

Minutes of Public Hearing & Special Meeting Waverly Township Board of Supervisors

Date: April 16, 2026

Location: Waverly Community House, 1115 N Abington Road, Waverly, PA 18471

1. Call to Order: Public Hearing

Chairperson Cheryl Lynn Murnin called the public hearing to order at 7:00 PM.

- **Purpose:** To receive public comment on proposed Zoning Ordinance Amendment #2026-162 (Amending Zoning Ordinance to add the definition for the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), To change the classifications related to Place of Worship/Assembly and Oil and Gas Extraction; To add a RLUIPA Compliance statement and to delete supplemental requirements for Place of Worship/Assembly.
- **Members Present:** Cheryl Lynn Murnin, Drew Christian, Eric Parry
- **Staff Present:** Christine Capozzi/Manager/Zoning Officer, Township Solicitor Attorney Malcolm MacGregor

2. Presentation of Proposed Amendment & Exhibits

Attorney Malcolm MacGregor provided a brief overview of the proposed amendment.

1. Public Notice #1
2. Public Notice #2
3. Planning Commission Minutes
4. Lackawanna County Planning Commission Review
5. Proposed Ordinance #162
6. SAPA Rural Resource Exhibit
7. Legal Opinion presented by Terrence Neville
8. Consent Order

3. Public Comment on Zoning Amendment

Chairperson Cheryl Lynn Murnin opened the floor for public comments regarding the proposed amendment.

- **Terrence Neville – Waverly TWP:** Presented copies of a legal opinion outlining alternative approaches to address issues in the zoning ordinance in compliance with RLUIPA. Referenced Kingston Borough and a related DOJ matter, noting that

they were still able to permit the use as a special exception (SE) within residential areas and not lower the bar. He recommended maintaining the SE designation in Rural zones and proposed allowing the Zoning Hearing Board (ZHB) to review such applications under this provision. He also noted the importance of ensuring that fire and ambulance services are available to respond if needed.

- **Donald Farley – Waverly TWP:** Waverly Township: Stated that he prefers no further development on the property and expressed concern about a potential “gathering space” or undefined use being permitted near his home.
- **Paul Horchos Waverly TWP:** Asked whether Waverly Township residents could vote on the proposed amendment.
- **Liam Neville Waverly TWP:** Opposes the zoning amendment. He mentioned to keep the SE for this Rural Resource district in place. This amendment is short-sided.
- **Kim Barrows Waverly TWP –** This resident expressed dissatisfaction with the amendment and supported following the Special Exception (SE) process for any expansion.
- **Frank Suraci Waverly TWP –**Waverly Township: Requested that the SE requirement remain in place for the property and that any expansion follow the SE process to ensure fairness and balance
- **Caroline Nelson Waverly TWP –** Ms. Nelson opposes the amendment. She prefers to keep the SE and to listen to the community’s concerns before adopting the amendment and to not allow one group to change zoning.
- **Marlene Loose – Waverly TWP-** Noted that she recently moved from Kingston and stated that she does not support the amendment. The SE requirement in our zoning protects property owners.
- **Jeff Belardi Waverly TWP –** This resident explained he is an attorney. He suggests that supervisors to table this amendment. He reviewed the Kingston Borough/Twp issue with the DOJ and in his opinion, it is not a problem to keep the SE in some zoning districts. He asks supervisors not to rush to adopt this amendment.
- **Margaret Neville –** Is opposed to the zoning amendment. She is in favor of holding this property to follow the SE process for the expansion. She expressed that she prefers a more reasonable amendment and keeping the SE requirement in most districts. This change opens the door to other issues.

- **Gabriele Horchos – Waverly Township** – This resident expressed her concerns regarding the shooting that occurred at the former BBC building for kids trespassing on the property.
- **Michele Tierney - Glenburn Twp Resident**-Asked the supervisors to consider tabling the amendment to allow residents more time to understand it, potentially reclassify it under a lower zoning designation, and hold another community discussion.
- **Dan Mooney – Scott Township** Mr. Mooney supports the amendment.
- **Abby Peck – Waverly Township** Ms. Peck asked the supervisors to consider their decision carefully. She mentioned she has deep roots in this community and suggested putting more information on the website and perhaps asking the township to vote on this amendment.
- **Tim Sheffler - Waverly Township** – mentioned how change is coming to the area, and how we as a community have to be prepared to accept these changes. This resident also sympathized with the supervisors' difficult decision and thanked them for explaining the details to help with a better understanding of the story.
- **Warren Acker – Waverly Township**- asked the board to slow down and reconsider taking action at this time, expressing confusion about making a decision that evening and suggesting a delay to allow for greater community understanding.
- **Joe Sproul- Waverly Township** emphasized the importance of the decision and encouraged the board to take the necessary time before acting on the amendment.
- **Amy Broadbent – Waverly Township** Asked if there is a possibility of building a hotel on the property or other commercial type use.
- **Carol Miller – Waverly Township.** This resident expressed her dissatisfaction with the comments regarding the amendment.

4. Close of Public Hearing

There being no further speakers, the public hearing was closed at 7:55 PM.

Waverly Township Special Meeting of the Board of Supervisors

Date: April 16, 2026

Time: 7:55 PM (Immediately following the hearing)

1. Call to Order

Chairperson Cheryl Lynn Murnin called the special meeting to order.

2. Consideration of Zoning Ordinance Amendment #2026-01

On a motion by Drew Christian, seconded by Cheryl Lynn Murnin, supervisors adopted Ordinance Amendment #**2026-162** – An Ordinance amending Waverly Township Zoning Ordinance enacted June 14, 2021 and effective December 20, 2023, in accordance with the Scranton Abingtons Cooperative Zoning (SAPA) adopted June 14, 2021, to add the definition for the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), to change the use classifications related to Place of Worship/Assembly and Oil and Gas Extraction; to add a RLUIPA Compliance statement and to delete supplemental requirements for Place of Worship/Assembly, Supervisor Eric Parry opposed the amendment.

- **Vote:** Motion passed 2-1.

3. Adjournment

Motion to adjourn at 8:05 PM.

Minutes Submitted By:

Christine Capozzi, Secretary