

ATHENS TOWNSHIP ZONING HEARING BOARD

April 26, 2011

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, and Secretary, Elaine Daddona. Ed Reid was unable to attend. 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 6:36PM. Mr. Baird explained that since there had been no meeting in 2011, it was necessary to reorganize and elect officers for 2011. Motion by Rita Jo Swingle to elect John Baird to remain as Chairman, second by Diane Marvin, and motion carried. Motion by Rita Jo Swingle to elect Diane Marvin as Vice Chairman, second by John Baird, and motion carried.

Motion by Rita Jo Swingle to approve the minutes of December 28, 2010 as read, second by Diane Marvin, and motion carried.

Attorney Zeller explained to those in attendance how the hearing process would work.

Raven Holding Co., LLC
Parcel #09-006.00-013-000-000

Hearing began at 6:45PM regarding the application of Raven Holding Co., LLC for property located at 4510 Wilawana Road. Applicant seeks a variance from Section 407-A to increase the maximum density from four (4) dwelling units per acre to ten (10) units; a variance from Section 407 E-3b to decrease the minimum distance between the buildings from 30 feet to 25 feet, and a variance from Section 407 E-4a to decrease the distance between building and parking area from 15 feet to 10 feet, and such other relief as determined by the Zoning Hearing Board.

Testimony of James Gensel, Engineer for the applicant, explained the project to those in attendance which included pictures of the dwelling units. He explained that they proposed eleven (11) buildings of eight (8) apartments which would be fifty-nine (59) total units on approximately fifteen (15) acres of property. Testimony concluded at 7:23PM.

Testimony of residents in attendance immediately followed: Sue Sperazza of 4874 Wilawana Road regarding filling in the Canal and concerns of water runoff and the credibility of the developer; Dick Endres of 476 Queen Esther Drive regarding multi-family housing and added traffic concerns in the Wilawana area; Rhonda Brown of 4309 Wilawana Road regarding concerns about the added volume of traffic on Wilawana Road ; Gary Rosh of 4139 Wilawana Road regarding fencing around the project as a buffer, and traffic concerns; Roman Rosh of 931 Roman Way regarding questions about the high point of the river bank and the size of the project being made smaller to fit the Ordinance; Susan Park of 4309 Wilawana Road regarding concerns about the changes a project such as this would bring to a rural area and filling in the Canal; Catherine Rossiter of 89 White Birch Lane regarding concerns that the residences would be occupied by “gas people” and also about the plans of the developer for other property he owns in the area of where she resides. Testimony concluded at 8:38PM.

Mr. Zeller asked if the density request generated the variance requests, and Mr. Gensel replied that it did not.

Executive session began at 8:40PM to determine if a decision could be rendered and at 8:45PM, Mr. Zeller announced that a decision would not be rendered until the next regular meeting of the Zoning Hearing Board on Monday, May 24, 2011.

The meeting was adjourned at 9:00PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD
May 24, 2011

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Diane Marvin, Rita Jo Swingle, Ed Reid, Zoning Officer and Cynthia Parrish, Assistant 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 6:31PM. Motion by Rita Jo Swingle to approve the minutes of April 26, 2011 as read, second by Diane Marvin, and motion carried.

Chairman John Baird called an executive session at 6:34PM to discuss the decision with the Board prior to rendering the Decision.

Raven Holding Co., LLC
Parcel #09-006.00-013-000-000

The Board reconvened at 6:38PM and the Decision of **Denial** in the matter regarding the application of Raven Holding Co., LLC for property located at 4510 Wilawana Road was rendered. Motion by Diane Marvin that the request for variances be denied according to the most recently published Athens Township Zoning Ordinance, second by Rita Jo Swingle, and motion carried. Roll call vote taken by Chairman Baird was as follows: John Baird – Denied; Diane Marvin – Denied; and Rita Jo Swingle – Denied.

Attorney Zeller explained the appeal process to the residents in attendance and addressed some questions they had as well regarding this application.

The meeting was adjourned at 7:00PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD
June 28, 2011

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Rita Jo Swingle, Walt Haggerty, Alternate, Ed Reid, Zoning Officer, Cynthia Parrish, Assistant Zoning Officer, and Secretary, Elaine Daddona. Diane Marvin was unable to attend. 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 6:35PM. Motion by Rita Jo Swingle to approve the minutes of May 24, 2011 as read, second by Walt Haggerty, and motion carried.

Eastern Pennsylvania Supply
Parcel #09-020.18-008-000

Hearing began at 6:38PM regarding the application of Eastern Pennsylvania Supply for property located at 243 West Pine Street. Applicant seeks a variance from the setback requirements set forth in Section 306 of the Ordinance to construct an addition to the existing building, and such other relief as determined by the Zoning Hearing Board. Ed Reid, Zoning Officer, read an explanation of the application. Attorney Damian Rossettie represented the applicant and introduced Ray Earl, the Branch Manager of Eastern Pennsylvania Supply. Testimony began immediately thereafter and concluded at 7:32PM. Executive session of the Zoning Hearing Board convened thereafter to render a Decision. The Board reconvened at 7:40PM. Chairman Baird stated that the applicant should be allowed to build the new structure with parking as testified to based on the Ordinance provision for warehousing facilities in the Commercial/Retail District, providing eight (8) spaces for employees and seven (7) spaces for retail use. Roll call vote of the Board was a unanimous vote of **approval**. The applicant granted a waiver of receiving the written Decision within 24 hours. Mr. Zeller also explained the 30-day appeal period to the applicant.

Rita Jo Swingle spoke to the Board regarding a meeting of the Athens Township Supervisors and PennDOT which she attended concerning the traffic study results for Route 199 and Route 220. She inquired of the Zoning Board as to whether or not to request a transcript of the testimony for the hearing which was held in 2009 regarding matters of this area, due to the fact that this would be helpful to the Supervisors at a hearing which will be held to pursue a traffic signal in the area of contention. Mr. Zeller asked Elaine Daddona, Secretary, to contact the stenographer who attended this hearing to inquire about the transcription, if the transcript was still available to transcribe.

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
July 26, 2011

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Rita Jo Swingle, Diane Marvin, Walt Haggerty, Alternate, Cynthia Parrish, Assistant 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 6:33PM. Motion by Diane Marvin to approve the minutes of June 28, 2011 as read, second by Rita Jo Swingle, and motion carried.

Dandy Mini Marts, Inc.
Parcel #09-006.00-024-001-000

Hearing began at 6:38PM regarding the application of Dandy Mini Marts, Inc. for property located at 78 White Wagon Road, zoned Interchange Commercial District. Applicant seeks a variance from the impervious coverage limit as stated in Section 307 of the Ordinance, and such other relief as determined by the Zoning Hearing Board. Cynthia Parrish, Assistant Zoning Officer, read an explanation of the application. Attorney R. Joseph Landy represented the applicant and introduced Duane Phillips who is the Operations Manager involved with Williams Oil Company for all site developments for Dandy Mini Mart, Inc. Testimony began immediately thereafter and concluded at 7:04PM. It was determined that this was a variance of 6.5 per cent. Executive session of the Zoning Hearing Board convened thereafter to render a Decision. The Board reconvened at 7:10PM. Attorney Zeller admitted to evidence a letter from Richard Prezelski, an adjoining property owner, along with a Land Development plan prepared by Larson Design Group dated July 13, 2011, and a letter received from the Athens Township Planning Commission who had reviewed the application. The applicant granted a waiver of receiving the written Decision within 24 hours. Diane Marvin made a motion to **approve** the variance application for the expansion plan as presented, second by Rita Jo Swingle, and motion carried. A unanimous roll call vote of “yes” to approval was received by the Board.

Michael Dinich
Parcel No. 09-020.24-066-000-000

Testimony began at 7:15PM in the matter of the application of Michael Dinich for property located at 2382 Elmira Street, zoned Commercial District. Cynthia Parrish, Assistant Zoning Officer, read an explanation of the application. Applicant seeks a variance(s) for an expansion project, requesting permission to erect an addition in excess of the expansion authorized by Section 900 D 2(a) and (b) of the Ordinance and without minimum off street parking, and such other relief as determined by the Zoning Hearing Board. The property is a non-conforming lot. Testimony of Andrew Harding, Architect, for and on behalf of the applicant, Michael Dinich began at 7:18PM. The applicant was not present. Adjoining property owners, Duane and John Danko, Roman Rosh, and John Pelchy offered testimony in the matter of the application. Testimony concluded at 8:03PM. Executive session of the Zoning Hearing Board convened thereafter to render a Decision and reconvened at 8:16PM. Motion was made by Diane Marvin to **deny** the application, based on the fact that the driveway does not meet driveway specifications and testimony that it could be other commercial use of business, second by Rita Jo Swingle, and motion carried. A unanimous roll call vote of “no” to denial was

received by the Board.

The meeting was adjourned at 8:24PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

ATHENS TOWNSHIP ZONING HEARING BOARD
August 23, 2011

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Rita Jo Swingle, Walt Haggerty (Alternate), Zoning Officer, Ed Reed, Assistant Zoning Officer, Cynthia Parrish. Diane Marvin, absent. Secretary Elaine Daddona, absent. 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 6:32 p.m. Motion to approve the minutes of the July 26, 2011 hearing was postponed until the September Zoning Meeting.

Orange Hill Farms, LLC, c/o Michael A. Dinich
Parcel No: 09-034.00-109-007-000

Hearing began at 6:34 p.m. regarding the application of Orange Hill Farms, LLC, c/o Michael A. Dinich – for property located at 2335 Orange Hill Road, Athens Township, Pennsylvania. Applicant seeks one variance: requesting relief from the maximum height requirement of sixty (60') feet to allow the installation of a personal wind energy tower and turbine on a one hundred twenty (120') feet tall tower, and such relief as determined by the Zoning Hearing Board. In testimony, the applicant sought a 2nd variance (not found in the original application) regarding relief from the required 140 mph wind speed. Zoning Officer, Ed Reed read an explanation of the application. Michael A. Dinich represented himself along with Art Weaver (system installer). Mr. Dinich was not familiar with the Township Zoning Ordinance. The applicant is the owner of the property but will lease the land for the wind tower. Attorney Zeller questioned the applicant regarding two deeds for one tax parcel. Mr. Wheeler indicated that the tower has a wind speed of approximately 112 mph – the ordinance requires 140 mph. One deed is “clean and green” – and the applicant indicated that he will pay the consequences. There was no testimony from surrounding residents. The Board went into Executive Session at 6:55 p.m. The board returned at 7:13 p.m. The applicant granted a waiver of receiving the written decision within 24 hours. John Baird made a motion to **deny** the requested variances for the wind tower as presented, seconded by Rita Jo Swingle. The motion was carried. A unanimous roll call vote of “yes” to deny was received by the Board.

Richard Zenter, WPAX, LTD
Parcel No: 09-020.19-008-000-000

Hearing began at 7:15 p.m. regarding the application of Richard Zenter, WPAX, LTD, for property located at 1775 Elmira Street, Athens Township, Pennsylvania. Applicant seeks to build a 4 story, 75 rooms Microtel (hotel/motel) on the property currently owned by Paul and Geraldine Hurley of 120 Bressler Street, Athens, PA. The applicant seeks the following variances:

1. Relief from S402.1.1 – Site frontage sidewalk required;
2. Relief from S502.A.1 – Building setback requirements;
3. Relief from Art. 8 – S800(A) – Requirement that all automobile vehicle parking spaces contain a minimum of 200 sf at a width not less than 10’;
4. Relief from S801 – Off street loading requirements – Table 3 Schedule;
5. Relief from Table #4 – Minimum 15’/lane driveway width – Footnote #6;
6. Relief from S802, Table 2, footnote #6 – Minimum 24’ driveway width;
7. Relief from Art. 8 – S800(A) requirement that all automobile vehicle parking spaces contain a minimum of 200 sf at a width not less than 10’.

Zoning Officer, Ed Reed, read an explanation of the application. Gary Burcher and Richard Zenter of JDK Management Co. represented themselves. In testimony, Variance Request #1 was withdrawn – must be submitted to Land Development, not Zoning. No relief requested.

Additional testimony was provided by Ed Reed, R. Smith, M. Rosh, Curtis Patell. Mr. Burcher indicated that the sale of the property was contingent upon a viable project. Photo exhibits were entered as evidence by R. Smith. Also, a letter from Frank Tourscher, Building Code Inspector, was entered as evidence. The board went into Executive Session at 8:25 p.m. They returned at 8:43 p.m. with the following decision: Rita Jo Swingle made the motions separately by variance request – John Baird seconded. The applicant granted a waiver of receiving written decision within 24 hours.

Variance Request # 1 - withdrawn

Variance Request #2 – Denied

Variance Request #3 – Denied as presented, but will approve with 77 parking spaces with 10’ width

Variance Request #4 – Approved

Variance Request #5 – Denied

Variance Request #6 – Approved at 22’width

Variance Request #7 – Approved – Must comply with ADA Requirements

In addition, all relief must not exceed 3.5% coverage controls of green area.

The motions were carried as presented individually. A unanimous roll call vote was taken for each Variance Request separately. The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Rita Jo Swingle (substitute for Elaine Daddona – Secretary)

ATHENS TOWNSHIP ZONING HEARING BOARD
September 27, 2011

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Rita Jo Swingle, Diane Marvin, Walt Haggerty, Alternate, Cynthia Parrish, Assistant Zoning Officer, and Secretary, Elaine Daddona. Stenographer was Myra Ludden. 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 Diane Marvin to approve the minutes of July 26, 2011 and August 23, 2011 as read, second by John Baird, and motion carried.

Williams Ford Lincoln

Parcels #09-20.18-069-000-000, #09-020.19-003-000-000, & #09-020.18-032-001-000

Hearing began at 6:36PM regarding the application of Williams Ford Lincoln which is owned by Nancy D. Williams and Wendy Manchester as Trustees under Randy B. Williams Trust Agreement dated December 30, 1996. Cindy Parrish, Assistant Zoning Officer, reviewed the application for the Zoning Hearing Board explaining that the Zoning Office received the application for a variance on behalf of Williams Ford Lincoln on September 12, 2011 for property located at 1538 Elmira Street in Athens Township. The applicant was seeking relief for the erection of two franchise signs which exceed the permitted square footage of the Zoning Ordinance Section 704 D. The proposed "Ford" sign is 129.7 square feet in size for a combined total of 206 square feet. The Ordinance states that individual franchise signs not exceed a maximum of 75 square feet, and that all franchise signs must not exceed a combined total of 200 square feet. Chairman Baird asked Ms. Parrish if the Supervisors had stated any opinion concerning the application, and she stated they did not.

The applicant was represented by Kevin Horn, Manager of Williams Ford Lincoln and Attorney R. Joseph Landy and testimony commenced at 6:39PM and concluded at 6:52PM. Brenda Ferguson and Martin Lane, who were adjoining property owners in attendance, questioned the applicant regarding the placement of the signage. Mr. Lane was concerned with an explanation of the variance requested and Chairman Baird explained this to him. After conclusion of the testimony, the Board went into Executive Session which began at 6:58PM and the Board returned at 7:10PM. The applicant granted a waiver of receiving the written decision within 24 hours. Motion by Diane Marvin to **approve** the variance for the Lincoln sign which is 77 square feet in size, second by Rita Jo Swingle, and motion was unanimously carried. Motion by Diane Marvin to **approve** the variance for the Ford sign which is 129.7 square feet in size, stating that the total of both signs slightly exceeds the maximum square footage permitted, second by Rita Jo Swingle, and motion was unanimously carried.

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

Respectfully submitted,

Elaine J. Daddona, Secretary

