

# Penn Township Planning Commission Minutes February 27, 2012

Chairman Dan Kuruna called the 2.27.12 regular meeting of the Penn Township Planning Commission to order at 7:00 pm. **Members present included:** Dan Kuruna, Mike Savidge, Bill Moyer, Shane Kerstetter, Ben Moyer, Cornelius Heeren and Mike Kuhns. **Members absent:** none **Also Present:** Mr. James Bathgate, Solicitor, and Brenda Moyer, Planning Commission Secretary. **Members of the Public Present:** Kimberly and Shane Erdley, Jon Payne, Chad Shaffer and Warren Kerstetter.

*Mike Savidge made motion to approve the minutes from January 23, 2012 meeting as presented; Ben Moyer seconded the motion, and minutes were approved by commission acclamation.*

## Public Comment

- Mr. Kuruna expressed sorrow on behalf of the Planning Commission on the sudden passing of long time resident and often referred to, "mayor" of Penn Township, Carl Kratzer. He will be missed.

## Persons Present To Be Heard

**Chad Shaffer, Stahl-Sheaffer engineering LLC – representing Grand Oak Estates Final Subdivision Plan**

Site is located in the R-2 (Medium Density Residential) zoning district along Clifford Road on the south side of 522. TAX MAP/PN 13-03-272. Total of 14.51 acres with a proposed 4 lot subdivision, public sewer and on-site water.

After discussion and review, commission has determined the following requirements have been met with reference to the Grand Oak Estates Subdivision Plan:

- ✓ A revised plan was reviewed noting the addition of the non-building waiver.
- ✓ Coordinates of the "closed depressions" were indicated on the Plan.
- ✓ ESCRA approval for 4 EDU's was presented.
- ✓ Plan has been reviewed by SCPC.
- ✓ An extension of time until 5.2.2012 was granted by Supervisors.

Upon further discussion and review, PC and Mr. Shaffer, PLS for Mr. Bogush have agreed the following items are still required before considering final approval:

1. Sealed updated SWM Narrative.
2. Final approval from PTMA.
3. E + S approval.
4. HOP's
5. Additional note on the Plan indicating "depictions of homes on the Plan are for schematics purposes only."
6. An estimate for bond or security for SW infrastructure. (It was noted approved Plans can be recorded and lots could be sold with bonding in place)

The noted addition will be made to the Plan and returned to the Township. **On motion by Mike Savidge, seconded by Cornelius Heeren and Commission acclamation, the Plan will be forwarded to an engineer.** Engineer to be determined by the Township Supervisors.

Grand Oak Estates will be added to 3.26.12 agenda.

**Warren Kerstetter PLS was present representing Carl Zechman in a zoning variance request.**

This is the first step in the process of a zoning variance request. Zechman is requesting a setback reduction on Tax Map PN 13-03-059. This land fronts the north side of Clifford Road and is in the HC zone. Currently the setback for this location is 80' from the CLR. A setback reduction to 50' would allow Zechman to add an additional 30' to the two proposed storage unit buildings. It was noted by our Solicitor this is a dimensional variance as opposed to a use variance. Also note there is an existing building on the lot situated 27' from the CLR. Mr. Kerstetter pointed out that while this parcel is in the HC Zone, requiring an 80' setback, he questioned if the planners, when developing the zoning ordinance and requiring setbacks, if in fact they had taken into consideration that Clifford Road does not get the traffic that Route 522 does. Mr. Kerstetter also pointed out that directly across the railroad tracks the zone switches to AC (AG Conservation), with setbacks of 50'. Mr. Kuruna noted Penn Township indeed does not differentiate between roadways and this should be a consideration as revisions are made to the zoning ordinance

On motion by Mike Savidge, second by Cornelius Heeren, with Mike Kuhns abstaining, Planning Commission would note concerns to the Zoning Hearing Board and request the ZHB follow the 5 (five) step criteria for granting a variance set forth in the MPC in helping to determine whether the alleged hardship is sufficient to grant a variance. . PC secretary will forward the PC motion and the 5 (five) step criteria to the ZHB.

PC member Mike Kuhns left the meeting at 8:06 pm.

**Kimberly and Shane Erdley were present as the new owners of 729 Old 11 and 15.**

The Erdley's were present to introduce themselves to the Township and the PC. They presented their plans for their property, Tax Map PN 13-09-080 located in the AC zone and to see if they were meeting all Township requirements. Stone Barn Outfitter, LLC – canoe and kayak rentals and future guided fishing trips.

Stone Barn Winery and Vineyard, LLC – planting @1500 grape vines over @ 12 acres, with hopes of a decent crop to start wine production in 3 years. PLCB license application will be submitted in @ two years prior to wine production.

Owners indicated there will be weddings and receptions held on this property, because a winery or venue for weddings and an outfitter is not included in the permitted uses for this zone, owners will need to request a Conditional Use for each from township supervisors. PC also noted detailed plan of the property locating all buildings and indicating future use for the property would be helpful. The Erdley's will contact their attorney to proceed with the Conditional Use requests.

#### New Business

- Ethics forms were collected.
- When determining if something is allowed in a certain zone the zoning authority should ask
  1. Is this listed as a permitted use in the zone requested?
  2. Is this listed as a conditional use in the zone requested?If requested use is **NOT** noted in either area, one must assume it **IS NOT** and allowed use.
- HB1950 – was discussed.

#### Old Business –

- A draft of a revised Ordinance 92-3, the Nuisance Ordinance was discussed. The commission decided to discuss this ordinance further with the possibility of amending what we have on the books.
- A revised version of Ordinance 66-3, the High Grass and Weeds Ord, was also discussed. Commission consensus was to set the height of grass NOT to exceed 10" and the Solicitor would insert Zoning Officer in Section 3 and update the penalties in Section 4, as well as add Section 5 that would repeal Ord 66-3.

**On motion by Mike Savidge, seconded by Shane Kerstetter, and acclamation of all, commission will forward revised ordinance to Supervisors.**

**On motion by Ben Moyer, seconded by Bill Moyer and commission acclamation, the February 27, 2012 planning meeting was adjourned at 10:07 pm.**

Respectfully Submitted,

Brenda Moyer  
PC Secretary