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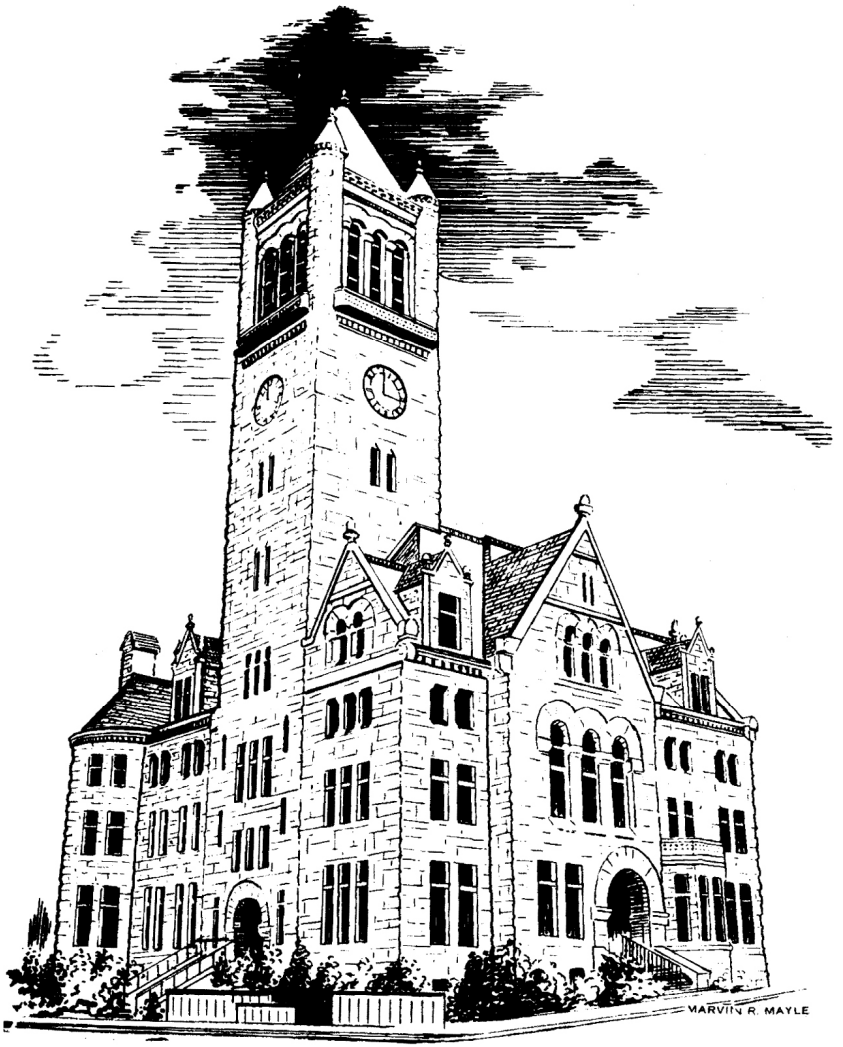

FAYETTE LEGAL JOURNAL

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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

JENNIFER BONGIORNO, late of Washington Township, Fayette County, PA (3)
Administrator: Claudia J. Stewart
c/o Post Office Box 1
401 Sixth Street
Charleroi, PA 15022
Attorney: Alan Benyak

WILLIAM LESTER, late of Jefferson Township, Fayette County, PA (3)
Executor: Michael Sveda, II
c/o Peacock Keller, LLP
95 W. Beau Street, Suite 600
Washington, PA 15301
Attorney: Timothy Berggren

MARTHA MARVA, late of Georges Township, Fayette County, PA (3)
Administrator: Richard J. Marva, Jr.
c/o Monaghan & Monaghan, L.L.P.
57 East Main Street
Uniontown, PA 15401
Attorney: Gary D. Monaghan

MAGDALENE P. SWARTZ, late of South Union Township, Fayette County, PA (3)
Executrix: Denise Zagata
c/o Goodwin Como, P.C.
108 N. Beeson Blvd., Suite 400
Uniontown, PA 15401
Attorney: Gerious T. George

EDELTRAUD MARIE VISOCKY, late of Uniontown, Fayette County, PA (3)
Personal Representative:
Stephen Visocky, III
c/o Law Office of Tyler C. Shultz
92 East Main Street, Suite LL-2
Uniontown, PA 15401
Attorney: Tyler C. Shultz

Second Publication

DEBRA A. BRADDEE, late of North Union Township, Fayette County, PA (2)
Executor: Calvin Dziedzicki
c/o Adams Law Offices, PC
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

FRED R. DICE, a/k/a FRED RUSSELL DICE, late of Fairchance Borough, Fayette County, PA (2)
Personal Representatives: Michele Jacobs and Cindy Rankin
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: Christian E. Sesek

JOSEPH JAMES SCHIAVONI, JR., late of Georges Township, Fayette County, PA (2)
Administratrix: Evelyn Schiavoni
76 E. Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

First Publication

ROGER L. ADAMS, SR., late of City of Connellsville, Fayette County, PA (1)
Administratrix: Beth Ann Jenkins
c/o Law Office of Margaret Zylka House
815 A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret House

PATRICIA ANN DANIELS, late of Connellsville Township, Fayette County, PA (1)
Executor: David R. Daniels
c/o Petrillo Jones, LLC
412 Main Street
Irwin, PA 15642
Attorney: Tyler J. Jones

PATRICIA LOUISE DECARA, late of Dunbar Township, Fayette County, PA (1)
Executrix: Maurita L. DeCara
c/o Law Office of Margaret Zylka House
815 A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret House

BETTY PIKE, a/k/a BETTY JANE PIKE, late of South Union Township, Fayette County, PA (1)
Executor: Travis Lee Pike
c/o Kovach Law Office
9 Court Street
Uniontown, PA 15401
Attorney: Kimberly Kovach

KATHRYN A. PLUTO, late of North Union Township, Fayette County, PA (1)
Administratrix: Shirley M. Krevinko
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Sheryl R. Heid

MARTIN E. PLUTO, late of North Union Township, Fayette County, PA (1)
Administratrix: Shirley M. Krevinko
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Sheryl R. Heid

SUSAN L. RESZLER, late of Uniontown, Fayette County, PA (1)
Executrix: Mary Beth Miller
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

PAUL J. WIATRAK, late of City of Connellsville, Fayette County, PA (1)
Administrators: Richard Wiatrak and Samuel Wiatrak
c/o Law Office of Margaret Zylka House
815 A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret House

LINDA ZAKSEK, late of Uniontown, Fayette County, PA (1)
Administratrix: Barbara Zaksek
c/o Kovach Law Office
9 Court Street
Uniontown, PA 15401
Attorney: Kimberly Kovach

LEGAL NOTICES

The Paulmena M. Pizzurro Amended and Restated Revocable Trust dated July 24, 2014
Paulmena M. Pizzurro, Deceased

TRUSTEE NOTICE

Paulmena M. Pizzurro, late of 179 Junior Street, Hopwood, Fayette County, Pennsylvania, having died on September 6, 2025 has been identified as the Grantor of the Paulmena M. Pizzurro Amended and Restated Revocable Trust dated July 24, 2014. Frank S. Pizzurro, Jr. and Trina M. Cortese, the appointed Successor Co-Trustees of said Trust requests all persons having claims against the estate or trust of the decedent make known the same in writing to their attorney, and all persons indebted to the decedent to make payment without delay. Said claims shall be duly authenticated for settlement prior to the termination and distribution of the trust pursuant to the trust requirements.

Rosalie P. Wisotzki, Esquire
310 Grant Street, Suite 1109
Pittsburgh, PA 15219
412-697-4499 (2 of 3)

NOTICE OF VOLUNTARY DISSOLUTION
BY PROFESSIONAL CORPORATION

JESSICA A. ELLEL, ESQUIRE
401 Liberty Avenue, 22nd Floor,
Three Gateway Center,
Pittsburgh, Pennsylvania 15222:

Notice is hereby given by Tri County Urology Associates, Inc., a Pennsylvania professional corporation, that said corporation is winding up its affairs in the manner prescribed by the Business Corporation Law of 1988, as amended, so that its corporate existence shall cease upon the filing of Articles of Dissolution in the Department of State of the Commonwealth of Pennsylvania.

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
No. 675 of 2025 GD
MEHALOV, J.

IN RE: PETITION FOR CHANGE OF NAME
OF RHONDA LEE YOUSSEF

ORDER

AND NOW, October 15, 2025, it is hereby ORDERED and DECREED that a hearing for Name Change shall be held Wednesday, November 26, 2025, at 10:30 o'clock a.m. in Courtroom No. 3, Fayette County Courthouse, Uniontown, Pennsylvania.

Further, it is Ordered that a notice of the filing of the within Petition and of the aforesaid date of hearing be published in the Official Legal Journal of Fayette County at least thirty (30) days before the hearing. Proof of publication shall be submitted at the hearing. The Court is waiving a second publication in the Herald Standard, as it was properly published for the hearing on this date and no one appeared to object or be heard by the Court.

BY THE COURT:
MEHALOV, J.

ATTEST:
Prothonotary

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION

DP134, LLC, d/b/a DIAMOND PROPERTIES, LLC,	:	
Appellant,	:	
v.	:	
FAYETTE COUNTY ZONING HEARING BOARD,	:	
Appellee, and	:	
MOUNTAIN WATERSHED ASSOCIATION,	:	No. 1929 of 2024, G.D.
Intervenor.	:	President Judge Steve P. Leskinen

OPINION AND ORDER

LESKINEN, P.J. October 17, 2025

Before the Court is Appellant, DP134, LLC, d/b/a Diamond Property, LLC's ("DP134") Appeal from the Amended Resolution of the Fayette County Zoning Hearing Board at No. ZHB 22-12 ("ZHB") dated August 2P1, 2024 After consideration of the record in this matter and the parties' briefs and oral arguments, the Court hereby issues the following Opinion and Order denying DP134's Appeal.

Factual and Procedural History

DP134 is a Limited Liability Company with a business address of 333 N. Bedford Road, Mount Kisco, NY, 10549, and it is the owner of the property known as Tax Parcel No. 31-08-0029 at 1542 Indian Creek Valley Road in Saltlick Township, Fayette County, Pennsylvania. ("Property.") The Property is the site of the former Clifford N. Pritts Elementary School, which DP134 intends to demolish and convert into a campground.

An affiliate of DP134, DP116, LLC, also d/b/a Diamond Properties, LLC, currently owns and operates the Mountain Pines Campground, which is also located along Indian Creek Valley Road and directly across Nebo Road from the Property. (Nebo Road appears to be little more than a driveway.)

On February 11th, 2022, DP134 filed a Petition for Special Exception with the ZHB to convert the Property into a campground with approximately 130 campsites and supporting amenities. On January 13th, 2023, the ZHB issued Resolution 22-12, granting DP134's Petition for a Special Exception but imposing sixteen conditions restricting DP134's use of the Property. On February 13th, 2023, DP134 timely filed an appeal at No. 283 of 2023, G.D. ("First Appeal") challenging three of the sixteen conditions placed on the ZHB's grant of the special exception. By Opinion and Order dated June 14th, 2024, this Court remanded the matter to the ZHB for modifications of the condi-

tions appealed. {1} The ZHB issued an Amended Resolution at No. ZHB 22-12 ("ZHB") dated August 21st, 2024, from which DP134 filed the above-captioned Appeal. ("Second Appeal.")

The three conditions at issue were worded as follows in the original Resolution No. ZHB 22-12 dated January 13th, 2023: {2}

1. Each individual campsite shall be no larger than 50 feet by 50 feet, and the campground shall have no more than 90 campsites. No campsite shall be permitted to be constructed within the "no activity zone," as shown on the plan.

2. Campfires shall be no larger than 32 inches in diameter and there shall be no more than one campfire site per 10 campsites. There shall be no outside firepits permitted to be brought into the campground via patrons.

3. There shall be no permanent structures, including but not limited to, sheds, porches, carports, awnings, or added roofs.

In the Amended Resolution No. ZHB 21-12 dated August 21st, 2024, these three conditions were revised as follows:

1. The campground shall have no more than 90 campsites, and each campsite is limited to one structure for occupancy. No campsite shall be permitted to be constructed within the "no activity zone" as shown on the plan.
2. Campfires shall be no larger than 32 inches in diameter and there shall be no more than one campfire site per 10 campsites. Smokeless firepits may be brought into the campground via patrons so long as they are less than 32 inches in diameter.

3. There shall be no permanent structures, including but not limited to, sheds, porches, carports, awnings, or added roofs, on campers' individual campsites.

Issues on Appeal

Section 1003-A(a) of the Municipalities Planning Code ("MPC")3 applies to land use appeals filed with the Court of Common Pleas and requires the filing of a "notice which concisely sets forth the grounds on which the appellant relies." This requirement serves the essential purpose of narrowing the scope of a land use appeal. Gall v. Zoning Hearing Bd. of Upper Milford Tp., 723 A.2d 758, 760 (Pa. Cmwlth. 1999). A trial court may disregard new issues and factual allegations not covered by the grounds stated in the land use appeal notice and raised for the first time after the thirty-day appeal period expires. Id. at 759.

{1} The Opinion and Order dated June 14th, 2024, sets forth the factual and procedural history, standard of review, an overview of special exceptions, and a discussion of the Court's reasoning for the decision, which, for the sake of brevity, is incorporated in its entirety herein by reference.

{2} The conditions at issue were conditions number 4 (campsite size), 14 (campfires), and 15 (permanent structures).
They are renumbered here for ease of discussion and comparison.

{3} Act of July 31, 1968, P.L. 805, as amended, added by Act of December 21, 1998, P.L. 1329, 53 P.5. § 11003-A(a).

To the extent that the Notice of Appeal in the Second Appeal raises issues previously addressed by this Court's June 14th, 2024, Opinion and Order in the First Appeal, without any factual or legal issues arising as a result of the changes to the language of the conditions in the Amended Resolution, the June 14th, 2024, Opinion and Order is incorporated herein by reference and the Court will not address those issues further here.

There are conflicting statement's in DP134's appeal as to which of the three conditions at issue in the First Appeal are being challenged in the Second Appeal. Though the two conditions relating to the number of campsites and the number of firepits are recited in what is essentially the introductory paragraphs of the Second Appeal wherein DP134 sets out the factual and procedural history, they are not mentioned again until the final "Wherefore" paragraph at the end of the Second Appeal, where DP134 prays that the Court strike all three conditions from the Amended Resolution. In fact, in Paragraph 20, DP134 specifically states;

> Though Appellant maintains that the three revised conditions of the Amended Resolution critically impair Appellant's ability to feasibly conduct business operations, Appellant now focuses this appeal on the restrictions of Paragraph 15, purporting to prohibit "all permanent structures" only on "campers' individual campsites," as shown above.

The remaining numbered paragraphs of the second appeal either refer to "restrictions" or "conditions" generally or to "permanent structures," specifically invoking that condition, but there are no references to grounds for appeal of the conditions relating to the number of campsites or to campfires. As such, any legal arguments not raised in the Second Appeal itself have been waived. {4}

Discussion

Even if DP134 had specifically invoked the conditions relating to the number of campsites and firepits in the Second Appeal in setting forth the grounds for appeal, the result would be the same. The legal arguments raised in the Second Appeal fall under two general themes: that the restrictions impermissibly control the operational aspects of the business and that there is no definition in the Ordinance of "permanent structures" and such structures are not regulated or prohibited in any other zoning district or campground. {5}

{4} This Court will not consider any grounds for appeal raised for the first time in DP134's brief, filed on March 7th, 2025, approximately 18 months after the Second Appeal was filed that were not set forth in the Second Appeal itself. See Gall, supra.

{5} The Court is unable to cite to the specific paragraph numbers used in the Second Appeal on these issues, as the paragraphs are misnumbered, with two paragraphs numbered "22" and two paragraphs numbered "23".

With respect to the control of the operational aspects of a business, the cases cited by DP134 derive from Van Seiver v. Zoning Bd. of Adjustment of Philadelphia, 396 Pa. 646 (1959). In Van Seiver, the Pennsylvania Supreme Court held that limitations on the hours of operation of a coin-operated laundry (including a prohibition on Sunday operations) and the requirement that an attendant be present on-site at all times did not bear a reasonable relation to the health, safety, morals, and general welfare of the public, and were an impermissible attempt to use a zoning regulation to enforce criminal statutes, where the Board found (absent supporting evidence in the record) that unattended community operated laundries would attract unsavory persons to commit possible crimes. The conditions at issue here are easily distinguishable from the conditions rejected as impermissible in Van Seiver and its progeny and this Court already held in the First Appeal that the conditions at issue relate to a standard in the Ordinance or in the MPC and are supported on the record before the ZHB.

As to the issue of the prohibition on "permanent structures" on individual campsites, 6 DP 134's assertion on p.4 of the Second appeal that "no such prohibition as to the erection of "permanent structures" exists in any other campground in Fayette County, calling into question what legitimate, zoning-related purpose this restriction could have," not only ignores the extensive analysis of this issue in the June 14th, 2024, Opinion and Order, it ignores the plain language of the definition of a campground in §1000-108 of the Ordinance:

> CAMPGROUND - A lot or a portion thereof owned by a public or private entity on which accommodations, including cabins, tents, and campers/camper trailers, for temporary and not year round occupancy are located or may be placed and which is used for recreational purposes and retains an open air or natural character. Campgrounds may or may not include accessory uses such as retail stores or amusements. (Emphasis added.)

It is the responsibility of the applicant for a special exception to bring their proposal within the specific requirements in an ordinance for a particular use. This includes demonstrating that the proposed use falls within the threshold definition of what is authorized as a special exception. Bray v. Zoning Bd. of Adjustment, 410 A.2d 909, 911 (Pa. Cmwlth. 1980). When the principal use of a property is, by definition, for temporary and not year-round occupancy, a board would be entitled to exclude or place conditions on any proposed use that includes permanent structures that remain in the campsite areas year-round.

WHEREFORE, the Court issues the following Order:

{6} The Court's reasoning for the remand on this condition was that the language of the original condition arguably prohibited permanent structures anywhere within the campground when the intent was to prohibit permanent structures only on the individual campsites.

ORDER

AND NOW, this 17th day of October, 2025, upon consideration of the Appellant, DP134, LLC, d/b/a Diamond Property, LLC's Appeal from the Amended Resolution of the Fayette County Zoning Hearing Board at No. ZHB 22-12 dated August 21st, 2024, the Appeal is hereby DENIED.

STEVE P. LESKINEN
PRESIDENT JUDGE

ATTEST:
Prothonotary

ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association will be held on Wednesday, December 17, 2025, at 12:00 pm at the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association.