

ATHENS TOWNSHIP ZONING HEARING BOARD

May 24, 2016

Zoning Hearing Board members in attendance were: Solicitor, Andrew Hutz, Esq., John Baird, Rita Jo Swingle, Kirstie Lake, Ed Reid, Zoning Officer, and Secretary, Elaine Daddona. John Schoonover, alternate, was unable to attend. Stenographer was Caitlyn Shaylor 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 6:30PM. Motion by Rita Jo Swingle, second by Kirstie Lake, to approve the Minutes of January 5, 2016 as read and motion unanimously carried.

Aqua Pennsylvania, Inc. Parcel #09-020.23-257-001-000
Application for Appeal of Administrative Decision and/or Variance for a Nonconforming Use

The applicant requests an appeal of an administrative decision, and/or a variance for a nonconforming use of the Athens Township Zoning Ordinance to allow for the proposed construction of a new operations center at their current storage and maintenance facility site, and such other relief as determined by the Zoning Hearing Board.

Kirstie Lake recused herself from the hearing due to the fact that she is employed by the applicant.

Testimony began at 6:35PM and Ed Reid, Zoning Officer, presented the application to the Zoning Hearing Board members for the applicant, Aqua Pennsylvania, Inc. for property located at 139 Center Street, Athens Township, Pennsylvania, zoned Residential Urban. Mr. Reid explained that the zoning office had no objection to the project and had worked to fit it into the Zoning Ordinance, but could not approve the application based on its understanding of the ordinance's definitions and rules.

Aqua Pennsylvania, Inc. was represented by Attorney Damian Rossettie and Mr. Randall Simmons, Field Supervisor, and Ann Reynolds, Consulting Engineer, were present for testimony in this matter. Mr. Rossettie stated that company officials felt the property use qualified as a government or public service building, an acceptable use in the residential urban district.

Mr. Simmons stated that the lot currently has no structures on it, but is used to store pipes, fire hydrants, stone, topsoil and other materials. He also explained that the operations have been based in the basement of the Clare Printing building in Sayre Borough since about 1999, a space which he considered to be insufficient for the company's needs. He stated that they employ six full-time and one part-time employee and functions mainly as an operations and maintenance center, with no customer service performed there.

The new building is proposed to include a 2,000 sq.ft. administrative office and 2,500 sq.ft. vehicle storage area as well as fenced-in inventory storage in the rear of the property. The office would be open from 7AM to 4:30PM Monday through Friday, and Mr. Simmons stated that employees are on call in case of emergency as well.

Ms. Ann Reynolds, Consulting Engineer of Huntingdon, Pennsylvania employed by Aqua, Pennsylvania for this project testified that they had surveyed the lot and established the boundaries and designed the plan for the building. She stated that no lighting or signage had

been planned for the project yet.

Residents, Eric Behets and Gary Ayres testified regarding the project, and testimony concluded at 7:10PM.

Executive session followed immediately upon conclusion of testimony, and the hearing recommenced at 7:35PM.

The Zoning Board concluded that this is a public service building and is a utility service to the general public, and is not defined in the Zoning Ordinance. The applicant and Attorney Damian Rossettie agreed to waive the 24-hr. time constraint to receive a written Decision.

Motion by Rita Jo Swingle to approve the application pending compliance with the Land Development Ordinance, second by John Baird, and roll call vote was “yes”. Motion carried.

The Board read Section 602 of the Land Development Ordinance regarding street and exterior lighting, that everything needs to face inward.

The meeting was adjourned at 7:40PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona

