

ATHENS TOWNSHIP ZONING HEARING BOARD

March 26, 2019

Zoning Hearing Board members in attendance were: Solicitor, Andrew Hutz, Esq., Chairman John Baird, Rita Jo Swingle, William Bresser, Cynthia Parrish, Asst. Zoning Officer, and Secretary, Elaine Daddona. Stenographer was Beth Brucie 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 6:33PM.

Motion by Rita Jo Swingle to approve the Minutes of February 27, 2018 as read, and motion unanimously carried.

Election of Officers

Motion by Rita Jo Swingle to elect John Baird as Chairman, and William Bresser as Vice Chairman. Motion unanimously carried.

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 applicant, Randy Williams, was present to request four (4) variances to a conforming use of the Athens Township Zoning Ordinance, Section 800 to allow all parking spaces with dimensions of 9 feet by 18 feet, for a total area of 162 sq.ft.; Section 802 to allow interior aisles in parking lot to have a minimum width of 22 feet; Section 306 to allow maximum impervious coverage of the lot to be 88.5%, and Section 704 to allow a 15 foot tall business franchise sign, 10 feet from the road right-of-way. The subject property is owned by Dandy Corporate Center, LLC and is located at 1730 Elmira Street, Sayre, PA in the Commercial zone.

At the suggestion of Attorney Hutz, the Board went into Executive Session at 6:35PM in order to proceed with the application. Executive session concluded at 6:45PM, and Chairman Baird stated that they had discussed the application with the Assistant Zoning Officer who stated that it appears there are more variances that would need to be looked at and should be reviewed by the Athens Township Planning Commission at their regularly scheduled meeting on Monday, April 1, 2019. It would be anticipated there would be a recommendation from them in order to move forward with the Sketch Plan which had been submitted with the application.

Cindy Parrish mentioned that this was only a Sketch Plan that had been submitted for review. The applicant, Randy Williams, asked what were the proposed issues. Cindy added that the variances that had not been requested in this application were as follows: 1) the "Park" is not a permitted use in the Commercial District; 2) The drive aisle on Clinton Street is shown as twenty-eight (28) feet instead of the required thirty (30) feet; and 3) the three drive aisles are shown and only two (2) are permitted.

The Board voted unanimously to postpone the completion of the hearing until the next regularly scheduled meeting on April 23rd, 2019 at 6:30PM.

March 26, 2019

The meeting was adjourned at 7:15PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

May 28, 2019

Zoning Hearing Board members in attendance were: Solicitor, Andrew Hutz, Esq., Chairman John Baird, Rita Jo Swingle, William Bresser, Cynthia Parrish, Asst. Zoning Officer, and Secretary, Elaine Daddona. Stenographer was Beth Brucie 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.

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, Randy Williams, Dalton Williams, and Marc Maser of Maser Engineering were present to request two variances for the development of a car dealership on the former P&C lot after reconfiguring the parcels. The first variance to the Athens Township Zoning Ordinance, Section 306 is to allow maximum impervious coverage of the lot to be 79% rather than the allowed 70%. 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) and 1730 Elmira Street, Sayre, PA (Tax Parcel 09-020.19.001-001) in the Commercial zone. Also requested is a variance to the "Ordinance" Section 704 allowing a 15-foot tall, business franchise sign, 10 feet from the road right-of-way instead of the required 25 foot setback. The subject property is owned by Dandy Corporate Center, LLC and is located at 1730 Elmira Street, Sayre, PA in the Commercial zone.

Mr. Baird addressed the applicants regarding the application for a variance to the Sign Ordinance for a 15-foot tall, business franchise sign, 10 feet from the road right-of-way. A discussion followed regarding placement of the sign. During the course of discussion, a letter dated April 2, 2019 from the Athens Township Planning Commission which contained the recommendations of the Planning Commission following their review of the request for four variances from this applicant, dated March 11, 2019 was read. Mr. Hutz explained that this application, however, was only for two variances (above listed) and were the only variances to be considered at this hearing.

A resident, John Carlin, asked to address the Board about an objection he had to the applicant's application and his concerns regarding the Clinton Street driveway entrance and exit of the proposed land development. He wanted to know if this was the correct meeting to address his issues, or if he should attend the meeting of the Athens Township Planning Commission. Rita Jo Swingle stated that the Zoning Hearing Board would address this, but this hearing was not for those issues.

The variance request for the relief to allow maximum impervious coverage of the lot was discussed followed with Marc Maser, Engineer, addressing the Board about what had been submitted to the Athens Township Planning Commission in the land development application with a reduction of the pavement concerning impervious coverage.

Cynthia Parrish, Assistant Zoning Officer, presented the variance application to the Board at this point, and discussion followed with Mr. Maser answering questions of the Zoning Hearing Board members.

The discussion of the sign variance concluded at 7:30PM, and discussion of the request for a variance for impervious coverage continued until 7:44PM. At that time, executive session of the Board was held to discuss a decision and concluded at 7:54PM.

Mr. Hutz announced **APPROVAL** of the sign variance by the Zoning Hearing Board for the setback 18 ft. as opposed to 25 ft., second by Bill Bresser, and motion unanimously carried. Chairman Baird announced **APPROVAL** of the variance for impervious coverage, second by Rita Jo Swingle, and motion unanimously carried.

Motion by Rita Jo Swingle to approve the Minutes of March 26, 2019 as read, and motion unanimously carried.

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

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

June 25, 2019

Zoning Hearing Board members in attendance were: Solicitor, Andrew Hutz, Esq., Chairman John Baird, Rita Jo Swingle, William Bresser, Cynthia Parrish, Asst. Zoning Officer, and Secretary, Elaine Daddona. Stenographer was Beth Brucie 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 6:34PM.

Motion by Rita Jo Swingle to approve the Minutes of May 28, 2019 as read, second by Bill Bresser, and motion unanimously carried.

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, Randy Williams, Dalton Williams, 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.

Cynthia Parrish, Assistant Zoning Officer, presented the variance application to the Zoning Hearing Board members for a Use Variance and Driveway Access Variance.

Mr. Willy Rowe, Project Manager, and Ryan Sampson for Maser Engineering were present to give testimony on behalf of the applicant, Williams Auto Group. Testimony began immediately following Ms. Parrish and concluded at 7:20 PM for Executive session of the Zoning Hearing Board. Executive session concluded at 7:35PM.

Attorney Hutz announced that the definition of "park" and "kennel" is a use not provided for; therefore, the Dog Park is a "use not provided for" and would need to be determined by the Township Supervisors, as the Zoning Hearing Board cannot act on this Variance. Mr. Hutz also stated that as to the Variance requested for driveway access, the points are tied to the feasibility of the Dog Park and the decision would be deferred to a group with the authority to make that decision.

It was determined that the applicant would need to apply for a Conditional Use Hearing with the Supervisors. Cindy Parrish, Zoning Officer, asked for a classification on the third driveway access. Mr. Hutz stated that there was a lack of testimony at this hearing for the Zoning Hearing Board to make a decision on the third drive, as not enough information was supplied by the applicants.

The meeting was adjourned at 7:45PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

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

ATHENS TOWNSHIP ZONING HEARING BOARD

November 12, 2020

Zoning Hearing Board members in attendance were: Chairman William Bresser and Rick Felt. Cynthia Parrish, secretary, Ed Reid, zoning officer, Robin Smith, township secretary, and John Thompson, township solicitor, were also in attendance.

Chairman William Bresser called the meeting to order at 5:08PM. Discussion was held regarding the development of a Request for Proposals (RFP) for the Zoning Hearing Board Solicitor.

Cheryl Wood-Walter arrived at 5:10PM. Discussion continued. Cindy will type up an RFP with details suggested by the board for John to review and plan on advertising it next week.

Motion by Cheryl to adjourn was seconded by Rick. Meeting was unanimously adjourned at 5:45PM.

Respectfully submitted,

Cynthia Parrish, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

November 24, 2020

Zoning Hearing Board members in attendance were: Solicitor, Andrew Hutz, Esq., Chairman Bill Bresser, Rick Felt, Cheryl Wood-Walter, Ed Reid, Zoning Officer, and Secretary, Cindy Parrish. Stenographer was Beth Brucie of Verbatim Reporting. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman Bill Bresser called the meeting to order at 6:31PM.

Sayre Developers, LLC
Parcel #09-020.19-006-000-000
Application for Variances

Taunya Knolles Rosenbloom, Esq. and Jim Malin of Urban Neon were present on behalf of the applicant to request a variance of Section 704B2 to allow for 341.3 square feet of parallel wall signage.

The subject property is owned by Sayre Developers, LLC and is located at 1661 Elmira Street, Sayre, PA (Tax parcel #09-020.19-006-000-000) and is located in the Commercial District.

Testimony was given about the details of the sign package, company requirements, and the distance from the road.

Executive session was called at 6:45PM, and the hearing resumed at 6:50PM. Motion to approve the variance contingent upon the lights being turned off after business hours was made by Cheryl and seconded by Rick. The motion passed unanimously. Motion to adjourn was made by Rick and seconded by Cheryl. Hearing was adjourned at 6:51PM

Williams Auto Group
Parcels #09-020.19-001-001-000
Application for Variances

Chairman Bresser called the hearing to order at 6:52PM

Willy Rowe, Project Manager was present to request a variance of Section 704D3 to allow the total area of franchise signage to be 167.5 square feet and 704H6 to allow a free-standing outdoor business franchise sign to be 27 feet in height. Dalton Williams joined via speakerphone to present testimony.

The subject property is owned by Dandy Corporate Center, LLC and is located at 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.

Executive session began at 7:06 and concluded at 7:10PM.

Motion by Cheryl Wood-Walter, second by Rick Felt to approve the request for a variance to Section 704D3 passed unanimously.

Motion to approve the request for a variance from Section 704H6 by Cheryl, seconded by Rick passed unanimously.

Motion to adjourn the hearing at 7:16PM by Rick, seconded by Cheryl passed unanimously.

The regular meeting continued.

Motion to accept the minutes from 10/27/20 and 11/12/20 by Rick, seconded by Cheryl. It was unanimous to accept the minutes.

Andy mentioned the possibility of recording future hearings rather than using a stenographer all the times. He said they could simply hire a stenographer to transcribe the recordings as needed for appeals. It was noted that that is something they would like to look into further.

The meeting was adjourned at 7:33PM as there was no further business to discuss.

Respectfully submitted,

Cynthia R. Parrish, Secretary