

**MINUTES
HAZLETON CITY COUNCIL
WORK SESSION
FRIDAY, AUGUST 13, 2021**

Council met for a WORK SESSION on Friday, August 13, 2021 in Council Chambers and via ZOOM Teleconferencing. The WORK SESSION began at 6:24 p.m.

In attendance were City Council President James Perry, Vice-President Anthony Colombo, Allison Barletta, Lauren Sacco and Jack Mundie. City Officials present were Atty. Sean Logsdon, Atty. Donald Karpowich and Dominic Yannuzzi.

Perry thanked everyone for coming to the WORK SESSION meeting. He said it is important for everybody, not only the Heights, but other concerns and needs to get this correct. Perry stated Atty. Karpowich is the main architect of the Zoning Ordinance and Dominic Yannuzzi is helping with the newest zoning map. He said Atty. Logsdon is also present for his expertise.

Perry said they will focus on the zoning map. He said Luzerne County did review it, and there were some changes. Perry said the Luzerne County Executive Director of Planning, Matthew Jones, stated, was thankful “for Birch Knoll residents, proposing expansion of LI zone, the buffering, planting and non-glaring requirements appearing on or around, page 210, are admirable and will mitigate concerns of neighbors and neighboring impacts between industrial and residential zones”. He said all these changes have been made.

Perry said Dietrich and F-Court was changed from residential to GI. He stated, most people, present tonight, want it changed back to residential. He said this is the Sency property. Perry also stated the other one is the E-Street property, changed from office space, which is no longer in existence, to (CC) central commercial. He said residential would be the best. He said Poplar Street was residential, from PP&L “on up” and changed to central commercial. Perry said the Beltway, on the east side, was I-2 and switched to GI. He said there are a lot of buffers in place.

Atty. Karpowich said the object, of zoning, is to separate, the uses, so everyone could, “live, work and play”, in harmony. He said they put performance standards, in the ordinance, and Luzerne County commented it was admirable. Karpowich stated Article 10, of the ordinance states, “there are buffers, decibel levels, at property lines, and lighting standards”. Karpowich said these are all to keep the uses. He said commercial, industrial and residential zones need to start somewhere. He stated in these transition zones, it was important to put performance standards.

Atty. Karpowich said the larger parcel, up the Heights, that was office commercial was changed to central commercial. He said central commercial less impacts than commercial highway. He said the only reason it was zoned from office commercial to central commercial because it seemed to be more consistent to what it was zoned. He said after going to look at this area, he said it is an extension, of the Heights, and should be residential. Karpowich said the City residents have concerns, they “raised” them, and they heard them. He said the Dietrich property adjoins a residential neighborhood, with two sides that are R-2 industrial and commercial, and two sides that are residential. He said it is the council’s prerogative to change it back to residential. He stated the Hajoca building staying residential was an oversight on someone’s part. He stated if it did stay residential, they could not stop the use and have a constitutional right to do that. Karpowich said if someone tried to obtain a variance, to use it for another use other than residential, the zoning board may grant that. Mope (*inaudible*).

Perry said council will let the public speak, and people attending, on ZOOM, to voice their concerns.

Mark Rabo, 1st Street, Hazleton, said he tried to talk about the northern end of Hazleton, but was not allowed to at the last meeting. He said he lives near the boundary between east and west, on Wyoming Street, with the west side of 1st Street which was always residential and the east side, of 1st Street, which is commercial highway. He said, on the proposed map, the line for the boundary between residential and commercial highway, always on Diamond Avenue, moves it to 1st Street, and cutting it in half, between the north and southside of 1st Street, going down to the Stockton Mountain. Rabo asked how this makes sense because there are mixed-use buildings on the east side of 1st Street but on the west side, from Gennaro Gardens, is all residential. He said there was an oversight here. Rabo said on the same line, going to east Diamond, from central commercial and general commercial, is also a problem. He said at Columbus Playground, with the parking and partying, recently, there, the residents called the mayor and DPW. Rabo said council passed the ordinance for the sign that people cannot park there. He said the event attendees stathe they could park there. Rabo said the mayor stated this area will be general industrial. Rabo said the event attendees stated there would be a sports complex there. He said this took the neighbor's "by shock". He asked if the city would use eminent domain and force the residents out. Perry said Rabo's concerns are on 1st Street and Columbus Playground. He said they would be cutting a residential area in half. Karpowich said this is how the City zones a community. He said when the changes were made, and the map was reviewed, by administration and the Planning Commission, for future growth. Karpowich said the map would look like a "checkerboard" if a zoning map was created by zoning districts based on existing development patterns. He said it was zoned based on the City's Comprehensive Plan.

Maria Jacketti (*inaudible*).

Rabo said 1st Street cannot have any development, or future development, unless there is demolition of property or construction new property. He asked how this would happen when the current properties are residential. He stated a general industrial zone would be going to Columbus Park. Rabo asked how expansive these plans are, and this needs to be presented about three to five years prior to the project. Rabo said it makes no planning sense to him. Karpowich stated they will look at this area. Rabo said his neighbors conveyed their serious concerns, about Columbus Park, to him. Perry said the City cannot change the park with businesses along the alley, and along the road, that are causing concerns. Sacco said it is not all the baseball league that is causing problems. Rabo stated the City needs to hear the concerns of the City residents and business owners. Rabo said they need to give their input. Karpowich stated City parks have always been open space and designated this way on the map.

Jean Mope, 531 South Hazle Street, said Karpowich brought up commercial highway and central commercial. She said there is a covenant, on Poplar Street, that the existing businesses could be utilized as businesses and cannot add to Poplar Street, as per Mr. Lockwood, previous council member. Karpowich said separate set of regulations have nothing to do with zoning. He stated restrictive covenants is a separate obligation and is contractual obligation between private property owners. Mope said she has the zoning book, and it states the City needs to respect the covenants. Karpowich said they are separate regulations. Mope stated Poplar Street was never changed. She said two meetings ago, the liquor license transfer hearing lawyer assumed the Heritage Pocono Market Fair was commercial. She said this should have been changed when it opened as a commercial business years ago. She said Quality Beverage is a commercial business, and Helping Hands is there. Mope is asking the City to extend commercial highway, or central commercial, to the Arthur Gardner Beltway. She said this would help eliminate the problems with trucking and prostitution that goes on in the back of the building. She spoke of E-Street to central commercial. She stated the only reason that professional office space does not exist, and continues to use the current map, professional office space would be there. She said they said residential may be beneficial but is not sure if residential would be a great fit with the spills. Perry said the City cannot anticipate what is in the ground, and tell the owner what to do with it. Mope said the City is dictating the use to them. She said what is in the property should have been looked at prior. She stated Peter Gregory told council what was in that property. She said they experienced two spills with Welsh shut down, on Dietrich Avenue, with the Graham's replaced the well lines. Mope said she is not sure Karpowich is aware of the situation. She said there was a massive explosion, also, up there. She

said DEP and EPA goes there on a regular basis, with pipes in the ground, to check on the contamination. She said most of it had to do with styrene but there are nasty chemicals there. Mope said Gregory was employed for Kama for “thirty-some years”. Karpowich stated if a property is contaminated, this ordinance will not regulate how it becomes uncontaminated. He said this is strictly in the “purview” of DEP. Mope said as residential or professional office space, she suggested the property be donated, as a Green Space. She said this might be a better solution to the problem. Karpowich said there is nothing they could do because they have property rights. Mope stated the City could make the request, and could write it off on his taxes. She said she spoke to Mundie and this was done before. Perry said it would be better to discuss this with the City’s lawyer. Karpowich spoke of Section 104-C, which states, “the ordinance does not repeal, annul, modify or anyway impair, interfere with, or supersede any private restrictions, placed upon property, by covenant, deed, or any other private agreement. The provisions, of this ordinance, shall be separate from private restrictions, or covenants or separate regulations”. He said this is a private contractual obligation they cannot interfere with. He said if someone gets a permit to use a property, for commercial use, there is a private restricted covenant that prohibits the property from being used as a commercial use, but could still seek injunctive relief, through the Court of Common Pleas, separate and apart from what the City is doing, and stop this use. Mope asked how central commercial is different from commercial highway. Karpowich said central commercial is trying to promote uses that has a business catering to the community, where, commercial highway is attracting uses for not only people, in the City, but other people outside the City. Mope said these two uses are the same, and, in the end, are getting the same scenario. Karpowich stated they are different. He said central commercial is attracting lower intensive uses, commercial highway is attracting higher intensive uses, commercial highway for larger lots with off-street parking, and central commercial for smaller lots that have on-street and off-street parking. Mope asked if there is commercial highway, could properties, as Sency’s lot, be added on as central commercial if they went to zoning. Karpowich said no, if their property is not zoned, a certain way, they cannot go to zoning to get it re-zoned. He said this would need to come before city council, a process like this, and would ask to have the map changed. He stated planning reviews and recommends, and council approves. He said, typically, natural extensions of existing zoning district boundaries, as long as they make “planning sense”, are permitted, but “spot-zones” are not.

Mope made a proposal to council. She said the map was already changed, on the Arthur Gardner Beltway, to general industrial. She said this is nice the City wants industry in, but there are alternatives to think about, and thinking “outside the box” is better. She stated the Arthur Gardner Beltway, from general to light industrial, are to commercial highway, on the southside of the beltway. She asked why the City would compete with Humboldt due to they have a vast amount of land for industry, and the City does not. She said they should be complimenting each other, using the development of 424, leading into Humboldt and the traffic flow. She said this could be used for hotels that Hazleton does not have. Mope said she tried to book hotel rooms for her class reunion but cannot get rooms. She said they need a grocery store on the end of her town. She said they need to go into either Hazle Township or West Hazleton. Mope asked if the City would like a Golden Corral, Outback Steakhouse, Cooper Seafood or Red Lobster. She said these establishments are not in Hazle Township or West Hazleton. Mope said the traffic, “to and from Humboldt”, and the interstate, would have the workers pass by them, daily, and would create this end of the City, as a dining area. Mope stated this would also be beneficial for eateries, in the Heights, because of the traffic going to a dining destination and by way of Poplar Street. She said this would pay for property taxes, school district as well as county, as well as EIT, and not have to receive LERTA, or be tax-free as the industries would be in general industrial. She said this would satisfy the residents and help the City, school district and the county. She said this would be a responsible alternative to general industrial zoning. She said the City does have a Community Economic Development officer to handle procuring of business. Mope said the township has passed, a zoning ordinance, for their portion of the Arthur Gardner Beltway, for general industrial. She said this would bring success to the dining development they would ask for. She said this would still bring tax revenue into the City. Mope said the residents have to go outside, of the City, for these services. She said they get tired of going to Allentown, Wilkes-Barre or Reading to go shopping. Mope asked if there was a traffic study done. She asked how

the City would handle all the traffic between the workers and the expansion, on Route 309, by the railroad trestle, on Buttonwood Street, or up on Route 309. She asked how the Hazleton Water Department will get out if they need to go to an emergency. She said it needs to benefit the residents, first, with their health, safety, and transportation. She asked why it is always “one way”. Karpowich said when Mope was a council woman, the zoning map has not changed, and went from I-2 to GI. Mope said they were satisfied with the map. She stated the residents were not aware of the changes, and they changed it prior to councils’ knowledge. Karpowich said this is the process. He said the NPC tells the City how to zone a community and starts with planning. Mope said it also starts with the governing body decides zoning. Karpowich said the decisions are not made or done until the council vote. Perry said this is what they are doing now. Mope said the process, of making and creating the map, did not have council’s input. She said planning is supposed to work with council.

Sacco asked Karpowich the difference between I-2 and G-1. Karpowich stated general industrial and I-2 are, comparably, the same. He said I-2, under the old zoning ordinance, is entitled I-2 general industrial. The new ordinance just calls it general industrial. Mope said it was considered light industrial. Karpowich and Mope reviewed the maps. Karpowich said looking at the new ordinance, it has more uses. He said they need to include as many uses, as possible, so it is not subject to challenge. He said if the zoning ordinance does not address, the use, or provide the fair share for commercial and residential, and the City does not do it, they will put it where they want. He said it is up to council to “draw the lines”. He said G-I and I-2 are both general industrial zoning districts and are comparable. He said light industrial means it could be lower intensive uses.

Colombo said there was a study done when they tried to turn the Beltway Diner or Blue Comet into a Red Lobster. He stated the traffic study was done, and there was not enough traffic to support it. Mope said the City just “went up” by 6,000 people. Sacco asked how many of those people pay taxes. She said they feel “squeezed”. Mope said the City would receive taxes from eateries. Sacco said if Red Lobster wanted to be here, they would be here, but the City cannot support that.

Daniel Poncavage, 235 High Street, Tamaqua, said the zoning map should allow churches to be built. He said the map shows a cemetery behind City Hall, and up the Heights, with industrial areas. He said any residential area would need special permission to hold worship services. He said, from the founding of this country, people were allowed to hold church services within their homes. He said the City has a capable Zoning Hearing Board and has seen it “in action”, they consider a lot of things, but it is not “by right” but a group of people’s consensuses, especially in a pandemic the country is, currently, in. Poncavage said the central commercial where the majestic churches were built, over time, could not be built without the permission of a zoning variance or a condition. He stated it is a very poor ordinance. Poncavage said he has been an architect for 45 years, with a minor in planning, and a bachelor of architect. He said he is allowed to build skyscrapers. He said council would make a terrible mistake in adopting this ordinance right now. He stated lawyers are trying to straighten out things forever. He said people have made housing and living decisions based on the current ordinance. Poncavage said no one is cognizant of the implications of this ordinance. He stated the Municipal Planning Code states when a City changes their zoning ordinance, residents need to know, by registered mail, up front, what they know what they are getting into. He said it takes a lot of work and skilled planners to put together to serve the citizens the way it should. Poncavage said he is a friend of council.

Mary Malone, 8 West Broad Street, thanked Atty. Karpowich for explaining the different designations, especially at the crossroads at Arthur Gardner and Route 93, to keep it commercial highway instead of general industrial. She said this would be good because of the traffic implications. Malone stated on the opposite side, closer to Route 309, it is zoned I-2. She said Krista Schneider recommended going back to the original, and not the “broader”, because of enforcement concerns, referring to the Downtown and Historic districts. She said the original Downtown Overlay district and Historic district are not overlapping. Malone stated when the original Overlay district, was done, there was a visual and illustrative guideline and needs to be looked at and updated. She said the illustrative guide was done in 2011. Malone said through some COVID grant funding, on the Historic district, for all the properties, there were profiles done. She said rather than the Advisory Committee, the Planning and Zoning Boards have experts, but consider

some level of specific training on the Downtown Overlay, either from local or the Harrisburg Main Street Program, and the Historic District is through PA. She said this should be added into the Zoning Ordinance now.

Nicarol Soto, 206 Berner Ave., Hazleton, spoke of the I-2 general industrial zones on the zoning map. She said this was changed to attract out-of-state companies to the City. She said she sees heavy manufacturing warehouses being built here. Soto said the City is inviting out-of-state residents to come, work and live here. She said Hazleton is running out of space and it is hard to find an apartment. Soto stated people are paying \$200,000 for an apartment and the mortgages will be very high. She said there is no space in the City schools for the children. Soto said they will compete for the rental properties. She said the landlord could raise their rents as they wish. Soto stated the warehouses will be built close to residential areas with high traffic of trucks. She said the City's environment will be affected. She said warehouse jobs are for laborers which will increase the crime. Soto said the City needs to attract more civilized and educated people. She said the City would have to provide housing and schooling for them. Soto suggested bringing restaurants or a mall to the area. Soto suggested they review the City's Comprehensive Plan.

Maria Jacketti, 549 Kiefer Avenue, Hazleton, provided an article to council and asked them to read it at their "leisure". She said Mope has been an "unstoppable force" and a leader, she gives them hope, and is a "beacon" for the Heights residents. She thanked Colombo as being a resource for the City. Jacketti also thanked Mundie when he stated, "I stand for the Heights and Terrace residents". She said Barletta was a very professional student, in her class, and is looking for the best "out of her". Jacketti stated their neighborhood is a good neighborhood. She said we are experiencing a climate-crisis worldwide with wildfires with Greece and Turkey are "on fire". She said Hazleton water could be drunk "straight out of the faucet". Jacketti stated we are in "survival mode" as a planet. She said a coalition, of citizens, will ask the DeAngelo brothers to donate this land, and be called a Green Zone. Jacketti stated they would get a "hefty tax deduction" for this property. She stated crime rates decrease when the City preserves nature. She said the people, in the Heights, do not want to see the DeAngelo land "touched". Jacketti said they are seeing bears, coyotes, bobcats, skunks, racoons, and snakes. She said there is potential of careful development of Arthur Gardner Highway. Jacketti said they would not support cell towers, but as a Green Energy space, it could be the "life blood" of Hazleton, especially if the nation's grids are "hacked". She suggested greenhouses as a food source in the City. Jacketti said they will attract these kinds of businesses, for the City, and give it a better outlook.

Jacketti said they need to "nix" the idea of warehouse development. She said this is about "quick bucks". She stated they will see "tens of thousands" of unemployed people because they believed in a sudden "gold rush".

Jacketti said Hazleton is the highest City in Pennsylvania.

Jacketti said this Zoning Ordinance does not protect the City's water supply.

Wayne Funk, 549 Kiefer Avenue, said he believes changes are inevitable, and especially with the Historic district would be a benefit. He said he is worried about the zoning changes up the Heights. Funk said the residents spoke of the known and unknown chemicals, from the industries, that operated in the Heights, to contaminations and lack of clean up. He said others spoke of the wooded area as being their "buffer" from the plastics plants. Funk said their Heights neighborhood is a nice neighborhood. He stated there are kids playing and ride their bicycles, people walking their dogs, and people greeting each other. He said the proposed developments would add stress into their neighborhood with having heavy equipment, traffic, and more tractor trailers disrupting their streets. He said if the City wants to develop a commercial section, it should not be in a residential area. Funk said there are no guarantees that any proposed zoning changes would result in "honorable" use of the land. He said they would not have to seek a variance for their uses. He said there are plenty of vacant businesses, in Hazleton, without building more

for commercial use. He stated, "let's keep the industry in Humboldt and Valmont, and keep CAN DO out of their neighborhoods".

Perry thanked everyone for coming out to speak. He said the City will make any changes on the zoning map. He said he is not sure what will happen next, and when it will be put on the council agenda.

Karpowich said the Zoning Public hearing was held on June 9, 2021. Barletta stated it has to be adopted within 90 days of this hearing.

Perry adjourned the WORK SESSION meeting at 8:30 p.m.