

DALLAS TOWNSHIP
ZONING HEARING BOARD
DECEMBER 20, 2021
****MINUTES****

The Dallas Township Zoning Hearing Board held their monthly meeting on Monday, December 20, 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, Mary Rodriguez, Zoning Officer Carl M. Alber and Russell Coolbaugh, Solicitor Donald G. Karpowich, Secretary Tammy Miller, Twp. Manager Martin Barry, Court Stenographer, Jessica Lewis, and Marketing Consultant Amanda Faneck was at the Administration Building to set up Facebook Live to allow additional residents to participate in the meeting.

Applicants; and resident: Due to COVID-19, all necessary precautions were taken prior to the meeting. **There was no attendance via Go To Meeting /phone.**

Approval of Minutes and Treasurer’s Report

Chairman R. Bayer, opened the December meeting followed by the pledge of allegiance. **M.B. Gilligan** made a Motion to approve the minutes from July 19, 2021 Meeting and Treasurer’s Reports from July, August, September, October, and November, 2021. Seconded by **R. Bayer**. Motion carried. *****

James Gibbons of 232 Pennbrook Lane Dallas, PA 18612 – is seeking a nine (9) foot variance in order to extend his driveway. Property is zoned Suburban Residential (S-1). It does not meet the permitted use requirement of ten (10) ft. pursuant to Section 312.3 as required by Dallas Twp’s., Zoning Ordinance.

Mr. Gibbons was sworn in by Jessica Lewis, Court Stenographer. J. Gibbons stated he would like to extend his current driveway along the side of his house, in order to park a vehicle there, because his does not fit in the garage. He would need to extend the driveway from the house, within a foot of the property line.

Chairman Bayer asked does anyone have questions or comments regarding this application. There were none.

Chairman Bayer asked for a motion. M. B. Gilligan made a motion to **approve the application**. Seconded by M. Rodriguez. Motion carried.

Misericordia University of 301 Lake St., Dallas, PA is seeking a variance to allow construction of a Sports Dome with a proposed height of 79 ft., in an Institutional Zoning District (In-1). It does not meet the required permitted use requirement of 55 feet, pursuant to Section 512 as required by Dallas Township’s Zoning Ordinance.

Everyone in the room was sworn in by Jessica Lewis, Court Reporter. Solicitor Karpowich stated Secretary Miller is passing around a Sign-In sheet and has asked everyone to print their name, address and email, legibly.

Mark Van Loon from Rosen, Jenkins and Greenwald was representing on behalf of Misericordia University. With him is Nick Argot, Civil Engineer, from Borton-Lawson; and Mark Van Etten, V.P.

of Financing Administration. Van Loon said is it would be correct to say that you are the project engineer for the Sports Dome Project. N. Argot replied correct. Van Loon asked Argot to give a general description of the project. N. Argot stated the project is on the Misericordia University campus. The Sports Dome will be located north of Mangelsdorf Field (football field) in the athletic section of the campus. MU is proposing to construct a Sports Dome that is approximately 380' long X 235' wide. The interior of the Dome will just be a standard athletic field; approximately the size of a football field. You may have seen the Dome in Wilkes-Barre; it is similar to that.

N. Argot stated along with the Dome there will be a new access road, and driveway, with a few parking spaces in front of the Dome. The bulk of the people using the dome, student's will be parked in the existing off-street parking, and walking. This is located in and Institutional District, (In-1. The Sports Dome is in a permitted use for that zone and meets all setback requirements.

N. Argot stated he filled out a zoning permit application, in which it was denied, due to the height. The maximum height in the Zoning Ordinance in Section 512 is 55' and the height of the Dome is 79'. This was the basis of the denial. Basically, everything else has complied with the Zoning Ordinance. Van Loon stated there is a foot note #3 to that, which reads: **the height limitation of this ordinance shall not apply to church spires, belfries, cupolas, domes, chimneys, flagpoles, water towers, skylights, or to any accessory mechanical appurtenances usually located above the roof level. Height regulations for Wind Energy Facilities and Small Wind Energy Conversion Systems are governed under Article 7 of this Ordinance.**

Van Loon asked Argot is there a provision in the Ordinance that tells us how to compute building height? N. Argot said yes, in the definition section under building heights: *The vertical distance if a building measure from the average elevation of the proposed finished grade within twenty (20) feet of the structure to the highest point of the roof for flat roofs; to the deck line of mansard roofs and to the average height between eaves and the ridge for gable, hip and gambrel roofs, excluding chimneys.*

Van Loon can you tell me whether it has a roof supported by prongs or walls? N. Argot stated it does not. He said it is an inflatable structure. The Dome itself has a concrete grade beam, called a footer, around all four (4) sides of the dome and the rest is the inflatable dome structure. There will be external mechanical equipment to heat the dome and keep it pressurized. Nick stated it will be enclosed and believes they are insulated for dampening the sound.

Van Loon asked Argot how many parking spaces will be provided for the facility? N. Argot said we are providing eight (8) parking spaces. they will probably be used for ADA access to the Dome and maybe occasional mechanical personnel may use it for maintenance on the dome. Van Loon asked if the access that's provided for that structure would be available to Emergency vehicles? Argot said yes. Van Loon asked utilities would be extended to service the structure? N. Argot said yes. No extension to public utilities; the existing utilities on the campus would be extended; gas, electric, water and sewer to serve the dome. Van Loon asked what is the plan for lighting for this facility? N. Argot stated there will be lighting along the parking lot and there is already here from the football field here. There is some lights along the existing access road here. We will put some additional lights along the parking lot here. Van Loon asked Argot for the record would you say what the purpose of this structure is? N. Argot said obviously for the athletics to practice year-round. Van Loon asked Argot if he thinks this

project would create noise, dust or other impacts outside? N. argot said no, maybe an impact with construction vehicle, but only temporary in nature.

Van Loon asked Argot about Landscaping. Argot stated they want to protect as many trees surrounding the dome as possible, for on and off campus; to minimize the domes visual impact. Outside, there will be some tree planting around the dome itself. The main point is to keep as much vegetative buffer as they can. Van Loon stated he has nothing further at the present time.

Solicitor Karpowich asked if the dome is exempt under the ordinance from the height limitations, and a dome does not fit any of the definitions under building heights; why is it that you requested a variance? N. argot stated he thinks that they should have done was requested a zoning appeal instead of a variance. He had all the zoning variance documents prepared and submitted it as such. Karpowich said your alternative argument; one of you requested a variance from the alternative. You don't need a variance because the building either meets the building height or it's exempt. Van Loon stated there are multiple reasons: 1) There is a specific exception in foot note #3 – the building height does not apply to dome. 2) The dome is not within the definition of the building as defined in the ordinance. It is not supported by columns, it's a fabric structure; it does not satisfy those requirements. Perhaps the enclosure for the mechanical room will satisfy that definition. That obviously, is less than one (1) story.

Van Loon stated the only thing that is in question here, we believe is whether a height limitation is applicable and if it is, we believe the ordinance provides a method to be calculated and when it is calculated it is below the height limit.

Dallas Township residents came to tonight's meeting to voice their concerns regarding Misericordia University's proposal to construct a Sports Dome. Many of the residents who voiced their opinions were based on the location of it, the illuminating glow of it and the noise that may come from it, none the less the height of the dome. N. Argot stated it is still in the preliminary stages.

Solicitor Karpowich stated we will continue this until next month, January 17, 2022.

Motion was made by M. B. Gilligan. to continue the meeting until January 17, 2022. Seconded by M. Rodriguez. Motion carried.

ADJOURNMENT

M. B. Gilligan made a Motion to adjourn the meeting, seconded by R. Bayer. Motion Carried.
The Meeting adjourned at 8:20pm.

Respectfully submitted,

Tammy L. Miller

Tammy L. Miller,
ZHB Secretary/Treasurer