

# ATHENS TOWNSHIP ZONING HEARING BOARD

January 5, 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 6:38PM. Motion by Rita Jo Swingle to approve the Minutes of October 27, 2015 as read.

## **Election of Officers**

Motion by Rita Jo Swingle to elect John Baird as Chairman of the Zoning Hearing Board, second by Kirstie Lake, and motion carried. Motion by Rita Jo Swingle to elect Kirstie Lake as Vice Chairman of the Zoning Hearing Board, second by John Baird, and motion carried.

## **Randy B. Williams Trust**

**Parcels #09-20.18-67, #09-020.18-68, #09-020.18-69, #09-020.18-70, #09-020.18-71, #09-020.19-3**

## **Application for Variances**

The applicant seeks a variance under Article, Section 800.E of the Athens Township Zoning Ordinance to allow for four (4) access driveways for proposed construction project; and a variance under Article 3, Section 306 of the Ordinance to allow for impervious surface greater than 70 per cent, and such other relief as determined by the Zoning Hearing Board.

Testimony began at 6:40PM and Ed Reid, Zoning Officer, presented the application to the Zoning Hearing Board members for the Williams Ford Lincoln facility located at 1538 Elmira Street, Athens Township, Pennsylvania, zoned Commercial.

Randy B. Williams was represented by Attorney R. Joseph Landy and Mr. Williams was also present along with Timothy Gourley of Dietz-Gourley Consulting of State College, project engineer, and Andrew Harding of AJH Design.

Attorney Hutz stated that the applicant would like to table the requested variance regarding the impervious surface. Attorney Landy testified that the plans would likely comply with the Ordinance as is and therefore the variance would not be required, as the proposed plan had not yet been reviewed by the Planning Commission for the land development process and changes may be forthcoming.

Testimony continued regarding the request to allow the auto dealer and service center to construct four driveway access points onto the property which is made up of six commercial-zoned parcels owned by the Randy B. Williams Trust. Under the Zoning Ordinance, commercial properties are limited to two access points. However, the Ordinance allows applicants to request additional driveways when a non-residential lot's frontage exceeds 300 feet or in the event of exceptional circumstances. Mr. Landy explained that the lot's location, bounded by Elmira and Bressler Streets and Herrick Avenue made it necessary to construct multiple access points. Mr. Gourley explained that presently there are six access points on the property and what is proposed is one main entrance onto Elmira Street, one on Bressler Street, and two driveways onto Herrick Avenue. This would allow for the large tractor trailers with vehicles to access the lot safely.

Ms. Brenda Ferguson of 78 Bressler Street inquired about the access driveway onto Bressler Street and it was addressed by Mr. Gourley. Mr. Williams further explained about the requirements of the Ford Motor Company with respect to construction of all the new dealerships and how it affects this location to meet the requirements for this project. Testimony concluded at 7:04PM.

Chairman Baird asked for an executive session of the Zoning Hearing Board to consider the testimony and possibly reach a Decision at 7:07PM and reconvened at 7:15PM.

The applicant and Attorney R. Joseph Landy agreed to waive the 24-hr. time constraint to receive a written Decision.

Motion by Rita Jo Swingle to **approve** granting the variance request of the Randy B. Williams Trust concerning the four (4) access drives, second by Kirstie Lake, and motion unanimously carried. Role call vote was as follows: John Baird “yes”, Kirstie Lake “yes”, and Rita Jo Swingle “yes”.

The meeting was adjourned at 7:25PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

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

ATHENS TOWNSHIP ZONING HEARING BOARD

November 22, 2016

Zoning Hearing Board members in attendance were: Solicitor, Andrew Hutz, Esq., Chairman John Baird, Rita Jo Swingle, Kirstie Lake, Ed Reid, Zoning Officer, and Secretary, Elaine Daddona. Stenographer was Christine Reynolds of CSR 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.

**Robbins Sign Co. LLC**

**Parcels #09-007.10-039-002-000; #09-007.10-039-000-000**

**Application for Variances**

The applicant, represented by Kelly Jo Hunink, is requesting a variance under Article 7, Section 704 (B)(2)(d) of the Athens Township Zoning Ordinance to allow for the total sign area of a canopy sign to exceed (twenty-five) 25% of the face area. A variance under Article 7, Section 704 H(2) of the Ordinance to allow a freestanding sign to exceed twenty (20) feet in height above the average grade of the property. A variance under Article 7 Section 704 (B) of the Ordinance to allow the total business sign to exceed four hundred and seventy five (475) square feet, and such other relief as determined by the Zoning Hearing Board.

Ed Reid, Zoning Officer, presented the application to the Zoning Hearing Board members for the property located at 2789 Elmira St., Athens Township, Pennsylvania, zoned Commercial.

Testimony began with the applicant representative, Kelly Jo Hunink on behalf of the Robbins Sign Company, LLC for signage at the former Xtra Mart property, now to be occupied by Mirabito. It was stated that the variance requested under Article 7 Section 704(B) of the Zoning Ordinance to allow the total business sign to exceed four hundred and seventy-five (475) square feet **would not** by necessary and therefore would be withdrawn as a request. The other variances for the canopy signs and freestanding sign are still requested.

Chairman Baird stated the Board would like to discuss the variances separately and went into executive session at 6:45PM. The hearing resumed at 7:00PM to consider the variance for the freestanding sign to exceed twenty (20) feet in height above the average grade of the property. Motion by Rita Jo Swingle to grant the variance on the request, per Page 1 of 9 of the applicant's photographs, that to not grant the variance would cause a change from the signage standard and cause additional work from the Company, amended by Chairman Baird to add that it was being changed regarding the height for safety reasons, and motion and amendment seconded by Kirstie Lake. Roll call vote was "Yes" from all Board members and motion carried.

The hearing resumed to consider the requests for the canopy signs to exceed twenty-five per cent (25%) of the face area. After a discussion with Ms. Hunink regarding the variance requests, Attorney Hutz asked if she would like to delay a decision of the Board on the gas canopy (east side) would, if approved by Mirabito, be moved to come in compliance with the Ordinance, and she stated she did not. Executive session therefore began again at 7:30PM and the remaining variances were discussed. The Board reconvened at 7:40PM. Motion by Rita Jo Swingle to grant the variance on the diesel canopy (on the east side) with the condition being to get both of the vinyl signs (north and south sides) within the twenty-five per cent (25%) compliance of the Zoning Ordinance and channel stays as is, second by Kirstie Lake, and motion carried.

The Decision of the Board for the gas canopy sign (the lighted channel side) was that the applicant representative be granted a stay to determine from Corporate by the next meeting of the Zoning Hearing Board on December 27, 2016 regarding whether or not she would need a variance, and that she only needs to come back to the Board if she actually still should require the variance for this signage. The applicant's representative agreed to waive the 24-hr. time constraint to receive a written Decision of the Board.

Motion by Rita Jo Swingle to approve the Minutes of May 24, 2016 as read, seconded by Kirstie Lake, and motion unanimously carried.

The meeting was adjourned at 7:50PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary