

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)