

**PENN TOWNSHIP
PLANNING COMMISSION MINUTES
228 CLIFFORD ROAD, SELINSGROVE
August 28, 2023**

Members present included: Brian Wentzel, Chris Fetter, Dan Kuruna, Laura Fellencer, Jon Payne and Ken Herman Jr.

Members Excused: Marvin Weaver and Robert Grayston

Also Present: Terry Tomei via Zoom, Jim Grose, Gene Kreamer, Allen Hornberger, Scott Shambach, Daniel Habbegger, Michael Schrey, Manager Julie Hartley and Solicitor Jim Bathgate

The meeting was called to order by Chairman Brian Wentzel at 6:30 pm.

On motion by Ken Herman Jr. and seconded by Chris Fetter, and carried on a 5-0 vote, the minutes of the August 14, 2023 Planning Commission meeting were approved as presented.

Persons to be Heard:

Jim Grose, Schrey Add-on Subdivision - Jim Grose explained that the add-on subdivision would involve taking Lot 1A and adding 10.87 acres to the Braden Klingler farm, Lot 2B which is 6.9 acres on the south side of Bake Oven Hill Road to the Braden Klingler farm and Lot 1 which is 0.54 acres to be transferred to the Raker's property to equal 2.5 acres and Lot 5 which is 2.5 acres and will be designated as a non-building lot and have a shared access from S. Market St. A note that no additional lots may be subdivided will be added to the plans. Right-of-ways will also be added to the subdivision map. After discussion the following motion was made:

On motion by Ken Herman Jr. and seconded by Laura Fellencer, and carried on a 5-0 vote, it is recommended that the Board of Supervisors approve the Schrey Add-on Subdivision.

Terry Tomei (via Zoom), Micheal Schrey Conditional Use Hearing – Terry explained that the system was made up of thirty ground-mounted solar panels next to a detached garage on the Schrey property. Brian said that the set-back from the property line should be thirty feet instead of nine feet to meet the zoning requirements. Terry answered that it can be set back to thirty feet and if not, a zoning variance hearing would need to be held to keep it at the current location on the plans. Jim said that they should be able to answer questions at the hearing such as installation experience and expertise. Terry noted that he has been involved in five ground mounted solar energy systems. Jim asked if the primary beneficiary was the land owner and it will be. Jim asked if their dangerous components were locked and Terry answered that it can be. Jim also noted that training will need to be provided to the local fire company as part of the conditions. After discussion the following motion was made: **On motion by Laura Fellencer and seconded by Ken Herman Jr., and carried on a 5-0 vote, it is recommended to the Board of Supervisors to approve the Michael Schrey Conditional Use with the following conditions: 1) move the panels to allow a thirty foot set-back from the property line; 2) provide an emergency contingency plan to DH&L Fire Company; 3) follow other Penn Township Zoning Ordinance requirements of an accessory ground mounted solar energy system; 4) follow locking requirements but have an allowance for fire company access; 5) follow all local, state and federal regulations.**

Scott Shambach, Wayne Brouse Floodplain Permit – Scott explained that the deck that Wayne Brouse would like to install at 22 Penn Avon Trail is in the one-hundred-year flood plain. The building that he wants to attach the deck to is one foot above the floodplain. Scott continued by noting the reasons the construction should be allowed according to the Flood Plain Ordinance. The deck will not be used for human habitation, load damage would not be applicable to a trek deck, flow would only hit posts which are six by six, no powerlines or permanent equipment and no sanitary structures. The construction of the deck will be sixteen six by six posts with cement footers that will be forty-two inches into the ground. Decks allow flow capacity and do not contain hazardous materials. He continued by noting that section 503 G & H call for minimum obstruction which a deck will not and anchorage will be by sixteen 6x6' posts with clearance of approximately twenty-eight inches. After discussion the following motion was made:

On motion by Dan Kuruna and seconded by Laura Fellencer, and carried on a 6-0 vote, it is recommended that the Board of Supervisors allow the Floodplain Permit to be signed by the Floodplain Administrator.

Allen Hornberger, Habegger Subdivision – Allen noted that the line was moved to comply with the Zoning Ordinance to create 150 feet of frontage. The sewage system encroachment is noted and a perpetual agreement will be drawn up for long term use and repair. Lot number one will have an access from Beaver Road by perpetual

easement for long term use and repair and will also need an agreement in place. Allen shared that the Habegger's lawyer is working on both agreements. Mr. Hornberger will have the agreements executed before attending the Board of Supervisors for their approval. Allen also asked that the Zoning Officer and Planning Commission Chairman sign the sewage planning module. After discussion the following motions were made:
On motion by Ken Herman Jr. and seconded by Chris Fetter, and carried on a 6-0 vote, it is recommended to the Board of Supervisors that they allow the Habegger Subdivision upon receiving the executed agreements for the sewage and driveway easements.
On motion by Dan Kuruna and seconded by Ken Herman Jr., and carried on a 6-0 vote, to have the Zoning Officer and Planning Commission Chairman sign the sewage planning module.

Gene Kreamer, Herman Add-on Subdivision – Gene explained that Ronald and Ryan Herman would like to take 1.7 acres and 1.77 acres off their properties and place it back in the original farmland plot 13-01-003. This does not create any set-back issues with the existing buildings. Currently there are no issues with the sewage systems or wells. Jim explained that in the AC zone the building coverage on a lot can only be fifteen percent and the impervious surface can only be twenty-five percent. Gene will make those calculations and note them on the plans. After discussion the following motion was made:

On motion by Dan Kuruna and seconded by Chris Fetter, and carried on a 6-0 vote, it is recommended that the Board of Supervisors approve the Herman Subdivision if the calculation for building coverage and impervious coverage are noted on the plans.

Gene Kreamer, Mitchell Subdivision – Gene said that John and Julie Mitchell would like to subdivide their lot located on Old 522 so that each home has its own lot. The lot closest to the road would be 1.1 acres with a home and the lot located at the top of the hill would be 4.34 acres with a home. Both homes have their own sewage systems and wells and each have been tested in case of sewage relocation because of failure. Jim noted that Lot 2 located along the road will need calculations for building coverage and impervious surface noted on the plans also, a maintenance agreement will need noted on the plans. Lot 1 will need a perpetual easement through Lot 2. Jim noted that it can be done on the deed or by agreement. The Planning Commission asked that Gene return to their next meeting and show the following changes: 1) Perpetual easement note for driveway access added for Lot 1 on plans; 2) Building lot coverage for Lot 2 on plans; 3) Impervious coverage for Lot 2 on plans; 4) Mark well-head location for Lot 2.

New Business:

Containment of Livestock/Poultry - Tabled

Old Business:

Subdivision and Land Development Ordinance, Sec. 413 - Tabled

Public Comment: None

FYI:

- Bright Farms – Final LD, filed 6.17.20, due 10.13.23
- Daniel Habegger, Subdivision, filed 7.6.23, due 10.4.23
- Donald Schrey, Add-on Subdivision, filed 7.13.23, due 10.11.23
- Michael Schrey, Conditional Use, filed 7.19.23, due 9.15.23, hearing 9.6.23
- Ronald & Ryan Herman Subdivision, filed 8.24.23, due 11.22.23
- John Mitchell Subdivision, filed 8.25.23, due 11.23.23

Adjournment – On motion by Jon Payne, and seconded by Ken Herman Jr., and carried on a 6-0 vote, the Planning Commission meeting was adjourned at 7:59 p.m.

Respectfully submitted,
Julie Hartley, Township Manager