

ATHENS TOWNSHIP ZONING HEARING BOARD

January 26, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, Edmund Reid, Zoning Officer and Secretary, Elaine Daddona. Stenographer was Linda Wettlaufer. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman Baird called the meeting to order at 6:35PM. Motion by Diane Marvin, second by Rita Jo Swingle to approve the minutes of November 10, 2009 as read, and motion was unanimously carried.

Randy B. Williams/Dandy Mini Mart (Greenslanding)
Parcel #09-020.03-005-000-000

Attorney R. Joseph Landy was present to seek Reconsideration of Decision with Conditions which was rendered by the Board on November 10, 2009. Mr. Landy, on behalf of the applicant, Randy B. Williams, seeks a re-hearing pursuant to Section 1002(1) of the Zoning Ordinance concerning the condition of right turn only exit from the premises to Route 220. If the request for re-hearing is granted, additional testimony and/or evidence will be heard at a later advertised date and time.

Executive session for this request for re-hearing began at 6:40PM to discuss whether or not the Board would reconsider their Decision on this condition and schedule another hearing. Executive session concluded at 6:55PM.

Motion by John Baird to move for another hearing on that particular issue in point, second by Diane Marvin, and motion unanimously carried. Mr. Landy requested that all litigation be in abeyance until time of hearing. Mr. Zeller suggested that the hearing be held at the time of the February 23rd meeting.

Randy B. Williams/Dandy Mini Mart (White Wagon Rd.)
Parcel #09-006.00-024-001-000

Hearing in the matter of a Variance Application for property located at 78 White Wagon Road, the Wilawana Dandy Mini Mart, to allow the installation of a 107.5 square foot service advertising sign, and such other relief as determined by the Zoning Hearing Board.

Dave Young, Engineer for the Larson Design Group, Attorney R. Joseph Landy, Bill Mayhew who is the Vice President of CAT Scale Company, and Duane Phillips who is employed by Williams Oil Company and in charge of the implementation of the scales which are proposed and all testified concerning the application for and on behalf of the applicant. Testimony began at 6:59PM and concluded at 7:35PM.

Executive session began at 7:44PM and concluded at 8:00PM. Motion by Diane Marvin to approve the Variance and added that the canopies at the business establishment should have been included in the square footage calculation and would therefore decrease the amount of variance requested. Motion was seconded by Rita Swingle, and motion unanimously carried. Attorney Landy agreed to waive the 24-hr. period to receive a written Decision in this matter.

Meeting was adjourned at 8:10PM by Chairman John Baird, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

February 23, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Marion Carling, Rita Jo Swingle, Edmund Reid, Zoning Officer and Secretary, Elaine Daddona. Stenographer was Linda Wettlaufer. Diane Marvin was out of town. Sign-in sheet was available for all others in attendance and is hereby attached.

Acting Chairman Baird called the meeting to order at 6:35PM. Motion by Rita Jo Swingle, second by John Baird to approve the minutes of January 26, 2010 as read, and motion was unanimously carried.

Athens Area School District

**Parcel #09-020.18-011-000-000, #09-020.18-010-000-000
#09-020.18-017-000-000 & #09-020.18-026-000**

Hearing in the matter of a Variance Application for property located at 95 Lilley Avenue and 77 Lilley Avenue. Applicant seeks a variance from Section 304 to allow professional office in an R-U District and variance from Section 800, Off Street Parking Requirements, Subsection I (Table 2, Subsection B7(a) and B7(b) and such other relief as determined by the Zoning Hearing Board.

Ed Reid, Zoning Officer, presented the application to the Zoning Hearing Board. Applicant, Athens Area School District, was represented by Sam Scarantino, Architect of Quad Three Group for the project and Solicitor Patrick Barrett for the School District. Testimony commenced at 6:38PM follows: Mr. Scarantino outlined the project and submitted a Preliminary Site Plan for construction of an administration building on the new proposed Lot 1. This includes a subdivision and lot reconfiguration of two parcels located on Lilley Avenue. Currently, the subject parcels are to be reconfigured into three lots. These lots have an unoccupied residential structure on proposed Lot 2 and a tax office for the School District on proposed Lot 3. There is a shed located on proposed Lot 1 to be demolished. The applicant owns and maintains several parcels that comprise the School District's campus. The applicant intends Lot 1 to be considered an inseparable part of the adjoining Athens Area School District campus, not a separate lot.

Testimony and questions of two residents and adjoining property owners, Mrs. Betty Morningstar and Jacqueline Tolbert of Lilley Avenue followed. Casey Monagan, Engineer for Quad Three Group, testified regarding the project definition and parking issue. Testimony concluded at 7:44PM.

Attorney Zeller questioned Mr. Reid, Zoning Officer, as to whether or not the project fits the Zoning Ordinance as a "Professional Office" building. Mr. Reid testified that it does and would require (44) spaces for parking to comply with the Ordinance. However, he also stated that the Ordinance was not clear if the project could be considered a "Government or Public Service Building" as well. Discussion regarding the Definitions of the Zoning Ordinance followed.

Executive session began at 7:48PM to determine a Decision for this application and concluded at 8:08PM.

A letter from the Athens Township Supervisors dated February 19, 2010 was submitted as testimony on the record regarding this project.

Motion by Rita Jo Swingle, second by John Baird to define that this application is considered to be a government building use and not a professional office use and therefore would not require a Use Variance. Additionally, based on Zoning Ordinance requirements, that the parking spaces were adequate for the project. Motion was unanimously carried.

Rita Jo Swingle made recommendations for the project to be considered by the applicant as follows:

- 1) Concerned about Lot A of the Site Plan that no title search had been done and would like to recommend that a title search be done to discover who owns it.
- 2) Recommend that the privacy hedges stay for the residents if the plan is to remove them, or to replace them with something to protect the privacy of the residents on all sides.
- 3) Recommend that if the streets are closed for any reason that the residents are notified in advance of the closing either by mail or some other means of notification.

Motion by Rita Jo Swingle, second by Marion Carling that John Baird remain as Chairman and Diane Marvin be named as Vice Chairman, and motion unanimously carried.

Meeting was adjourned at 8:30PM by Chairman John Baird, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

March 23, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, Edmund Reid, Zoning Officer and Secretary, Elaine Daddona. Stenographer was Mary Simiele. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman Baird called the meeting to order at 6:35PM.

Randy B. Williams/Dandy Mini Mart (Greenslanding)
Parcel #09-020.03-005-000-000

Attorney R. Joseph Landy was present with the applicant, Randy B. Williams, for Reconsideration of Decision pursuant to Section 1002(1) of the Zoning Ordinance concerning the imposed condition of right turn only exit from the premises to Route 220. Testimony of Randy Williams, the applicant; Dave Young, Engineer for Mr. Williams' project at the site; Athens Township Supervisor Cheryl Wood-Walter; and Mr. Robert Smith, a resident of Pump Station Hill Road began at 6:36 PM and concluded at 6:55PM.

Executive session for this re-hearing began at 6:56PM and concluded at 8:00PM. At the conclusion of the executive session, Attorney Zeller stated that the Zoning Hearing Board was not in a position to make a Decision, that they would like to take time to consider new testimony, to re-visit the site, and that they were looking for Township additional traffic study information that may be available in order to address safety concerns that are critical in making this decision.

This hearing was therefore continued to the next regularly scheduled meeting on Tuesday, April 27, 2010.

Motion by Rita Jo Swingle, second by Diane Marvin to approve the minutes of February 23, 2010 as read and motion unanimously carried.

Meeting was adjourned at 8:25PM by Chairman John Baird, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

April 27, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, Marion Carling, and Secretary, Elaine Daddona. Stenographer was Linda Wettlaufer. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman Baird called the meeting to order at 6:38PM. Motion by Diane Marvin to approve the Minutes of March 23, 2010 as read, second by Rita Jo Swingle, and motion unanimously carried.

Attorney Gerard Zeller announced that an application for hearing for a Special Exception on behalf of Industrial Electronics had been filed which would need to be reviewed first by the Planning Commission prior to hearing by the Zoning Hearing Board. Planning Commission would review this at their regular meeting on May 3, 2010 and hearing would be scheduled with the Zoning Hearing Board at their next regularly scheduled meeting in May.

Randy B. Williams/Dandy Mini Mart (Greenslanding)
Parcel #09-020.03-005-000-000

Attorney R. Joseph Landy was present for the applicant, Randy B. Williams, along with Dave Young who is the Engineer for the project at the site. Mr. Landy asked Supervisor Ron Reagan to testify on behalf of the applicant regarding the condition which had been imposed by the Zoning Hearing Board. Testimony began at 6:45PM and concluded at 7:25PM.

A letter from Larry Hurley, Chief of Police, had been submitted as he had been contacted for his opinion by the Zoning Hearing Board relating to this area and the matter of the condition of a right turn only being imposed. Attorney Landy refused to enter it into evidence stating he felt Mr. Hurley should be present to testify so he could be cross-examined concerning his testimony.

Executive session regarding removal of this condition began at 7:32PM and concluded at 7:46PM. At the conclusion of the executive session, motion by Diane Marvin to remove the sign requirement that was stipulated to in the November 10, 2009 agreement/Decision. Mrs. Marvin stated that she hoped that in exploring this issue that the Zoning Hearing Board brought to further light the concerns they have as residents in creating a safer environment at the location, to include the studies that were viewed recommending more be done to further make that area safer. Motion was seconded by John Baird, and motion was unanimously carried. Rita Jo Swingle asked to further note that a recommendation be made to the applicant, PennDOT, the Athens Township Planning Commission and Supervisors to further talk about the issue of traffic safety and what is on the record for suggestions to improve the situation in that area.

Meeting was adjourned at 7:50PM by Chairman John Baird, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

May 25, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, Alternate Marion Carling and Secretary, Elaine Daddona. Stenographer was Mary Simiele. Ed Reid, Zoning Officer, was unable to attend. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman Baird called the meeting to order at 6:31PM. Motion by Diane Marvin, second by Rita Jo Swingle to approve the minutes of April 27, 2010 as read, and motion was carried.

Industrial Electronics, Inc.
Parcel #09-020.00-023-000-000
Application for Special Exception

Hearing was held in the matter of the application by Robert J. and Thomas Conway for Industrial Electronics, Inc. for property located at 277 Bobcat Road, Athens Township, PA. The application seeks a special exception to install, operate and maintain a communications facility and erect a 160-foot self-support tower, antenna, dishes and a communications shelter at the base of the tower, and such other relief as determined by the Zoning Hearing Board.

Testimony of Thomas Conway began at 6:35PM and concluded at approximately 7:00PM.

Executive session of the Zoning Hearing Board began at 7:01PM and concluded at 7:15PM. The hearing reconvened to render a Decision in the matter of this application. Mr. Conway agreed to waive the 24-hr. receipt of a written decision following the executive session.

Diane Marvin made a motion to approve the request for Special Exception to include approval of the height of the tower from 150 feet to 160 feet contingent upon demonstrating the FAA requirements and an engineering plan for the tower. The Zoning Hearing Board was polled and voted unanimously to approve the request. Attorney Zeller explained to the applicant that at the time of the issuance of the building permit from Athens Township, he would need to produce a valid, current FCC license and proof of liability insurance, and will be required to comply with the Subdivision and Land Development Ordinance of Athens Township which would require that he apply to the Planning Commission for the construction and development of the tower.

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

June 22, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Rita Jo Swingle, Marion Carling (Alternate), Edmund Reid, Zoning Officer and Secretary, Elaine Daddona. Diane Marvin was absent due to illness. Stenographer was Myra Ludden. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman Baird called the meeting to order at 6:32PM.

Motion by Rita Jo Swingle to approve the minutes of the meeting of May 25, 2010 as read, second by Marion Carling, and motion unanimously carried.

Randy B. Williams/Dandy Mini Mart (Greenslanding)
Parcel #09-020.03-005-000-000

Attorney R. Joseph Landy was present for the applicant, Randy B. Williams, for a proposed expansion of the existing Dandy Mini Mart at Greenslanding. Applicant obtained variance(s) of Section 305, which establishes required setbacks, of Section 505C which established required buffer distances, and of Section 800 which regulates the number of required parking spaces by prior action of the Zoning Hearing Board. Applicant has revised building plans which provide for increasing the building size beyond that size and plans as previously reviewed and approved by the Zoning Hearing Board. Applicant seeks approval of the proposed increase in building size and any attendant plan revisions by grant of variance and/or such other relief as determined by the Zoning Hearing Board.

Edmund Reid, Zoning Officer, presented the application. Testimony of Attorney R. Joseph Landy and David Young, Engineer for the project began at 6:35PM. Mr. Landy stated that the applicant did not seek any further variance but needed approval for the proposed increase in the building size and plan revisions from the previously submitted plan. Testimony of Mr. Young which began at 6:40PM and concluded at 6:55PM described the plan for the construction and the reasons for the changes in the layout of the store due to its location. Mr. Reid stated that he did not issue a building permit due to the increased number of parking spaces which would be required for the increase in square footage of the building. Attorney Landy requested that the record of the prior hearings be incorporated into this record.

Robert Smith, resident in attendance, was concerned about the parking situation on the Route 220 side where the handicapped spot is located. His concern was about people parking in that area even though it is not allowed, and the danger of visibility being restricted. Chairman Baird explained that there had been discussions regarding this problem in the prior hearings.

Executive session began at 6:58PM and concluded at 7:01PM. Chairman Baird announced that the Decision of the Board was unanimous to allow the building to be expanded to the 2,543 square foot plan as presented by Mr. Young, Engineer for the applicant. Motion by John Baird to approve, second by Rita Jo Swingle, and motion unanimously carried. Attorney Landy agreed to waive the 24-hr. receipt of written Decision on behalf of the applicant.

Meeting was adjourned at 7:07PM by Chairman John Baird, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

August 24, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, Marion Carling (Alternate), Edmund Reid, Zoning Officer, Lori Bowen, Asst. Zoning Officer and Secretary, Elaine Daddona. Stenographer was Linda Wettlaufer. Sign-in sheet was available for all others in attendance and is hereby attached.

Due to the number of persons in attendance, Mr. Zeller gave an explanation of the hearing procedure in the matter of the applications prior to the hearings.

Chairman Baird called the meeting to order at 6:45PM due to the fact that time had to be allowed for all those who were present to sign in.

Motion by Rita Jo Swingle, second by Diane Marvin to approve the minutes of the meeting of June 22, 2010 as read, and motion was unanimously carried.

Charles DeRose

Parcel #09-020.23-229-000-000

Edmund Reid, Zoning Officer, presented the application of Charles DeRose for a variance for an expansion of a non-conforming use located at 120 Lincoln Street (address used on the application) and proper 9-1-1 re-address as 615 Lincoln Street, zoned Residential Urban. Mr. DeRose testified that he proposes to construct a two-car garage with a workshop, sided with the same material as the attached residence, and a shingled roof. A more detailed drawing of the proposed construction was submitted by Mr. DeRose. Attorney Zeller questioned whether the applicant wanted to amend his application to add this drawing as new evidence, and Mr. DeRose confirmed that he did. Testimony began at 6:48PM and concluded at 7:11PM. It was determined that the proposed addition is 960 square feet and not within that which is allowed by the Zoning Ordinance and would therefore require a Variance. There is no variance request with respect to the driveway, and Mr. Reid, Zoning Officer, stated that the driveway meets the requirements of Article 8, Section 802 of the Zoning Ordinance. Amaryah and Brian Denlinger, residents of 3 Catherine Street who live adjacent to the proposed construction testified that they had concerns about the added storm water drainage with respect to the maintenance of the private drive, Catherine Street, by these residents. Attorney Zeller explained that the Decision in this matter would be rendered at the next regular meeting of the Zoning Hearing Board on September 28, 2010.

Tracy Sutton

Parcel #09-109.00-029-004-000

Ed Reid, Zoning Officer, presented the application of Tracy Sutton for a variance of conforming use property for a Bar and Grill for property located at 2222 Murray Creek Road, zoned Woodland Conservation. Mr. Sutton was represented by Attorney Jonathon Foster and presented testimony of Joel Christian, P.E. the Engineer who prepared the Site Plan for the

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proposed construction received by Athens Township on August 9, 2010. Testimony of Mr. Christian began at 7:25PM and concluded at 8:12PM. Testimony submitted was for a subdivided 1.999 acre parcel for the Bar and Grill construction and an additional 75+ acre parcel for a proposed campground. Attorney Zeller explained to the applicant and his attorney that there had been no application or plan submitted for a proposed campground and that the Decision for this application would only be made on the 1.999 acre parcel and the Bar and Grill. Mr. Foster stated that even though there had been no formal application for the proposed campground, it was felt that the testimony was pertinent to this application. Attorney Zeller asked Attorney Foster if the Deed that had been submitted with the application was the proper Deed, due to the fact that this Deed is restricted to residential use only. Mr. Foster agreed that this was the proper Deed and that the applicant wished to proceed with his application for hearing on the matter. Mr. Sutton's testimony began at 8:13PM and concluded at 9:25PM. Attorney Zeller asked for a show of hands as to how many of the residents in attendance were in favor of the proposed plan for the Bar and Grill, and the response was approximately three-fourths of those in attendance at the time. Mr. Foster had residents testify to include Michael Evans of Beaver Pond Road, Sol Eschenburg of Beaver Pond Road, Michael Whalen of 2022 Murray Creek Road, Howard Fenton of Murray Creek Road, and Steve Streeter of Sutliff Hill Road. Their testimony concluded at 9:50PM. Attorney Zeller explained that the hearing would be continued to the next regular meeting of the Zoning Hearing Board on September 28, 2010 for testimony of those who were protesting the application.

The meeting was adjourned by Chairman John Baird at 10:00PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

September 28, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., Diane Marvin, Rita Jo Swingle, Marion Carling (Alternate), Laurie Bowen, Asst. Zoning Officer and Secretary, Elaine Daddona. John Baird appeared and stated that he was unable to serve on this date due to another obligation and requested that Mrs. Carling serve in his absence. Stenographer was Linda Wettlaufer. Sign-in sheet was available for all others in attendance and is hereby attached.

Co-Chairperson, Diane Marvin, called the meeting to order at 6:31PM. Motion by Rita Jo Swingle, second by Marion Carling to approve the minutes of the meeting of August 24, 2010 as read, and motion was unanimously carried.

Mr. Zeller announced that there were one or more applications in the works for the next regularly scheduled meeting for Special Exception. These applications are scheduled for review by the Athens Township Planning Commission on October 4, 2010 for a recommendation to the Zoning Hearing Board.

Tracy Sutton
Parcel #09-019.00-029-004-000

The application of Mr. Sutton for property located at 2222 Murray Creek Road had been WITHDRAWN, and Mr. Zeller announced that the Zoning Hearing Board would take no further action unless and until a new application was submitted.

Charles DeRose
Parcel #09-020.23-229-000-000

Mr. DeRose was present for the Decision in the above matter. Mrs. Marvin requested an Executive session to render the Decision which began at 6:37PM and concluded at 6:50PM.

Motion by Rita Jo Swingle to deny the application, with regret, second by Marion Carling, and motion unanimously carried. Diane Marvin explained to the applicant that it was unfortunate that his application had not met any of the requirements to obtain a variance according to the Zoning Ordinance, and therefore his application must be denied. At this point, Mr. DeRose stated that he had an alternate plan. Attorney Zeller explained to the applicant that the hearing on this matter had already taken place, and he would therefore need to make a new application with this alternate plan due to the fact that it had not been presented at the time of the hearing on August 24, 2010. The Zoning Hearing Board members were in unanimous agreement that if the applicant was to make a new application to consider that he would not be required to wait the 12-month period to do that.

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The meeting was adjourned at 7:04PM by Diane Marvin, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

October 26, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, Marion Carling (Alternate), Ed Reid, Zoning Officer, Laurie Bowen, Asst. Zoning Officer and Secretary, Elaine Daddona. Stenographer was Linda Wettlaufer. 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 Diane Marvin to approve the minutes of the meeting of September 28, 2010 as read, and motion was unanimously carried.

William Christopher Sutton/Lori Sutton
Parcel #09-019.00-036-000-000 (Braddock Road)

The applicant, William Sutton, was present for the application regarding a Special Exception for an RV campground containing four (4) sites to be located on Braddock Road on the above referenced parcel. He stated his counsel, Jonathan Foster, Sr. was supposed to represent him for this application but Mr. Foster was not present. Attorney Foster was phoned and arrived at 6:45PM due to the fact that he was confused about the time of the meeting. Ed Reid, Zoning Officer, presented the application and testimony of the applicant began thereafter. A survey plan prepared by Bruce Benish Surveying and dated September 16, 2010 of the site was reviewed. A letter dated October 6, 2010 from the Athens Township Planning Commission containing their recommendation for this development following a review of the application requested by the Athens Township Supervisors was made a part of the record. Following that testimony, Mike and Sandy Thurston, Gary Maleski, and Attorney Alan Shaw for and on behalf of Mr. and Mrs. Ian Clare who are adjacent landowners to this parcel, testified regarding this application and testimony concluded at 7:22PM. The testimony included issues regarding noise, trespass, transients occupying the RV's, road dust, fire danger, resident manager care, no bathing or toilet facilities, and possible future expansion of the RV park on an adjacent property of the applicant landowner. Attorney Shaw submitted into evidence a written letter from Mr. and Mrs. Clare regarding this application.

There was a ten-minute recess, and executive session of the Zoning Hearing Board began at 8:13PM to determine whether or not they could make a decision on this application. The session concluded at 8:55PM as they were unable to reach a decision. The meeting reconvened at 8:59PM and Attorney Zeller announced that the record of testimony would be closed on the first hearing and the decision would be rendered at the next regular meeting of the Zoning Hearing Board on November 23, 2010.

William Christopher Sutton/Lori Sutton
Parcel #09-019.00-077-000-000 (Mile Lane Road)

William Christopher Sutton, and his Attorney, Jonathon Foster, Sr. presented the application for a Special Exception for an RV Park containing eight (8) sites to be located on Mile Lane Road on the above referenced parcel. Ed Reid, Zoning Officer, presented the application and testimony of Mr. Sutton began at 9:05PM and concluded at 9:35PM. Survey plan prepared by Bruce Benish Surveying and dated September 16, 2010 was submitted and reviewed by the applicant. Testimony of Attorney Alan Shaw for Mr. and Mrs. Ian Clare, Ron

ATHENS TWP. ZONING HEARING BOARD

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Carreon, and Kathy Swingle who are adjacent landowners concluded at 9:55PM. Attorney Foster requested that he may submit a Memo to the Board on behalf of his applicant following the prior testimony, and Attorney Zeller stated this was acceptable as well as any further similar documents from any other participants who offered testimony. Mr. Zeller stated that the Decision regarding this application would be rendered at the next regular meeting of the Zoning Hearing Board on November 23, 2010 due to the lateness of the hour.

Diane Marvin stated that she would be out of town for the meeting scheduled on November 23rd, 2010. It was agreed by the members of the Zoning Hearing Board to schedule a special meeting of the Board on Tuesday, November 16, 2010 at 6:30PM for general purposes and postpone the regular meeting of the Board to Tuesday, November 30, 2010 at 6:30PM.

The meeting was adjourned at 10:30PM as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

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ATHENS TOWNSHIP ZONING HEARING BOARD

November 30, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, Marion Carling (Alternate), Ed Reid, Zoning Officer, Laurie Bowen, Asst. Zoning Officer and Secretary, Elaine Daddona. Stenographer was Mary Simiele. 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 the meeting on November 16, 2010 as read, second by Diane Marvin, and motion was unanimously carried.

William Christopher Sutton/Lori Sutton
Parcel #09-019.00-036-000-000 (Braddock Road)

The Decision was rendered at 6:40PM regarding the application of William Christopher Sutton and Lori Sutton for a Special Exception for a campground and such other relief as determined by the Zoning Hearing Board for the property located at 164 Braddock Road. The applicant was present with his attorney, Jonathan Foster, to receive the Decision. Motion by Rita Jo Swingle to **deny** the application, second by Diane Marvin and motion unanimously carried. Attorney Zeller stated that it should be noted a minor correction to #35 of the Decision was made and approved by the Board.

William Christopher Sutton/Lori Sutton
Parcel #09-019.00-077-000-000 (Mile Lane Road)

The Decision was rendered regarding the application of William Christopher Sutton and Lori Sutton for a Special Exception for a campground and such other relief as determined by the Zoning Hearing Board for the property located at 4901 Mile Lane Road. The applicant was present with his attorney, Jonathan Foster, to receive the Decision. Motion by Diane Marvin to **approve** the application, with the items set forth in the Decision that the applicant must comply with, second by John Baird. Roll call vote was taken –John Baird “yes”; Diane Marvin “yes”, and Rita Jo Swingle “no” to approval. Mr. Zeller stated that this was a 2 to 1 vote to approve the Special Exception. He explained that there was a thirty (30) day appeal period that would follow this decision.

The meeting dates for 2011 were discussed, and it was agreed to continue to meet the fourth Tuesday of each month at 6:30PM and would be advertised as such.

Motion by Diane Marvin, second by Rita Jo Swingle to adjourn the meeting at 6:56PM, and motion unanimously carried.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD

December 28, 2010

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, Marion Carling (Alternate), Laurie Bowen, Asst. Zoning Officer and Secretary, Elaine Daddona. Stenographer was Linda Wettlaufer. 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 due to the fact that the Stenographer was delayed in arriving due to traffic. Motion by Diane Marvin to approve the minutes of the meeting on November 30, 2010 as read, second by Rita Jo Swingle, and motion was unanimously carried.

Allen P. Ervin, Sr.

Parcel #09-033.00-107-004-000

Hearing began at 6:40PM regarding the application of Allen P. Ervin, Sr. for a Special Exception to place a mobile home on an individual lot as a permanent independent dwelling unit and such other relief as determined by the Zoning Hearing Board for the property located at 1117 Macafee Road, Milan, PA.

Laurie Bowen, Assistant Zoning Officer, presented the application to the Zoning Hearing Board. The applicant was present with his attorney, Patrick Barrett, Esq. and testimony of Mr. Ervin commenced at 6:40PM and concluded at 6:55PM. The written comments of the Athens Township Planning Commission review were placed into evidence.

Testimony of adjoining property owners, George and Cynthia Rogers of Lot#23 in the Hickory Heights Subdivision began at 6:55PM and concluded at 7:31PM. The testimony concerned the Restrictive Covenants of the subdivision and the objection of these property owners to an approval of the application.

Executive session of the Zoning Hearing Board began at 7:32PM and the hearing was reconvened by Mr. Zeller at 7:50PM. Attorney Barrett, on behalf of his client Mr. Ervin, agreed to waive the 24-hr. written receipt of a Decision. Motion by Diane Marvin to grant **approval** of the Special Exception application as requested, second by Rita Jo Swingle, and motion carried by a unanimous roll call vote. Mr. Zeller explained that there was a 30-day appeal period following the Decision, and he instructed the applicant to contact the Zoning Officer, Ed Reid, concerning the placement of the mobile home and permit requirements.

Rita Jo Swingle and Diane Marvin stated that they would not be available for the next meeting date on January 25, 2011 due to prior commitments. It was decided to leave the date as it stands to see if there would be any new applications for hearing on that date prior to rescheduling the date.

The meeting was adjourned at 8:05PM as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary