

ATHENS TOWNSHIP ZONING HEARING BOARD

March 24, 2015

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Rita Jo Swingle, Walt Haggerty, Alternate, Cindy Parrish, Zoning Officer, and Secretary, Elaine Daddona. Diane Marvin was unavailable. Stenographer was Shauna Potter 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 6:32PM. Motion by Rita Jo Swingle to approve the Minutes of December 23, 2014 as read, second by Walt Haggerty and motion unanimously carried.

Bruce Carpenter

Parcel #09-020.13-028-000-000

Application for Variance

The applicant seeks a variance to construct a metal carport-free standing garage on the vacant property, and such other relief as determined by the Zoning Hearing Board.

Cindy Parrish, Zoning Officer, presented the application to the Zoning Hearing Board members for the vacant property located on the corner of Kirby Street and Glen Valley Road, Athens Township, Pennsylvania, zoned Rural Center District.

Chairman Baird asked Cindy Parrish if the Athens Township Supervisors had made any statement regarding this application, and she commented "None she was aware of". Testimony of the applicant, Bruce Carpenter, who was represented by Attorney William Alan Shaw, began at 6:37PM. The applicant stated that he would like to construct a metal carport structure to store his camper and tractor. He explained that for the past three years, those item have been exposed to the weather due to the fact he had no facility to store them. Mr. Carpenter submitted photos of his property to illustrate the fact that he could not build on his residential property due to the fact there would be no access to the structure. He submitted a photo of the proposed 24 by 31 foot carport. Mr. Carpenter explained that the vacant property for the structure was currently owned by his brother, Brian Carpenter, who does not live in the area and had given him a notarized letter of his approval to occupy the property with this building. Also submitted were letters from the surrounding residential property owners that they had no objection to this proposal. Testimony concluded at 6:58PM.

Executive session to reach a Decision began at 7:00PM and concluded at 7:15PM.

The applicant and Attorney William Alan Shaw agreed to waive the 24-hr. time constraint to receive a written Decision for this application.

A roll-call vote was taken of the Zoning Hearing Board regarding a Decision to approve the application for a variance to construct a 24 by 31ft. carport/garage for storage on the vacant lot and 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

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

ATHENS TOWNSHIP ZONING HEARING BOARD

July 2, 2015 – Special Meeting

Zoning Hearing Board members in attendance were: John Baird, Rita Jo Swingle, Diane Marvin and Walt Haggerty, Alternate, Ed Reid, Zoning Officer, and Secretary, Elaine Daddona.

Chairman John Baird called the meeting to order at 6:30PM to discuss the letter dated June 25, 2015 from Attorney Gerard Zeller, Zoning Hearing Board Solicitor, who tendered his resignation due to health reasons. The Board met to discuss an appointment for a replacement on the Zoning Hearing Board. Chairman Baird took the Board into Executive Session at 6:31PM and commenced at 6:50PM.

Motion by Chairman Baird to offer the position for a reasonable fee amount, first to Attorney Damian Rossettie who had stated he would be interested in accepting the position contingent on the acceptance of his law firm with Attorney R. Joseph Landy. If Attorney Rossettie did not accept, motion to extend the position to Attorney Andrew Hutz, as he stated he would be interested in accepting the position as well. Diane Marvin seconded the motion, and motion unanimously carried.

The meeting was adjourned at 7:05PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD
September 11, 2015 – Special Meeting

Zoning Hearing Board members in attendance were: John Baird, Rita Jo Swingle, Ed Reid and Cindy Parrish, Zoning Officers, and Secretary, Elaine Daddona.

Chairman John Baird called the meeting to order at 10:00AM to appoint a Solicitor of the Zoning Hearing Board. Attorney Andrew Hutz had applied for the position and was asked to be present at this meeting to discuss an appointment. However, Mr. Hutz had not appeared at the time the meeting commenced. Rita Jo Swingle requested an Executive session which commenced at 10:06AM. Meeting reconvened at 10:43AM. Rita Jo Swingle made a motion that it would be advertised that applications would be accepted by anyone interested in applying for the position of Solicitor prior to Tuesday, September 22, 2015 at 10:00AM and that the applications must be received by Athens Township by that date and time along with a letter of interest and resume. It would be **mandatory** that any applicant be present for an interview by the Zoning Hearing Board at their regularly scheduled meeting on September 22, 2015 at 6:30PM. Motion seconded by John Baird, and motion carried.

John Baird then announced that he had forgotten he could not be available on September 22, 2015 due to a personal conflict. Rita Jo Swingle made a motion to amend the prior motion to change the date to Monday, October 5, 2015 at 10:00AM and the interviews would be conducted on that date at 5:00PM at the Township meeting room and would be advertised as such. Motion was a unanimous “Yes” from Rita Jo Swingle and John Baird. The Zoning Hearing Board also requested that the Secretary contact the parties who had already submitted an application and advise them of this notice. Rita Jo Swingle also stated that it was possible an appointment would not be made at that meeting on October 5, 2015.

Mr. Hutz appeared at 10:45AM and stated that he was not aware of the meeting that was taking place this date, but he arrived due to the cell phone calls made to him by the Board. The Zoning Hearing Board filled him in on what was planned for a future Solicitor appointment and what would be required if he was still interested in applying.

The meeting was adjourned at 10:59AM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

October 5, 2015 – Special Meeting

Zoning Hearing Board members in attendance were: John Baird, Rita Jo Swingle, Kirstie Lake and Secretary, Elaine Daddona.

Chairman John Baird called the meeting to order at 5:00PM for the purpose of interviewing to appoint a Solicitor of the Zoning Hearing Board. Attorney Andrew Hutz , Attorney Jonathon Foster, Jr., Attorney Richard Jennings, and Attorney Chris Bradley had submitted applications for the position.

Chairman Baird welcomed Kirstie Lake to the Board. Executive session began at 5:03 for interviews of the applicants and concluded at 6:21PM.

Motion by John Baird to approve the hiring of Attorney Andrew Hutz as Athens Township Zoning Hearing Board solicitor on a temporary 12-meeting status to be re-evaluated for hire at the conclusion of the 12th Zoning meeting, at the rate of One Hundred (\$100.00) Dollars per hour with no retainer. Rita Jo Swingle seconded the motion. Roll call vote was: John Baird “yes”; Kirstie Lake “no”; Rita Jo Swingle “yes”, and motion carried by majority.

The meeting was adjourned at 6:45PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

October 27, 2015 – Regular Meeting

Zoning Hearing Board members in attendance were: John Baird, Rita Jo Swingle, Kirstie Lake, John Schoonover, Attorney Andrew Hutz, Solicitor, Ed Reid, Zoning Officer, and Secretary, Elaine Daddona.

Chairman John Baird called the meeting to order at 6:30PM for the purpose of acquainting the new members of the Zoning Hearing Board to include Andrew Hutz, Esq. , Solicitor, and John Schoonover, newly appointed alternate to the Board, with the other members. Discussion regarding duties and time for questions of the new members followed.

Motion by Rita Jo Swingle, second by John Baird, to approve the following Minutes of April 28, 2015; July 2, 2015, September 11, 2015 and October 5, 2015 as read and motion carried.

The meeting was adjourned at 7:20PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary