

ATHENS TOWNSHIP ZONING HEARING BOARD

April 28, 2015

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, Walt Haggerty, Alternate, Edmund Reid, Zoning Officer, and Secretary, Elaine Daddona. Stenographer was Caitlyn Jurek of Verbatim Reporting. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman John Baird called the meeting to order at 6:35PM. Motion by Rita Jo Swingle to approve the Minutes of March 24, 2015 as read, second by Diane Marvin and motion unanimously carried.

**Pennsylvania 3 Sector 2 Ltd. Partnership, d/b/a Verizon Wireless**  
**Parcel #09-019.00-018-002-000**  
**Application for Special Exception/Variance**

The applicant seeks to construct and operate a 195 foot telecommunications facility on property located near Murray Creek Road. Applicant seeks a special exception for the proposed use and, also, a variance to height regulation to allow the tower to be 195 foot high, and such other relief as determined by the Zoning Hearing Board.

Chairman John Baird recused himself from voting on the determination of the application due to the location of his residence in the matter of this application stating he wished to have the alternate, Walt Haggerty, act as a member of the Zoning Hearing Board and vote on this issue.

Edmund Reid, Zoning Officer, presented the application to the Zoning Hearing Board members for the property located near Murray Creek Road in Athens Township, Pennsylvania, zoned Woodland Conservation. Mr. Reid was asked by the Zoning Hearing Board if he had any comment to the application, and he stated he did not.

Testimony of Attorney Al Floro of the Nixon Peabody law firm, who presented the application, began at 6:40PM. He stated that the deficiencies for the land development which were stated by the Athens Township Planning Commission at their meeting on April 6, 2015 had been satisfied, and he submitted the required changes to the Zoning Hearing Board. A copy of the letter which had been submitted by the Athens Township Planning Commission was entered into evidence that they had no adverse comment to the application. Ronald Reagan, Supervisor and member of the Planning Commission was present and presented testimony regarding the application as well. Testimony concluded at 7:04PM. Executive session to reach a Decision began at 7:05PM and concluded at 7:25PM.

The applicant and Attorney Floro had previously agreed to waive the 24-hr. time constraint to receive a written Decision for this application.

Motion by Rita Jo Swingle to **grant** the Special Exception and the Variance request, subject to contact with the Guthrie Medical Center regarding the service provider for the helicopter for proof or evidence of a “no-fly” corridor in the area of the tower to be constructed. A roll-call vote was taken of the Zoning Hearing Board regarding the Decision to approve the motion as stated, which was a unanimous “Yes” vote.

The meeting was adjourned at 7:30PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary