

# WARREN COUNTY ZONING HEARING BOARD

## MINUTES

Wednesday, October 6, 2021

10:00 a.m.

Commissioners' Conference Room  
Warren County Courthouse

**MEMBERS PRESENT:** Edwin W. Atwood, Dennis A. Johnson, David F. Miller,  
Donald C. Saporito, Sr.

**MEMBERS ABSENT:** Patrick Soliday

**STAFF PRESENT:** Michael Lyon, Zoning Officer; Laurie Burdick, Planning &  
Zoning Department Secretary; Timothy Bebevino, Esq.,  
Solicitor

**STENOGRAPHER:** Shannon Fortsch – The Sargent's Group, Johnstown, PA

**GUESTS PRESENT:** Michael Koers, Robert Kindler, John Ross, Kathy Park,  
Mike DiPenti

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10:00 a.m. – Michael Koers – Special Exception & Variance – Special Exception request for a sawmill to be located within an ACR-zoned district – a Variance to the setback requirement – 10597 Scandia Rd., Russell, PA – Elk Township – Tax Parcel #KI-142-198000 & KI-142-434000

Chair David Miller called the meeting to order.

Mr. Miller stated that, presented to the Board for consideration is a request for a Special Exception and Variance by Michael Koers (applicant) of Russell, PA. The property is located in Elk Township and is zoned "ACR". The Tax Parcel Numbers are KI-142-434000 & KI-142-198000, respectively, consisting of 3.98 acres.

Mr. Miller further stated that the issue before the Board is Section 401.38, Article IV, entitled "Sawmills" requiring a Special Exception to operate a Sawmill located in the ACR-zoned district and a reduction in the 100' side yard Variance. He further stated that the applicant is asking for approval of the Special Exception and a side yard Variance of 50'.

Mr. Miller asked Zoning Officer, Michael Lyon, if all property owners within 300 feet were notified by mail, if the hearing was properly advertised in the newspaper, and if the property was posted. Mr. Lyon responded in the affirmative to all three questions.

Parties to the hearing were identified as follows: Michael Koers (applicant/property owner); Elk Township; and Warren County, represented by Michael Lyon, Zoning Officer.

No one from Elk Township was in attendance.

Four individuals were in attendance and wished to be a party to the hearing, including Robert Kindler, John Ross, Kathy Park, and Mike DiPenti.

Mr. Miller stated how the hearing would proceed.

Mr. Miller swore-in all of the parties that wished to testify.

Zoning Officer, Michael Lyon, explained the definition of "Special Exception" and stated that as long as Mr. Koers could meet all of the requirements, the Special Exception could be approved. Mr. Bevevino added that there is also a Variance that would need to be considered.

Michael Koers, applicant, then gave his presentation, stating that he would like to put his sawmill on the property and felt he could meet all of the requirements.

Michael Lyon drew the board's attention to an aerial map that highlights the two subject parcels and explained where Mr. Koers intends to place his sawmill and also explained the property surrounding it. He also explained the decibel readings that were taken. He shared the Legal Notice with PennDOT because of their previous concern with the driveway, but he heard nothing from them. He doesn't see any issues with the Special Exception approval or Variance approval from a zoning aspect.

A question was asked by Robert Kindler regarding decibels on heavy equipment and trucks coming in and out of the property, to which Mr. Lyon responded.

Mr. Bevevino asked if Section 808.8.1 of the Zoning Ordinance could be satisfied, and Mr. Lyon responded that part of the property does slant downhill.

Mr. Kindler asked further questions regarding the decibel readings and setback requirements.

Mr. Miller asked who the objectors were and asked them to state their name.

The first was John Ross, who was concerned that they were being imposed on and stated that property values should have been taken into consideration.

The second objector was Kathy Park, who was concerned about what their options are and if it does get approved, what they can do about it. She was concerned about the sound of the sawmill. She was also concerned this would affect their property values, and was concerned about safety and accidents on the road because of the sawmill.

Third was Robert Kindler who was concerned about the direct view he has of the sawmill and safety concerns on the road, and also concerned about not being able to sell his place in the future.

Fourth was Michael DiPenti who was concerned about the maintenance of the property, the "shed" that was on the property (that Mr. Lyon explained as a trailer) and asked who was going to regulate it.

Kathy Park asked for an explanation of "ACR", which Mr. Lyon explained.

Mr. Koers showed the board a picture of his sawmill and described the measurements, etc.

Mr. Koers then explained that he is trying to clean the property up and will do so now that he is the owner. He also explained that the sawmill is not commercial and he might have a log truck coming in three times a year.

John Ross asked a question what if he had a truck coming in more regularly, and Mr. Lyon responded.

Mr. Bevevino stated that he didn't have any issue with the Special Exception; but, regarding the Variance, he hadn't heard any evidence that 808.8.1 or 808.8.2 have been satisfied, and Mr. Koers stated that PennDOT had him change the layout of the driveway and, because of a necessary drainage ditch that PennDOT set up to the pond, he can't meet the requirements otherwise. Mr. Koers said he would be willing to have the Variance revoked if he sold one of the parcels and he would no longer be permitted to have the sawmill there, which are currently two separate parcel i.d. numbers. Mr. Lyon said he could have the parcels combined if it would cause an issue otherwise. Mr. Bevevino said if Mr. Koers would do an annexation deed, he could satisfy 808.8.1 & 808.8.2.

Mr. Kindler asked the board members to think about having a sawmill in view from their front porch and Mr. Miller told him it was not relevant to this hearing.

Mr. Atwood then spoke about the ditch on the property and the restrictions that it causes, because he could relate. He further stated his knowledge of and experience with running a sawmill.

Dennis Johnson appealed to the landowner regarding "junk" on the property and encouraged him to be considerate of his neighbors.

Several comments were made prior to Edwin Atwood making a motion, with a second by Donald Saporito, to approve the Variance, in an ACR District, reducing the side yard setback to 50 feet, with a condition that if the larger of the two parcels is sold, the Variance would be null and void. A vote was taken and all were in favor; motion carried.

Further, Edwin Atwood made a motion, with a second by Donald Saporito, to approve the Special Exception in an ACR District to allow the operation of a sawmill. A vote was taken and all were in favor with the exception of Dennis Johnson, who abstained. Vote was 3 to 1. Motion carried.

The hearing was unanimously adjourned with a motion by Edwin Atwood and a second by Donald Saporito at 10:49 a.m. Motion carried.

***Both Variance and Special Exception granted.***

Respectfully submitted,

*Laurie A. Burdick*

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