

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

The Dallas Township Zoning Hearing Board held their monthly meeting on Monday, July 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 Rodriguez, Alternate Nanda Palissery, Zoning Officer; Carl M. Alber, Solicitor; Sean Logsdon, Twp. Manager; Martin Barry, Secretary; Tammy Miller, Court Stenographer, Carrie Kaufman, and Applicant; Frank Perkowski, Alice Frantz, representing Fine Line Homes and **resident** ... There was no attendance via Go To Meeting /phone.

**ABSENT:** Board Member; Mary Barbara Gilligan, and Solicitor; Donald G. Karpowich.

**MINUTES and TREASURER'S REPORT**

Chairman R. Bayer, opened the July meeting followed by the pledge of allegiance. M. Rodriguez made a Motion to approve the minutes, from June 21, 2021 Meeting and Treasurer's Report from June, 2021. Seconded by N. Palissery. Motion carried.

Nanda Palissery stated he would like this to be on the record: He is a practicing Attorney and the application before us tonight may be a conflict of interest. He believes the contractor is Bruce fine, in which he is a client of his. If anyone in the room finds this to be a conflict and objects from him voting; he will recuse himself immediately. Solicitor Sean Logsdon reviewed the application with N. Palissery beforehand and did not find any conflict regarding the application.

Chairman R. Bayer stated let the record show there were no objections.

The applicant being Frank Perkowski of 274 Overbrook Avenue, Dallas, PA., was sworn in by Carri Kaufman, Courts Recorder.

**Frank Perkowski of 274 Overbrook Avenue Dallas, PA 18612** –is seeking a variance of 450 sq/ ft. in order to construct a 30' X 40' pole barn where the floor area exceeds the 750 sq. ft. pursuant to Section 302.2 (B). Property is zoned Suburban Residential (S-1) Zoning District.

F. Perkowski stated he just bought the property at 274 Overbrook and his intensions are long-term. The property has been vacant for approximately three (3) years or so. He would like to build a pole barn to protect his investment, (i.e., motor home). Perkowski stated, aesthetically from the road, it's getting rid of two (2) ugly old sheds and replacing it with one (1) brand new building. It would be very difficult to see from the roadway, so it would not be an eye sore.

R. Bayer asked if anyone on the Board had any questions?

N. Palissery asked Mr. Perkowski if he had any pictures for them to look at to see what it would look like once it is built. He showed the Board Members pictures from his phone of where the old sheds are, to where the new pole barn would be built.

Solicitor Logsdon asked to be on record, so that Zoning Officer, Carl Alber could be sworn in by the Court Stenographer in order to ask him questions. Solicitor Logsdon asked Carl what his role is with the twp. C. Alber stated he is the Zoning and Code Enforcement Officer for Dallas Township. Solicitor

Logsdon asked Carl how long he has been at this position? C. Alber stated about 10 years. Solicitor Logsdon stated it appears you've received a permit application from the applicant in this matter. Is that correct? C. Alber replied yes. Solicitor Logsdon said he is marking the zoning permit application as Township Exhibit 1 (T-1). Solicitor Logsdon asked Carl if he had an opportunity to review the plans that Mr. Perkowski submitted to him. C. Alber replied yes. Solicitor Logsdon asked what zoning district is this property located at? C. Alber told him S-1. Solicitor Logsdon said in terms of his building plan, why did he have to come before the Zoning Hearing Board for a variance? C. Alber stated the size of the building is 1200 sq. ft., and is not permitted in that zoning district. Solicitor Logsdon said it appears that you denied the application on June 29, 2021. C. Alber replied yes. Solicitor Logsdon stated he has a copy of the appeal application and will mark that as township exhibit-2 (T-2). With his application he paid the required \$750.00 fee for the hearing? C. Alber replied yes. Solicitor Logsdon asked did he provide a copy of his deed? C. Alber replied yes. Solicitor Logsdon said I believe it was advertised in the Citizen's Voice? C. Alber replied yes. Solicitor Logsdon stated that he will mark the copy of the notice printed in the Citizen's Voice as township exhibit-3 (T-3). It appears that on June 29, 2021 five (5) notices were sent out to neighboring property owners. C. Alber replied yes. Did your office receive any calls from either of these interested parties or any other parties in the township commenting on this application of this hearing? C. Alber replied no. Solicitor Logsdon stated if it's okay with the Board, I will give these to the court reporter as our township exhibits and I have nothing further for Mr. Alber.

Solicitor S. Logsdon stated so at this juncture, we know what Mr. Perkowski is asking for in terms of what the Board is examining is a **dimensional variance**. A use variance would be under a hardship standard, which is often times a very difficult standard for an applicant to meet. Dimensional variance standards – it's a more relaxed standard, the Board has examined the evidence that has been presented here tonight and has examined as to whether or not this would be any kind of increase of any threat to public safety or public expense or any increases to hazards to life of property. Based on the variance procedures and conditions laid out in Section 1232.2 of the Ordinance, basically as long as nothing here is prohibited, the Board will be within its power to grant a variance in this matter.

Chairman R. Bayer stated he will entertain a motion.

M. Rodriguez made a motion to **grant the dimensional variance**. Seconded by N. Palissery and carried.

#### **ADJOURNMENT**

Motion by R. Bayer to adjourn the meeting, seconded by M. Rodriguez. Motion Carried.  
The Meeting adjourned at 6:45pm.

Respectfully submitted,

*Tammy L. Miller*

Tammy L. Miller,  
ZHB Secretary/Treasurer