

ATHENS TOWNSHIP ZONING HEARING BOARD

April 25, 2017

Zoning Hearing Board members in attendance were: Solicitor, Andrew Hutz, Esq., Chairman John Baird, Rita Jo Swingle, Kirstie Lake, Cindy Parrish, Asst. Zoning Officer, and Secretary, Elaine Daddona. Stenographer was Caitlin 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 to approve the Minutes of November 22, 2016 as read, second by Kirstie Lake, and motion unanimously carried.

Jeffrey Paul

Parcel #09-007.07-009-000-000

Application for Use Variance

The applicant is represented by Attorney Taunya Knolles Rosenbloom and is requesting a variance and special exception of a nonconforming use under Article III, Section 310 of the Athens Township Zoning Ordinance to allow for the limited purpose of mixing dry flour product. The subject property is owned by Austin's Excavating & Paving, Inc. and is located at 301 Shepard Road, Sayre, PA.

Cynthia Parrish, Assistant Zoning Officer, presented the application to the Zoning Hearing Board members for the property located at 301 Shepard Road, Athens Township, Pennsylvania for a Variance or Special Exception for the property owned by Austin Excavating & Paving, Inc. and is under Land Contract to Jeffrey Paul. She explained that the applicant intends to use the property for the purpose of mixing dry products for distribution. The Zoning Office feels that this type of operation would fall under "manufacturing and processing" and would require a use variance, as the parcel is zoned Agricultural.

Testimony began with the applicant, Jeffrey Paul along with his Attorney Taunya Rosenbloom which began at 6:34PM and concluded at 7:02PM. Applicant stated that he and his wife are part of L & J Rentals and plan to mix different flours (gluten free/food related product) and blend them for distribution from that location. He intends to employ one to three people at the building Monday through Friday for this operation and it would require one mixer (4x4x8 in size), a weighing machine, sewing machine, metal detector, and a forklift on site. The hours of operation would be 7AM to 3:30PM or possibly 8AM to 5PM normal working hours. Trucks would come in with product and then shipped out with no more than three trucks a week expected. There would be no unnecessary noise or exhaust fumes, and nothing would be stored outside of the business. He does not expect changes to the existing structure. He explained that the parking area was gravel, and due to the expected low volume of traffic, he did not anticipate dust from the use of that area such as it had been in the past. He added that he had spent a great deal of time cleaning the area up for his use of the property due to the use made by the previous tenant, and in particular, what would be required for a food related business.

Testimony of two adjacent property owners, Jason Rogers of 306 Shepard Road, and Patricia Haggerty of 367 Shepard Road was given pertaining to what would happen to this parcel if the Board approved the Variance and something changed during his contract with the owner, the operation would no longer exist, and what effect it may have on their property. They did not object to his use of the property.

Executive session of the Zoning Hearing Board began at 7:20PM and concluded at 7:25PM. Attorney Hutz explained that the Board would request a continuance to the next meeting of the Zoning Hearing Board on Tuesday, May 23, 2017 at 6:30PM to allow for time to research this and meet at that time in executive session to make a Decision that was appropriate in this matter. Applicant and his attorney agreed to the continuance.

The meeting was adjourned at 8:00PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary