

MOSCOW BOROUGH COUNCIL

PUBLIC HEARING

MINUTES OF JUNE 6, 2016

A Public Hearing was held on June 6, 2016 at 6:30 p.m. at the Moscow Borough Building, 123 VanBrunt Street, Moscow, PA. The following Council members were either present or absent:

Daniel F. Edwards – Mayor	Present	Marc Gaughan	Present
Arthur Pencek – President	Present	William Heim, Vice-President	Present
Joseph Castrogiovanni	Present	Thomas Lynch	Present
Edward Gaughan	Present	Rosemarie Warner, Secretary	Absent

Also present were Constance Sanko (Secretary/Treasurer); David Lamm (Building Inspector/Zoning Officer), Bruce Zero (Solicitor), Larry and Roxanne Puchalski.

Attorney Bruce Zero, Solicitor for Moscow Borough, began the Public Hearing at 6:33 p.m. on June 6, 2016.

The purpose of the hearing is to entertain and take public comments on An Ordinance of the Borough of Moscow, County of Lackawanna, and Commonwealth of Pennsylvania, amending the Moscow Borough Zoning Ordinance, enacted June 2, 2008, to remove two-unit attached dwellings as a special exception use in the C-1 zone district; to add conversion from non-residential use to residential units as a special exception use in the C-1 zone district and to revise specific use development requirements for two-unit attached dwellings and conversion from non-residential use to residential units. The notice of this hearing was published in The Scranton Times on May 18, 2016 and May 30, 2016.

The following is a list of exhibits:

1. Draft Ordinance #238-2016.
2. Advertisement from The Scranton Times on May 18, 2016.
3. Receipt from The Scranton Times that the advertisement was also run on May 30, 2016.
4. Minutes of the April 25, 2016 Moscow Borough Planning Commission recommending that Borough Council review and approve Ordinance #238-2016.
5. Lackawanna County Regional Planning Commission Ordinance/Amendment Evaluation Report stating that the LCRPC reviewed the proposed amendments and recommends approval of the amendments as submitted.

Attorney Zero stated that he is a member of the Lackawanna County Regional Planning Commission and abstained from voting on the recommendation.

Attorney Zero invited comments from the public:

Larry Puchalski, 215 Main Street, said that he and his wife Roxanne tried to sell their property for five years and since the property is located in the C-1 zone there were not a lot of people to buy something commercial. The house used to be a bed and breakfast in the past and he asked why it can't be residential again. At the current time there is a buyer with a contract with a closing date of June 29, 2016. If the transfer doesn't go through then it is limited to being commercial again. The potential buyers, who had a contract, already was granted a Special Exception from the Moscow Borough Zoning Hearing Board which was given to the buyers only and not to the owners of the property so Mr. Puchalski is concerned with being stuck with the property as a commercial property.

Roxanne Puchalski said when the structure was built it was built as a home; with both the front of the building and back part suitable for residential use. Mr. Puchalski said that this puts a burden on many of the property owners in the C-1 zone.

Attorney Zero said he cannot give legal advice as to how the Special Exception was granted to the purchaser and advised Mr. and Mrs. Puchalski to get legal advice from the solicitor of the Zoning Hearing Board.

Attorney Zero said that following the Public Hearing Moscow Borough Council will have a first reading of the ordinance, and at the next Council meeting on July 5, 2016 vote formally adopting the ordinance.

Marc Gaughan, a member of the Moscow Borough Planning Commission, said he understood that it was the intent of Planning Commissions from numerous years ago, possibly up to thirty, to eliminate the possibility of commercial areas turning into low rent residences. Main Street has changed in character. Moscow Borough, the North Pocono School District, and Lackawanna County recently put the Local Economic Revitalization Tax Assistance Act (LERTA) in place to help businesses keep the character of commercial buildings with residential above. Moscow Borough has become a very vibrant walking community and is currently looking for grants to install sidewalks from Academy Street to the Post Office. If a property is currently residential in the C-1 zone it can remain residential, however once it changes to a commercial use it must remain commercial.

Marc noted that there was an oversight in the current zoning ordinance that Council was not aware of so it is not working to correct that oversight with this amendment.

Attorney Zero asked if anyone wanted to read the ordinance in its entirety and asked if any Council members had any questions regarding the public comments on the ordinance.

The Public Meeting concluded at 6:47 p.m. A Borough Council meeting will be held at 7:00 p.m.

Minutes submitted by Constance Sanko