

Penn Township Planning Commission Minutes Reorganization January 28, 2013

The 1.28.2013 reorganization meeting of the Penn Township Planning Commission was called to order by temporary chair Dan Kuruna at 7:04 pm.

Members present included: Dan Kuruna, Mike Savidge, Bill Moyer, Mike Kuhns, Shane Kerstetter and Ben Moyer.

Members absent: Cornelius Heeren **Also Present:** Attorney James Bathgate, and Brenda Moyer, PC Secretary.

Members of the Public Present: Gene Kreamer, PLS, Doug Klingler and Jon Payne.

Nominations for 2013 PC chairman were opened, Dan Kuruna was named, nominations closed and on motion by Mike Savidge, second by Ben Moyer and acclamation of all, Dan Kuruna will be the 2013 PC Chairman.

Nominations for 2013 PC Vice-Chair were opened, Mike Savidge was named, nominations closed and on motion by Mike Kuhns, second by Ben Moyer and acclamation of all, Mike Savidge will be the 2013 PC Vice-Chairman.

Chairman Dan Kuruna called the 1.28.13 meeting of the Penn Township Planning Commission to order at 7:08 pm.

Motion made by Mike Kuhns, second by Bill Moyer and commission acclamation to approve the 12.17.12 minutes as presented.

Public Comment - No public comment.

Persons Present to be Heard

Doug Klinger was present representing himself for the Land Development/Amended Subdivision Plan for Proposed Poultry Barns. As previously noted, this is Lot 2 of the recent Wesley R. Rickenbaugh Subdivision approved 7.11.12. Klingler's parcel is 23.812 acres and zoned AC (Agricultural Conservation). Klingler's proposed Land Development Plan is for three poultry barns, housing @ 93K birds. Water will be supplied by an on-lot well and no sewage facilities are proposed. An extension of time for Plan approval was requested of the Supervisors on 12/5/2012 and granted. Plan expiration date is now 4/3/2013.

Klinger is still working on required documentation from the Norfolk-Southern Railway for a crossing and setbacks requirements. HOP permits are still needed, one in Klingler's name (50' ROW) and one in Rickenbaugh's (current and existing 12' access widened to 25' as required by Ord.). Also required is the agreement between Klingler and Rickenbaugh for the 50' ROW to the west.

It was noted a conditional approval could be requested of the Supervisors while waiting for the aforementioned items. Conditional approval would have a time frame attached (TBD) and applicant would need to request an extension in writing if receipt of conditional items is delayed or Plan would be considered null and void by the Supervisors.

While TeamAg reps were not present, a detailed submission of all revisions made to date (1/11/2013) was presented that included response to 11/26/12 SCPC comments, 10/22/2012 Bob Bickhart second review, comments from the 12/17/12 PC meeting and 12/27/2012 SCCD comments. Planning Commission will contact Mr. Bickhart to review all noted revisions on the latest Plan dated 1/11/13.

SCCD presented comments to the Township from a "second technical review" dated 1.18.13 of the E+S Plan – all comments from this review would need to be addressed by TeamAG for the next PC meeting.

Klinger is considering not starting construction immediately and discussion was held about posting the required financial security w/ final plan approval. It was noted preliminary plan approval would allow applicant 5 years to complete construction at which time an "as-built" would be required by the Township and with approval, Plan would then be recorded. Mr. Klingler will decide how to approach the situation, changes to Plan title will be made accordingly.

Scenario – preliminary plan approval given, no financial security required, as built required at completion of construction for final approval, but...what if applicant does not start construction in 5 years?

Is the correct answer – a written extension would be required and any ordinance changes in the 5 years would need to be met?

Planning Commission Reorganization 1.28.2013, continued...

Per PC recommendation a note shall be added to the Plan as, or similar to ..."in the event of sale of the property, new ownership would be required to provide documentation to Penn Township that determines whether proposed operations would require new owner to develop a Nutrient Management Plan as required by Snyder County Conservation District (SCCD) as a concentrated animal operation (CAO) or concentrated animal feeding operation (CAFO)"

Noted Klingler did sign and have notarized the Standard Best Management Practices Maintenance and Monitoring Agreement on 1.28.13.

Modification of Section 303-C.B of the SWM Ord still required by Supervisors for Klingler Plan.

Plan was tabled, no motions made. TeamAg and Mr. Klingler will attend the 2.25.13 Planning Commission meeting seeking a recommendation from the commission to send Plan on o the 3.6.2013 Supervisors meeting.

Gene Kreamer PLS was present representing Richard and Ronny Riegel Final Subdivision Plan.

Tax parcel: 13-03-275. This parcel lies in two municipalities. The Penn Twp area zoned Agricultural Conservation (AC) and area in Middlecreek Twp with no zoning. Plans were presented showing the Plan was reviewed and approved by the Middlecreek Township Planning Commission.

The Parcel will be split to create Lots 4 and 4A. The residual Lot 4 meets all Penn Township Zoning regulations.

With Dan Kuruna abstaining from the vote, a motion by Mike Savidge, second by Mike Kuhns and remaining commission acclamation the Planning Commission will recommend approval of the Riegel Subdivision by the Supervisors at the 2/6/2013 meeting.

New Business

Question was raised and discussed about the requirements for a 2.5 acre parcel with an existing home in the Village Center (VC) zone to build possibly a duplex. An approved Land Development Plan would be required.

Ethics forms were dispersed for completion and return asap.

A brochure to attend a Penn State Extension workshop titled PA Agriculture: Local Planning, Regulations and Policies was provided to all members with invitation to attend and cost possibly covered by the Township. Members will contact the office if the desire attending.

Old Business

Documentation was presented from a follow-up visit by the SCCD to a property on Fair Oak Road.

PC discussed updates to the Zoning Ordinance in particular the sign section. PC members will provide comment at 2.25.13 meeting.

Jim will research what the Township can and cannot prohibit with regard to billboards etc.

FYI

Zoning Permit and Land Development totals were presented to PC and compared to 2010 and 2011.

SCCD forwarded to PC the proposed increase in fees for general permits by DEP.

On motion by Bill Moyer, second by Mike Savidge the January 28, 2013 Planning Commission meeting was adjourned at 8:30 PM.

Respectfully Submitted,

**Brenda Moyer
Planning Commission Secretary**