

**DALLAS TOWNSHIP**  
**ZONING HEARING BOARD**  
**APRIL 19, 2021**  
**\*\*MINUTES\*\***

The Dallas Township Zoning Hearing Board held their monthly meeting on Monday, April 19, 2021 at 6:30 pm at the Administration Building, located at 105 Lt. Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania.

**PRESENT:** Chairman Robert Bayer, Board Member Mary Barbara Gilligan, Zoning Officer Carl M. Alber, Solicitor Donald G. Karpowich, Secretary Tammy Miller, Twp. Manager Martin Barry, Court Stenographer, Jessica Lewis, Robert Graham President, John Baum Chief Strategy Officer and Heather Graham. Marketing Consultant Amanda Faneck was at the Administration Building to set up Facebook Live to allow additional residents to participate in the meeting. Due to COVID-19, all necessary precautions were taken prior to the meeting. In attendance via Go To Meeting /phone included: Board Member Mary Rodriguez.

**MINUTES and TREASURER’S REPORT**

Chairman R. Bayer, opened the April meeting followed by the pledge of allegiance. M.B. Gilligan made a Motion to approve the minutes from March 15, 2021 Meeting and Treasurer’s Report from March, 2021. Seconded by R. Bayer. MOTION CARRIED.

**THE GRAND HIGHLANDS, LLC.** – Is seeking a variance to permit Private Offices in a PRD (Planned Residential Development) Zoning District. Property is located at 2 Newberry Estates, Dallas, Pa. Solicitor Karpowich asked for anyone that needed to be sworn in to raise their right hand as Jessica Lewis, Court Stenographer sworn everyone in.

The applicant, Robert Graham from Riggs asset Management was presenting. R. Graham stated he would like to request a variance to allow them to turn the said property into offices for their firm. R. Graham stated their firm is Riggs asset Management Company; it is a boutique investment firm, in which they provide investment advice to clients. The company was founded in 1990 by Graham’s father, Robert J. Graham. They have been downtown for thirty (30) years and have out grown where they are currently. They are looking for more of a Suburban site; someplace that is safe and is our own. Their team currently consists of nine (9) employees.

Their intent is to clean up the building and restore it, as well as the landscaping to make it a show case piece of property. Their typical business hours are: 8am to 4:30 or 5pm. On occasion they may work late or work on the weekend.

The intent is to take the grand ballroom and make it into roughly eight (8) office spaces. The rest of the building would be used for various uses for the firm. R. Graham stated within their firm, confidentiality as well as privacy is number one. There would be no other use in that building, except for their uses of business. They are there for the people they work for and nothing else. Their intent is being good neighbors with the Back Mountain area and to work closely with the local new neighbors so that their new neighbors would be proud of.

R. Graham stated there was a pool and an area for basketball; which both will now easily provide fourteen (14) parking spaces and that’s more than enough for their needs and probably for future use.

MB Gilligan asked do you currently own it or is it contingent? R. Graham said assuming if all goes well tonight, we will take-over the building May 25<sup>th</sup>, 2021. Right now, we do not own the building.

R. Bayer asked roughly, how much cliental will you have coming and going each day; on average? R. Graham stated it would vary, but not by a great deal and many of their clients do not live within this area. It would be on occasion that a client or two would visit the office within a week. Most of it is done online or they will travel to meet up where their clients are.

M.B. Gilligan also asked, what will the other rooms be used for, other than the ballroom? R. Graham stated the upstairs is in pretty good shape and intends to keep it the way it is. Part of it may be used for storage, or for special projects; a communication room for podcasts or possibly a sound room. The main living room will be used for a greeting space for people to sit; the Den will be a conference room and the other rooms will stay as they are.

Solicitor, Karpowich asked what is the size of the building? R. Graham said he's not really sure. He said the contractor got the plans from Newberry. H. Graham said it to be approximately over 9,000sq. ft. Solicitor Karpowich stated office space is one (1) space for every two hundred (200') sq. ft. total floor area. So, if the building is nine-thousand (9,000') sq. ft. under the ordinance you need forty-five (45) parking spaces. If you are proposing four (4), you will need a variance. Are you requesting a variance? R. Graham stated if that's what I need to do, then yes. Solicitor Karpowich said you stated earlier, office hours are from Monday thru Friday were between 8 and 5. Then you said there may be weekend hours; what days on the weekend and what hours? R. Graham stated he lives down the road and he may pop over on a Saturday for a few hours. No set time, he can't really give specifics, but it would be minimal. Solicitor, Karpowich said in terms of the alterations to the building are you proposing any exterior alterations? R. Graham said just interior. R. Bayer asked is the kitchen area is going to stay? R. Graham said right now, there are no plans in changing what is already there.

Solicitor Karpowich asked if anyone had any question to the applicant? Heather Dewees of 202 Hillside One, Dallas said she is still unclear about the space and why that much space is needed for nine (9) employees. R. Graham stated it is a lot of space for nine (9) people, but we may grow as time goes by. They just think it's a really neat building and is giving them an opportunity to preserve it. He said he doesn't have a better answer than that. H. Dewees said she lives right there and her concern is the growth. She likes the solitude and quietness and hardly any traffic coming in or out and the safety and pleasantness. Matt Dewees stated what happens when it gets to eighteen (18) employees? If they are granted both variances, what happens after this meeting today? R. Graham stated he will maintain the intent and would like to be a part of that community and has no intent on changing the culture of the area. Why this neighborhood; there are lots of other buildings.

Solicitor Karpowich said exhibit #1 is the permit application for The Grand Highlands, LLC. Carl said he received the application on March 23<sup>rd</sup>, 2021 and denied it. Carl stated he denied it because the proposed use is not permitted in a PRD (Planned Residential Development).

Solicitor Karpowich asked are you familiar with the particular property prior to the Zoning Ordinance taking effect on December 4<sup>th</sup>, 2018, which was the last amendment. Carl replied yes. Solicitor Karpowich asked was the property in a PRD prior to the 2018 Ordinance? Carl replied, yes it was. Under the PRD prior to this ordinance was a commercial use permitted in that PRD. Carl replied, yes. Solicitor Karpowich said when the ordinance took effect an Act of June 17<sup>th</sup>, 2008 there were two subsequent amendments; one in October 24, 2011 and the other December 4<sup>th</sup>, 2018, the ordinance commits that PRD's but it doesn't allow any nonresidential use in the PRD, is that correct. Carl replied yes. So, is it your opinion as a Zoning Officer the use of that property for a Banquet Hall was a pre-existing legal non-conforming use? Carl replied, Yes. So, is it also your

opinion that the applicant requesting the change of a nonconforming use? Carl replied, yes. Solicitor Karpowich said, so do you agree with me that for a change of nonconforming use the only special exception approval under Section 905 is a code of use variance? Carl replied yes. Solicitor Karpowich said for changing nonconforming use under Section 905 you have to show that no ...operations be made to the property. The applicant testified there was not going to be any exterior operations. and the proposed change shall be less objectionable to the internal effect than that of the previous non-existing nonconforming use. Do you believe the proposed use will be less objectionable over the prior use of a banquet facility? Carl Replied yes. Solicitor Karpowich said there shall be no increase in traffic, generating or congestion, including vehicular or pedestrian traffic. Do you believe that the proposed use will generate less traffic than the prior use as a banquet facility? Carl replied yes. Solicitor Karpowich said it states that there should be no increase to the danger of fire or explosion, that there was more of a danger of hard explosions of the prior use then the current proposed use? Carl replied yes. Solicitor Karpowich and is the proposed use as an office in the prior use have a commercial kitchen? Carl replied yes. Solicitor Karpowich said there will be no increase of noise, smoke, dust, fumes, vapors, gas, heat, odor, flare vibration, lighting or electrical disturbance. Do you see any of those things occurring within the proposed use? Carl replied no. Solicitor Karpowich said there shall be no increased threat to health by any reason, including rodent, vermin, or otherwise. Any evidence of that? Carl replied, no. Solicitor Karpowich said based upon the zoning permit application, you did receive the appeal? Carl replied yes, it was received on March 25<sup>th</sup>, 2021. We will mark the appeal as Township exhibit #2. Exhibit #3 is T-3 the public notice that was in the Citizen's Voice. It was advertised on April 5<sup>th</sup> and April 12<sup>th</sup>, 2021. Solicitor Karpowich said was the notice posted on the property? Carl replied yes. On two locations on April 5<sup>th</sup>, 2021. Solicitor Karpowich said were letters sent out to the neighbors? Carl replied yes. Solicitor Karpowich asked who sent those letters out? Carl replied, our Zoning Secretary, Tammy Miller did. Solicitor Karpowich asked if anyone had any further questions. There were none.

**The Board entered into Executive Session at 7:06pm.**

**The Board meeting resumed at 7:17pm.**

Motion was made by M. B. Gilligan to approve the nonconforming use and to grant a variance for fourteen (14) parking spaces where a minimum of forty-five (45) are required. with the following CONDITIONS:

- When the number of employees exceeds over twelve (12), one additional parking space shall be provided for each employee.
- No outdoor activities are permitted.
- No further changes of nonconforming use shall be permitted for the said property. Seconded by R. Bayer. Motion was carried.

#### **ADJOURNMENT**

M. B. Gilligan made a Motion to adjourn the meeting, seconded by R. Bayer. Motion Carried.  
The Meeting adjourned at 7:20pm.

Respectfully submitted,

*Tammy L. Miller*

Tammy L. Miller,  
ZHB Secretary/Treasurer