

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

Members present included: Dan Kuruna, Derek Straub, Jim Geiswite, Cornelius Heeren and Jim Wentzel.

Members Excused: Ben Moyer and Mike Kuhns

Also Present: Attorney James Bathgate and Secretary Brenda Moyer

Members of the Public: James Grose, PLS, Robert Bickhart, PE, PLS, Rob Davidson, Chad Shaffer, Pam Musser, Todd Musser and Pat Higgins.

The July 27, 2015 regular meeting was called to order at 7:08 pm by Dan Kuruna.

On motion by Jim Wentzel, Derek Straub, commission acclamation the 6.22.2015 PC minutes were approved as presented.

Public Comment – No public comment

Persons Present to be Heard –

Mr. James F Grose, PLS and D. Robert Davidson, Esq., were in attendance to present the Jeffrey W. Goff Zoning Variance Request. Mr. Goff is seeking relief from Section 410.4 (A) Minimum Lot Size of the Penn Township Zoning Ordinance. Mr. Goff proposes subdividing a 93.94 acre parcel (PN 13-07-028), located in the Conservation zoning district, into three (3) separate parcels, each being less than the 80 acres as required by the Penn Township Zoning Ordinance. This variance request is considered a dimensional variance as opposed to a use variance.

Esq. Davidson noted the restrictions of the ordinance to complete "estate planning" and have created a hardship for the applicant.

Restrictions within the original deed were questioned as well. Mr. Davidson noted he had been in contact with Mr. Doug Wolfgang, Bureau Director for Farmland Use and Natural Resources. This contact was made because of the deed restrictions set by the Commonwealth with the original purchase of the land by Mr. Goff in 1995.

It was noted a deed restriction imposed by the Seller (the Commonwealth), could only be enforced by the Seller (the Commonwealth). Of concern in the original deed; is section D of Exhibit 'B' found on page labeled DB 494, on PG 0629. This section notes any subdivision of land shall not harm the economic variability of the subject land for agricultural production. Mr. Davidson stated the proposed Lot 2, with an existing home, is a wooded lot and a subdivision creating the proposed Lot 2 from the original parcel would not alter what is the current use of the parcel.

Section D also states if subdivided, all deeds to other parcels shall state on which subdivided parcels residential structures are permitted. The original deed does go on to assert, the Department of Agriculture shall be the point of contact for any and all inquiries regarding any proposed land use. Mr. Davidson will provide the Department's opinion of the variance request at the zoning hearing scheduled for 8.5.2015.

On motion by Jim Geiswite, second Cornelius Heeren and acclamation, the Penn Township Planning Commission would recommend the Zoning Hearing Board approve the variance request of Jeffrey W. Goff if the following conditions are met and/or presented at the variance hearing on 8.5.2015:

1. A favorable report from the Department of Agriculture indicating a subdivision of land will not affect the economic viability for agricultural production.
2. Any subdivision must comply with any and all deed restrictions.
3. On Lot 2, no additional residential structure shall be allowed.
4. Further construction on any lot of the proposed subdivision shall require amendment of an approved Final Subdivision Plan for Jeffrey W. and Nina L. Goff, this to remove the Planning Waiver and Non-building Declaration.

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James F. Grose was present representing Jeffrey W. Goff and Nina L. Goff, Trustees Final Subdivision Plan. As previously presented and discussed this subdivision begins with two tracts of land named Lot 1 (Tax Map PN 13-07-028 and 93.94 acres) and Lot 6 (Tax Map PN 13-07-068 and 24.28 acres).

Lot 1 – proposal is to subdivide the 93.94 acres creating a Lot 1 (residual) of 65.77 acres
a Lot 2 of 11.74 acres
a Lot 3 of 16.43 acres
93.94 – total acres of original Lot 1

Lot 6 – proposal to subdivide the 24.28 acres creating a Lot 6 (residual) of 22.74 acres
a Lot 5A (Add-On) of 1.42 acres (t/b added to newly created Lot 2)
a Lot 4A (Side Lot Add-On) of .12 acres (t/b added to TaxMap PN 13-07-044)
24.28 total acres of original Lot 6

Mr. Grose provided a revised subdivision plan following comments from a presentation at the 6.25.15 planning commission. Mr. Grose had also provided a Shared Access Easement to Solicitor Bathgate for review. After review and discussion the easement shall be revised to include the following information:

1. The shared access shall run perpetual with the land.
2. Lot 2 shall be added and included to all privileges being afforded Lot 5 in the proposed easement agreement.

Mr. Grose will mark the location of proposed driveway on Lot 3.

Items to be provided, added to the Plan or discussed at the next planning meeting shall include:

1. Any conditions that may have been set forth with a variance approval from the zoning hearing board
2. Revisions to the Shared Access Easement
3. Note added to Plan stating an accessory structure incidental to the residential structure are exempt from amending the approved Land Development Plan. (is this just in reference to Lot 2 or also include Lots 1 and 3)?
4. Approved DW (drive way) Permit #1503 from Penn Township for proposed Lot 3
5. Should the access described in note #20 also include proposed Lot 5?
6. An additional revision date will be added to the Plan
7. If the request for variance is granted, this should be updated in note #22
8. Need letter from PennDOT – HOP
9. Final Plan should be notarized by the landowner
10. Final Plan should be sealed by PLS

Reminder –

A 90-day clock has started for this subdivision application. Submitted 6.1.2015 will expire on 9.2.2015.

A 60-day clock has started for this zoning variance request. Submitted 6.25.2015 will expire on 8.24.2015.

Chad Shaffer was present representing the Mary C. Kratzer Subdivision addressed 380 Salem Road, Tax Map PN 13-03-045, consisting of 17.35 acres in the VC (Village Center) zone. Mrs. Kratzer is proposing a two (2) lot subdivision. Lot 1 - .97 acres, Lot 2 - .97 acres and 15.41 acres residual.

Sewer and water are available to both Lot 1 and Lot 2 at a time they would be developed.

Individual on-lot E+S controls are identified on the Plan.

Plan was submitted to SCCD and SCPC with no comments received.

Mr. Shaffer has applied for HOP for lot access to State School Road.

On motion by Jim Geiswite, second by Jim Wentzel, commission acclamation the Planning Commission would recommend approval of the Mary C Kratzer Subdivision Plan with the following corrections or additions made to the Plan:

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1. **Correct ownership of PN 13-03-25**
2. **Provide trench detail for in ground recharge systems to be used for individual on-lot storm water control**
3. **Owner's Certification shall be completed**

Revised plan should include a second revision date and be signed and sealed by Mr. Shaffer. Sups agenda 8.5.2015.

Robert L. Bickhart, PLS was present representing the Final Subdivision Plan for Todd A. Musser (applicant) for lands owned by Robert E. Keefer, Jr., addressed 726 Salem Road, Tax Map PN 13-03-016, this subdivision of lands into two (2) lots.

Lot 1 will be conveyed and combined to lands currently owned by Musser.

Lot 2, the residual will be retained by current owner, Keefer, Jr.

Plan was submitted to SCPC and no comments were received.

A frame garage stands on the Salem Road side of the land to be conveyed and will be removed by Musser to meet the current zoning setbacks. One year to accommodate removal was discussed.

No additional utilities are being proposed.

State School Road is considered the rear of this property and a rear setback for VC (Village Center) would apply to any construction at the rear of this property. Ten feet (10').

The State School Road ROW (right of way) was determined to be 26 ½' from CLR (center line of road).

On motion of Cornelius Heeren, second Derek Straub, and group acclamation, Planning Commission would recommend final approval of the Subdivision Plan for Todd A + Pamela L. Musser if the following conditions are met:

1. **The word FINAL is added to Plan title**
2. **Owner certifies the Plan**
3. **Addition of signature blocks**
4. **Plan will note the "Frame Garage" will be removed within one (1) year from date of Plan approval.**

Revised plan for Musser Subdivision shall include revision date and be signed and sealed by Mr. Bickhart, PLS.

Mr. Pat Higgins was present representing MBC Development, LP and the Preliminary / Final Land Development Plan for Selinsgrove Dollar General. This land development situated on State Route 522, in the HC (Highway Commercial) zone, Tax Map PN 13-08-113-02, and 1.51 acres.

Plan was provided to the SCCD in application of NPDES Permit # PAG-02-0055-15-013. Letter of Administrative Completeness was received and project will be processed for technical review.

MBC Development, LP submitted a waiver requesting the following:

1. Section 203 (SALDO) – preliminary plan required and approved prior to filing of final plan.
2. Section 303C(B)4 (SWMO) – BMP's shall have a clearance of 20' on the down-gradient side of building foundation.

Discussion presented a third request for waiver that will be provided in writing by applicant.

3. Section 412 (SALDO) – steep slopes

On Motion by Jim Geiswite, second Cornelius Heeren, commission acclamation, planning would recommend the Supervisors grant the waivers requested.

A complete request of waivers will be submitted to the Supervisors, for acknowledgment at the 8.5.2015 Supervisor meeting, a public hearing of the waiver request will be advertised twice and adjoining landowners will be notified. Public hearing will be held within the Supervisors meeting on 9.2.2015 at 7 pm.

Other discussion noted in 1995, SW in Harris Estates was designed for a 100-year event, and there is no "infiltration" in the 1995 design. In the 2005 SMO infiltration was an enhancement.

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Some question was noted about the planned 249' of in ground recharge swale would remain level as indicated. (Who would certify/seal this?)

A BMP for Stormwater Maintenance and Monitoring Agreement will be provided for legal review by the township solicitor, James Bathgate and technical review by Mr. Robert L. Bickhart, PE, PLS.

The Stormwater Management and ES Pollution Control Narrative for Harris Estates, dated 1995 was provided by MBC along with the (PCSM) Post Construction Stormwater Management) Report was provided.

Snyder County Planning Commission reviewed and provided several comments and discussion was held. Complete review of SCPC comments shall be made by project engineer, some comments were discussed specifically and to be addressed are within the list of things to do.

A stormwater management review was provided to Penn Township, performed by Mr. Robert L. Bickhart, PE, PLS. A complete review of these comments shall also be made by project engineer.

An important point was made in meeting that the existing stabilized diversion channel be protected from construction activities and that the proposed sewer and water lines NOT be installed within said channel.

Mr. Bickhart indicated he would research the 1995 SW Narrative to review the details and capacity of the existing swale.

Mr. Bathgate and Mr. Bickhart will both review the proposed SW Management agreement upon receipt.

The HOP will be provided upon receipt.

The list below includes items from discussion and notes to be addressed.

PCSM – 1, remove space for signature of Twp Engineer

Change "Approved" to "reviewed" per SCCD comments

Change NPDES approved permit

Drop Preliminary from title to Final Land Develop.... (in expectation waiver of Section 203 is granted)

BMP Stormwater Maintenance and Monitoring Agreement

Letter of Intent for service from ESCRA (Eastern Snyder County Regional Authority)

Letter of Intent for service from PTMA (Penn Township Municipal Authority)

Sheet G-1 – 538 contour appears to be called 534

PSCM Sheet 1 should note Snyder County, AoC listed twice, 8-15% slopes s/b listed AoC, clarify erosion hazard for AoB, AoC and OpD

HOP will be required

Fully executed Improvements Guarantee shall be provided, per SALDO 502

***Proposed schedule of construction inspection submitted by applicant's engineer

Page EX-1 (Existing Conditions Plan) shall be sealed and signed by WPJ Engineers

Does applicant have any obligation to meet SMO 302C?

Which page of Plan is to be considered the Drainage Plan?

New Business –

Old Business –

Other Business -

Adjournment

On motion by Jim Geiswite, second Derek Straub, acclamation the 7.27.2015 Planning Commission meeting was adjourned at 10.33 pm.

Respectfully Submitted,

Brenda Moyer
Planning Commission Secretary

Other items development may want to note, add, or correct:

Add TAX MAP PN to cover page – 13-08-113-02

Two additional signature lines for Supervisors

Cert of Ownership??? Is that Union County because of Scott Newman's office location?

Revision Date

Update Waiver Block

In Variance Block – Section 502.2 add (see Note #14) and/or add brief of variance

Same w/ Section 502.6 B Variance????

Page SP – 1 Privacy Fence – height?

Privacy screen – please explain, Is this on DT-2?

PCSM - # notes the SCSWA as a site for recyclables, this is only an office for the county recycling. Penn Twp building, 228 Clifford Road can handle cardboard.