

ATHENS TOWNSHIP ZONING HEARING BOARD

July 23, 2019

Zoning Hearing Board members in attendance were: Solicitor, Andrew Hutz, Esq., Chairman John Baird, Rita Jo Swingle, Cynthia Parrish, Asst. Zoning Officer, and Secretary, Elaine Daddona. William Bresser was unable to attend. Stenographer was Beth Brucie of Verbatim Reporting. Sign-in sheet was available for all others in attendance and is hereby attached.

The members were delayed in arriving, and Chairman John Baird called the meeting to order at 6:45PM. He stated that no formal vote was done at the last meeting held on June 25, 2019 regarding the Variances requested by the applicant to allow a Dog Park and to allow three (3) access drives for the proposed non-residential lot; one 30 ft. wide driveway on Clinton Street and two (2) driveways on Elmira Street, and that this meeting was called to determine whether or not it is a “use not provided for” under the Ordinance. The applicant was asked if they wanted to add further testimony, and they stated that they did.

**Williams Auto Group**

**Parcels #09-020.23-408-002-000; #09-020.19-001-001-000; #09-020.24-144-000-000**

**Application for Variances**

The applicants, Dalton Williams and Willy Rowe, Project Manager, and Marc Maser of Maser Engineering were present to request a variance of Section 403, to allow a Dog Park in a Commercial zone.

The subject property is owned by Dandy Corporate Center, LLC and is located at 1754-1778 Elmira Street, Sayre, PA (Tax Parcel No. 09-020.24-133) 70 Clinton Street, Sayre, PA (Tax Parcel No. 09-020.23-408-002) and 1730 Elmira St., Sayre, PA (Tax Parcel 09-020.19-001-001) in a Commercial zone. A request for a Variance to the “Ordinance”, Section 800 to allow three (3) access drives for the proposed non-residential lot; one 30 ft. wide driveway on Clinton Street, and two (2) driveways on Elmira Street.

Applicant’s testimony provided that the Dog Park is not a Kennel, which would be allowed, but rather a use not identified anywhere in the Ordinance. It is a “use not provided for” which is beyond the scope of the Zoning Hearing Board’s authority, and the Dog Park therefore should be denied. Motion by Rita Jo Swingle, second by John Baird to DENY the request for a variance, motion carried.

Additional testimony of the applicant regarding the request for an access drive on Clinton Street, which would be the third where one does not currently exist, began at 6:51PM and concluded at 7:07PM. Subsequent testimony provided that this access would be for employees only, but acknowledged that they wouldn’t be able to control traffic at this access, to include deliveries. Local residents, Daniel Stark, Carol Carey, John Carlin, Sue and Leo Pollock testified that there already exists a traffic issue at the intersection of Clinton Street and Elmira Street, due to Applebee’s traffic. Any additional traffic on Clinton Street would create a greater bottleneck and safety hazard at this intersection.

Executive session began at 7:08 and concluded at 7:14PM.

Motion by Rita Jo Swingle, second by John Baird to DENY the requests for a variance both for the Dog Park and the driveway access on Clinton Street due to the applicant’s and resident’s testimony and the fact that at the previous hearing, it was determined that the driveway

access on Clinton Street was to access the Dog Park.

Motion by Rita Jo Swingle, second by John Baird to approve the minutes of June 25, 2019 as read, and motion carried.

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

Respectfully submitted,

Elaine J. Daddona, Secretary