

ATHENS TOWNSHIP PLANNING COMMISSION

Regular Meeting

January 9, 2023

The regular meeting of the Athens Township Planning Commission was called to order on Monday, January 9, 2023 at 6:58PM by Chairwoman, Marion Carling.

Present: Clif Cheeks, Marion Carling, Jason Rogers, Rebecca Miller, Secretary, Cindy Parrish, and Zoning Officer Ed Reid. A sign-in sheet was available for all others in attendance and is attached.

Secrist, Jeffrey, 2-lot subdivision located between Orcutt Creek and Vetter Rds:

Bruce Benish from Bruce Benish Surveying was in attendance and explained that the subdivided property will be made part and parcel to an adjoining property owned by the applicant's brother. Discussion was held.

Motion to review the plan was made by Miller and seconded by Cheeks. Motion carried. The plan was reviewed and one deficiency was noted:

1. Need sewage module

Motion to recommend approval with the noted deficiency was made by Cheeks and seconded by Miller. Motion carried.

Minutes

Motion to accept the minutes from December 12, 2022 as written was made by Cheeks and seconded by Rogers. Motion carried. Miller abstained as she was not in attendance for that meeting.

Zoning/SALDO updates

Planning Commission members will continue to research the changes independently and discuss at a later date.

Correspondence

Commission members reviewed the correspondence file individually.

Chairwoman Carling adjourned the meeting at 7:38PM as there was no other business to discuss.

Respectfully submitted,

Cynthia Parrish, Secretary

ATHENS TOWNSHIP PLANNING COMMISSION

Regular Meeting
February 6, 2023

The regular meeting of the Athens Township Planning Commission was called to order on Monday, February 6, 2023 at 7:06PM by Vice Chairwoman, Rebecca Miller.

Present: Clif Cheeks, Jason Rogers, Rebecca Miller, Ron Reagan, Secretary, Cindy Parrish, and Zoning Officer Ed Reid. Chairwoman Marion Carling was absent.

Minutes

Motion to accept the minutes from January 9, 2023 as written was made by Rogers and seconded by Cheeks. Motion carried. Reagan abstained as he was not in attendance for that meeting.

Motion to add reorganization to the agenda was made by Rogers and seconded by Cheeks. Motion carried.

Motion to keep the current chair/vice chair positions for the new year (chair: Carling, Vice chair: Miller) was made by Rogers and seconded by Reagan. Motion carried.

Zoning/SALDO updates

Discussion was held.

Correspondence

Commission members reviewed the correspondence file individually.

Motion to adjourn the meeting at 8:24PM was made by Reagan and seconded by cheeks. Motion carried and the meeting was adjourned as there was no other business to discuss.

Respectfully submitted,

Cynthia Parrish, Secretary

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Minutes

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Motion to add reorganization to the agenda was made by Rogers and seconded by Cheeks. Motion carried.

Motion to keep the current chair/vice chair positions for the new year (chair: Carling, Vice chair: Miller) was made by Rogers and seconded by Reagan. Motion carried.

Zoning/SALDO updates

Discussion was held.

Correspondence

Commission members reviewed the correspondence file individually.

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Minutes

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Motion to add reorganization to the agenda was made by Rogers and seconded by Cheeks. Motion carried.

Motion to keep the current chair/vice chair positions for the new year (chair: Carling, Vice chair: Miller) was made by Rogers and seconded by Reagan. Motion carried.

Zoning/SALDO updates

Discussion was held.

Correspondence

Commission members reviewed the correspondence file individually.

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Present: Clif Cheeks, Jason Rogers, Rebecca Miller, Ron Reagan, Secretary, Cindy Parrish, and Zoning Officer Ed Reid. Chairwoman Marion Carling was absent.

Minutes

Motion to accept the minutes from January 9, 2023 as written was made by Rogers and seconded by Cheeks. Motion carried. Reagan abstained as he was not in attendance for that meeting.

Motion to add reorganization to the agenda was made by Rogers and seconded by Cheeks. Motion carried.

Motion to keep the current chair/vice chair positions for the new year (chair: Carling, Vice chair: Miller) was made by Rogers and seconded by Reagan. Motion carried.

Zoning/SALDO updates

Discussion was held.

Correspondence

Commission members reviewed the correspondence file individually.

Motion to adjourn the meeting at 8:24PM was made by Reagan and seconded by cheeks. Motion carried and the meeting was adjourned as there was no other business to discuss.

Respectfully submitted,

Cynthia Parrish, Secretary

ATHENS TOWNSHIP PLANNING COMMISSION

Regular Meeting

March 6, 2023

The regular meeting of the Athens Township Planning Commission was called to order on Monday, March 6, 2023 at 7:03PM by Chairwoman, Marion Carling.

Present: Chairwoman Marion Carling, Ron Reagan, Bob Petruschak, Matt Cooper, Secretary, Cindy Parrish, and Zoning Officer Ed Reid. Rebecca Miller was not in attendance due to a prior committment.

Zoning/SALDO updates

Discussion was held regarding the updates and reasoning behind them. New members Petruschak and Cooper were updated as to the progress we've made so far and what still needs to be addressed.

Discussion continued to explain the Planning process for applicants, commission members, and the Board to help familiarize new members with what to expect going forward.

Correspondence

Commission members reviewed the correspondence file individually.

Chairwoman Carling adjourned the meeting at 7:56PM as there was no other business to discuss.

Respectfully submitted,

Cynthia Parrish, Secretary

ATHENS TOWNSHIP PLANNING COMMISSION

Regular Meeting

April 3, 2023

The regular meeting of the Athens Township Planning Commission was called to order on Monday, April 3, 2023 at 7:01PM by Chairwoman, Marion Carling.

Present: Chairwoman Marion Carling, Ron Reagan, Bob Petruschak, Matt Cooper, Rebecca Miller, Secretary, Cindy Parrish, and Zoning Officer Ed Reid.

Hall, Theresa: 2-lot subdivision on Front Street

Patrick Grimes from Butler Surveying explained the 2-lot subdivision would allow for a section of the parcel to become part and parcel to the neighboring property.

Motion to review the plan was made by Miller and seconded by Reagan. Motion carried. The plan was reviewed, and it was noted that the pavement width of Front Street was absent. Members stated that the pavement width could be handwritten and initialed on all plan sets by the surveyor, and he did so. No deficiencies were found.

Motion to recommend approval with zero deficiencies was made by Reagan and seconded by Cooper. Motion carries.

It was noted that the Supervisors meeting has been moved to April, 27th at 5PM.

Barrett, Jack: Sketch Plan

Barrett submitted a letter to the Zoning Office stating that he is postponing his Sketch Plan presentation. A copy of the letter is attached.

Minutes:

Motion to accept the minutes from February 6, 2023, noting that there is an absence of a quorum to validate the minutes due to a change in membership was made by Miller and seconded by Reagan. Motion carried. Cooper and Petruschak abstained as they were not members at that time.

Motion to accept the minutes from March 6, 2023, was made by Cooper and seconded by Petruschak. Motion carried with Miller abstaining as she was absent from that meeting.

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Zoning/SALDO updates

Discussion will be held at a later date as formatting issues are still being addressed.

Correspondence

Commission members reviewed the correspondence file individually.

Chairwoman Carling adjourned the meeting at 7:40PM as there was no other business to discuss.

Respectfully submitted,
Cynthia Parrish, Secretary

ATHENS TOWNSHIP PLANNING COMMISSION

Regular Meeting

May 1, 2023

The regular meeting of the Athens Township Planning Commission was called to order on Monday, May 1, 2023 at 7:00PM by Chairwoman, Marion Carling.

Present: Chairwoman Marion Carling, Ron Reagan, Bob Petruschak, Rebecca Miller, Secretary, Cindy Parrish, and Zoning Officer Ed Reid. Township engineer Skip Schneider was also in attendance. Matt Cooper arrived at 7:05PM.

Bouchard, Brian/Sayre Lodging Associates: Sketch Plan for a restaurant (Dairy Queen) on Elmira Street

Brian Bouchard from CHA Consulting presented a sketch plan for Sayre Lodging Associates for a proposed Dairy Queen at 2775 Elmira Street (the Candlewood Suites site). He noted that the approved 2014 land development for the hotel include a pad site for a restaurant. Most utilities and drainage were already addressed in those previous plans. There will be approximately 170 shared parking spaces for the hotel and restaurant site. Approximately 130 will remain for the hotel and 41 for the proposed restaurant. Discussion was held about the drive thru lanes. Schneider inquired about the previously approved versus proposed green space in the parking area. Conversation continued as to what the Planning Commission would like submitted with the plans. Bouchard stated that they hope to submit within the next few months and to start development this Fall. Discussion continued regarding several design features.

IR Federal Credit Union: Modifications to Preliminary Land Development

Jeff Nason from CEC presented modifications to a previously approved preliminary land development for a credit union to be located on McDuffee Street. He explained that financial constraints forced some design changes to the site plan. The McDuffee Street access was moved 150' east from the original design. The building will be reduced from 9300 square feet to 800 square feet. The impervious coverage will increase from 49%-50%. The underground storm water was modified slightly but will remain in the same place. Nothing will change on the Elmira Street access design, but PennDOT will be requiring that driveway to be a "right in/right out only" access. Discussion was held about drive aisle widths. Reid stated that one aisle needs to be 30', or they should seek a variance. Discussion about parking and traffic flow continued. Discussion was held about a waiver request for having no sidewalk on McDuffee Street. Reid mentioned that the EV charging stations need to meet ADA requirements now. Schneider reviewed his

comment letter. Stop signs and one way arrows will be added to the plans for the parking area.

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Motion to review the plans was made by Reagan and seconded by Cooper.
Motion carried unanimously.

The plan was reviewed and the following deficiencies were found:

1. Need owner's signature
2. Need waiver for sidewalks on McDuffee Street or they need to be added to the plan
3. Need surveyor's signature on acknowledgement statement
4. Need developer's signature
5. Need updated PennDOT HOP
6. Need preliminary copy of the storm water maintenance agreement
7. Need "Preliminary" listed on the cover
8. Need signed and sealed storm water report/plan
9. Need letter from IR requesting modifications to previously approved plans
10. Need lighting plan
11. Need to make one exterior drive aisle compliant with the ordinance

Motion to recommend preliminary approval with the listed 11 deficiencies was made by Cooper, seconded by Reagan. Motion carried unanimously.

Minutes:

Motion to accept the minutes from April 3, 2023 was made by Miller and seconded by Petruschak. Motion carried unanimously.

Zoning/SALDO updates

Reid handed out copies of the Bradford County solar ordinance updates. Discussion will be held at a later date as formatting issues are still being addressed.

Correspondence

Commission members reviewed the correspondence file individually.

Chairwoman Carling adjourned the meeting at 8:55PM as there was no other business to discuss.

Respectfully submitted,
Cynthia Parrish, Secretary

ATHENS TOWNSHIP PLANNING COMMISSION

Regular Meeting

June 5, 2023

The regular meeting of the Athens Township Planning Commission was called to order on Monday, May 1, 2023 at 7:04PM by Chairwoman, Marion Carling.

Present: Chairwoman Marion Carling, Bob Petruschak, Rebecca Miller, Matt Cooper, and Secretary, Cindy Parrish.

Motion was made by Miller to add to the agenda a discussion on holding a special meeting for Bishop Brother's plans and moving the July 3, 2023, PC meeting if necessary. Motion was seconded by Petruschak. Motion carried and the item was added to the agenda.

Applicants to be heard:

There were no applicants to be heard.

Discussion was held on the July meeting dates. Motion was made by Miller and seconded by Cooper to change the regular meeting date from July 3, 2023, to July 10, 2023. Motion carried.

Cindy or Ed will ask Bishops if they want a special meeting when/if they submit their land development plans and will note that PC is looking at July 12 or 13, 2023 for that special meeting. They will also ask the other applicants if they would like a special meeting if Bishops does not. Cindy will ask John Thompson if he can be at the Bishops' meeting and will have Michelle advertise the change to the regular July meeting.

Minutes:

Motion to accept the May 1, 2023, Planning Commission minutes as written was made by Miller and seconded by Cooper. Motion carried.

Zoning/SALDO updates:

Discussion was held regarding the updates to the Zoning Ordinance regarding solar farms. PC will wait until they see the revised county ordinance updates and will continue discussions at the August meeting.

Correspondence

Commission members reviewed the correspondence file individually.

Chairwoman Carling adjourned the meeting at 8:24PM as there was no other business to discuss.

Respectfully submitted,

Cynthia Parrish, Secretary

ATHENS TOWNSHIP PLANNING COMMISSION

Regular Meeting

July 10, 2023

The special meeting of the Athens Township Planning Commission was called to order on Monday, July 10, 2023 at 7:00PM by Chairwoman, Marion Carling.

Present: Chairwoman Marion Carling, Bob Petruschak, Rebecca Miller, Matt Cooper, Ron Reagan, Zoning Officer, Ed Reid, and Secretary, Cindy Parrish.

Bradley, Valerie/Merrill, Melvin: 2-lot subdivision on Reagan Rd.

Bruce Benish from Bruce Benish Surveying presented the plans to divide the 22 acre parcel that is currently jointly owned by the applicants into 2 parcels with one existing residence on each new lot. Discussion was held.

Motion to review the plan was made by Miller and seconded by Cooper. Motion carried unanimously, and the plan was reviewed with the following deficiencies noted:

1. Zoning classification needs to be changed to Agricultural and the setbacks need to be corrected to the Agricultural setbacks
2. Need signature of surveyor and acknowledgment statement
3. Need executed Form B from Sanitation

Comments:

1. Easement for the shared well should be put in the deed
2. New maps need to be signed

Motion to recommend approval with the above noted deficiencies and comments was made by Cooper and seconded by Reagan. Motion carried unanimously.

Minutes:

Motion to accept the June 5, 2023, Planning Commission minutes as written was made by Miller and seconded by Petruschak. Motion carried with Reagan abstaining as he wasn't in attendance for that meeting.

Zoning/SALDO updates:

Discussion was held regarding the updates to the Zoning Ordinance regarding solar farms. PC is still waiting to see the revised county ordinance updates. Cooper asked how long we should wait on those

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changes before moving forward with our own. Miller stated that we shouldn't wait much longer. Update discussions will be put on the August agenda.

Correspondence

Commission members reviewed the correspondence file individually.

Chairwoman Carling adjourned the meeting at 7:35PM as there was no other business to discuss.

Respectfully submitted,
Cynthia Parrish, Secretary

ATHENS TOWNSHIP PLANNING COMMISSION

Special Meeting

July 13, 2023

Solicitor John Thompson took the Commission into executive session at 7:03PM to discuss procedural aspects of the meeting due to the unexpected absence of the chairperson.

The special meeting of the Athens Township Planning Commission was called to order on Monday, July 13, 2023 at 7:09PM by Vice Chairwoman, Rebecca Miller.

Present: Vice Chairwoman Rebecca Miller, Bob Petruschak, Matt Cooper, Ron Reagan, Zoning Officer, Ed Reid, Secretary, Cindy Parrish, Review Engineer, William (Skip) Schneider, and Solicitor, John Thompson. All others present have signed the attached sign-in sheet.

Bishop Brothers Construction, Inc.: Preliminary Land Development for a mineral extraction operation located off of Meadowlark Drive.

Tim Gourley from Tract Engineering presented plans for a Preliminary Land Development on the Minard property on Meadowlark Drive. He stated that the property is roughly 500 acres and about 360 acres would be utilized for the mining operation. Of that, only about 160 acres would actually be mined. They would mine from the agricultural field south to Tutelow Creek and extend into the hillside towards Round Top Park. He noted that Conditional Use approval was obtained in 2021 and the conditions set have been addressed and the location of the access road has changed since that approval was granted and will now be at the turn in the road and use the Minard driveway.

They plan to begin mining from the south end of the property and move northward.

Gourley noted that they need to adhere to setbacks of 100' from waterways and 300' from dwellings to obtain the mining permit. Trees will be planted on stockpiled materials for screening purposes.

He addressed the south (hard rock) side and stated that it will be mined over a long duration of 40 years or more, but it will not be devegetated all at once. They will work in roughly 5 acre increments depending upon market conditions. The hard rock area will be blasted. Blasting will only occur Mondays through Fridays and is regulated through DEP. He addressed the Supervisors' concerns regarding the impact blasting might have on Round Top Park.

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He noted various environmental and historic preservation studies that have been conducted and they have received the proper clearances.

He mentioned that the outstanding requirements they need to obtain are the Land Development, and the mining permit with DEP. DEP will handle the waterways and other concerns. Pennsylvania requires a reclamation plan and that is provided in this submission and with DEP. He noted that they will provide a bond to DEP that will be calculated by DEP. That bond will be calculated on a "per acre of immediate disturbance" basis.

Gourley went on to discuss the final reclamation. He stated the sand and gravel area will be an open water lake and the hard rock area will be sloped and vegetated with native grass and shrubs.

He discussed potential impacts to neighboring properties regarding water wells and blasting and how they are/will be addressed. He noted that they do not anticipate any problems.

He stated that there will be some processing on site for end use and that they can't obtain the air quality permit to address that until the mining permit has been issued.

Thompson asked for an explanation of concurrent reclamation. Gourley explained the process and that it is monitored through the state and is in the business's best interest to keep the footprint small for bonding liability.

Gourley addressed the conditions set by the Supervisors point by point and stated how they will comply with each one.

Schneider discussed his review and comment letter. Discussion was held between the engineers about landscaping, E&S, and setbacks from waterways, and storm water management. Gourley noted that the precedent is that state regulations override the setback in our ordinance. Schneider noted that the drainage easement can be put on the site plan and the storm water O&M may still be required by the township.

Thompson opened questions to the Planning Commission. Cooper requested a site visit. Petruschak would also like to visit the site. Thompson will coordinate with Dustin Bishop directly for a site visit and stated that there will not be more than 2

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Commission members attending a site visit at a time. Cooper and Gourley discussed the high walls during concurrent reclamation, blasting and how it will affect the school, and the transportation of explosive materials.

Reagan asked about the approval process for obtaining the mining permit and its relationship to township approvals. Discussion was also held about the process for zoned versus unzoned municipalities. Reagan had Thompson explain a RUMA versus bonding for the road. Discussion was held about emergency services and procedures, well testing and the process to contact the neighbors, potential water contamination to the river ad stream, and blasting notifications.

Miller asked about access through Round Top Park, and Gourley stated that the 300' buffer to the park was nonnegotiable.

Cooper inquired about the 3 test sites on Tutelow Creek and discussion was held. Cooper stated that he wants to advocate for more testing sites. Discussion was held about storm water from the hill and how it will be contained.

Reagan asked if the river levels will affect how deep they can mine, and Gourley stated it will. Reagan asked about water safety, dust control, the phasing process of development, governing ordinances and updates and discussion was held. Gourley stated that they are currently asking for approval for phases 1, 2, and 3. Future phases would need a new land development and would follow any updated regulations in the future. Gourley stated that the permit is transferrable and any new entity would need to adhere to the conditions of the permit and have their own bonding in place. The lease is also transferrable and renewable. Discussion was held about keeping mud off the road, winter operations, and dust suppression from the crushers. The hard rock area could potentially operate year round. Gourley stated that the dust will have no impact on the schools because it is far enough away.

Miller called for a short break at 8:33PM. The meeting resumed at 8:38PM.

Discussion was held about what the site will look like when they are done, and Gourley referred everyone to the reclamation plan.

Thompson opened the floor to questions from anyone else in attendance.

Deb Allen expressed concerns regarding potential alterations to the flow of the river. Thompson stated that that issue is outside of the scope of this meeting. Allen noted that the permit application stated that they might operate at night as needed. Gourley said that will be corrected. Thompson stated that our Conditional Use hours are enforceable.

Jaimee Alsing expressed concern that the Conditional Use approval was only granted for the Agricultural District and not the Woodland/Conservation District. Discussion was held, and it was noted that there was an error on the original application but the entire parcel was discussed at the hearing. Alsing inquired about potential violations of the Conditional Use conditions, and Thompson said the first step in enforcement would be the Zoning Officer. Cooper noted that the language was not conclusive and that the transcript of the Supervisors' meeting of February 2021 (wherein the decision was made) should be consulted to provide clarity.

Laura Smith had concerns about blasting affecting her house as it is on the bedrock and Gourley said that potential damage would be enforceable through the state blasting inspector.

Andrea Kovacs Rose asked when the concerns about wells and other things outside the scope of this meeting can be addressed, and Thompson referred her to the DEP meeting on July 31st. Gourley said that her water can be tested at no cost to her, and DEP will make the operator replace a well if it is affected.

Jordi Comas from DEP, Office of Environmental Justice, said he's present to observe and reminded everyone of their meeting on July 31st and noted the public comment period.

Theresa Wiles spoke about the blasting and potential impacts to biodiversity and specifically the fish in the river as the noise travels down it. Dustin Bishop said they foresee a maximum of 2500 tons/day which means it will be stockpiled for approximately 2 months at a time. Discussion was held about the type of surface mining that will be done, and Gourley said there will be no mountain top removal.

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Ron Wiles stated he was unaware of the project until he saw it in the newspaper. He asked about the visibility of the project. Gourley said you will only see it on Meadowlark going south. He said you will not see it from 220 because of the tree line. Cooper said he didn't think our notification to residents was great, and Thompson said that we met every notification requirement.

Eileen Sparduti referenced the Conditional Use decision and asked about well samples. Gourley said that they will coordinate directly. Discussion was held about pump rates and yields. Gourley stated that DEP will require an additional water loss bond.

Aaron Norton asked about the resources being extracted. Dustin Bishop said they would be extracting glacial gravel, sand, and stone, and blue/gray stone that will be crushed for roads and driveways, etc.

Alsing stated that DEP requires a letter from the township on the floodway and asked if that's been done and who would write it. Gourley stated that it has not been done yet. Reid will be the one to write it.

Kovacs Rose asked about the extra traffic. Gourley stated that it will not be constant and will depend on the day. There is a maximum truck limit set in the Conditional Use. Discussion was held about stop signs and the right of way for traffic in and out of the site.

George Crowell expressed concerns over the feeder roads supporting big trucks. Miller stated the RUMA will take care of any damage.

Alsing asked how a recommendation can be made if the noise levels aren't clarified. Reagan said that they can recommend that the Supervisors request a noise study. He said it's ultimately up to the Supervisors. Gourley noted that there are no noise level numbers in the Zoning Ordinance.

Alsing discussed property values. Thompson said the the economic impact criteria is in the Conditional Use criteria but that approval has already been granted and not what is before us tonight. Alsing asked if the access drive was located outside of the floodplain and constructed accordingly. Gourley said that they have minimized the impact.

Sparduti asked about the phasing from south to north and how it will be affected if the material changes, and Gourley said that they can move forward and shift phases or alter sequences if necessary. Discussion was held about an "unmanaged natural water body" in the reclamation. Fourley stated that there will be no stream in or out but it will have flowing groundwater so the landowner will have no maintenance required.

Stacy Wagner asked about lighting, and Dustin Bishop said there would just be some security lights.

Allen noted the visibility from 220 when there are no leaves on the trees and asked how far up the hillside they will go. Gourley said they will go 300' from the park.

Alsing noted the 300' setback from waterways in the Zoning Ordinance. Thompson said that it is already being addressed. Due to state standards, he is looking for further clarification from Moshannon.

Bian Mounts enquired as to where the setback measurements are taken as the river level fluctuates. Gourley said they are taken from the top of the bank.

Alsing asked about the floodway, and Reid explained that those regulations are more pertinent to people bringing stuff into the floodway, not moving things out. Gourley said tha the H&H study was provided for Tutelow Creek and DEP regulates that.

Cooper asked about the date of the last environmental study. Gourley said he submitted one from June of this year and did another yesterday. All concerns came back the same and were already addressed.

Reagan motioned to table the application for a future meeting. Cooper seconded and the motion carried.

Reagan motioned to hold a special meeting on August 17, 2023, at 7:00PM. Petruschak seconded and motion carried.

Minutes:

Motion to accept the July 10, 2023, Planning Commission minutes as written was made by Reagan and seconded by Cooper. Motion carried.

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Reagan motioned to adjourn at 9:51PM and Cooper seconded. Motion carried, and the meeting was adjourned as there was no other business to discuss.

Respectfully submitted,

Cynthia Parrish, Secretary

Athens TWP Planning Commission 8/7/2023

Members in attendance:

Marion Carling
Rebecca Miller
Ronald Reagan
Matt Cooper
Robert Petruschak

Call to order 7:03pm EST

Motion was made to accept the meeting minutes from 7/13/2023 with the addition of the below statement, by Miller, second by Reagan. Motion passed. Marion Carling abstained from voting because she was not in attendance at the 7/13/2023 meeting.

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Cooper noted that the language was not conclusive and that the transcript of the Supervisor's meeting of February 2021 (wherein the decision was made) should be consulted to provide clarity

General discussion of solar zoning ordinance was held.

Miller to send out list of changes to Zoning Ordinance with the tracked changes to Cyndie and Ed to print out changes to be reviewed by the board

Tentative plan for review in September regular meeting.

Motion to adjourn 7:31pm EST



Signed, Matt Cooper

ATHENS TOWNSHIP PLANNING COMMISSION

Special Meeting

August 17, 2023

The special meeting of the Athens Township Planning Commission was called to order on Thursday, August 17, 2023 at 6:59 by Chairwoman, Marion Carling.

Present: Chairwoman, Marion Carling, Vice Chairwoman Rebecca Miller, Bob Petruschak, Matt Cooper, Ron Reagan, Zoning Officer, Ed Reid, Secretary, Cindy Parrish, Review Engineer, William (Skip) Schneider, and Solicitor, John Thompson. Tim Gourley from Tract Engineering, Atty. Chris Jones, and Andy and Dustin Bishop were also in attendance. All others present have signed the attached sign-in sheet.

Carling made a brief statement clarifying the role of the Planning Commission in the land development process and her expectations for maintaining order during the meeting.

Bishop Brothers Construction, Inc.: Preliminary Land Development for a mineral extraction operation located off of Meadowlark Drive.

Gourley discussed his responses to Schneider's comment letter. He acknowledged that some items (signatures on the plans, NPDES, mining permit) are still outstanding and will be addressed once they have approval. He said that they have provided the waiver request for plan size and scale as both exceed ordinance requirements. He stated that only minor changes, such as adding the right of way, had been made to the site plan. Storm water comments were addressed, and Schneider agreed with the storm water management plan. It was noted that a phasing plan has now been provided, and Gourley said they can provide future phasing plans as they progress with the project. To address the fencing comment, he stated that safety berms and signage will be provided where a high fall wall exists, and they will provide fencing in active areas of open excavation. A performance and reclamation bond will be provided with the state.

Gourley continued and said that Phases 4 & 5 of the hillside area will involve another land development process. He noted that they will provide updates on a recommended basis throughout the project. The hard rock Phases 1, 2, and 3 and the sand/gravel areas are what is included in this land development. DEP approval is under review, and they will do a storm water maintenance agreement.

Schneider stated that all of his comments were covered and that the fencing and performance bond are the only ones that need to be

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discussed further. Cooper asked if fencing will be placed in active areas of fall risk, and Gourley said they would be. Fall risks are considered a drop of 6' or more. Gourley stated that fall hazards would be reclaimed and sloped as they move out of an area.

Reagan asked about the screening along Meadowlark Drive. Gourley said that screening will be south of the residences and further south there will be an earthen berm, then their road, and then the excavation area. Discussion continued regarding the dwelling barrier and the tree line. Gourley clarified that the reclaimed area is considered a nonexcavation area. Cooper asked if the reclaimed area is open water, and Gourley explained that it is but it's shallowly sloped at a 3' change over 25'. Cooper asked about the lack of screening at a few lots, and Gourley explained that Bishop's owns 2 of the lots and the others have no houses. Gourley said that there will not be a hard delineation between phases and they will start fencing in phase 2 area. Screening (trees) will be established early in the process. Discussion continued about fencing and the interpretation of "excavated area". Gourley stated that each phased area will be fenced when excavating and that, in the end, it's all about safety.

Reagan inquired about the testing procedures for wells. Gourley explained that they contact residents within 100' and have already tested those that have reached out. The results will be mailed to the homeowner and sent to DEP. They will have a documented baseline of the well so they have proof of the 2023 quality if something happens to the well later. Any well problems related to the project will be fixed. A water loss insurance policy is also in place. People need to reach out to them to get the testing done. They will also identify well and creek sites that will have monitoring 4 times/year to gain an overview of water quality in the area. DEP can make the determination of who/what is at fault for any changes in a well. Reagan asked if they would go back to resample wells in a few years, and Gourley explained that that has never been required or requested but it shouldn't be necessary because of the ongoing monitoring of select sites. Reagan noted that the Bishops have a vested interest in each of the monitored sites, and Gourley noted that it was really a matter of convenience and access since they are tested 4 times/year. Discussion was held about sample collection and the integrity of the process. Dustin stated that they'd put money in escrow for the township to have someone collect those samples if necessary.

Reagan asked if they were seeking Preliminary or Final approval. Discussion was held, and it was noted that the plans state it's preliminary. It was also noted that preliminary plans are not recorded, and final approval would not allow for any changes in the future. Reagan stated that, technically, final approval might not come until they finish in 50 years. Reid mentioned that final approval needs as-builts so that is correct. Discussion was held about which ordinance would apply as they come back for the future phases if there were changes to the ordinance. Thompson noted that the existing ordinance would apply to changes in these plans, and Schneider added that the future submittal for phases 4, 5, & 6 would follow any new ordinances.

Reagan questioned what a setback of 300' from the park looks like in terms of how far up the mountain it would go. He would like to see a visual representation of what can be expected. Jones stated that the green will come back, and the audience responded with audible disapproval.

Cooper asked if the questions regarding the Conditional Use (CU) decision had been resolved, and Thompson stated that they had been. Cooper continued to ask Thompson about the CU and what was purposefully included and what was inadvertently included. Dustin interjected that he (Cooper) was trying to say that they tried to sneak something through.

Cooper asked if the hours had been corrected on the DEP application to reflect the CU decision. Gourley said they will be corrected when they receive the review letter as they don't accept revisions until that time, but the night hour conditions will be struck from the mining application. Andy asked about road washouts and needing materials. He said that there should be concessions for emergencies and Athens Township will be hauling a lot of material out of the site.

Cooper continued to review the CU conditions. He asked if the township gets notified of violations and asked if sufficient clarification was provided regarding decibel levels. Gourley said that the noise was addressed by the limited hours. Cooper asked about the latest physical environmental studies. Gourley said that it was updated in April 2023. Cooper asked about a fish and wildlife study on the river and the latest PHMC study. Gourley said both had been cleared and DEP would be notified if artifacts are found and mining would stop in that area until it is cleared.

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Cooper asked if there is a chance that Tutelow Creek could flood into the reclamation lakes, and it was noted that there is a chance. Discussion continued regarding flooding concerns. Gourley stated that the lakes would return to standing levels after a flood, equipment would be moved to higher ground, there are no coagulants in the lakes, there is nothing being added to the lake water, and, while there is no intention of washing, that would be a separate application with DEP if that was to be pursued.

Discussion was held about the wetlands, the monitoring process, and mitigation if the wetlands dried up. Gourley noted that the bond remains in place for a few years after reclamation to make sure the reclamation "takes" even after the lease expires.

Cooper asked about dust control. Gourley explained the dust suppression methods such as water, dust oil, and slow speeds will be utilized and they are currently working on a blast plan for DEP that will include dust control during blasting. Gourley stated the next technical review of the mine permit will not be issued until after the next DEP public meeting due to public concerns. The NPDES is also currently in review, and all of those permits get issued on the same day.

Carling called for a short break at 8:16PM, and the meeting resumed at 8:21PM.

Carling asked anyone using a recording device to fill out the appropriate form.

Carling opened the meeting to public comments pertaining to ordinance compliance and the land development before them.

Susan Hewitt asked when the most recent eagle nest study was done as Fish and Wildlife told her it was in 2020. Cooper stated it was after 3/31/23, and Gourley said the notification goes out to all of the agencies. Jordi Comas from DEP said that it was posted online today that the study was done in June of 2023.

Deb Allen asked to submit a petition to Bishops. Carling said she could give it to the board. The petition has 420 signatures from an online petition and discusses previous meeting comments as well as scenery and other reasons for the petition.

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John Cheresnowsky asked about the frequency of DEP inspections, and Dustin said they are quarterly. He asked other questions regarding oversight and was told to direct those questions to DEP. He asked about that happens if it's sold, and Andy said any new owner would have to follow the same rules that they do.

David Onofre state he is also concerned about the business getting sold and well quality.

Tracy Onofre stated that the bridge over the Chemung River is supposed to be replaced/repared in 2025, and she has concerns about the traffic while it's detoured. Gourley stated that PennDOT would require the roads to be bonded. Eileen Spardutti said she had already asked about that repair and was told that the bridge would be one-way traffic during that time. Discussion was held.

Sandy Thurston inquired about the sand mounds and potential damage to them during blasting. Carling stated that that was also a question for DEP. Discussion was held about blasting, and Dustin explained that they will blast about 3 times/year up to maybe once a month and there would be no aftershocks. Cooper read the section of the CU decision pertaining to blasting again.

Cheresnowsky asked about the CU enforcement, and Miller said the Zoning Officer enforces it.

Fisher Wells asked if anyone noticed the blasting when they widened the Sheshequin narrows. He then spoke about how controlled blasting is in reality.

Susan Loomis asked if the township is going to monitor it and who gets called after 5PM. She said that the township won't take care of it. Cooper asked if Reid's number is posted online, and Reid said he leaves his phone at work.

Cheresnowsky asked about enforcement, and Carling said we have several avenues including a Cease and Desist Order. There was discussion about fines and violations. Thompson noted that the CU conditions are also in the mining application which allows for alternative enforcements.

Spardutti asked if it's the Planning Commission's job to address changes to speed limits and signs on Meadowlark Drive. She said the speed limit needs to be reduced.

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Christine Elsbree asked for the speed limit to be lowered for Bishop's trucks, and Dustin said that they can look into it and it's understandable.

Aryn Frutchey stated that the road is not wide enough, the speed limit is too high, and the road is already dipping.

Greg Frutchey asked when the road got changed to more than the 10 ton weight limit that the current sign states. Carling said they can recommend a study be done.

Nate Wiles stated he had concerns about the floodplain on weekends and holidays and their ability to move equipment after hours so that it won't end up in the river. He also stated concerns about topsoil from the berms being in the floodplain. Andy noted that the berms will be seeded. Reid said that he can require them to anchor down the machinery permanently. Cooper noted the time restrictions are only on mining operations and transporting materials, not on moving equipment.

Comas passed around a flyer and explained the upcoming DEP meeting. He stated the time to get information is during the public comment period and that the state is quite stringent with blasting regulations.

Jaimee Alsing asked for an update on getting the transcripts from the CU hearing. Thompson said that the Supervisors have not directed him to pursue the transcripts. The Board of Supervisors as a unit would have to ask him to have them prepared. Alsing asked how the project was in compliance with the noise ordinance. Miller stated that she would need to ask that at the Supervisors Meeting.

Allen asked if they would be allowed to ask questions at the Supervisors Meeting as people get upset about getting cut off.

Cheresnowsky asked how far along they are in the process. Carling explained the process. Reagan explained that a decision could be appealed and that they have already been given approval to have a mine at the location.

Reagan motioned to formally review the Bishop Brother's plan for Preliminary plan approval. Petruschak seconded. Motion carried.

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The plan was reviewed and the following deficiencies were noted:

1. Needs waiver for plan size and scale
2. Needs owner's signature
3. Needs NPDES
4. Needs Zoning Permit
5. Needs Storm Water Maintenance Agreement

The following comments were also noted:

1. Recommend an agreement between the developer and the township with the preliminary plan delineating all the proposed phases as well as deadlines within which final approval of each phase are intended to be filed. Updated annually until final approval of final phase has been granted
2. Recommend a road study be conducted for the speed limit, weight limit, and a "stop except right turn" sign on Meadowlark
3. Recommend a visual elevation presentation of the site be provided
4. Recommend township emergency responders be informed of the scope of the project

Motion to recommend preliminary approval with the above noted deficiencies and comments was made by Miller and seconded by Reagan. Carling called for a roll call, and the members voted as follow: Petruscak-Yes; Reagan-Yes; Cooper-Yes; Miller-Yes; Carling-Yes
Motion carried unanimously.

Motion was made by Reagan to approve the minutes from August 7, 2023, seconded by Miller, and the motion carried unanimously.

Petruschak motioned to adjourn the meeting at 9:48PM, Miller seconded. Motion carried and the meeting was adjourned as there was no further business before the commission.

Respectfully submitted,

Cynthia Parrish, Secretary

ATHENS TOWNSHIP PLANNING COMMISSION

Regular Meeting
September 11, 2023

The regular meeting of the Athens Township Planning Commission was called to order on Monday, September 11 2023 at 7:06 by Chairwoman, Marion Carling.

Present: Chairwoman, Marion Carling, Vice Chairwoman Rebecca Miller, Matt Cooper, Ron Reagan, and Secretary, Cindy Parrish. Bob Petruschak arrived at 7:54PM. All others present have signed the attached sign-in sheet.

Spencer, Robert/Francella: a 2-lot subdivision on Route 220

Scott Williams from Butler Surveying presented the plan for a 2-lot subdivision on the corner of Route 220 and Macafee Road.

Motion to review the plan was made by Miller and seconded by Reagan. Motion carried. The plan was reviewed and the following deficiencies were noted:

1. Need Form B from Sanitation
2. Need power of attorney

Motion to recommend approval with the above noted deficiencies was made by Miller and seconded by Cooper. Motion Carried.

Rosh, Ann: a 3-lot subdivision on Bensley St.

Discussion was postponed to allow time for the surveyor to arrive.

Visions Hotels/Candlewood Suites: Sketch Plan for stormwater modifications

Brian Gross from Fagan Engineers presented a sketch plan to change the stormwater management design from plans that were previously approved and built. He explained that the underground stormwater chambers were not installed properly (this caused a sinkhole to develop) and that they plan to mitigate the situation by altering the stormwater plan to utilize a stormwater basin in the southwest portion of the property. Discussion was held.

Minutes:

Motion to accept the minutes of the August 17, 2023, minutes with one typographical correction was made by Cooper and seconded by Miller. Motion carried. Petruschak arrived.

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Rosh, Ann:

Bruce Benish of Benish Surveying present the plan for a 3-lot subdivision on Bensley Street.

Motion to review the plan was made by Reagan and seconded by Miller. Motion carried, and the plan was reviewed with the following deficiencies noted:

1. Need will serve letters from Aqua and the sewer authority
2. Need power of attorney or the landowner present for the Supervisors meeting

Motion to recommend approval with the noted deficiencies was made by Reagan and seconded by Miller. Motion carried.

Chairwoman Carling adjourned the meeting at 8:18PM as there was no other business.

Respectfully submitted,

Cynthia Parrish, Secretary

ATHENS TOWNSHIP PLANNING COMMISSION

Regular Meeting
November 6, 2023

The regular meeting of the Athens Township Planning Commission was called to order on Monday, November 6, 2023 at 7:05 by Chairwoman, Marion Carling.

Present: Chairwoman, Marion Carling, Vice Chairwoman Rebecca Miller, Matt Cooper, Ron Reagan, Bob Petruschak, Zoning Officer, Ed Reid, and Secretary, Cindy Parrish.

Visions Hotels/Candlewood Suites: a preliminary land development for stormwater modifications

Applicant made a request via email to table the discussion until the regular meeting in December

Minutes:

Motion to accept the minutes of the September 11, 2023, minutes with one typographical correction was made by Miller and seconded by Reagan. Motion carried unanimously.

Zoning/SALDO updates:

Discussion was held regarding corrections and updates to the Zoning Ordinance. Additions to the solar energy facilities were discussed in depth.

Correspondence was reviewed individually by commission members.

Motion to adjourn was made by Cooper and seconded by Reagan. Motion carried, and Chairwoman Carling adjourned the meeting at 8:58PM as there was no other business.

Respectfully submitted,

Cynthia Parrish, Secretary

ATHENS TOWNSHIP PLANNING COMMISSION

Regular Meeting

December 4, 2023

The regular meeting of the Athens Township Planning Commission was called to order on Monday, December 4, 2023 at 6:59PM by Chairwoman, Marion Carling.

Present: Chairwoman, Marion Carling, Vice Chairwoman Rebecca Miller, Matt Cooper, Ron Reagan, Zoning Officer, Ed Reid, Secretary, Cindy Parrish, and review engineer William (Skip) Schneider from BOW Renewables. Bob Petruschak was absent. All others in attendance are noted on the attached sign-in sheet.

Visions Hotels/Candlewood Suites: a preliminary land development for storm water modifications

Karl Schwesinger from Fagan Engineers presented a preliminary land development for storm water modification at the previously approved (2013) Candlewood Suites development due to sinking in the southwest section of the parking lot which is believed to have been caused by the underground storm water maintenance system. The applicant explained that they are NOT seeking approval for the restaurant depicted on the plans and that is there merely as a place holder since the original plans were given approval for both the hotel and a restaurant. The drawings are the as-builts from the 2013 plans with adjustments for the new storm water basin. Parking will still accommodate both the existing hotel and the potential restaurant. A grass lined open infiltration basin with a fence will replace the underground storm water management system. Discussion was held.

Schneider and Schwesinger discussed the review engineer's comment letter.

Motion to review the plans as a modification to a previously approved land development was made by Miller and seconded by Cooper. Motion carried, and the plan was reviewed with the following deficiencies found:

1. Need signature block for developers
2. Need owner's and developer's signatures
3. Remove minimum worksheet #20 from storm water reports
4. Label the sections of silt fence on E&S pgs. C-2 and C-6 and add to the table
5. Add step for stabilization of slopes with erosion control matting in construction sequence on pg. C-6
6. Remove "proposed Dairy Queen" language and add "potential future development" as the label

Motion to recommend approval with the above noted deficiencies was made by Miller and seconded by Reagan. Motion carried.

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Motion to add setting the 2024 meeting date schedule to the agenda was made by Reagan and seconded by Cooper. Motion carried, and the 2024 meeting dates were set as follows:

January 8, February 5, March 4, April 8, May 6, June 3, July 8, August 5, September 9, October 7, November 4, December 2.

Zoning/SALDO updates:

Parrish will send her notes to Miller and Schneider.

Minutes:

Motion to accept the minutes of the November 6, 2023, was made by Miller and seconded by Cooper. Motion carried.

Correspondence:

Correspondence was reviewed individually by commission members.

Chairwoman Carling adjourned the meeting at 7:56PM as there was no other business.

Respectfully submitted,

Cynthia Parrish, Secretary

