

**Penn Township  
Planning Commission Minutes  
October 26, 2015**

**Members present included:** Cornelius Heeren, Derek Straub, Jim Geiswite, Mike Kuhns, Dan Kuruna, Ben Moyer and Jim Wentzel.

**Members Excused:** N/A

**Also Present:** Attorney James Bathgate and Secretary Brenda Moyer

**Members of the Public:** Richard Hoover, Miriam S Martin, Ronny W. Riegel, Carolyn Stoltzfus, Clifford Stoltzfus, Karli Mullen, T. Ethan Mullen, Peter Geipel, Kenneth Schuler, Antonio Michetti, Ray A Ulrich, Sam Chambers, Kiley Klinger, Darlene Hoover, Duane Gaugler, David Melhorn, Shane Ulrich, Gary Grimes, Steve Bogush and Chad Shaffer.

**The October 26, 2015 regular meeting was called to order at 7:08pm by Chair Dan Kuruna.**

**On motion by Jim Geiswite, second Jim Wentzel and commission acclamation the 9.28.2015 PC minutes were approved as presented.**

**On motion by Derek Straub, second Mike Kuhns and commission acclamation the 10.12.2015 PC workshop minutes were approved as presented.**

**Public Comment** – No public comment

**Persons Present to be Heard** –

**Steve Bogush was present with Chad Shaffer, PLS, representing the Steve Bogush Subdivision Plan, application # SD1504. Expiration date 12.14.2015.** Mr. Bogush proposes subdividing TAX MAP PN 13-03-272A, a 6.32 acre lot in the R-2 (Medium Density Residential) Zoning District. The subdivision would create two (2) lots. Lot 1, 1.87 acre and Lot 2, 1.52 acre, the remainder 2.97 acres would be a "Lot Addition" to an adjoining, but separate lot (TAX MAP PN - 13-03-272 and 8.18 acres) owned by Bogush. With lot addition, the total acreage of the separate but adjoining lot, PN 13-03-272 would be 11.11 acres.

Proposed Lot 1 currently holds a single family home under construction (ZP15042), a well onsite and PTMA approval for sewer capacity with a permit issued for this connection on the proposed Lot 1 (Permit # 1-2015-0001).

The 6.4.2015 PTMA minutes indicate easements will be required for future homes.

A HOP (Highway Occupancy Permit) was obtained for proposed Lot 1 (Permit # 03030932).

Known sinkholes were discussed, Bogush noted the two on front of the property were not officially considered sinkholes but known as depressions. This per DEP who noted there was "no subsurface slumping", a characteristic of sinkholes. Bogush did note the depressions were filled with concrete and slurry.

Shaffer and Bogush presented what planning had previously asked for:

- Three (3) known but filled sinkholes/ depressions were shown on the Plan
- A "No Build Zone" w/ a 50' radius was identified on the Plan as a buffer around each sinkhole/depression, Solicitor Bathgate noted to applicant the deed shall reference the "No Build Zone"
- A document from DEP was provided with regard to a site inspection in 2010 along and an e-mail from Martin Friday, DEP, to Steve Bogush.
- For the proposed Lot 2, a shared DW agreement was provided to Mr. Bathgate for review. Shared driveway is noted on the Plan and the shared driveway agreement shall be recorded with the deed.
- Plan was certified by Owner

Adjoining property owner, Ray Ulrich was present and voiced his concern with stormwater and how recent grading may cause problems at his property line. This grading along with a pipe from downspout of the new construction that outfalls @ six feet from Mr. Ulrich's property line.

Planning suggested an engineer for Penn Twp be contacted to come out and do a site review.

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Mr. Shaffer will also relook the elevations and consider the installation of an inlet box. This inlet box would be intended to capture the downspout pipe and the outfall from the PennDOT piping under Clifford Road.

Kuruna noted the property owners needed to figure it out.

Mr. Bogush suggested he would work with Ulrich; he would do what he could do to prevent water from entering Ulrich's property from his, and would not intentionally put water onto the Ulrich property.

**On motion by Jim Geiswite, second by Derek Straub and by commission acclamation the Plan will be tabled and the following will be addressed:**

1. Township engineer will visit site and provide guidance
2. Township engineer will contact PennDOT with regard to the pipe under Clifford Road.
3. Consideration of a written agreement between Bogush and Ulrich

Applicant will attend the next planning commission meeting on 11.23.15. Consideration shall be taken for Plan expiration date of 12.8.2015.

**Antonio D. Michetti, Esquire was present representing the Clifford L and Carolyn A. Stoltzfus application for zoning variance.** Application was submitted 9.24.2015 and shall be heard by the Penn Township ZHB by 11.23.2015. Michetti acknowledged the enforcement noticed receive by his clients issued by zoning of Penn Township. Notice indicated a women's facility (group home) is being housed and operated. This type of activity does NOT fall under any permitted use for that zone.

Pastor Mullen spoke to the commission about licensing after contacting UTURN headquarters in CA. Pastor Mullen explained licensing is not required because no treatment or medications are being administered for addiction.

No state or federal funding is received.

No funds are received for adjudicated individuals.

Mr. Kuruna noted his search indicated no public funding was received; a formal request could be made to have facility reviewed by PA DPW.

Sanitary facilities were discussed, it was provided there are three water closets in the big house, an email from Michetti noted per OSHA regs the state minimum is one water closet per one to 15 users.

Do the same regulations apply to the existing septic system...the township SEO will be contacted to do an inspection of the pre 1972 system.

One point of discussion was the Penn Township Zoning Ordinance, Section 402.2 – Uses Not Provided For. This approach could be a consideration for UTURN, but because a zoning enforcement notice was served, an appeal to the enforcement had to be filed with the ZHB.

Staffing, daily schedules, the screening process, how a missing resident would be handled, and providing emergency services if needed were all discussed again.

A list of adjoining and nearby properties was reviewed and copy supplied to Michetti. It was noted notices will be sent only to adjoining properties.

**Jim Geiswite and Cornelius Heeren abstained from a vote but, on motion by Mike Kuhns, second by Jim Wentzel, and by remaining commission acclamation, Penn Township will provide a positive recommendation to the Penn Township Zoning Hearing Board if the Applicants met the following conditions:**

1. A maximum number of residents shall be established and NOT to exceed 15 with two (2) staff present at all times.
2. Must comply with all local, state and federal regulations.
3. Shall provide in writing from adjoining property owners they are in favor of the current use and have no objections.
4. An inspection with report of the existing septic system by the Penn Township SEO (Sewage Enforcement Officer).
5. A Fire Evacuation Plan provided, including floor plans, escape routes, location of extinguishers, meeting place.
6. A guarantee the Township will be notified of any consideration of program changes.

Mr. Michetti requested the DRAFT minutes when available.

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**Sam Chambers, Riptide Property Maintenance LLC was present representing a Zoning Variance Request for MBC Development and the Selinsgrove Dollar General.** This request is in difference to Section 506 – Signs of the township zoning ordinance and the allowed size for sign(s) in the HC (Highway Commercial) zone. It was distinguished this is a dimensional variance request and not a use variance request.

Mr. Chambers noted the building setback of 80' required in the HC zone could be somewhat of a limitation for visibility. A lit sign added to the storefront in addition to the proposed free standing sign at the roadway, would be an aid in the financial impact/success of the store and is ordinary practice or Dollar General and other businesses.

Individually each sign is less than the 60 sq ft allowed by ordinance. Freestanding sign = 50.63 sq ft Mounted sign = 49.80 sq ft TOTAL SIGN COVERAGE = 100.43 sq ft.

**On motion by Jim Geiswite , due to the topography of the land, the situate of the building and it is the standard practice of businesses in this HC zone to also include a sign on building fronts, a second Cornelius Heeren, and by acclamation, commission will recommend the Zoning Hearing Board approve the Zoning Variance Request for Riptide Property Maintenance representing MBC Development and the Selinsgrove Dollar General.**

A variance hearing will be scheduled and Mr. Chambers noted he is available anytime.

**Gary Griner was present from DHL Fire Company and representing Selinsgrove Fair Association.** Mr. Griner discussed some parking changes at the racetrack and wanted to be sure of any requirements the township might have. Trees would be cut and planning just advised to cut as few as possible.

**Pawling Station Business Park was discussed briefly.**

**New Business -**

**Members for reappointment were noted; Dan Kuruna, Mike Kuhns and Ben Moyer.** Ben Moyer and Mike Kuhns stated they do not wish to be reappointed in 2016 due to others commitments.

A stipend for planning commission members was discussed. **On motion by Jim Geiswite, second by Mike Kuhns to propose a stipend to the Supervisors was made and then amended by Cornelius Heeren to included commission would recommend the Supervisors do reappoint Dan Kuruna and also consider a stipend, this seconded by Derek Straub and by acclamation.**

PC members will look for those interested in filling the upcoming spaces and Shane Kerstetter will be contacted to see if he is interested.

**Old Business –**

N/A

**Other Business –**

N/A

**Adjournment –**

**On motion by Derek Straub, second by Cornelius Heeren, and by acclamation the October 26, 2015 meeting of the Penn Township Planning Commission did adjourn at 9:45pm.**

Respectfully Submitted,

**Brenda Moyer  
Planning Commission Secretary**