

Fun at St. Pauls

Young bride, Ellie Matza, right, of Shavertown came up with an apple without getting her veil wet as her sister Brooke and others looked on. The children were bobbing for apples at Friday night's Halloween party at St. Paul's Lutheran Church in Shavertown.

In lower left photo, princess Emily Smallwood of Dallas and Power Ranger Timmy Miller of Wilkes-Barre paraded their costumes. In lower right photo, Brooke Matza of Shavertown, left and Leah Kaiser of Dallas, raced to eat a donut-on-a-string without using their hands.



Town's zoning goals violate state guidelines

By GRACE R. DOVE
Post Staff

FRANKLIN TOWNSHIP - The state Department of Community Affairs (DCA) says two of the proposed changes in the town's zoning ordinance are illegal.

When the planning commission presented its first draft of the changes, it included two community development objectives:

- "Anyone who seeks anything but the rural lifestyle will be discouraged from becoming residents of the township."

- "Housing will be consistent with the rural farm character of the township, with low-density development as a primary housing goal."

Ironically the statements appear right after the statement that "the township will not discriminate...on the basis of color, race or creed."

According to a letter from the DCA to the supervisors, the two community development objectives are "inconsistent with the Pennsylvania Municipal Planning Code and statute, and are at best questionable with response to existing land use law in the commonwealth."

Improper community development objectives are only one question which the supervisors will have to address Monday night. A controversial change to the minimum lot sizes in agricultural areas must still be resolved.

Under the proposed changes, all agricultural (A-1 and A-2) areas would be combined into one A-1 district, with three-acre minimum lot sizes. The supervisors later decided to keep the present

A-1 and A-2 areas but increase their minimum lot sizes by an acre, making A-1 lots at least three acres and A-2 lots at least two acres.

The supervisors' decision on this question will affect Ann Marie McAvoy, owner and developer of Chadsford Estates I and II on Coon Road, who asked the planning commission to rezone her land from agricultural to residential.

The planning commission has recommended that whatever zone the supervisors assign her land, the lot size be a flat two acres.

Whatever zone is assigned to McAvoy's land will also affect land belonging to Charles and David Hilstolsky, who want their land made the same zone as McAvoy's. The Hilstolsky property on Coon Road adjoins Chadsford Estates.

Luzerne County's planning commission has suggested that more residential areas be added to the new zoning map, 75 percent of which is zoned agricultural. In order to avoid challenges to the new ordinance in court, solicitor John Actukiewicz has suggested the township present significant evidence why so much agricultural land is necessary.

The county also wants larger perimeter setbacks around land zoned as residential mobile home parks, which must be at least 20 acres in size.

Contradictory statements about permitted land uses in agricultural districts must also be clarified, according to secretary Sandra Race.

While golf courses are listed as permitted uses, an objective says the township can limit the number of golf courses. Presently the

Twin Oaks Golf Course on Orange Road is the only one in the township.

An error on the zoning map must also be corrected by rezoning the Clover Hill Meadows subdivision from agricultural to residential.

The township paid consultant Jack Varaly \$5,000 to rewrite the ordinance. However, Varaly said he never received formal notice of the proposed changes. "I last met with them October 9," he said. "They have given me nothing in writing. If they want these changes inserted, they can't give them to me at the last minute."

In a letter to Race dated October 21, he warned the supervisors that any changes to the zoning map and any adjustments to the sizes of lots made after September 13 would require another public hearing.

"In view of the fact that the supervisors are considering both types of changes, the ordinance cannot be enacted prior to convening another public hearing,"

he wrote.

Varaly also wrote he had basically worked for free since the July 31 meeting when he submitted the completed ordinance to the township. He requested \$40 per hour for additional work on the ordinance.

"Any problems or philosophical differences that may have occurred between the supervisors and members of the planning commission following the July 31 meeting now appears to include significant changes to previously completed and accepted work," he continued.

"I do not believe I should be expected to expand my scope of services, to make significant revisions to previously accepted work without compensation."

The supervisors plan to discuss their proposed changes to the zoning ordinance at their regular November 6 meeting and hold a public hearing on the entire ordinance November 28. They anticipate voting on it at the regular December 4 meeting.

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