

Plymouth Borough
Hearing & Special Meeting
March 6, 2017

The Plymouth Borough Council conducted a Public Hearing regarding proposed Ordinance No. 1 of 2017 so that the public may provide comment. The Special Meeting was immediately called to order by Mr. Gary Kochinski, President of Council.

PUBLIC HEARING REGARDING THE ACCEPTANCE OF PROPOSED ORDINANCE NO. 1 OF 2017.

Mr. Kochinski said the purpose of this meeting was to explain the changes that will be voted on following this hearing and answer any public concerns, comments or questions pertaining to this matter. The purposed changes to the Zoning Ordinance of Ordinance No. 1 of 2017 are as follows: amendments to the Borough Zoning Ordinance in the M2 light industrial districts; Section 4.122 uses prohibited, section 4.1221 to remain the same, section 4.1222 to read schools and hospitals except where incidental to be permitted principal use; Section 4.123 to be removed, which stated under uses prohibited any building for retail business or service except where incidental to a principal permitted use, section 4.123 uses permitted with board approval, entire section to remain the same. New sections to be added: 4.124 uses permitted without board approval, new section 4.1241 retail stores, retail business, used car sales and car lots to be added.

Mr. Kochinski explained where the M2 light industrial zones were located in town. He said the M2 zone is located on the East side of Bridge Street, formally known as Carey Ave bridge and it starts on the East side of Bridge Street and Main Street and goes down to the levee system. He said the second M2 district starts at the South side of Route 11 (North bound side of the lanes) and travels from Hanover Street and follows down to the Wadham Creek area across from Stephanie Drive. He said there have been car lots, garages, ice cream parlors, baseball and comic book stores in the mentioned areas in the past. Mr. Kochinski said this is a proactive move to correct that issue and will allow future businesses to come and utilize the areas since these lots have been vacant for quite some time.

Mr. Kochinski said the purposed changes were sent to the Luzerne County Planning Commission as required within the Borough Zoning Ordinance and read the positive response from the commission. As recommended by Michael Kostelansky, Plymouth Borough Solicitor, the letter is attached to these minutes as Exhibit 1 and the zoning map is attached to the minutes as Exhibit 2.

Mr. Kochinski stated that it is within the best interest of Plymouth to ammend the current M2 district to allow retail business and used car sales and lots then to change the district and eliminate the light industrial's zone in one of the two districts. Mr. Kochinski asked if there was any citizens input.

PUBLIC COMMENTARY

The citizens did not provide input regarding the proposed Ordinance No. 1 of 2017. Mr. Dixon asked for Mr. Kochinski to reiterate to ensure that everyone understood. Mr. Kochinski provided a brief history of the area and provided an unpretentious explanation.

SPECIAL MEETING

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

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|----------------|------------|---------------|
| Mr. Cunningham | Mr. Kytort | Mr. Peters |
| Mr. Dixon | Mr. Thomas | Mr. Kochinski |

Mr. Coughlin was excused due to prior engagements.

CITIZEN'S REQUESTS AND COMMENTS REGARDING AGENDA ITEMS

There were no requests or comments regarding agenda items.

CITIZEN'S REQUESTS AND COMMENTS REGARDING GENERAL ITEMS

Mr. Wayne and Brenda Watkins of Parrish Street provided a complete complaint form regarding a property located by their home and asked what could be done with that property. Mr. Telesco said he already sent out a violation notice regarding the property. He said with the new information received he will resend the violation notice by certified mail. Mr. Telesco said that he spoke with the owner and there were plans to make repairs this coming summer. Mrs. Watkins asked how long the dead cat will sit in the green water in the pool and added that it has been that way for over a year. Mr. Kochinski said Mr. Telesco will follow the procedures and if they do not respond they will get cited as long as there is an owner to attach to the property. Mr. Kochinski said there will be future discussions in budgeting for the blighted properties next year.

Mr. Watkins asked how Council responds to these particular matters. Mr. Kochinski said they have to follow the legal system and provide notice. Mr. Thomas said a court order is needed to go on the property. Mr. Thomas said the solicitor could apply for the court order through the Luzerne County Court of Common Pleas.

Mr. Peters asked Mr. Kostelansky if anything could be done. Mr. Kostelansky said the best thing to do to make them fix it quickly is to cite them every day, so long as they could be served then they have to clean it up or appear for magistrate's hearing and pay the fines. Mr. Thomas said they could be cited daily fines. Mr. Kostelansky said they do not need to be cited every day and that the notice could state that Code Enforcement will begin citing them starting on a specific day until the hearing and or the violation is corrected. Mr. Kochinski said the only real way to deal with these issues is to begin budgeting for blighted properties. Mr. Kostelansky said to cite them on every building code violation. Mrs. Watkins

said there is a chicken coop on the property and asked if chicken coops were allowed. Mr. Kochinski said chicken coops are not allowed. Mrs. Watkins thanked Council and Mr. Kochinski said they will keep her informed.

Mrs. Frey asked what happens when they keep citing someone and they have the hearing and they don't pay their fine. Mr. Kochinski said they had the owner of the Golden Quality Building cited for over five thousand dollars. He said that will go through the appeals process. Mr. Kochinski said it is a lengthy process and said Mr. Kostelansky could provide a better answer. Mr. Kostelansky said they would have to follow through. He said if they do not pay the fines warrants could be issued. Mr. Kostelansky said it's hard and expensive when it's out of town owners. Mr. Thomas said a warrant can't be issued for summary offense to go out of state.

Mr. Kochinski explained that there was a problem that developed with 111 East Main Street. He said that it comes back to Wyoming Valley Sustainable and then comes back to the deed that shows a P.O. Box as an address. He said they cannot find an owner of the company. Mr. Kochinski said it is a hazard and they had to shut down the side walk, Wells Fargo's drive through, and the alley behind it. He said they are going through the process to locate the owner to try to tear down the building. He said if an owner cannot be located the tax payers will have to pay to take it down. Mrs. Frey said that was the answer to her question. Mr. Thomas said they could put a lien on the property but they will never see it.

Ms. Candy Yanus, 449 West Shawnee Avenue, said when they purchased the property out of a tax claim sale they had to complete a form and they were not allowed to use a P.O. Box and a physical address needed to be used. Mr. Kochinski said they didn't even sign their name to it. Ms. Yanus said the property could not be purchased without a physical address on the bidder sheet. Mr. Kochinski said it did not work out that way. Mr. Kostelansky said all they had was a P.O. Box and in addition they were incorporated in 2015. Ms. Yanus said it purchased in 2014 according to the deed. Mr. Kochinski said he was told it was transferred in January of 2015. Ms. Yanus said it was filed in January of 2015 and it was purchased out of the November tax sale. She said there was no incorporation at that time so there has to be a bidder sheet of who bought that property. Mr. Kostelansky said the state requires a signature on the application to incorporate an LLC. He said the state approval stamp and entity number is on the approved application but no one signed the application.

Meeting Agenda

1. ORDINANCE NO. 1 OF 2017: AN ORDINANCE OF THE BOROUGH OF PLYMOUTH AMENDING AND REPEARLING PORTIONS OF THE BOROUGH'S ZONING ORDINANCE ADOPTED ON JULY 1, 1979 DEALING WITH THE M-2 LIGHT INDUSTRIAL DISTRICT CLASSIFICATION.

Mr. Dixon made the motion.

Mr. Peters made the second on the motion.

The vote was unanimous.

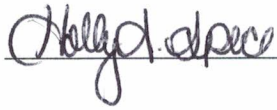
2. MOTION: TO ADJOURN.

Mr. Dixon made the motion.

Mr. Peters made the second on the motion.

The meeting adjourned at 6:24 P.M...

Respectfully Submitted,



Holly A. Spece
Borough Secretary & Treasurer
Plymouth Borough