: Here.

9 MS. O'MALLEY: Tomasovitch?

10 MS. TOMASOVITCH: Here.

11 MS. O'MALLEY: Tanana?

12 MR. TANANA: Here.

13 MS. O'MALLEY: Williams?

14 MR. WILLIAMS: Here.

15 MS. O'MALLEY: Magliocchi?

16 MR. MAGLIOCCHI: Here.

17 MS. O'MALLEY: Cimini?

18 ATTY. CIMINI: Here.

19 MS. O'MALLEY: Mayor Tropiak?

20 MAYOR TROPIAK: Here.

21 MS. O'MALLEY: O'Malley is here, and  
22 Galli I do not see yet. She is texting me  
23 that she's trying to get on -- she's here  
24 also.

25 ATTY. CIMINI: So it's January 28,

1           2021, 6 p.m. This is the date and time  
2           scheduled for a public hearing followed by a  
3           special meeting to vote on Throop's new  
4           zoning ordinance, the 2021 zoning ordinance,  
5           which will replace the 2000 zoning  
6           ordinance. The new zoning ordinance was  
7           prepared by Throop's planning consultant,  
8           Jack Varaly, who is with us tonight. Jack  
9           will give everyone an overview and summary  
10          of the new ordinance. We will then open it  
11          up to counsel for questions, comments, and  
12          then open it up to the public.

13                    After that, we will have a special  
14          meeting to vote on adopting the new  
15          ordinance following the public hearing.

16                    Now, very, very important.  
17          Tonight's meeting, we have a court reporter.  
18          Mark Wozniak is with us. He's very good,  
19          but he can only take down one person at a  
20          time. So if you're going to speak, please  
21          state your name and address and Mark will be  
22          able to get everyone's comments on the  
23          record.

24                    So with that first, I open it up to  
25          council president, Rich Kucharski, if he has

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any comments prior to starting.

MR. KUCHARSKI: No, I don't at this point.

ATTY. CIMINI: Anybody else on council? Okay. Jack, if you'll start with an overview and summary of the 2021 ordinance.

MR. VARALY: Sure. Thank you for having me this evening. I appreciate that. Tonight's meeting has been a long endeavor to get the ordinance down to what we believe is a good ordinance that will meet the needs of Throop Borough. As Lou mentioned earlier, the current ordinance is 20 years old. When you look at it, it's really a mishmash in terms of trying to find information.

So rather than saying what changed between the old ordinance to the new, I did an entirely new ordinance. Some of the terms and information from the old ordinance are retained, but for the most part it's a totally new document.

The reason that was done was due to the fact that the current ordinance was not

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only outdated but lacked best method practices for land use planning and zoning. So even some of the uses that you already have in your ordinance have be updated to make sure that they meet the current needs of the borough.

What we did is, my attempt was to make the ordinance as user friendly as possible, because for the most part when someone comes in for a zoning permit it's probably a once or twice in a lifetime experience, where it's not something they regularly do. So we wanted to make the process as easy as possible and I believe we achieved that.

Now, the other thing that we did, the text of the ordinance consists of 14 articles, and if you look at the table of contents, when I said about user friendly ordinance, everything is listed by title for the most part. So if you're looking for something, permitted uses or off-street parking, for sign regulations, if you went to the table of contents you could readily identify which section of the ordinance

1           you'll be dealing with.

2           The ordinance also includes, besides  
3           updating some of the standards that were  
4           outdated, there's some material included in  
5           the ordinance in terms of new land uses that  
6           have come to the forefront since your prior  
7           ordinance was adopted in 2000.

8           Some of those items, just to give  
9           you an example, is we have regulations now  
10          to regulate substance abuse treatment  
11          facilities, solar wind farms -- solar farms  
12          and wind farms, medical marijuana,  
13          short-term rentals and all those particular  
14          uses. They're new uses that were not even  
15          in the previous ordinance. But as time  
16          passes new uses come into existence and it's  
17          important to adapt to the times and being  
18          able to regulate uses that previously were  
19          not included within the ordinance.

20          When I look at it, even though  
21          there's a lot of information in here for  
22          various uses and it goes into a great amount  
23          of detail, one person asked me what the most  
24          important part of the ordinance was. I said  
25          well, it may not be the most important part,

1 but it's the one that will affect most  
2 residents most often, and that would be  
3 article three, because they're general  
4 regulations that affect all parts of Throop  
5 Borough and they're mostly directed towards  
6 residential uses.

7 This past year, because of the  
8 pandemic there was a tremendous amount of  
9 those applications that came in to the  
10 borough for items such as accessory  
11 structures, pools, fencing and things of  
12 that nature from people that were staying  
13 home and being able to undertake projects  
14 that were otherwise not available in the  
15 past. So I tried to make those regulations  
16 as detailed but as friendly as possible, and  
17 the intent is to make the regulations done  
18 in such a manner that it doesn't put a  
19 burden on residents who are trying to use  
20 those requirements.

21 The other thing is, with the  
22 ordinance itself the other sections quite  
23 important besides article five, which  
24 provides a listing of all the zoning  
25 districts in the borough and what uses are

1 permitted within them, would be article  
2 eight, which is supplemental regulations.  
3 You'll find out that a lot of the items that  
4 I mentioned that were new and other ones,  
5 too, such as short-term rentals, medical  
6 marijuana, substance abuse treatment  
7 facilities, they're not just listed in the  
8 use table, but often when you go back into  
9 article eight there's very detailed  
10 information provided on supplemental  
11 regulations that are needed. So some of the  
12 regulations for these uses require a special  
13 exception. That being going before the  
14 zoning hearing board.

15 For the more intense ones, say, for  
16 example, for a solar farm, if something like  
17 that came into being or come to pass in the  
18 borough, those more intense ones are listed  
19 as a conditional use.

20 The only difference between a  
21 conditional use and a special exception,  
22 they're the opposite sides of the same coin,  
23 meaning that if you're going to get approval  
24 and it's a special exception, the zoning  
25 hearing board has final jurisdiction over



1           whether the use is approved or not. The  
2           other ones, conditional uses, same thing,  
3           but in that case council is solely  
4           responsible and vested with the approval  
5           process.

6                         I had some phone calls today. I had  
7           some concerns or comments from short-term  
8           rentals. I think people fail to understand  
9           the importance of including uses in the  
10          zoning ordinance, whether short-term rental,  
11          medical marijuana or some of the other ones  
12          that may not be openly welcome in a given  
13          neighborhood in the borough. But under the  
14          state planning code you have to provide for  
15          all types of land uses. If you fail to do  
16          that, then what happens is if a person came  
17          in to the borough, for example, and he or  
18          she had an application for a medical  
19          marijuana dispensary and there was nothing  
20          in the ordinance, well, that type of  
21          challenge is two pronged.

22                         One, if the municipality has to  
23          reply is that use included in your zoning  
24          ordinance -- for the sake of argument let's  
25          just say that it wasn't -- well, what

1 happens is after that response is provided  
2 the developer or the applicant has the  
3 opportunity to submit a curative amendment,  
4 which means to fill the gap for the use  
5 that's not currently addressed in the zoning  
6 ordinance.

7 Now, the problem with that is if you  
8 have uses that are not listed in your  
9 ordinance and someone comes up with a use in  
10 particular and goes through the curative  
11 amendment process they're going to win  
12 because, first of all, they have more or  
13 less what you can call beat the borough to  
14 the draw. Whoever decides to do the  
15 amendment first is the controlling factor.  
16 Often you see that when a use is missing  
17 from a zoning ordinance and it is later  
18 challenged it's often very common to get  
19 site-specific approval for the use through a  
20 court appeal.

21 Now, I know that's a very brief  
22 Readers Digest in terms of what's important.  
23 You may have particular questions that you'd  
24 like to ask, and I'd be very happy to answer  
25 them at this point in time or to go over

1 anything that you think needs to be gone  
2 over in greater detail.

3 ATTY. CIMINI: Let's open it up to  
4 council first. Does anyone on council have  
5 any questions for Jack regarding the  
6 ordinance?

7 MR. GANGEMI: No, I don't have any.  
8 I think it's very thorough. There's  
9 certainly a lot of reading material there.  
10 That's for sure. But it seems very through,  
11 Jack, and much needed.

12 MS. TOMASOVITCH: I did have a  
13 question but Jack answered it for me today,  
14 so I'm okay with it.

15 MR. KUCHARSKI: I have to agree with  
16 Tony. Again, I think Jack did an excellent  
17 job. Very thorough, very comprehensive and  
18 very modern, I guess, for want of a better  
19 term, with respect to -- or in comparison, I  
20 should say, to a 20-year-old ordinance. He  
21 already outlined some of the issues that are  
22 now prevalent in this day and age as opposed  
23 to 20 years ago.

24 So again, I think it's an excellent  
25 job and I'm very pleased with the outcome.

1 MR. GANGEMI: Jack, how does  
2 grandfathering work with this? Say you have  
3 somebody that has something that's against  
4 the ordinance right now. How is that  
5 handled?

6 MR. VARALY: That's a very good  
7 question. As I explained to you when we  
8 were doing the ordinance before, once this  
9 ordinance is adopted these regulations, if  
10 you adopt it tonight, will be regulations  
11 that impact the borough from January 28th of  
12 this year going forward. Anything that  
13 exists in the borough that may not comply  
14 with the right zoning district, the right  
15 setbacks, proper use of the property, they  
16 are all protected under the grandfathering  
17 clause, as you mentioned, and any type of  
18 non-confirming use that exists in the  
19 borough may continue. The business can be  
20 repaired. There's provisions under article  
21 nine for nonconforming uses that talks about  
22 the ability, that if you have a  
23 nonconforming use and you want to change it  
24 to a different nonconforming use, the  
25 process that you would have to go through.

1                   So there are protections for people  
2                   whose land use or properties do not comply  
3                   with the regulations in the current  
4                   ordinance, and that is also true under your  
5                   old ordinance. There was a lot of  
6                   properties throughout the borough that were  
7                   nonconforming, too.

8                   MR. GANGEMI: Right. So this takes  
9                   away the argument if somebody were to come  
10                  to us and say hey, I can show you ten houses  
11                  that has something different than what your  
12                  ordinance currently has. But we're saying  
13                  that was in the past. The new ordinance now  
14                  applies. So that goes away. Right?

15                 MR. VARALY: That's correct.

16                 ATTY. CIMINI: Just so everyone  
17                 knows -- And I don't know, Jack, if you want  
18                 to touch on this. The ordinance -- prior to  
19                 being prepared Jack had a pretty extensive  
20                 community survey, and he can touch on that a  
21                 little bit. It was also provided to the  
22                 Throop Borough Planning Commission, which, I  
23                 believe, recommended adoption. But, Jack,  
24                 maybe if you just want to touch on the  
25                 community survey.

1 MR. VARALY: Sure. The community  
2 survey had a wide range of questions in  
3 terms of positive and negative features in  
4 the borough. One of the most pronounced  
5 positive features was everyone was very  
6 happy with the amount of services that are  
7 provided by Throop Borough to its residents  
8 in terms of noting that there's quite a bit  
9 of activities and benefits. There are --  
10 being a resident of Throop Borough as  
11 opposed to other places.

12 The other, opposite side of the  
13 sword was I know some of those items are  
14 possible in terms of funding through the  
15 host municipalities fee that the township  
16 receives from the landfill. So we're sort  
17 of a double-edged sword. People were very  
18 appreciative of all the types of services  
19 that they receive from Throop Borough. The  
20 other side was -- some of the issues were  
21 complaints with the landfill with odor.

22 The other thing was quite a few  
23 comments came in also in terms of need for  
24 infrastructure, which I see the borough is  
25 doing now on Dunmore Street, in terms of

1 curbing and sidewalk and road paving. For  
2 the most part the level of dissatisfaction  
3 in Throop Borough as compared to other  
4 community surveys that I did wasn't much  
5 different. I mean, a lot of times when you  
6 do a community survey somebody will put down  
7 something very narrow in terms of I don't  
8 like the dog barking in my neighbor's yard  
9 at night or there's a pothole on my street.  
10 They're all valid issues, but what I did  
11 with the community surveys, I grouped them  
12 into categories in terms of ones that would  
13 deal with infrastructure, services,  
14 landfill, anything like that, and divided  
15 them up into those categories and  
16 percentages.

17 So that was one of the results of  
18 the community survey, and we paid heed to  
19 that in terms of doing the zoning ordinance  
20 and trying to make it as user friendly as  
21 possible.

22 One of the things that I did along  
23 the lines in terms of helping people out in  
24 the borough, Throop is an older borough, and  
25 a lot of times you have homes that are in

1           need of repair, and as I just mentioned  
2           about the nonconforming use status, in some  
3           cases you can have a residential home with a  
4           property that the porch may have been so  
5           deteriorated that it has to be ripped off  
6           completely but the guy just wants to rebuild  
7           the porch in the same place, same location,  
8           same dimensions. I have a provision in the  
9           ordinance that if we come across a situation  
10          like that -- and it's only for small  
11          features. It's not rebuilding a house or  
12          anything of that nature. It's just for  
13          smaller residential aspects like a deck, a  
14          patio or something of that nature.

15                    If the person took a photo of it he  
16                    would be able to fill out a separate  
17                    application called a one-to-one replacement.  
18                    Under that application he would be allowed  
19                    to reconstruct -- same size, same height --  
20                    a duplicate of what he tore off and not have  
21                    to go through a variance procedure, because  
22                    you can always repair a nonconforming use  
23                    without having to go through any type of  
24                    zoning hearing. But in cases where you have  
25                    to rip something off and rebuild it



1 completely, that normally triggers the need  
2 to go before the board for a variance.

3 So to try to help the citizens I  
4 included that in your current ordinance in  
5 terms of that's an option that would be  
6 available.

7 MR. KUCHARSKI: Jack, is that  
8 something new? Because previously we were  
9 just -- I mean, our operational mode was  
10 that if you were replacing an existing --  
11 replacing siding or replacing windows or  
12 whatever, I mean, you just were able to do  
13 it. You didn't have to go get any kind of  
14 permit from the borough -- or a deck, as you  
15 mentioned, or a porch. As long as it was an  
16 existing structure or, you know --

17 MR. VARALY: That was being  
18 administered incorrectly. What you have to  
19 do is --

20 MR. KUCHARSKI: I always had a  
21 problem with that.

22 MR. VARALY: With the windows and  
23 siding and the roofing, they're not zoning  
24 issues. I'm talking about something that  
25 would have a footprint on the ground. Part

1 of a residential structure. It might even  
2 be just a little side stoop or porch coming  
3 in. But to avoid people having to go  
4 through a variance if that particular  
5 feature didn't meet the setback  
6 requirements -- it may be only, like, say  
7 five feet away or four feet away from the  
8 property line and the guy wanted to rebuild  
9 it. Well, rebuilding it is a benefit for  
10 everybody. It's a benefit to the property  
11 owner, it's a benefit to the borough, and  
12 it's a benefit to the neighborhood by  
13 removing something that could otherwise  
14 become a blighting influence. So rather  
15 than penalize the person and make him pay  
16 the fee of \$300 to go to the zoning hearing  
17 board, I have a mechanism in the current  
18 ordinance where that could be foregone. And  
19 I think if you're doing something that's an  
20 identical one-to-one replacement there  
21 probably shouldn't be any type of objections  
22 from anybody.

23 MR. KUCHARSKI: I agree a hundred  
24 percent. Thank you.

25 ATTY. CIMINI: Anybody else on

1 council have any questions? Okay. Then why  
2 don't we -- we'll open it up to public  
3 comment. Just remember to state your name  
4 and address, and we can only take one at a  
5 time. We have the court reporter taking  
6 down everyone's comment. So let's open it  
7 up to the public. Any comments from the  
8 public?

9 MS. O'MALLEY: I'm currently asking  
10 them all to unmute in case they do want to  
11 state a comment, so maybe give them a  
12 second.

13 MR. VARALY: You do have some  
14 residents that have logged in.

15 MS. O'MALLEY: Yes, I have quite a  
16 few here which I put all on mute. I did ask  
17 each of them now to unmute if they had a  
18 comment, and it doesn't seem as though  
19 anybody's saying anything.

20 MS. DAVIS: Donna Davis. I have  
21 several properties in Throop. I have some  
22 concern with the amendments to the zoning  
23 ordinance.

24 I noticed it in this morning's  
25 paper, so I went to your website and looked

1           it up briefly. There's some significant  
2           changes there. I didn't see there were too  
3           many people signed in that were residents.

4                     My concern is that you probably  
5           should have a meeting that the public could  
6           attend, maybe at a better time, rather than  
7           run these changes through in the dead of  
8           winter, in the middle of a pandemic, where  
9           there's more opportunity for the borough  
10          residents to review the changes and make  
11          public comment. I know I didn't have  
12          sufficient time to look at it, and I had a  
13          problem getting into the meeting with the  
14          zoom, so I don't know what was said by  
15          anyone. I think I came in about ten minutes  
16          late.

17                    MR. VARALY: May I give you a brief  
18          answer? With regard to the fact that you  
19          said you have several properties in Throop  
20          Borough, one thing that I want to underscore  
21          is, number one, none of the zoning  
22          boundaries were altered under the new  
23          ordinance. So the zoning boundaries that  
24          existed back under the 2000 ordinance are  
25          replicated in the new zoning map for the

1           borough.

2                         Number two, because I didn't -- I  
3           wanted to make sure that no one was  
4           disenfranchised the setback requirements for  
5           each zoning district also remain the same.  
6           So although I don't know if I can answer  
7           anything specific about a property, but I  
8           can tell you none of the properties that you  
9           have in Throop Borough will be impacted  
10          based upon the regulations that are being  
11          adopted tonight. The regulations that  
12          existed for dimensional requirements, for  
13          lot size, setbacks, lot coverage, they all  
14          remain the same. The zoning boundaries that  
15          existed prior to tonight also remain the  
16          same. So this should not have any impact on  
17          your existing properties.

18                        MS. DAVIS: Well, what about the  
19           addition of permitted uses, things that  
20           never existed in the borough before that are  
21           now being added to the zoning ordinance and  
22           they're permitted? So they can just freely  
23           come into the borough in the permitted  
24           areas. I really didn't have an opportunity  
25           to search the map. I know I'm in some R-2

1 areas and one may bound a C-1 or C-2. I  
2 really didn't have enough time to look at  
3 it.

4 MR. VARALY: They can't just come  
5 into the borough. Anybody that wants to  
6 utilize a property, as was in the past,  
7 would have to fill out a zoning application.  
8 Most of these uses that I mentioned earlier  
9 that have a more far reaching impact on the  
10 borough are either regulated by the zoning  
11 hearing board as a special exception or by  
12 the council as a conditional use.

13 For that reason I mean a use, for  
14 example, putting a shed up. That's a use  
15 permitted by right. If you want to build a  
16 home or put an addition onto your property,  
17 that's a use permitted by right.

18 So that, combined with the fact that  
19 the dimensional requirements are not going  
20 to change, shouldn't be -- give some  
21 assurance to property owners that the  
22 changes in the ordinance are to their  
23 benefit and not going to be adverse.

24 MS. DAVIS: Well, there's permitted  
25 uses that have been added to the zoning

1 ordinance.

2 MR. VARALY: Most definitely, and  
3 let's just use one for example. I talked  
4 earlier. I don't know if you heard. I was  
5 listing some new uses that are included in  
6 the zoning ordinance. One can be medical  
7 marijuana dispensary or growing facility or  
8 you can use a substance abuse treatment  
9 facility. Now, they're probably both uses  
10 that are rather intense in nature, they're  
11 both conditional uses, and if you just leave  
12 them out of the zoning ordinance completely  
13 and you don't address them, if somebody  
14 comes into the borough and suggested either  
15 one of those two uses and the borough did  
16 not have them addressed the person could  
17 submit a curative amendment and get  
18 site-specific approval with no hearing, no  
19 public input or anything else for a given  
20 use going in a given location. Most of  
21 these intense uses have been put in the  
22 industrial district.

23 ATTY. CIMINI: Anything else, Ms.  
24 Davis?

25 MS. DAVIS: Just note my objection

1 to the fact that there's no public meeting,  
2 that this has to be done by Zoom, and  
3 there's several significant changes that  
4 have been added.

5 MR. VARALY: In working with the  
6 borough, all the changes -- none of the  
7 changes that are included in the ordinance,  
8 which are primarily adding new uses, are  
9 done in a manner that would be adverse to  
10 the borough. In fact, adopting the  
11 ordinance as presented would be in the  
12 borough's best interest and that of its  
13 citizens.

14 MS. DAVIS: I understand you're from  
15 Luzerne County. Do you know if any of the  
16 neighboring boroughs have added these  
17 permitted uses such as the one you talked  
18 about or several others that were added?

19 MR. VARALY: Almost all of them. In  
20 some cases those that didn't add them were  
21 subject to substantive challenges where  
22 people were able to come in and get site  
23 specific (inaudible) at a given location.  
24 So just about every community that I work  
25 with the uses that you're questioning, they



1 have already incorporated them into their  
2 ordinances.

3 MS. DAVIS: How about neighboring  
4 boroughs like Dickson City or Olyphant? Do  
5 you know if they've been added?

6 MR. VARALY: I don't know if they  
7 have particularly. I have done work in  
8 Luzerne, Lackawanna, Columbia, Schuylkill  
9 County and even out in Allegheny County, and  
10 in all the counties that I've worked in that  
11 have municipal zoning ordinances they've  
12 either adopted these type of uses or are in  
13 the process of doing so.

14 MS. DAVIS: My concern is that I  
15 think Throop is probably the first one to  
16 open this up for these permitted uses, and  
17 now you're going to allow companies,  
18 individuals, whatever to come in and just  
19 apply under a permitted use. This is going  
20 to be the borough that's targeted for some  
21 of these questionable uses that people may  
22 have an objection to.

23 MR. VARALY: Your comment is  
24 incorrect because the uses we're talking  
25 about are all uses that either require

1 special exception or conditional use  
2 approval, which means there's going to be a  
3 public hearing before either the zoning  
4 hearing board or council, people have to  
5 come in with plans, neighbors will be given  
6 written notices of the time and date of the  
7 hearing, they can participate in those  
8 hearings. The present uses listed, whether  
9 it be a conditional use or a special  
10 exception use, doesn't guarantee that it's  
11 going to be approved.

12 MS. DAVIS: Well, for instance I'm  
13 looking at medical marijuana dispensary, and  
14 it's a permitted use in a C-2 area.

15 MR. VARALY: Correct.

16 MS. DAVIS: I don't have the map in  
17 front of me, but I know there were C-1s -- I  
18 think C-1 or C-2 that bounded one of my  
19 properties and perhaps is in the middle of a  
20 residential area or bounding a residential  
21 area. So as a permitted use that medical  
22 marijuana dispensary is going to be  
23 virtually granted without a hearing. Isn't  
24 that right?

25 MR. VARALY: The reason why that's

1 done so is when you take a look at a medical  
2 marijuana dispensary it's nothing more than  
3 a specialized drug store. People that are  
4 going here are getting prescriptions filled.  
5 It's not a drug hangout or something of  
6 that. You have to have a card to enter and  
7 it's very highly regulated. So unless you  
8 have reason to be there, there would be no  
9 way that you would go to a medical marijuana  
10 dispensary.

11 And all the municipalities that I've  
12 seen have treated it the same way, in terms  
13 that say drug store. I mean, if you're  
14 going to make it a special exception or a  
15 conditional use you have to look at  
16 something that you would think could  
17 possibly have an adverse effect. The  
18 communities that I've worked with and myself  
19 personally don't see that.

20 MS. DAVIS: By making it a permitted  
21 use in a C-2 area that bounds an R-2 area  
22 you've virtually granted them the ability to  
23 put that dispensary there next to an R-2  
24 area.

25 MR. VARALY: It's a theoretical

1 argument you can make, but I don't agree  
2 with you.

3 MS. DAVIS: Well, it didn't have to  
4 be permitted in a C-2 area, so I have an  
5 objection to this, for one. Just for one  
6 objection. And my Zoom call went out while  
7 you were speaking, so I missed some of what  
8 you were saying, which is the problem with  
9 holding a public hearing like this over  
10 Zoom. Six foot apart at maybe the civic  
11 center or at the school.

12 MR. KUCHARSKI: If I can just butt  
13 in for a second. Our original plan was to  
14 have a public hearing at the civic center.  
15 However, with the current situation with the  
16 pandemic and the -- you know, again, the --  
17 it's just we didn't feel that it was  
18 feasible or it was safe. And this wasn't  
19 our -- you know, our preference to have this  
20 type of a hearing, but, unfortunately, we  
21 were one of the last boroughs to not conduct  
22 public meetings, actually. We were  
23 conducting public meetings, and given the  
24 current situation we just felt it was in  
25 everyone's best interest, in terms of health

1 and safety, to curtail that. Unfortunately,  
2 this is the only avenue available to not  
3 only Throop but to the entire governmental  
4 community and any other entities that have  
5 to hold public hearings.

6 MS. DAVIS: Is this the only hearing  
7 that's going to be held on this?

8 MR. VARALY: Yes, this is the only  
9 one that's scheduled. Only one public  
10 hearing is required.

11 MS. DAVIS: I would make a  
12 recommendation that you hold another -- that  
13 you postpone this meeting and that you hold  
14 one in a few months where you could open it  
15 up to the public in a place where Throop  
16 residents could attend and be heard and hear  
17 everything that's going on and not miss out  
18 with internet or Zoom going in and out.  
19 There's no rush to do this, is there?

20 MR. VARALY: I think there is in  
21 terms of the fact that the ordinance that  
22 Throop Borough has right now is very poor,  
23 and when you're talking about medical  
24 marijuana dispensaries, the other ones like  
25 solar energy, medical marijuana growing

1 facilities, substance abuse treatment  
2 facilities, if you delay it, somebody comes  
3 in with one of those applications it's going  
4 to be approved for whatever it wants to  
5 locate in the borough. It will be  
6 unregulated.

7 MS. DAVIS: You said it's going to  
8 be approved for wherever they want to  
9 locate? How could it be?

10 MR. VARALY: I don't understand your  
11 question. I'm saying that some of these  
12 other uses in here, if we delay the hearing  
13 and put this off for a month, two months or  
14 three months, the risk that the borough  
15 stands -- say if somebody came in with a  
16 substance abuse treatment facility. It's  
17 listed as a conditional use under this  
18 current ordinance. It's not even in the old  
19 ordinance. So if somebody came in and they  
20 wanted to put one on Dunmore Street and you  
21 had no regulations to regulate that  
22 particular type of land use, the guy would  
23 win and he would get it at that location  
24 with no supplemental provisions that are  
25 included in article eight, which are quite

1 detailed for the three different types of  
2 substance abuse treatment facilities that  
3 are common now with the opioid crisis.

4 ATTY. CIMINI: Okay, Ms. Davis, your  
5 objection is noted. Thank you for your  
6 comments. Does anyone else have any  
7 comments from the public? Renee, is  
8 everything okay if anyone wants to make a  
9 comment?

10 MS. O'MALLEY: I'm doing it again  
11 here. Nobody is responding. I think we're  
12 okay.

13 ATTY. CIMINI: Okay. I'm going to  
14 assume there are no additional public  
15 comments, and with council's approval we  
16 will move to the special meeting for a vote  
17 on whether we are going to adopt the new  
18 ordinance.

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C E R T I F I C A T E

I hereby certify that I attended the foregoing proceeding, took stenographic notes of the same, that the foregoing, consisting of 31 pages, is a true and correct copy, done to the best of my ability, of same and the whole thereof.

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Mark Wozniak  
Official Court Reporter