

**Penn Township
Planning Commission Minutes
April 27, 2015**

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

Also Present: Attorney James Bathgate and Secretary Brenda Moyer

Members of the Public: Charles M. Suhr, Atty., Steven and Lee, Pat Higgins, MBC Development, Chad Shaffer, SSE and Terry Stauffer.

The April 27, 2015 regular meeting was called to order at 7:03 pm by Dan Kuruna.

On motion by Derek Straub, second Mike Kuhns, commission acclamation the 2.23.2015 PC minutes were approved as presented.

Public Comment – No public comment

Persons Present to be Heard –

MBC Development, LP w/ Pat Higgins and Charlie Suhr were in attendance to present an Application for Variance for a parcel owned by Eastern Development + Planning, Inc. TX Map PN 13-8-113-2 on Route 522. This two part variance would be a step in the process for a proposed Dollar General. Each is a dimensional variance and applicant provided the GENERAL RATIONALE AND STANDARDS FOR DIMENSIONAL VARIANCES. This information describes a dimensional variance as opposed to a use variance. In a dimensional variance, applicant would only request a reasonable adjustment to the ordinance within a permitted use zone. Applicants describe the following:

Variance Request One from Zoning Ordinance 502.2 (Required on Site Parking), to allow 36 parking spaces, while ordinance calls for 78. Seventy-eight based on 1 space per 100 sf of gross floor space, w/ 7750 sf floor proposed. Based on other DG's, 36 spaces would be more than adequate and due to slope of the parcel additional parking would not work to the rear of building.

Variance Request Two from Zoning Ordinance 502.6B (Width of Access Drive), to allow access driveway width of 36 feet while ordinance calls for 25 feet. Thirty-six foot driveway would allow for safer ingress and egress for customers and delivery trucks. Note, Route 522 is a state road and Penn DOT would have final approval on a design through the HOP (Highway Occupancy Permit).

After review of request(s) and discussion, on motion by James Wentzel, second Cornelius Heeren, acclamation the Penn Township Planning Commission would recommend the Penn Township Zoning Hearing Board approve a variance to allow 36 parking spaces in lieu of the 78 required by ordinance , and..

On motion by Cornelius Heeren, second by Derek Straub, acclamation approve a variance also to allow the access driveway width to be 36', in opposition of the ordinance, calling for 25'.

Chad Shaffer was present representing Mr. Harris Raja and the Mahmood Nasir Living Trust. This trust holds 90.93 acres in the AC (Agricultural Conservation) Zone, Tax Map PN 13-06-053, and located on the west side of Fetter Road (formerly Hollow Road). Shaffer detailed the landowners interest in requesting Penn Township consider rezoning this parcel of land from the AC (Agricultural Conservation) designation to RR (Rural Residential) designation. Applicant understand AG and AG related practices, businesses and conservation are an important piece of Penn Township, Mr. Shaffer stated of the 90 acres @ 30 acres is active farmland w/ @ 15 acres of that considered prime farmland per the USDA soil survey. The topography of much of the parcel is not conducive to farming. Shaffer noted the fronts of some parcels (14 of 21) along Fetter Road are currently zoned RR, with the interior of these parcels AC.

Planning Commission noted review of the zoning map has been something that they are hoping to address, as the zoning or rezoning of other lands in the township has been discussed on occasion.

The process for a zoning map change was discussed with Shaffer and Applicant noting some of the steps would include:

- A submission of an official map change proposal and an accompanying ordinance describing the proposal to the Penn Township Planning Commission and a favorable recommendation to the Twp Supervisors.
- A submission of an official map change proposal and an accompanying ordinance describing the proposal to the Snyder County Planning Commission and a favorable recommendation to the Twp Supervisors.
- Both Planning bodies have 45-days from submission to respond or governing body (Supervisors) could act without recommendations.
- Public notice (advertised public hearing 2 times, not more than 30-days and not less than seven days from hearing date)
- Public hearing (allowing for public comment prior to taking official action)

While Planning Commission does realize there are some changes that could be made to the Penn Township zoning map, PC wanted Shaffer and Applicant to understand the length of time in the process for any complete and comprehensive zoning map changes.

As a result Shaffer and Applicant were advised they do have the option to move ahead with their individual zoning map change request as this could expedite their specific request rather than waiting for a full map review. It was suggested Applicant could start with acquiring written consent from adjoining property owners and to also be aware some costs may be incurred by the applicant.

Planning Commission suggested zoning map changes be brought to the attention of the township Supervisors and move forward with motion made and suggestion included in the August 26, 2013 Planning Commission minutes that read as follows:

The process for rezoning and changing the zoning map were discussed and included the time involved in making any changes.

On motion by Mike Kuhns, second by Cornelius Heeren, and approved, Planning Commission will investigate possible zoning map changes that might be considered necessary throughout the Township. An initial recommendation was made that the Planning Commission and Supervisors review and address zoning on the remainder of Fetter Road. An additional note to Supervisors, this process for the remainder of Fetter Road and other areas in the Township shall not hold up or interfere with the request of Mr. Stauffer.

Consideration to make other zoning map changes in Penn Township shall be brought to the attention of residents via the newsletter, advertisement or other means to ensure residents are aware of possible changes. Any consideration of possible zoning changes shall also include any requests by township landowners. Landowners shall be required to submit a detailed written request for rezoning proposals to the township office to be considered for review.

As the above does note the total map revision process SHOULD NOT hold up or interfere with an individual request.

Mr. Terry Stauffer (noted in the 8/26/2013 minutes above) is also a resident of Fetter Road and had approached the township for a zoning map change. Mr. Stauffer has since withdrawn his request.

Planning Commission member James Geiswite arrived at 8:25 pm.

Planning Commission continued the rezoning discussion with the suggestion that a notice is put in the township newsletter to make residents aware the Planning Commission is working on revising the zoning ordinance and will consider possible changes to the official zoning map. Any residents with lands to be considered for rezoning should provide to the township a written description of their specific request.

Old Business –

- Dennis Bower for Bower Landscaping, at 979 Route 522, provided to the Penn Township (as prepared by Jim Geiswite, Asst Zoning Officer) as requested by the planning commission a 'site plan' of his business property. This site plan does provide much detail for the property, most importantly, current impervious coverage. This will help to determine if a land development plan is required at this time. The site plan determined Bower has 22,053 sq ft of impervious, well under the 62,290 sq ft allowed by zoning ordinance, Section 408.9. This site plan shall be kept on file in the township office and be referred to if Mr. Bower plans for other construction. Mr. Bower was advised if future plans did call for construction of buildings a land development plan would be required.

Discussion of the Bower Landscaping site called attention again to the 2.23.2015 Planning Commission minutes that were approved at the start of the meeting. **On motion by Derek Straub, second Ben Moyer, while James Geiswite abstained from voting, there was acclamation from the remainder of the board to rescind the approval of the section of the 2.23.2015 minutes that states " If there is currently more than 62,290.8 sqft, a zoning variance, a SW Plan and a land development plan would be required", this line should be stricken from the minutes.**

- The township office has been approached on three occasions with questions in regard to the newly adopted Outdoor Wood Fired Boiler Ordinance.
 1. What is the permit fee for a Wood Fired Boiler Ordinance?
 2. What happens when an existing "grandfathered" boiler need to be replaced? Must the ordinance then be followed or can a replacement be in the same location?
 3. Does this ordinance also restrict fire pits and chimineas in back yards?

In response to #1, On motion by Derek Straub, second by Mike Kuhns, and commission acclamation Planning Commission would recommend the Supervisors pass a resolution to set the Outdoor Wood-Fired Boiler Ordinance at \$50 (fifty) dollars.

Mr. Bathgate will prepare this resolution for the 5.6.2015 supervisor meeting.

#2 – If an existing boiler fails and needs to be replaced residents MUST:

- a. Comply with all federal, state and local regulations
- b. Follow all guidelines set forth in Ordinance 2015-02 as described,
- c. A failing boiler could be repaired to prevent replacement or
- d. As explained in Ordinance 2015-02, Section X, Request for Variance is also an option.

#3 – the ordinance is meant to regulate outdoor heaters and items under number three above are neither and are not meant to be controlled by the ordinance.

- A final updated Planning Commission contact information list was provided to all.
- Ethics forms were collected.

FYI –

- A copy of the April 7 and April 8 Editorial from the Daily Item was provided to all. These editorials were in reference to the Selinsgrove Center and its future.
- It was noted SCPC did hire Mr. Lincoln Kaufman as the SCPC Director. Mr. Kaufman indicated SCPC will still **not** review and provide comments to those municipalities that have their own planning commission.

Proposed revisions for the Zoning Ordinance were worked on for the duration of the meeting. Left off at Campground in definitions.

Adjournment

On motion by Jim Wentzel, second Ben Moyer, acclamation the 4.27.2015 Penn Township meeting was adjourned at 10:03 pm.