

**Penn Township  
Planning Commission Minutes  
August 24, 2015**

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

**Members Excused:** Cornelius Heeren, Ben Moyer and Mike Kuhns

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

**Members of the Public:** Pat Higgins, MBC and Jason Little, Nittany Engineering

**The August 24, 2015 regular meeting was called to order at 7:07 pm by Dan Kuruna.**

**On motion by Jim Geiswite, Derek Straub, commission acclamation the 7.27.2015 PC minutes were approved with a correction to " Esq. Davidson", changing his prefix to Attorney.**

**Public Comment** – No public comment

**Persons Present to be Heard** –

**Mr. Pat Higgins and Mr. Jason Little were 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.

Per the 7.24.2015 PC meeting, revised Plans and a revised PCSM narrative have been received. Engineer reviews were discussed and all issues seemed to be in order.

The NPDES Permit # PAG-02-0055-15-013 was received and on file.

MBC Development, LP had submitted a request of waiver on 7.28.2015 to the Supervisors for 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.
3. Section 412 (SALDO) – steep slopes
4. Section 504 (SWMO) – also governing steep slopes

The advertisement for hearing was presented and hearing scheduled for 9.2.2015 during Supervisor meeting.

**On motion by Jim Wentzel, second James Geiswite, commission acclamation, planning would recommend approval of the Preliminary/Final Land Development Plan for Selinsgrove Dollar General with the following conditions met:**

- a. **The BMP's and Monitoring Agreement shall be revised to include requirements included in Para 5 of the 8.12.15 dated Permit Authorization Cover Letter for General NPDES permit for SW.**
- b. **Final sewer and water approval shall be provided from Penn Township Municipal Authority (PTMA).**
- c. **HOP (Highway Occupancy Permit) shall be provided.**
- d. **Tax Map # shall be added to cover page.**
- e. **Two additional lines shall be added for Supervisor's signatures.**
- f. **An improvement guarantee shall be provided to Penn Township at 110% of agreed upon improvement cost.** (the estimate for improvements shall be e-mailed to Penn Township asap for engineer review)

**Jim Geiswite as assistant zoning officer for Penn Township brought before the commission a situation presented to Penn Township.** With regard to 1573 Old Route 522, Tax Map PN13-03-073, situated in the AC (Agricultural Conservation) zone, consisting of 97.6 acres. Concerns have been raised about the "use" of this property. Property advertises for U-Turn for Christ Women's Facility. This identifies as a 'group home' and not an allowed use in the AC zone, under Section 411.3 or 411.4 of the zoning ordinance.

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On advice of counsel, Mr. Geiswite will issue an enforcement notice, per Section 1105 of Zoning Ordinance, to the landowner and the same to the occupants of the property. Procedure for enforcement is described in Section 1105 (B) of the zoning ordinance. Mr. Bathgate will research whether this business is registered in PA.

**New Business –**

General discussion was held about the direction of Penn Township and capabilities of the PTMA and ESCRA to handle additional connections. How ESRA fill capacity...first come does first served or is capacity divided between municipalities. ESCRA will be contacted.

A joint meeting was discussed, like the meeting held in February of 2014. A joint meaning to be open to those entities that play some role in the progress/development of Penn Twp. All were in favor, in light of recent discussion with regard to Penn Township working on ordinance revisions, possible zoning map revisions, the status of the Act 537 Plan and considering updating the Comprehensive Plan dated 8/2002. Denny Puko, DCED would like to attend to discuss the "process" of updating a comp plan. Per Mr. Puko, the process of the update is more valuable than having an updated plan. Puko suggested the SCPC Director, Lincoln Kauffman and township SEO be invited. Solicitor Bathgate would also like to attend.

Mr. Bathgate brought a recent court case to the attention of the commission with regard to Supervisors granting Final Subdivision Approval to Plans with conditions to be met. Bathgate suggested a note be added to subdivision applications, "in light of recent case law, the township will no longer grant final approval of any plans when there are conditions to be met". Bathgate will supply Dan Kuruna with case law.

**Old Business –**

A nuisance ordinance prepared in 2012, but not approved was presented to planning commission again. The nuisance ordinance from Zerbe Twp was also presented as additional reference. Members agreed to review the 2012 proposal for next meeting.

Continued work on the ordinance revisions by the planning commission was discussed. A suggestion was made to talk to Supervisors for approval to advertise workshops or special meetings for the planning commission to be used specifically to work on the revisions. PC suggesting the second Monday's at 6:30 pm until no longer needed.

Solicitor Bathgate will be supplied with a copy of the working zoning ordinance.

**Other Business –**

Planning was informed the Jeffrey Goff variance request was denied, a copy of determination was requested to be forwarded to all.

PC was notified of a zoning variance hearing to be held in the Boro with regard to a setback variance for a cell tower on the lands of the Selinsgrove Pool. Hearing scheduled for 7pm, Sept 3<sup>rd</sup> in Boro Council Room.

**Adjournment**

**On motion by Jim Geiswite, second Derek Straub, acclamation the 8.24.2015 Planning Commission meeting was adjourned at 9:08pm.**

**Respectfully Submitted,**

**Brenda Moyer  
Planning Commission Secretary**