



Conditional Use Hearing
October 10, 2023

7:00 pm

Call to Order, Salute to the Flag and Roll Call 7:03 p.m.

Mr. Eric Kudrich President	P	Mr. Sean Alessandra Councilman	P	Mr. Jason Ohliger Solicitor	P	Asst Chief Kowinski Fire Department	A
Mr. Dave Clark Vice President	P	Mr. John Bush Jr Councilman	P	Mr. Greg Myer Treasurer	A	Corporal Adams EPRPD	A
Mr. Dayne Losee Councilman	P	Mr. Jon Maney Councilman	P	Ms. Amy Turner Tax Collector	A	Mrs. Lisa Salvato Recreation	P
Mrs. Janet Clark Mayor	P	Mr. Harry Prey Councilman	P	Mr. Tom Olver EMA	A	Mr. Shawn Bolles Zoning/Code Enforcement Office/Park Mgr	P

Public in attendance: approximately 11 members of the public present.

President's Remarks.

This public hearing was advertised in the Pocono Record on September 24th and October 1, 2023, and on the borough website.

The purpose of this Special Meeting and Public Hearing is to consider the application of New Life Church. The application is for Conditional Use approval to operate a Church at 806 Pennsylvania Ave.

There was no public comment.

A court stenographer was present for this hearing.

Mr. Kudrich turned the Hearing over to Mr. Ohliger to proceed. Entered for the record were the following:

B1: Proof of publication

B2: Zoning Permit Application dated 08/04/2023

B3: Conditional Use Application Dated 08/16/2023

B4: Letter from Pastor Nick Balcerak dated July 2023 summarizing the intended use of the space.

B5: A floorplan of the building

B6: E-mail from the Borough Secretary dated 9/27/2023 to the applicant requesting updated forms

B7: Letter from the Borough/Planning Secretary dated 9/22/2023 stating the Planning Commission's recommendation of approval of the Conditional Use Application to Council, with conditions.

Mr. Ohliger asked if any members were a Party to the hearing. No one stepped forward.

Mr. Ohliger questioned the applicant on the proposed use, parking. Confirmed the building owner is 806 PA Ave LLC. A letter from the owner was presented showing the applicant was authorized to act on his behalf at the meeting. This letter was entered into the record. The letter was recorded as A1.

Mr. Ohliger asked the council if they had any questions. Questions from Mr. Kudrich and Mr. Prey regarding renovations and parking were addressed and confirmation from the applicant that there would be no types of sales on the premises. Mr. Losee questioned the revisions on the applications. Mr. Madsen, Planning Commission Chairman was invited to speak.

Mr. Madsen explained, on behalf of the Planning Commission, the conditions that were recommended. One of the conditions was that the applications be revised. Mr. Madsen explained that applications were updated with corrected information. Some incorrect answers were put on the different lines of the application. Examples include Zoning Application section D. Present Use of Property was amended from "Church", the desired use, to "Retail" the current use on file. Mr. Ohliger questioned if the application was backdated when it was corrected. Applicant acknowledged it was backdated. Mr. Ohliger noted that backdating was acceptable, he just wanted to be sure the correct applications were being reviewed. Mr. Ohliger noted the other condition was confirmation from the property owner that all uses on the property outside of New Life Church activity cease. Mr. Ohliger asked if the Planning Commission was made aware of other activity on the property. Mr. Madsen responded that the property appears to be used as storage. There are trucks parked there, and signage piled in the back. The use of storage goes against our ordinances, as storage must be within an enclosed structure. Mr. Ohliger clarified that the storage use that was referenced was not church-related storage. Both Mr. Balcerak and Mr. Madsen both agreed that it was not Church related. Mr. Madsen presented a photo of the yard showing the vehicles and storage. The photo was entered as B8. Mr. Losee asked if the storage must be removed. Mr. Madsen noted yes, that the parcel can only have one use. Mr. Kudrich and Mr. Prey noted that the removal of the storage and vehicles would free up the parking for the congregants. Mr. Losee asked if the owner was agreeable to this condition. The applicant stated that the owner agreed to get it cleaned up. The Council had no further questions for Mr. Madsen.

Mr. Ohliger then asked if Zoning Officer Mr. Bolles had anything to add. Mr. Bolles noted that the Church was using the property without proper permits. An enforcement notice was sent to the property owner, who in turn contacted his tenant, Mr. Balcerak. Mr. Balcerak was quick to comply with the request to submit permit applications. At the time the permitted use of the property was retail sales. Zoning looked at what Mr. Balcerak was leasing. There are 12 parking places in the back included in the lease. This prompted Mr. Bolles to look into the current use of the property. It was discovered that the storage falls under the definition of a contractor's yard. The contractor's yard would be a second use of the property. A contractor's yard is not a permitted use in that zone. This prompted the Planning Commission to make the recommendation the property be used for Church activities only. Mr. Ohliger summarized the additional use appears to be an accessory use to the adjacent property, therefore constituting a second use on this property. Mr. Ohliger asked if Council had any questions for Mr. Bolles, there were none. Mr. Ohliger questioned if the enforcement notice that was sent was on the basis of an unpermitted use and approval tonight would resolve that enforcement notice. The Zoning Officer acknowledged that it would.

Mr. Ohliger asked the applicant if he had any questions for the Council or the Zoning Officer, he stated he did not. He was asked if he had anything else to present, he stated he did not.

Public Comment (When recognized by the president, per Borough Code, state your name and address for the minutes)

Mr. Losee asked what this public hearing was for. Mr. Ohliger was the hearing was to consider a Conditional Use Application. Mr. Losee wants to know if they were only here to consider it. Mr. Ohliger stated that after the hearing the Council can vote to approve, deny or approve with conditions the application. This could be done as part of the hearing or at the Council meeting that is scheduled for 7:30.

Motion to close the hearing at 7:25 pm. **M: Prey/Alessandra. All in favor.**

Respectfully submitted,



Marianne Brown
Borough Secretary