



CITY OF LACKAWANNA
Zoning Board of Appeals
COUNCIL CHAMBERS

MINUTES

Tuesday August 13, 2024

Opening:

The regular meeting of the City of Lackawanna Zoning Board of Appeals was called to order at 5:00pm.

Present: Beres, Mohamed, Stampone, Sobaszek, Turner

Agenda:

A. Approval of Board meeting minutes:

Motion to approve minutes for 7/30/24: Sobaszek: Second: Beres
All yeas carried 5-0

Item #1

**Ratification of Special Use Permit
for Retail Cannabis Dispensary**

**Karen Pepe
1385 Abbott Rd**

Karen Pepe representing

Mr. Clark stated the purpose of today special meeting of the zoning Board is to ratify the votes that were cast on July 30, 2024 for a retail cannabis dispensary at 1385 Abbott Rd. This meeting is not about if Lackawanna should be in the cannabis game we made that decision three years ago and decided not to opt out of the State program. Ms. Pepe application had to component a special use permit and a parking variance. It was a over site that left the special use permit off the agenda and with the help of the Law department during the July meeting we had a opportunity to suspend the rules address the special use permit. We addressed the parking and both items

was voted on 3-1 pending ratification of today meeting. There was a question raised if the 1385 facility violated the City distant ordinance in the cannabis law in relations to a facility at 1447 Abbott. The Department of Development and Law position that is does not violate the distance requirement based on a couple of factures. The State defines a 500 foot distance between a cannabis dispensary and a public youth facility which they define as being Government own or a Government subside or Agency owned serving a population of 17year or older. The facility at 1447 Abbott rd is a private facility serving all ages. Within the City cannabis ordinance there is a requirement of a 500ft distance from the property line of any community facilities where populations including children are gathering. The site plan of the City approved for 1440 Abbott Rd which is the community center in question identify the gathering point of services as a designated community services building not the parking lots north or south just the building. The State defines measurement between dispensary location and protective facilities such as schools, houses of worship, community facilities or similar protective facilities like treatment centers, as door to door. So based on the State wide definition the distance between 1385& 1440 Abbott Rd is 570feet. There is no violation of the distance requirement as interpreted by the City cannabis code or the State code in terms of measurement. It is our position the application that Ms. Pepe has presented to open this dispensary at 1385 Abbott Rd meets all State ordinances and she has been approved by the State and the State has seen the location of the facility. She has been vetted by the State and all local laws with granted variances have been reviewed and acted upon accordingly. If this application was denied the likelihood of the City being put at risk of a timely and costly law suit is very high which we may lose. This will cost the City legal cost, damages and for gone revenue.

Ms. Pepe stated a concern is safety and there are certain things that we have to do. We will have cameras and extra security

Mr. Marion said you will be the only cannabis dispensary in Lackawanna, so you would not be located within 1000 feet of another existing

Ms. Pep correct

Mr. Marion said we established that you are not within 500 feet of a community center and is there anything that indicates (asking Steve Balon) that this is within 500 feet of a school, building, or property within 200 feet of a religious

Mr. Balon replied no

Mr. Marion said this area is not zoned single family residential or mixed residential in any form

Mr. Balon replied no

Mr. Marion said is not in a historical district

Mr. Balon replied no

Mr. Marion ask Ms. Pepe if it is in an historical district

Ms. Pep replied no

Mr. Marion ask about the hours of operation

Mr. Pepe said 10am to 10pm Monday thru Saturday and 10am to 6pm on Sunday

Mr. Marion said they meet the criteria of 932F and is there for fencing

Mr. Pepe no

Mr. Marion ask wh at kind of camera system

Mr. Pepe said we have to meet the requirements

Mr. Marion that will be a fully operational 4k camera
Mr. Pepe yes and you can see at night
Mr. Marion said you keep the footage for 30 days
Mr. Pepe said it may be longer than that
Mr. Marion ask about armed security
Mr. Pepe said you can't have armed security because it is federally illegal to sell cannabis right now, because if someone got shot or something happen it's a big issue
Mr. Marion you meet the requirement of 933C
Mr. Pepe said there is no product in the front of the store it's all locked in the back behind a steel door
Mr. Marion ask about signage
Mr. Pepe said they will replace the yeti sign
Mr. Marion said they meant the entire requirement for a special use permit for the building
Member Mohamed said the communication sent out regarding 1440 not being a community center the City ordinance indicates that they identify community facilities and you give us the definition of youth services

Motion to open public hearing: Mohamed: Second: Stampone
All yeas carried 5-0

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Laura said she lives two doors down for 70 years and hopes everything works out
Amira Muflahi- 75 Wilkesbarre- stated she also serve on the City Council and we passed the City Ordinance on March 18, 2024. The ordinance was created to complement the State statues in regards to cannabis use. I voted in favor of the ordinance that was created by the Director of Development and the City Attorney. Within the discussion the State set certain frame work and the City can amend it to fit their needs , wants and desire based on what the community wants to see held in their community. Because we choose not to opt out we had to design a certain ordinance that would create legislation in the City of Lackawanna. The City ordinance if not be followed why would it be created, so section 93.8 restriction no such cannabis shall be located within 500 feet of the property line, it does not say door to door.
Ms. Muflahi explained section 93-6 regarding community facilities

Anwar – 148 Holland- stated our concerns is not opening business in Lackawanna, they need to be the right business that support the community and continue to development the community. The community center on Abbott Rd, we have lots of youth activities such as youth activities, prayer services, after school programs and religious activities. That business is not the right location for it with kids coming from the center: The property line from 1446 Abbott Rd to that location is less than 500 ft.

John Gilliland-1389 Abbott- stated if we challenge this we may be taken to court and the location is not proper. I check a lot of businesses though out several communities and what I found out there in strip malls. I don't think the property is an amble place for this. I don't know how they can park cars on a daily bases and not interfere with my business, the business next door and the business on the other side. I want to know if the infringement of their security will affect my personal property.

Mr. Clark stated when you talk about the facility you made it clear that it is not a religious facility and you said it was a community and once in a while they have pray inside and now it is a religious facility. I am back to the point on where your gathering activities happen and it is the position of the Department of Development and Law that you are in excess of the 500 foot. The building next door is a privately owned facility that is a day school return to the community and serves all ages and not just youth. It is an in and out program that doesn't meet any of the laws.

Motion to gratify the special use permit: Beres: Second: Sobaszek
Yeas 4 Nays 1 carried

Motion to adjourn: Beres: Second: Turner
All yeas carried 5-0