

**MAYFIELD ZONING HEARING BOARD  
MUNICIPAL BUILDING  
739 PENN AVENUE  
MAYFIELD, PA 18433**

**BEFORE THE ZONING HEARING BOARD  
OF THE BOROUGH OF MAYFIELD**

**RE: REQUEST FOR SPECIAL EXCEPTION  
BY MAYFIELD BOROUGH**

**TYPE OF RELIEF REQUESTED:  
REQUEST FOR SPECIAL EXCEPTION FOR  
CONSTRUCTION OF BASEBALL/SOFTBALL  
FIELDS IN AN R-1 ZONE ON A 19 ACRE TRACT  
OF LAND AT THE EASTERN SECTION OF THE  
MUNICIPALITY**

**HEARING DATES: April 19 2006;  
May 16, 2007**

**DECISION DATE: May 16, 2007**

**BOARD MEMBERS PRESENT:**

**Curt Nicollo, Chairman  
Gary Piorkowski, Vice Chairman  
Alan Bucklaw, Secretary  
Ronald Ryczak, Alternate**

**Protestants Attorney, Albert Nicholls  
1421 East Drinker Street  
Dunmore, PA 18512**

**Applicant's Attorney, Patrick Rogan  
310-312 Adams Avenue, Ste. 200  
Scranton, PA 18503**

**Mayor Alexander Chelik, for Applicant  
703 Plank Road  
Mayfield, PA 18433**

**INDIVIDUAL PROTESTANTS:**

**Frank Krantz and Rebekah Kosydar-Krantz**  
710 Laurel Road  
Mayfield, PA 18433

**Michael and Laura Schroder**  
112 Chestnut Street  
Mayfield, PA 18433

**Martin and Marilyn Prybicien**  
832 Laurel Road  
Mayfield, PA 18433

**Susan Mumford**  
831 Laurel Road  
Mayfield, PA 18433

**Mr. and Mrs. Thomas Hartman**  
810 Laurel Road  
Mayfield, PA 18433

**Peter and Cathleen Arvonio**  
820 Laurel Road  
Mayfield, PA 18433

**Daniel and Carol Swirdovich**  
800 Laurel Road  
Mayfield, PA 18433

**Tina Bruno**  
801 Laurel Road  
Mayfield, PA 18433

**Len Wilson**  
741 Laurel Road  
Mayfield, PA 18433

**Michael Shygelski**  
821 Laurel Road  
Mayfield, PA 18433

**NOTICE: IF YOU DO NOT AGREE WITH THIS DECISION, AN APPEAL MUST BE FILED IN THE COURT OF COMMON PLEAS WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS DECISION.**

**I. FINDINGS OF FACT:**

1. The applicant herein is the Borough of Mayfield a municipality with a mailing address of 739 Penn Avenue, Mayfield, PA. The Borough of Mayfield is the owner of the subject premises, a 19 acre tract of land in the eastern section of the municipality located in an R-1 Zone.

2. This matter came before the Mayfield Zoning Hearing Board by application for hearing filed on March 8, 2007, by Jack Kleinbauer, Chairman Building and Parks, Mayfield Borough Council. The Borough requested a Special Exception pursuant to the Zoning Ordinance re enacted December 13, 2000. The Borough intends to develop property in the eastern sector of the municipality, a tract of land comprising of 19 acres zoned R-1 low density residential. Pursuant to Table No. 1 "Land Use Classifications" on page 3-2 of the Zoning Ordinance, recreation has an approval level of Special Exception. More specifically, the Borough is planning to construct baseball/softball fields on the 19 acre tract. The application for hearing was marked for Exhibit No. 1.

3. On March 29, 2007, the Mayfield Borough Zoning Hearing Board placed a hearing notice advertisement with the Carbondale News scheduling the hearing on the Special Exception filed by Mayfield Borough for April 19, 2007 at 7:00 p.m., at the St John Center, 706 Hill Street, Mayfield, PA. The Legal Notice appeared in the Carbondale News on Wednesday, April 4, 2007 and Wednesday, April 11, 2007. There were no objections voiced as to the manner or form of notice. The property was posted on April 11, 2007 at 9:30 a.m. by Michael Tripus, Mayfield Borough Zoning

Officer. The hearing was held in a timely manner i.e. within 60 days, in conformity with the Municipalities Planning Code and the Mayfield Borough Zoning Ordinance. The proceedings were stenographically recorded by Mary Jane Calzola, a Certified Court Reporter. Board Exhibit No. 2 consists of the Notice placed in the Carbondale News advertising the hearing for April 19, 2007. Board Exhibit No. 3 is a Legal Notice sent March 29, 2007, to Mayfield Borough advising the Borough of the April 19, 2007, 7:00 p.m. hearing. Board Exhibit No. 4, consists of a packet of letters sent to the following adjacent property owners: D&L Realty, 400 Mill Street, Dunmore, PA 18512; Mr. and Mrs. Michael Schroder, 1112 Chestnut Street, Mayfield, PA 18433; Mr. and Mrs. Martin Prybicien, 832 Laurel Road, Mayfield, PA 18433; Mr. Curtis Nicolio, 612 Penn Avenue, Mayfield, PA 18433; Mr. and Mrs. Peter Arvonio, 820 Laurel Road, Mayfield, PA 18433; Mr. and Mrs. Thomas Hartman, 810 Laurel Road, Mayfield, PA 18433; Mr and Mrs. Danile Swirdovich, 800 Laurel Road, Mayfield, PA 18433; Joseph Puglisi and Georgina Puglisi, 740 Laurel Road, Mayfield, PA 18433; Mr. and Mrs. David Kopa, 720 Laurel Road, Mayfield, PA 18433; Mr. and Mrs. Frank Krantz, 710 Laurel Road, Mayfield, PA 18433; Mr. and Mrs. Gary Piorkowski, 690 Laurel Road, Mayfield, PA 18433; and Mr. and Mrs. Paul Ruddy, 680 Laurel Road, Mayfield, PA 18433.

4. A second hearing was held on May 16, 2007, at 7:00 p.m., at the St. John Center, 703 Hill Street, Mayfield, PA 18433. Notice of the hearing appeared in the Carbondale News on Wednesday, May 9, 2007. The hearing notice advertised at the Mayfield Borough Zoning Hearing Board reconvened the hearing that commenced on Thursday, April 19, 2007, to address the request for Special Exception filed by Mayfield

Borough to develop a 19 acre tract of land in the eastern section of the municipality for baseball/softball fields in an R-1 Zone. This notice of hearing appeared once in the Carbondale News on May 9, 2007. No one in attendance objected to the form or manner of notice. Notice of the May 16, 2007, 7:00 p.m. hearing was sent to the following individuals: D&L Realty, 400 Mill Street, Dunmore, PA 18512; Mr. and Mrs. Michael Schroder, 1112 Chestnut Street, Mayfield, PA 18433; Mr. and Mrs. Martin Prybicien, 832 Laurel Road, Mayfield, PA 18433; Mr. Curtis Nicolio, 612 Penn Avenue, Mayfield, PA 18433; Mr. and Mrs. Peter Arvonio, 820 Laurel Road, Mayfield, PA 18433; Mr. and Mrs. Thomas Hartman, 810 Laurel Road, Mayfield, PA 18433; Mr and Mrs. Danile Swirdovich, 800 Laurel Road, Mayfield, PA 18433; Joseph Puglisi and Georgina Puglisi, 740 Laurel Road, Mayfield, PA 18433; Mr. and Mrs. David Kopa, 720 Laurel Road, Mayfield, PA 18433; Mr. and Mrs. Frank Krantz, 710 Laurel Road, Mayfield, PA 18433; Mr. and Mrs. Gary Piorkowski, 690 Laurel Road, Mayfield, PA 18433; and Mr. and Mrs. Paul Ruddy, 680 Laurel Road, Mayfield, PA 18433; Brian Donahue, 206 Gorham Avenue, Mayfield, PA 18433; Paul F. Forbes, 433 Whitmore Avenue, Mayfield, PA 18433; Tom Gailagher, 807 Delaware Street, Mayfield, PA 18433; James Perry, 614 Park Street, Mayfield, PA 18433; Mayor Alexander J. Chelik, 703 Plank Road, Mayfield, PA 18433; Anthony Spataro, 611 Pine Street, Mayfield, PA 18433; Susan Mumford, 831 Laurel Road, Mayfield, PA 18433; Attorney Albert Nicholls, 1421 East Drinker Street, Dunmore, PA 18512; Patrick Rogan, Esquire, 310-312 Adams Avenue, Ste. 200, Scranton, PA 18503; Tina Bruno, 801 Laurel Road, Mayfield, PA 18433; Len Wilson, 741 Laurel Road, Mayfield, PA 18433; Michael

Shygelski, 821 Laurel Road, Mayfield, PA 18433; Mary Jane Calzola, P.O. Box 462 Forest City, PA 18421; Curtis Nicolio, 612 Penn Avenue, Mayfield, PA 18433; Ronald Ryczak, 139 Gorham Avenue, Mayfield, PA 18433; Michael Tripus, 769 Washington Avenue, Jemyn, PA 18433; Alan Bucklaw, 709 Park Street, Mayfield, PA 18433; Mayfield Borough Council; Mayfield Borough Building, 739 Penn Avenue, Mayfield, PA 18433. The Mayfield Borough Zoning Hearing Board finds that notice of the May 16, 2007, 7:00 p.m. was held in conformity with the Municipalities Planning Code and the Mayfield Zoning Ordinance.

5. The April 19, 2007, hearing was conducted before Zoning Hearing Board Members, Curt Nicolio, Chairman; Gary Piorkowski, Vice Chairman; Alan Bucklaw, Secretary and Ronald Ryczak, Alternate.

6. The Borough was represented by Patrick Rogan, Esquire. The objectors/protestants were represented by Albert Nicholls, Esquire. Michael Tripus, Zoning Officer, was present.

7. The Borough's case was presented by Mayor Alexander J. Chelik. Mayor Chelik claims standing under Section 8.143 of the Mayfield Zoning Ordinance. There were no challenges to Mayor Chelik's standing. Mayor Chelik testified as follows: At a meeting of the August 10, 2005 Borough Council, a Motion was approved to apply for Zoning Permits/Special Exception for development of a sports complex on a tract of land, 19 acres in an R-1 Zone owned by the Borough. On March 8, 2006, Jack Kleinbauer, Chairman of the Building and Parks Committee, filed an application for Special Exception. On April 11, 2007, Borough Council appointed Mayor Alexander J.

Chelik to present the request for Special Exception to the Zoning Hearing Board. Mayor Chelik related that Mayfield Borough has a long history of affiliation with baseball going back to the early years of the 20<sup>th</sup> century. Games then were played at the Glenwood Field. Mayor Chelik recalls his father playing baseball as a member of one of the adult teams back when the Mayor was a child. A little league field was built in the 1940's with the first little league teams being formed in 1951. The Mayor played on the V.F.W. team at Sweda's Field where there now stands the residences of the 700 block of Delaware Street. The baseball games and the use of the fields for baseball purposes did not threaten the public health, safety or welfare of the community nor were they injurious to the value of other properties in the neighborhood where they were located. The use of the ball fields were considered as compatible with the adjoining neighborhoods. The Mayor noted the Borough did not own lands on which the former baseball fields were located. They were the property of the coal companies and were subsequently sold. The Glenwood Field was sold in 1955 and the El-Tronics business was built upon it. Sweda's Field was sold to individuals for residential purposes around the same time.

8. On May 31, 1958, the Miracle of Mayfield was dedicated as the day that 500 Mayfielders paraded behind three bands and a sea of colors through the streets of the Borough to the new community field located on what was Green's Island, the present location of the ball fields belonging to the Lakeland School District. The Mayor testified the field did not threaten the public health, safety or welfare. It did not cause substantial injury to the value of local property and was compatible. The Mayor testified

that on September 8, 1969, Borough Council bought the Miracle field consisting of 12.87 acres from the Pennsylvania Coal Company for the sum of Eight Thousand Four Hundred (\$8,400.00) Dollars. On February 3, 1975, Borough Council sold the community field to the Lakeland School District at which time it was considered an excellent deal for the community as the Borough was getting an elementary school, lump sum of money, Twenty-Six Thousand (\$26,000.00) Dollars and the land and school building next to the Municipal Building where there is now situated the Anna McCarthy Playground. The Agreement called for the school district to make the fields available to Mayfield Borough's ball teams. He noted that in 1975 there was only a high school baseball team and that the games were played at the High School in Scott Township. He indicated that in 1980-81 the scenario changed when the school's softball team began to play in the Spring and the program was moved to the district fields in Mayfield. Ever since then, the school's teams had first preference over the use of the fields in Mayfield. In the 1980's and 1990's, the little league expanded and girls softball league was organized. With all the teams and leagues involved, there was a shortage of fields for Borough teams as Lakeland High School had the preference over the Mayfield fields. The Mayor recalled teams forfeiting games or playing games on the road. He was the treasurer of the girls softball league between 1984 and 1994.

9. On March 9, 1994, the Mayfield Sports Association asked Borough Council for a 99 year lease on the 19 acres owned by the Borough to build ballfields. At the time, access to the area of the Borough was not available. The Mayor explained that on October 27, 1993, the Mayfield Borough Planning Commission made a Motion to

accept the Mayfield Heights preliminary plan contingent upon approval by the Lackawanna County Regional Planning Commission, the developer securing a 50 foot easement from the proposed Laurel Drive to the 19 acres owned by Mayfield Borough until future access from Laurel Drive is provided through Chestnut Street and the payment of all fees to the Borough for development. The Mayor testified that Mayfield Borough now has guaranteed access to the 19 acres as a result of the Mayfield Heights Development. He submitted the developers had knowledge of this before the first lot was sold.

10. The Mayor testified that on November 1, 1967, Mayfield Borough purchased the 19.4 acres in question from the Raymond Colliery for the sum of Nineteen Thousand Four Hundred (\$19,400.00) Dollars in conjunction with the Project 70 Land Acquisition and Borrowing Act of June 22, 1964. P.L. 131. In 1998 Park Drive Development submitted plans to the Planning Commission and Borough Council. One of the Developers, Dan Swirdovich, indicated the cul-de-sac at the eastern end of Chestnut Street, would provide access to the Borough to the 19 acres. The Mayor submitted that it would then have been known to all perspective property owners of the Mayfield Heights area the Borough had the right to access the 19 acres by Laurel Road and Chestnut Street. He also offered that the recorded Deed to the Borough gave prospective property owners notice the 19 acres were to be used for recreation purposes. On April 14, 2004, Paul Forbes, of the Mayfield Little League made requests during the Borough Council meeting that the 19 acres be developed into baseball fields. On January 12, 2005, councilman Pittsman advised Borough Council that the Mayfield

Athletic Club was formed and council agreed to grant permission to the club for development of the 19 acres. At the March 9, 2005 meeting of Borough Council discussions ensued regarding changes to the 19 acre site by adding a buffer zone between the homes and field and to offer input from residents. During this meeting it was advised that a grant was being sought to help finance the construction. During an April 13, 2005, Borough Council meeting, the Borough unanimously agreed that a Fifty Thousand (\$50,000.00) Dollar grant from Senator Mellow and Representative Staback would be used for the development of the 19 acres. At the July 13, 2005 meeting, Borough Council adopted a resolution to develop the 19 acres for the Mayfield Athletic Club. Accordingly, Attorney Rogan performed a Title Search which search was admitted into evidence. The Mayor related that public notice was given that the Borough would use the 19 acres for recreational purposes. The Borough proposes to turn the 19 acres into a functional recreational facility for kids.

11. The Mayor then presented various slides in a power point presentation. Slide 11 consists of a newspaper article that appeared in the Scranton Times regarding the Mayfield Little League's request for development of the 19 acres in question. Slides Nos. 12 and 13 consist of preliminary field plans depicting the layout of the ball fields. Slide No. 14 is a photograph of the undeveloped ball fields with a notice that the Borough of Mayfield is seeking a Special Exception for the recreational use for the 19 acres. Slide No. 15 is a Zoning Map depicting the 19 acres in question in an R-1 Zone. Slide No. 16 is a portion of the Zoning Ordinance indicating that an R-1 Zone is a low density residential district. Slide No. 17 depicts Table No. 1 on page 3-2 of the Mayfield

Borough Zoning Ordinance indicating that the approval level for recreation uses in an R-1 Zone is by Special Exception. The Table makes reference to Section 5.110 and 5.120 of the Zoning Ordinance. The Zoning Hearing Board finds these two Sections must be complied with when an applicant requests a Special Exception for a recreational use. However, Section 5.110 does not apply to the instant situation as this Section regulates indoor recreational facilities. On the other hand, Section 5.120 does apply as it regulates outdoor recreation facilities.

12. Mayor Chelik presented Slide 18 consisting of a portion of Article 5 of the Ordinance. The slide refers to Section 5.120 of the Mayfield Borough Zoning Ordinance at page 5-1. The Mayor argued Section 5.120a. does not apply as it relates to uses including golf courses, swimming pools, tennis courts and other similar uses. He argued Section 5.120b applied which reads that "unenclosed recreational facilities shall be located not less than 25' feet from any property line and shall be effectively screened from adjoining dwelling uses in accordance with the provisions of Section 4.723c. which relates to screening." Mayor Chelik conceded that Section 5.120c. applied which provides that illuminated signs and other lights should be directed away or shielded from adjoining residential properties. He testified the Borough will not illuminate the fields. The Mayor agreed Section 5.120d. applies which Section prohibits public address systems except where the system would not be audible at any residential property line. Mayor Chelik testified a public address system would not be put into operation at the fields. Mayor Chelik correctly observed Section 5.120e. does not apply as it relates to swimming pools and similar uses. Similarly, Section 5.120f.

does not apply as it relates to Drive-In Theaters.

13. Mayor Chelik presented Slide No. 19 which depicts the ball fields and the location of the parking area. Mayor Chelik testified Mayfield Borough conducted a public hearing on Wednesday, August 10, 2005, as one of their requirements for submission of the Department of Conservation and Natural Resources Grant. It was represented that the meeting was well attended and that Mayfield Heights residents stated their support of the proposed ball field and expressed their concerns such as water runoff, buffer zone, and possible use of Route 107 as an access to the 19 acres as well as the maintenance responsibility for the fields. The Mayor indicated that access from Route 107 was not feasible as it involves gaining access through lands not owned by the Borough at a great cost for the construction of a road approximately three blocks in length. Further, access was already provided to the Borough with the development of Mayfield Heights. The Mayor indicated that a second draft of the plan was completed with the parking area moved to the northern end of the tract. The ball fields were rearranged to keep them well in excess of the 25' foot set back required by the Ordinance. Plans were formulated for water management system to alleviate runoff. The map and the plans were discussed with residents of Mayfield Heights on two occasions. The first on March 21, 2007 and the second on March 28, 2007. As a result of the discussions with Mayfield Heights residents, it was determined that there will be no illumination or lighting and no public address system will be installed. This was set forth in Slide No. 20. Slide No. 21 as presented indicates that pursuant to Section 8.221, the Zoning Hearing Board may refer applications for special exceptions

to the Planning Commission. Mayor Chelik represented the Planning Commission has already given their approval indicating that Commission President, James Perry, was present to attest to that fact. Slide No. 21 was a letter from the Mayfield Borough Planning Commission indicating Mayfield Borough Planning Commission was in support of the development of the 19 acres for the athletic complex and that the sport complex would be a great asset to both the community and the young adults who would utilize it. The Planning Commission wrote that it would ensure that all development for the Mayfield athletic complex will comply with the Borough's Ordinance. The above-referenced letter is dated September 8, 2005. Slide No. 22 was presented. This slide references Section 8.222, the review criteria for Special Exceptions set forth at Section 8.222a-g. Section 8.222a. is referenced in Slide No. 22 which requires that the use is a permitted Special Exception set forth in Article 3. Article 3 of the Zoning Ordinance establishes that recreation uses are an allowed Special Exception in an R-1 Zone. Slide No. 24 references Section 8.222b. which reads that the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience would be protected. Mayor Chelik represented that baseball fields do not present a danger to the public's health, safety and welfare. To the contrary, building the ballfields will improve the health, safety and welfare. Water runoff to Mayfield Heights will be addressed by KBA Engineering that will develop 1) an architectural plan; 2) an erosion and sedimentation control plan; and 3) a storm water management NPDES. KBA will submit the above-referenced plans to the appropriate parties for approval. The Borough will comply with all the rules and regulations to make sure that the fields

are constructed properly. The Mayor testified that for decades games played at ballfields such as the Lakeland Elementary School have not endangered the public health, safety or welfare of the community. The Mayor testified that the water runoff from Mayfield Heights area and the Industrial Highway will be addressed by the Waste Water Management System designed for the ballfield complex. The Mayor related that there was an incident that occurred on March 31, or April 1, 2007, when the Mayfield Athletic Club began to grub the land. This was reported to the Lackawanna County Soil and Conservation District and the grubbing stopped. The point being that the Borough of Mayfield will not be able to do just anything they want with the field and that they will have to comply with all rules and regulations. Mayor Chelik took the position that there are several reasons why parks are important they are as follows: 1) public parks provide Americans with the opportunity to become physically active; 2) parks and recreation facilitates social interaction; 3) leisure activities in parks improve mood, reduce stress and enhance a sense of wellness; 4) recreational programs provide organized, structured, and enjoyable activities for all ages; 5) community recreation provides a refuge for safety for at-risk youth; 6) public parks embody the American tradition in preserving public land; the aforesaid reasons set forth in a study by the National Recreational and Park Association. This was set forth in Slide No. 24. Mayor Chelik argued that Section 8.222c. is satisfied in that the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located

14. The Mayor presented an article published by the National Recreation and Park Association indicating that parks have true economic benefit. Proximity to parks

improves property value. One of the most significant benefits is the increase in value of private land adjacent or near protected public land. The proximity of parks to residential areas leads to increased value in private land. Slide No. 25 is a letter from a well known local developer, Ken Powell, who owns three developments in close proximity to nearby athletic complexes without lighting. One is Park View Estates located in the western sector of Jermyn. Another is Breaker Creek Estates located in Dickson City. The third is Justus Heights in Scott Township, all of which are in close proximity to athletic complexes where the value of the homes has not decreased. According to Mr. Powell, in 2001 a corner lot located on 426 Garfield Avenue measuring a 110 feet by 118 feet sold for Thirty Thousand Five Hundred (\$30,500.00) Dollars which property is 150' feet from an athletic complex. In 2005 a lot located at 412 Garfield Avenue measuring 95' feet x 125' feet was only 50' feet from the athletic complex and sold for Thirty-Six Thousand (\$36,000.00) Dollars. In his Justus Heights Development, the homes are valued at Two Hundred Thousand (\$200,000.00) Dollars and upwards. In the Breaker Creek Estates Development, homes are valued at Two Hundred Twenty Thousand (\$220,000.00) Dollars and upward. Pictures depicted in Slides Nos. 26 and 27 are photographs of homes depicted in close proximity to ball fields which homes appear to be substantial structures in terms of construction quality and value. Slide No. 28 indicates that a property purchased in 1997 at 741 Laurel Road was purchased for One Hundred Seventy-Five Thousand (\$175,000.00) Dollars and then after the public hearings on the park, it sold in 2005 for Two Hundred Fifty Thousand (\$250,000.00) Dollars. The property at 740 Laurel Road was purchased for Two Hundred Nine

Thousand (\$209,000.00) Dollars in 2001 and after the public hearings in 2004 sold for Two Hundred Nineteen (\$219,000.00) Dollars. On June 6, 2006, a lot on Willow Way was sold for Ninety Thousand (\$90,000.00) Dollars. A permit was requested on July 7, 2006 to build a home thereon with a value listed as Five Hundred Thirty Thousand (\$530,000.00) Dollars. The above-referenced examples lead to the Zoning Hearing Board's conclusion that property values of adjoining properties have not diminished in light of the proposed recreation complex on the 19 acres.

15. Slide No. 29 relates to Section 8.222d, which reads "that the use shall be compatible with the adjoining development and the character of the zone district where it is proposed to be located." The Mayor represented that baseball fields and recreation complexes exist side by side in Throop, Dunmore, Jermyn, Scott Township, Blakely and Archbald. The Zoning Hearing Board finds that recreation parks are compatible with residential areas which are why they are allowed in R-1 Zones. The 19 acres in question existed well before Mayfield Heights was developed. People invested in their properties knowing that the area to their East was dedicated for recreational purposes. In this regard the Mayor presented Slide Nos. 30, 31, and 32 which are photographs of Garfield Avenue in Jermyn showing the proximity of upper scale homes to the ball field. The Mayor read a letter from the Mayor of Throop, Stan Lukowski, who wrote that ball fields close to the homes present no problems. On this point, Mayor Cheik represented the Borough would be responsible for maintaining the parks. The Mayfield Athletic Club would provide maintenance for the facility. Community Volunteers would take care of the park. The Community has a good record of taking care of its facilities.

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The Borough possesses a riding mower and the council has budgeted for a part time worker to help for fiscal year 2007.

16. Slide No. 33 relates to Section 8.222e. of the Zoning Ordinance which requires adequate landscaping and screening provided as required in Section 4.700. Section 4.723c. of the Ordinance requires site element screens for parking lots. The Table references Section 5.120 under Subsection B wherein unenclosed recreational facilities shall be no closer than 25' feet to any property line. According to the Mayor, the Borough would comply with Section 4.723c. and 4.724. The Borough will provide adequate screening in that the trees between the Mayfield Heights Development and the 19 acres will remain as a buffer.

17. The Mayor presented Slide No. 35 referring to Section 8.222f. which requires adequate off street parking and loading be provided and that ingress and egress is so designed to cause minimal interference with the traffic on abutting streets. The Borough does have access to the area via the cul-de-sac located on Chestnut Street. The Mayor maintained that according to the KBA engineering plan, it was determined that 54 parking spots are adequate to serve the ball field. The day of the hearing, the Mayor attended the DARE graduation at Mayfield Elementary School and represented that there were more cars than at that site than there would be attending the games at the ball fields. Nevertheless, the staff, visitors and officials in attendance had ingress and egress with a minimum amount of interference with traffic on abutting streets.

18. Slide No. 36 depicts the first revision of the ball field plan and the second

revision of the ball field plan. The second revision shows the parking area located further to the North and more than 25' feet from Mayfield Heights. In fact it appears to be set back at least 150' feet. Further, the Mayor observed ball fields would not be used year-a-round as baseball is a sport played in the Spring and early Summer.

19. Slide No. 37 is a letter from Joseph J. Tomcavage, Fire Chief of the Borough of Mayfield dated April 16, 2007. According to Chief Tomcavage a study was completed as it related to the one access road Maple and Laurel Roads to the site. He opined one access road does not impair or impose any safety threat to any of the residences located in the area or the proposed recreational complex as there is an existing roadway that parallels the field that can be accessed from Rushbrook Route 107 ramp in case of a dire emergency. The Mayfield Hose Company has a brand new all wheel drive heavy rescue pumper truck that has access from the highway which will enable the volunteers to use the two fire hydrants in the area. Chief Tomcavage further opined that the volunteer fire companies of the Borough would be able to provide emergency services to the Mayfield Heights Development and Athletic Complex. The Mayor felt it would be unreasonable to deny Mayfield the use of the 19 acres because Mayfield Heights wants its own private road.

20. The Mayor presented Slide No. 38 relating to the review criteria set forth in Section 8.222g, which requires that the use conform to all applicable regulations governing the district where located, except as may otherwise be determined for large scale development. According to Chapter 3 of the Lackawanna Valley Corridor Plan of 1996, a basic direction and structure recommended for future development of the valley

is identified. The land use plan figure at 3.3.1 designates the 19 acres in Mayfield as an area for parks. The Mayor again agreed that the approval should be contingent upon providing the following: 1) architectural plan; 2) erosion and sedimentation control plan; 3) storm water management NPDES.

21. The Mayor presented Slide No. 39 to support his argument that Section 8.223 does not apply and further that the development of the 19 acres as recreation use does not constitute a land development. The Mayor cited Article 1 Section 104 of the Mayfield Subdivision and Land Development Ordinance for the proposition that the definition does not include development use of recreation areas, as the two provisions cited therein govern: i) a group of two or more residential or non residential buildings; ii) a division or allocation of land or space, whether initially or cumulatively, between or among two or more existing perspective occupants, by means of, or for the purpose of streets, common areas, common lease holds, condominiums, building groups or other features.

22. Slide No. 40 was the final field plan again depicting the relocation of the parking area to the northerly side of the 19 acre parcel.

23. The Mayor presented Slide No. 41 for the proposition that Mayfield Borough has met all aspects of the review criteria and addressed the concerns of the community. Mayfield Borough is asking for approval to develop the 19 acres for recreational purposes with the following conditions: 1) approval of NPDES Permit - Storm Water Management; 2) approval of Erosion and Soil and Sedimentation Control Plan.

24. Slide No. 42 relates to the funding provided to the Borough by Senator Mellow and Representative Staback as well as the Department of Community and Economic Development. Mayor Chelik represented that the Army Core of Engineers will be willing to donate their time and equipment to help with the project. Slide No. 43 depicts members of the Army Core of Engineers at the ball fields. Mayor Chelik testified that maintenance will be done by the Athletic Club and the Borough. In 1993 a plan was developed where according to the Mayfield Heights phase one plan, it was agreed that access would be provided to the 19 acres.

25. Mayor Chelik testified that access to the ballfields from Route 107 would require a 4-wheel drive vehicle.

26. The Mayor agreed the Borough will present an architectural plan as a condition to the grant of the Special Exception.

27. Anthony Grizzanti, an engineer from KBA Engineering testified on behalf of the Borough. Mr. Grizzanti agreed that there will be more traffic at the cul-de-sac area. He opined the Powell developments were not impacted negatively by the location of the nearby ballfield. The buffer zone requirements of the Zoning Ordinance require a 25 foot buffer zone between the proposed ballfields and Mayfield Heights development. Mr. Grizzanti testified the ballfields have been moved 150' feet from the property line. He indicated the storm water management plans have not yet been finalized. The storm management water plan will include a sediment trap. He noted there are recreational areas in major developments. He noted the sediment basin is temporary and that a permanent pond is required for storm water management. Mr. Grizzanti

testified that Mayfield Borough does not have a ban on detention ponds.

28. Mayor Chelik testified that there is a Fifty Thousand (\$50,000.00) Dollar grant available and with another Fifty Thousand (\$50,000.00) Dollars of in kind work available. He projected the final costs at One Hundred Twenty Thousand (\$120,000.00) Dollars. Mayor Chelik advised that the Borough does not have a master plan but has adopted the Lackawanna County Comprehensive Plan.

29. Mary Liz Donato of the Lackawanna Regional Planning Commission testified on behalf of the Borough. She testified that in 1974 the County addressed the recreational plan. The County is working with a consultant to develop a plan. In two years the County will finalize the County Comprehensive Plan.

30. Paul Forbes testified that in two or three years there will be no place for little leaguers to play and practice baseball.

31. Thomas Hartman of 810 Laurel Road commended the Mayfield Athletic Club for its efforts. He questioned whether anyone contacted Lakeland School District to work out a schedule with the ballfields. Mayor Chelik replied that in 2001, Mayfield Borough drafted a letter to the schools regarding the congestion and the impossibility of working out a schedule because of the weather. Mayor Chelik testified there had been attempts to coordinate field usage between the Mayfield teams and the Lakeland School District teams.

32. Brian Donahue, 206 Gorham Avenue, Mayfield, PA testified that he has two young sons involved in baseball. He is involved with the Mayfield Athletic Club and backs the construction of the ballfield as there is a real need.

33. Rebekah Krantz testified the developments were devised around the ballfields. Leonard Wilson, 741 Laurel Road, Mayfield, PA made an inquiry to Paul Forbes as to whether or not other sites behind the Elementary School were considered. Mr. Forbes testified that he looked at the two to four acres behind the elementary school but they could not be used because of flooding concerns.

34. Michael Shygelski, 821 Laurel Road, Mayfield, PA testified that he has a child due next month and that when the Borough does engage in the project he wants it done in a responsible manner.

35. Peter Arvonio, 820 Laurel Road, Mayfield, PA testified he agrees with the need for the ballfields. He lives in Mayfield Heights and from what he sees there has been concessions with the plans. If the rules are followed, he is all for the development of the ballfields. Mr. Arvonio hopes the project comes to fruition.

36. James Perry, Chairman of the Planning Commission testified that the Planning Commission reviewed the sketch plans and felt there were no problems with it. Mary Liz Donato of the Lackawanna Planning Commission testified that the baseball field development is not a land development and does not require subdivision approval by the Planning Commission.

## II. CONCLUSIONS OF LAW

1. Pursuant to Section 8.221 of the Mayfield Borough Zoning Ordinance, the Zoning Hearing Board of the Borough of Mayfield has jurisdiction to hear and decide requests for Special Exceptions.

2. The subject 19 acres are located in an R-1 Zone. Pursuant to Table No. 1 on

Page 3-2 of the Mayfield Zoning Ordinance the approval level for recreational uses in an R-1 Zone is by Special Exception. The Table makes reference to Sections 5.110 and 5.120 of the Zoning Ordinance. The Zoning Hearing Board finds these two sections of the Zoning Ordinance must be complied with when an applicant requests a Special Exception for recreational uses. The Zoning Hearing Board finds that Section 5.110 is not applicable as this section regulates indoor recreational facilities. The Zoning Hearing Board finds that Section 5.120 does apply as it regulates outdoor recreational facilities. The Zoning Hearing Board finds Section 5.120a is not applicable as it relates to uses including golf courses, swimming pools, tennis courts and other similar uses. The Zoning Hearing Board finds that Section 5.120b applies. It requires that unenclosed recreational facilities shall be located not less than twenty-five feet from any property line and shall be effectively screened from adjoining dwelling uses in accordance with the provisions of Section 4.723c (said section regulates screening). The Zoning Hearing Board finds that the ballfields proposed on the 19 acres are located more than 25 feet from a residential property line. The Zoning Hearing Board finds the ballfields are effectively screened from adjoining dwellings and residential uses by a buffer of native trees separating Mayfield Heights Development from the ballfields. Moreover, the ballfields are located at a grade above the Mayfield Heights Development which acts as an additional means as a buffer zone. The Zoning Hearing Board finds that pursuant to Section 4.723c, site elements screening may consist of existing healthy trees, shrubs, or woodlands and may be substituted for part or all required planting material at the discretion of the governing body. The existing buffer of trees referred to

previously is found to be a suitable substitute for required planting. In addition, Section 4.724e indicates that existing topographic conditions such as embankments or berms, may be substituted for or part of or all of the required property line buffers at the discretion of the governing body. The Zoning Hearing Board finds the existing healthy trees and the existing topographic conditions provide the minimum qualities and visual affect to be equal to or exceed that of the required buffer. For these reasons the existing buffer trees and the grade shall not be altered to a significant degree when the ballfields are constructed.

3. The Zoning Hearing Board finds Mayor Chelik has standing pursuant to Section 8.143 of the Mayfield Borough Zoning Ordinance. No one in attendance at the hearings in this matter objected to the Mayor's standing to represent the Borough. Moreover, the Mayor was appointed by Borough Council on April 11, 2007, to present the Borough's request for Special Exception to the Zoning Hearing Board.

4. The review criteria to determine whether a Special Exception is allowable is set forth in Section 8.222 of the Mayfield Borough Zoning Ordinance as follows:

- (a) That the use as permitted Special Exception as set forth in Article 3, and in this case, it is;
- (b) That the use is so designed, located, proposed to be operated that the public health, safety, welfare and convenience will be protected;
- (c) That the use would not cause substantial injury to the value of other property in the neighborhood where it is to be located;
- (d) That the use shall be compatible with adjoining development and the character of the zone district where it proposed to be located;
- (e) That adequate landscaping and screening is provided as required in

**Section 4.700:**

- (f) That adequate off-street parking and loading is provided, and ingress and egress is so designated as to cause minimum interference with traffic on abutting streets.
- (g) That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale development.

5. Mayfield Borough shall not install illumination or a public address system.

6. The Zoning Hearing Board finds the applicant is Mayfield Borough. The applicant has the burden in bringing the application within the provisions authorizing a Special Exception. *Bray v. Zoning Hearing Board of Adjustment*, 48 Pa. Cmwlth. 523, 410 A.2d 909 (1980). The Zoning Hearing Board finds the applicant has met the burden and duty of showing it has complied with specific criteria requirements set for in the Zoning Ordinance concerning Special Exceptions. See *Bray v. Zoning Hearing Board of Adjustment*, 48 Pa. Cmwlth. 523, 410 A.2d 909 (1980). In this case, the applicant has satisfied both the duty to present evidence and the duty in persuading the Board that the proposed use satisfies the objective requirements of the Zoning Ordinance for the grant of a Special Exception. *Greaton Properties, Inc. v. Lower Merion Township*, 796 A.2d 1038 (Pa. Cmwlth. 2002) indicates that in *Bray v. Zoning Hearing Board of Adjustment*, 48 Pa. Cmwlth. 523, 410 A.2d 909 (1980), the Court distinguished between the burden of persuasion and the duty to go forward with evidence. The Court held that both the burden and duty fall on the applicant with respect to the criteria of the specific requirements of the Ordinance including that the uses were permitted by Special Exception; the specific requirements applicable to the

Special Exception; the general applicable requirements of the Zoning Ordinance and such other public interest criteria traditionally found in Zoning Ordinances as are specific. The *Bray* Court further noted that the Protestants have the duty and burden with respect to proving a general detrimental affect of the project and that the project would be injurious to the health, safety and welfare of the neighborhood. In the *Greaton Properties, Inc. V. Lower Merion Township, 796 A.2d 1038 (Pa. Cmwlth. 2002)* the Court held that once the applicant meets the burden a presumption arises that the use is consistent with the health, safety and general welfare of the community. The burden then shifts to the objectors of the application to present evidence and persuade the Board that the proposed use will have a generally detrimental affect. The evidence presented by the objectors must show a high degree of probability that the use will generate adverse impacts not normally generated by this type of use and that the impacts will pose a substantial threat to the health and safety of the community. *Greaton Properties, Inc. V. Lower Merion Township, 796 A.2d at 1045-1046.* For the reason cited herein, the Zoning Hearing Board finds the Borough of Mayfield has met its burden of proof to demonstrate the applicant has met the specific requirements of the Mayfield Borough Zoning Ordinance. The objectors have not presented evidence to demonstrate a general detriment. The objectors did not establish a high degree of probability the proposed use would substantially affect the health, safety and welfare of the community. Vague references that the baseball fields would add to traffic congestion problems are insufficient to establish a high degree of probability or specific,

detrimental traffic affects arising from the facility itself. The case on point is Manor Health Care Corporation v. Lower Moreland Township Zoning Hearing Board, 139 Pa. Cmwith. 206, 590 A.2d 65 (1991).

7. The Zoning Hearing Board finds Mayfield Borough met its burden of proving the requirements set forth in Section 8.222a of the Zoning Ordinance. This Section requires that the use is a permitted Special Exception set forth in Article 3. It is undisputed Article 3 of the Zoning Ordinance allows recreational uses as a Special Exception in an R-1 Zone.

8. The Zoning Hearing Board finds the Borough has satisfied the criteria set forth in Section 8.222b which requires that the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected. There is no evidence to suggest the construction of the baseball fields on the 19 acres would present a danger to the public, health, safety and welfare. To the contrary, the Zoning Hearing Board finds that construction of the ballfields will improve the health, safety and welfare. The Zoning Hearing Board finds that the water runoff concerns to Mayfield Heights will be adequately addressed when KBA Engineering develops an architectural plan and erosion and sedimentation control plan and a storm water management NPDES. From a historic perspective, the Zoning Hearing Board finds that baseball games have been played at ballfields located in Mayfield Borough which have not endangered the public health, safety or welfare of the community. In addition, the Zoning Hearing Board finds that the National Recreational Park

Association findings to be compelling in that public parks are important for the following reasons:

1. Public parks provide Americans with the opportunity to become physically active;
2. Parks and recreation facilities promote social interaction;
3. Leisure activities in parks improve mood, reduce stress and enhances sense of wellness;
4. Recreational programs provide organized, structured and enjoyable activities for all ages;
5. Community Recreation provides a refuge of safety for at risk youth;
6. Public parks embody the American tradition of preserving public land.

The use of the proposed ballfield as such addresses a real need for baseball fields within the Borough of Mayfield as there is a present shortage of baseball fields in the community. Moreover, the Zoning Hearing Board finds as credible the testimony of Mayor Chelik that there is conflict concerning use of the same ballfields between the Borough and the Lakeland School District.

9. The Zoning Hearing Board finds that the ballfields will not cause substantial injury to the value of other property in the neighborhood where it is to be located as is required by Section 8.222c. The Zoning Hearing Board finds the proximity to recreation areas to private developments positively impacts the value of private land. The Zoning Hearing Board finds that the letter from local developer, Ken Powell, who owns three developments in close proximity to nearby athletic complexes to be compelling. One of his developments is Park View Estates in the western section of neighboring Borough

Jermyn. Another is located at Breaker Creek Estates in Dickson City. The third is at Justus Heights in Scott Township all of which are in close proximity to ballfields where the value of the homes have not decreased. According to Mr. Powell in 2001, a corner lot located at 426 Garfield Avenue sold for the sum of Thirty Thousand Five Hundred (\$30,500.00) Dollars which property is 150' feet from an athletic complex. In 2005, a lot located at 412 Garfield Avenue measuring 95' feet by 125' feet was only fifty feet from the athletic complex and sold for the sum of Thirty-Six Thousand (\$36,000.00) Dollars. In Justus Heights development, the homes are valued at Two Hundred Thousand (\$200,000.00) Dollars and upwards. In Breaker Creek Estates, development homes are valued at Two Hundred Twenty Thousand (\$220,000.00) Dollars and upwards. The photographs depicted in Slide Nos. 26 and 27 depict homes in a close proximity of the ballfields. These homes appear to be substantial structures in terms of construction quality and value. Slide No. 28 depicts a property purchased in 1997 at 741 Laurel Road for the sum of One Hundred Seventy-Five Thousand (\$175,000.00) Dollars at a time after the public hearings on the park in 2005 were held it sold for Two Hundred Fifty Thousand (\$250,000.00) Dollars. A property at 740 Laurel Road was purchased for Two Hundred Nine Thousand (\$209,000.00) Dollars in 2001. After the public hearings on the parks in 2004, this home sold for Two Hundred Nineteen Thousand (\$219,000.00) Dollars. On June 6, 2006, a lot on Willow Way was sold for Ninety Thousand (\$90,000.00) Dollars. Remarkably, a permit was requested on July 2, 2006, with the value of the home listed at Five Hundred Thirty Thousand (\$530,000.00) Dollars. This leads the Board to the conclusion that the property values of

residences/lots adjoining the ballfields will not diminish in value.

10. The Mayfield Borough Zoning Hearing Board finds the Borough has met the requirements of Section 8.222d requiring the use shall be compatible with the adjoining development and the character of the zoned district where it is proposed to be located. In this regard, the Zoning Hearing Board finds as persuasive the testimony of Mayor Chelik that recreation areas are compatible with residential areas as recreation areas are allowed in R-1 Zone as a Special Exception. The 19 acres in question were acquired by the Borough of Mayfield. The photographs depicted in Slides 30, 31, and 32 are photographs of Garfield Avenue in Jermyn showing the proximity of upper scale homes to a ballfield. Moreover, the Mayor read a letter from the Mayor of Throop, Stanley Lukowski, who wrote that ballfields in close proximity to homes present no problems. The Mayor pointed out that the Borough shall assume responsibility of maintaining the parks. The Mayfield Athletic Club will provide maintenance for the facility along with community volunteers. Moreover, the Borough owns a riding mower and the Borough council has budgeted for a part time worker to help with the work required at the fields for the fiscal year 2007.

11. The Zoning Hearing Board finds the Borough has met its burden of proof with respect to Section 8.222a which requires adequate landscaping and screening as required in Section 4.700. Pursuant to Section 4.721 landscaping is required for permanent open space. This Section is not applicable as the ballfields are not permanent open space. Section 4.722 requires landscaping and screening in IAC Zones. See Section 4.227a,b,c all relating to IAC Zones and Section 4.723 which

regulates buffer and screening requirements in IAC Zones. The proposed ballfields are located in an R-1 Zone not an IAC Zone. The Zoning Hearing Board finds that the applicable Section is 5.120b which requires a 25' foot buffer zone and screening for outdoor recreational facilities. The Zoning Hearing Board finds the existing tree line located between Mayfield Heights Development and the 19 acres provides adequate screening. Section 4.724d provides that existing healthy trees, shrubs or woodlands may be substituted for part of or all of the required plant material at the discretion of the governing body. The Zoning Hearing Board finds that the minimum qualities and/or visual effect of the existing vegetation equals that of the required buffer (Section 4.724d). The Zoning Hearing Board further finds that pursuant to Section 4.724e existing topographic conditions, such as embankments or berms, may be substituted for part or all of the required property line buffers at the discretion of the governing body. The minimum visual effect equals or exceeds that of the required screen in that there is a significant elevation change between the rear of the properties at Mayfield Heights Development and the beginning of the athletic fields. With regard to the parking area depicted on the revised plan submitted to the Zoning Hearing Board on May 16, 2007, the Zoning Hearing Board requires the Borough install screening consisting of evergreen shrubs a minimum of 4' feet in height as depicted on the plan. The Zoning Hearing Board further directs that the existing tree line between Mayfield Heights remain undisturbed to the greatest extent possible.

12. The Zoning Hearing Board finds the Borough has met the requirements of Section 8.222f which requires adequate off street parking and loading be provided and

that ingress and egress is so designed as to minimize interference with traffic on abutting streets. The Zoning Hearing Board finds the Borough has access to the ballfields via a cul-de-sac located at the end of Chestnut Street. The Zoning Hearing Board finds that the testimony of Anthony Grizzanti of KBA Engineering is credible and that 54 parking spaces are adequate to serve the baseball field. The Zoning Hearing Board finds that a washed coarse aggregate surface and not modified stone is adequate to provide a durable surface for the parking lot, the driving lanes and parking area. The Zoning Hearing Board finds that a pervious surface such as a washed coarse aggregate will alleviate drainage issues more so than an impervious surface such as asphalt or cement. The Zoning Hearing Board finds that the drainage concerns raised by Mayfield Heights residents will be best addressed with the use of a washed coarse aggregate surface rather than pavement or cement.

13. The Zoning Hearing Board finds as credible the letter of Fire Chief, Joseph J. Tomkavitch, who found that the access roads of Maple and Laurel Roads does not impair or impose a safety threat to any of the residents located in the area of the proposed recreation complex as there is an existing roadway that parallels the field and can be accessed from the Rush Brooke Route 107 ramp in case of dire emergency. Chief Tomkavitch noted the Mayfield Hose Company has a brand new all wheel drive heavy rescue pumper truck that has access from the roadway which will enable the volunteers to utilize two fire hydrants in the area. The Zoning Hearing Board finds that Chief Tomkavitch's opinion that the volunteer fire companies of the Borough will be able to provide emergency services to the Mayfield Heights development and the Athletic

Complex is credible.

14. The Zoning Hearing Board finds that the Borough has met the requirements of Section 8.222g requiring the use conform to all applicable regulations governing the district were located. The Lackawanna Valley Corridor Plan designates the 19 acres of Mayfield as an area for parks.

15. The Mayfield Borough Zoning Hearing Board finds the development of the 19 acres as a recreation area for ballfields does not constitute a land development. Article I Section 104 of the Mayfield Subdivision and land development ordinance defines land development as either a group of two or more residential or non residential buildings proposed initially or cumulatively, or a single non residential building on a lot or lots regardless of the number of occupants or tenure; or the division or allocation of land or space, whether initially or accumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features. The Zoning Hearing Board notes that there will be a concession stand located at the ballfields. However, the concession stand is not the principal use it is merely an accessory use customarily appurtenant to a recreational ballfield use. At Section 11.149, a lot or a zoned lot, is defined in pertinent part as a piece or parcel of land utilized for a principal use and uses accessory or incidental to the operation thereof. An accessory use is defined in Section 11.101 as a use or structure subordinate to the principal use on the same lot and serving a purpose customarily incidental to the use of the principal building. Taking the objectors argument that planning approval is required for the

concession building would mean that anyone who constructs a home on their lot is required to obtain approval by the planning commission. This is a result that is not intended by the Subdivision and Land Development Ordinance of the Borough of Mayfield.

16. By reason of the foregoing, the Zoning Hearing Board grants the request for Special Exception with the following conditions:

1. That the Borough screen the parking area as depicted on the plan submitted to the Zoning Hearing Board on May 16, 2007, identified as Applicant's Exhibit No. 1 submitted on said date with evergreen shrubs 4' foot minimum in height.
2. The Borough shall submit an approved soil and sedimentation plan and NPDES Permit.
3. The parking area shall be constructed of washed coarse aggregate stone for the drive and parking areas and not modified stone.
4. The parking area shall consist of 54 parking spaces.

#### **DECISION AND ORDER**

1. The Zoning Hearing Board of the Borough of Mayfield finds the applicant has met its burden of proof and hereby grants Special Exception for ballfields on the 19 acres the Borough owns in the eastern sector of the Borough an R-1 Zone subject to the following conditions:

By Order of the Zoning Hearing Board directs the Zoning Officer to issue a permit consistent with this Decision.

1. That the Borough screen the parking area as depicted on the plan submitted to the Zoning Hearing Board on May 16, 2007, identified as Applicant's Exhibit No. 1 submitted on said date with evergreen shrubs 4'

foot minimum in height.

2. The Borough shall submit an approved soil and sedimentation plan and NPDES Permit.
3. The parking area shall be constructed of washed coarse aggregate stone for the drive and parking areas and not modified stone.
4. The parking area shall consist of 54 parking spaces.

By Order of the Zoning Hearing Board of the Borough of Mayfield.

Curtis Nicolio  
Curtis Nicolio, Chairman

27 JUNE 2007

Date

Gary Piorkowski  
Gary Piorkowski, Vice Chairman

26 JUNE 2007

Date

Alan Bucklaw  
Alan Bucklaw, Secretary

27 JUNE 2007

Date

Michael J. Krushinski  
Michael J. Krushinski, Solicitor  
for the Borough of Mayfield  
Zoning Hearing Board

27 JUNE 2007

Date