

## RESOLUTION 2021- 10

### A RESOLUTION OF THE TOWN COUNCIL OF THE MUNICIPALITY OF KINGSTON, LUZERNE COUNTY, PENNSYLVANIA, A HOME RULE MUNICIPALITY, APPROVING AN AGREEMENT WITH VARALY ASSOCIATES, LLC

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**WHEREAS**, the Charter of the Municipality of Kingston grants to the Municipal Council certain powers and duties as numerated in Section 205 of said Charter, and;

**WHEREAS**, the Town Council of the Municipality of Kingston has the power to make appropriations, incur indebtedness, approve contracts and adopt the budget, and;

**WHEREAS**, the Municipality of Kingston has a need to secure professional planning services to study, draft and prepare a comprehensive new Zoning Ordinance, Zoning Map and Subdivision and Land Development Ordinance (SALDO), and;

**WHEREAS**, the services necessary to accomplish the aforementioned objectives are “professional or unique” thereby subject to exemption from competitive bidding by Kingston Charter Section 803, and;

**WHEREAS**, Varaly Associates, LLC has made a proposal to accomplish the aforementioned needs of the Municipality of Kingston for the fees identified therein as follows:

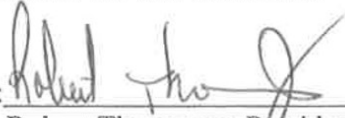
New Zoning Ordinance - \$15,250.00  
New Zoning Map - \$1,900.00  
New SALDO - \$6,750.00, and;

**WHEREAS**, the proposal of Varaly Associates, LLC is attached to this Resolution and incorporated in it.

**NOW THEREFORE**, the Town Council of the Municipality of Kingston authorizes the execution of an agreement by the Administration with Varaly Associates, LLC for the services set forth in the scope of work as set forth in the proposal attached to this Resolution.

**ENACTED AS A RESOLUTION** at a regular meeting of the Town Council of the Municipality of Kingston, Luzerne County, Pennsylvania, held this 1<sup>st</sup> day of March, 2021. This Resolution shall take effect immediately

FOR THE TOWN COUNCIL

BY:   
Robert Thompson, President

ATTEST

Julie Norton  
Julie Norton, Secretary

APPROVED:

Paul J. Roberts, Jr.  
Paul J. Roberts, Jr., Mayor

Date: March 1, 2021

**John R. Varaly, AICP  
Varaly Associates, LLC  
Professional Planning Consultants**

**AGREEMENT FOR PROFESSIONAL PLANNING SERVICES**

**BY AND BETWEEN**

**Kingston Borough, Luzerne County, PA**

**and**

**John R. Varaly, AICP**

**AGREEMENT**

This agreement, entered into as of this 10th day of March, 2021, by and between Kingston Borough hereinafter referred to as the "Borough" and John R. Varaly, AICP, hereinafter referred to as the "Consultant."

WITNESS THAT:

WHEREAS, the Borough wishes to enter into a contract for the required professional services to prepare a new Zoning Ordinance, Zoning Map and Subdivision and Land Development Ordinance hereinafter referred to as the "Project;" and

WHEREAS, the Borough has determined that the Consultant possesses the specialized professional skills, training, and experience necessary to fulfill the responsibilities and services sought by the Borough and;

WHEREAS, the Borough desires to engage the Consultant to render all required professional services for this Project.

NOW THEREFORE, the parties hereto intending to be legally bound do agree as follows:

1. **Scope of Services:** The Consultant shall, in connection with the aforesaid Project perform, provide and carry out the required services in a satisfactory and proper manner in accordance with the attached Proposal dated February 14, 2021, attached hereto and made a part hereof. All services provided by the Consultant shall be performed exclusively by John R. Varaly, AICP.

2. **Compensation:** The Consultant shall be paid a total compensation not to exceed the sum of Twenty-Three Thousand Dollars Nine Hundred (\$23,900.00) for all services rendered and performed under this Agreement as listed below:

\$15,250.00 Zoning Ordinance

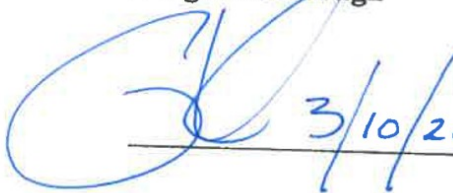
\$ 1,900.00 Zoning Map

\$ 6,750.00 Subdivision and Land Development Ordinance

3. **Method of Payment:** The Consultant shall be paid upon submittal of an invoice for the work completed and performed under this Agreement. Terms shall be net thirty (30) days.

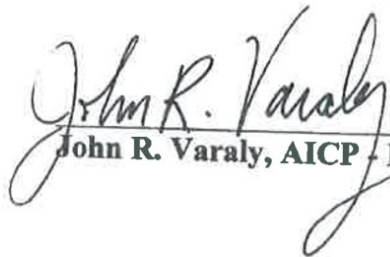
IN WITNESS WHEREOF, Kingston Borough and the Consultant have executed this Agreement as of the date first above written in paragraph one of this Agreement.

**Kingston Borough**

  
3/10/2021

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**Varaly Associates**

  
John R. Varaly, AICP - Principal

John R. Varaly, AICP  
Varaly Associates, LLC  
Professional Planning Consultants

50 FINN STREET  
WILKES-BARRE, PENNSYLVANIA 18705  
PHONE (570) 574-3061  
[jvaraly@ptd.net](mailto:jvaraly@ptd.net)

PROPOSAL  
PROFESSIONAL PLANNING SERVICES  
KINGSTON BOROUGH  
FEBRUARY 14, 2021

**NEW ZONING ORDINANCE**

**SCOPE OF WORK:**

Preparation of a new Zoning Ordinance in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended and further based upon community development objectives of Kingston Borough. The new Zoning Ordinance shall be drafted in conformance with all mandatory provisions under the MPC and best management practices for land use controls, including those for new and evolving types of land uses. The Borough will be provided with the necessary applications and forms coordinated with the text of the Zoning Ordinance for processing all enforcement and administrative actions required thereunder, including but not limited to those of the Zoning Hearing Board. The following represents a general outline of Articles intended to be included within the text of the Zoning Ordinance and may be expanded if deemed necessary during the course of developing the new Zoning Ordinance.

- ARTICLE 1 GENERAL PROVISIONS
- ARTICLE 2 DEFINITIONS
- ARTICLE 3 GENERAL REGULATIONS
- ARTICLE 4 ESTABLISHMENT OF ZONING DISTRICTS
- ARTICLE 5 ZONING DISTRICT REGULATIONS
- ARTICLE 6 CONDITIONAL USES
- ARTICLE 7 SPECIAL EXCEPTION USES
- ARTICLE 8 SUPPLEMENTARY REGULATIONS
- ARTICLE 9 NONCONFORMING USES
- ARTICLE 10 SIGNS
- ARTICLE 11 OFF-STREET PARKING
- ARTICLE 12 ENFORCEMENT AND ADMINISTRATION
- ARTICLE 13 AMENDMENTS
- ARTICLE 14 THE ZONING HEARING BOARD
- ARTICLE 15 APPEALS

**COST: \$15,250.00**

Provide the Borough with all services required to prepare a new Zoning Ordinance for a lump sum fee of \$15,250.00 which shall include attendance of all work sessions, public meetings and the submission of all drafts of written materials to be considered for inclusion in the Zoning

Ordinance. The aforementioned quoted lump sum fee shall remain fixed even if a more detailed scope of work on the text of the new Ordinance is desired or deemed necessary by the Borough following a preliminary introductory meeting.

## **2. NEW ZONING MAP**

### **SCOPE OF WORK:**

Preparation of a new Zoning Map as part of the Zoning Ordinance. The new Zoning Map will be based upon color aerial photography of the Borough with the Zoning Districts and related boundaries illustrated upon the Map. The benefit of using aerial photography is to view the underlying land uses and development. This ensures the zoning districts throughout Kingston Borough correspond correctly with existing and intended land uses.

**COST: \$1,900.00**

## **3. NEW SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

### **SCOPE OF WORK:**

Preparation of a new Subdivision and Land Development Ordinance in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended. The new Subdivision and Land Development Ordinance will include all required components in conformance with mandatory provisions under the MPC and best management practices for land use controls. The Borough will be provided with the necessary applications and forms coordinated with the text of the Subdivision and Land Development Ordinance for processing all enforcement and administrative actions required thereunder. The following represents a general outline of Articles intended to be included within the text of the new SALDO.

ARTICLE 1 - GENERAL PROVISIONS

ARTICLE 2 - DEFINITIONS

ARTICLE 3 - PROCEDURAL REQUIREMENTS

ARTICLE 4 - MAJOR SUBDIVISION/LAND DEVELOPMENT PLAN REQUIREMENTS

ARTICLE 5 - MINOR SUBDIVISION/LAND DEVELOPMENT

ARTICLE 6 - DESIGN STANDARDS AND SPECIFICATIONS

ARTICLE 7 - ASSURANCES FOR COMPLETION OF IMPROVEMENTS

**COST: \$6,750.00**

Provide the Borough with all services required to prepare a new Subdivision and Land Development Ordinance for a lump sum fee of \$6,750.00 which shall include attendance of all work sessions, public meetings and the submission of all drafts of written materials to be considered for inclusion in the Subdivision and Land Development Ordinance.

## CURRICULUM VITAE JOHN R. VARALY, AICP

Actively employed by municipal and private clients for a various planning services since 1974. Educational and professional background includes:

### **EDUCATION:**

BA Government –King’s College, 1972

Master’s Degree in City and Regional Planning - Rutgers University 1974

### **REGISTRATION:**

American Institute of Certified Planners 1984

American Planning Association 1978 (Charter Member)

Pennsylvania Planning Association 1980

- Full accreditation from the American Institute of Certified Planners.
- Advisor to municipal Planning Commissions and Zoning Hearing Boards
- Zoning Regulations for Oil and Gas Development
- Zoning Regulations for Wind Energy Projects
- Zoning Regulations for Cell Towers
- Zoning Regulations for Green Sustainable Development Practices
- Zoning Regulations for Curative Amendments
- Certified Planner under the Natural Lands Trust for Conservation Zoning and Conservation Subdivision under State’s Growing Greener Program.
- Instructor with the Pennsylvania Municipal Planning Education Institute for Courses in Zoning, Zoning Administration, Community Planning and Subdivision and Land Development.
- Instructor with the Pennsylvania Municipal Planning Education Institute for Courses in Subdivision and Land Development.
- Instructor with the Pennsylvania Municipal Planning Education Institute for Courses in Community Planning, with Marcellus Shale component.
- Instructor with the Pennsylvania Municipal Planning Education Institute for Courses in Zoning.
- Instructor with the Governor’s Center for Local Government Services for the PennSCAPES Program.
- Expert witness testimony in land use cases before local Zoning Hearing Boards and the Court of Common Pleas in Luzerne County, Lackawanna County, Carbon County, and Columbia County and Allegheny County .
- Former Wilkes-Barre City Planning Director (1975 to 2000)
- Consultant to Wilkes-Barre City on FEMA disaster claims.
- Serves as Municipal Zoning Officer to three communities
- Past instructor at King’s College.
- Guest panelist at Pennsylvania Planning Association Conferences on zoning regulations.

Accreditation from the American Planning Association with membership in the American Institute of Certified Planners (AICP) carries great importance. The American Planning Association provides AICP status to qualified individuals. As a prerequisite for applying for such status, one must have obtained a level of educational background in planning, in my case a Master’s Degree from Rutgers’s University in City and Regional Planning, and demonstrated professional work experience. Once a person meets these prerequisites, he

or she is then allowed to take the Comprehensive Exam for membership in the American Institute of Certified Planners. Those individuals who pass the examination to become AICP certified planners are recognized as professional planners in all 50 states, including those states which license planners.

The American Planning Association website notes the following information about AICP certified planners:

*"AICP certified planners carry a high mark of distinction because they are required to meet rigorous standards, maintain their expertise through continuing education, and serve community interests. Certified planners are members of APA's professional institute, AICP. They have demonstrated a commitment to high standards of professional practice and a mastery of theories and tools of planning. To become certified, an APA member must meet requirements for education and experience, pass the AICP Comprehensive Planning Examination, and pledge to uphold ethical standards and engage in ongoing professional development."*

Under the Certification Maintenance program, certified planners are required to earn 32 hours of professional development credits every two years.

Mr. Varaly holds specialization in planning and land use regulations and has prepared Comprehensive Plans, Zoning Ordinances, Subdivision and Land Development Ordinances, Flood Plain Management Ordinances and Expert Witness Testimony for clients throughout northeastern Pennsylvania. A partial listing of past and present clients include:

Luzerne Borough	Forty Fort Borough
Edwardsville Borough	Larksville Borough
Wyoming Borough	Exeter Borough
City of Wilkes-Barre	City of Nanticoke
Packer Township	Tobyhanna Township
Hazle Township	Jenkins Township
Throop Borough	Hegins Township
Ashley Borough	Sugar Notch Borough
Town of Bloomsburg	North Centre Township
Dorrance Township	Rice Township
Plains Township	Nuangola Borough
Dallas Township	Pittston Township
Lehigh Township	Laurel Run Borough
Penn Lake Park Borough	White Haven Borough
Foster Township	Dennison Township
Salem Township	Wright Township
Lehman Township	Laflin Borough
Wilkes-Barre Township	Bear Creek Township
Jackson Township	Harveys Lake Borough
East Union Township	Lansford Borough
Scott Township	Jefferson Township
Hanover Township	Coaldale Borough
Columbia County	Wilkes-Barre Area School District
Newton Township	Lower Towamensing Township
Berwick Borough	Columbia Alliance for Economic Growth