

**Penn Township Planning Commission
Minutes
March 25, 2013**

Chairman Dan Kuruna called the 3.25.13 regular meeting of the Penn Township Planning Commission to order at 7:06 pm. **Members present included:** Dan Kuruna, Shane Kerstetter, Mike Savidge, Cornelius Heeren and Ben Moyer. **Members absent:** Bill Moyer, Mike Kuhns **Also Present:** Attorney James Bathgate, and Brenda Moyer, PC Secretary. **Members of the Public Present:** Doug Klingler and Gene Kreamer

Mike Savidge made motion to approve the minutes of February 25, 2013; Cornelius Heeren seconded the motion, and minutes were approved as presented by commission acclamation.

Public Comment

- No public comment.

Persons Present To Be Heard

Doug Klingler was present representing himself for the Final Amended Subdivision Plan for Douglas Klingler. Tax Map 13-03-170, zoned AC (Agricultural Conservation), and 23.812 acres. For the intention of this subdivision plan no sewage or water is proposed. Purpose of this Plan is to remove the non-building waiver for the subject tract that was noted in the Final Recorded Subdivision Plan for Wesley R. Rickenbaugh, dated 5.17.12. This subdivision plan will also note "no construction shall take place prior to approval of a preliminary are final land development plan.

Question was raised as to whether Mr. Klingler should be required to submit a separate subdivision application and fee for this subdivision. PC noted this would be for the Supervisors to determine and question will be forwarded to the 4.3.13 Supervisors meeting.

TeamAG Inc. informed Penn Township contact was made with the SCPC and because SCPC has reviewed the proposed land development plan of Klingler a review of the subdivision plan would not be required prior to Supervisor approval.

Motion by Cornelius Heeren; second by Mike Savidge, PC will recommend the Supervisors approve the final amended subdivision plan for Doug Klingler, thus removing the non-building waiver.

Doug Klinger was present representing himself for the Land Development/Amended Subdivision Preliminary Plan for Proposed Poultry Barns. This, Lot 2 of the recent Wesley R. Rickenbaugh Subdivision approved 7.11.12. Klingler's parcel Tax Map 13-03-170 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.

Mr. Klingler is proposing a Preliminary Land Development Plan. Preliminary plan approval would allow applicant 5 years from approval date to complete construction at which time an "as-built" would be required by the Township to receive signatures for final Plan approval and recording. A preliminary land development approval would not require financial security. While the applicant has a five year timeframe an extension may be required dependant on when applicant actually begins construction. Supervisors would evaluate when construction begins and/or progress of development and determine if applicant would be required to proceed applying any ordinance revisions that may have occurred over the 5 years.

PC indicated all issues noted by township engineer, Mr. Bickhart, have been addressed, HOP #03028949 and NPDES Permit #PAG-02-0055-12-013 (expiration 3.5.18) were received, a written 90-day extension of time was received from Klingler and will be presented to Supervisors on April 3, 2013. Approval would extend Plan to 7.3.13.

3.25.2013 Planning Commission minutes continued...

3.25.2013 Planning Commission minutes continued...

Mr. Klingler presented an agreement received from Norfolk Southern Railway Company in response to his request for a private grade crossing. Klingler would need guaranteed continued access. Review of the presented agreement

does not allow for this. Klingler was advised to contact NSRC to propose revamping the agreement. Discussion indicated a "perpetual easement" would better address Klingler's needs and would include language that easement would run with the land in the event of sale or transfer of the land. Klingler was also advised to suggest a lump payment up front rather than an annual fee is made.

To be addressed by TeamAG Inc.

1. It was noticed the numbering of the notes on the Plan are incorrect and need to be addressed.
2. A note shall be added to the Plan stating "upon submission of a Final Land Development or an As Built Plan, applicant shall supply Penn Township with a Manure Management Plan.
3. It shall be noted on the Plan all exhaust fans will be directed to the center of barns to minimize disturbance of neighboring properties.

A modification requested of Penn Township Stormwater Management Ordinance, Section 303 C (B)3, will require, per Section 802 of the Subdivision Land Development Ordinance, advertised notice and a public hearing. This will be arranged so a hearing will be held prior to the 5.1.2013 Supervisors meeting.

Motion by Mike Savidge; second by Cornelius Heeren and commission acclamation, Planning Commission would recommend the Supervisors grant the modification request after advertised notice and a public hearing is held prior to the Supervisors meeting on May 1, 2013.

The following should be addressed and would be conditions for approval:

- Items 1 thru 3 noted above
- Agreement or easement with RR allowing guaranteed perpetual access
- Preliminary plan DOES NOT get any approval until Township receives proof that the Amended Subdivision Plan has been recorded
- Public hearing was held after advertising for modification request and request was granted by Supervisors.

Motion by Mike Savidge; second by Cornelius Heeren and commission acclamation, Planning Commission would recommend CONDITIONAL PRELIMINARY APPROVAL of the Land Development/Amended Subdivision Preliminary Plan for Proposed Poultry Barns of Douglas Klingler.

Gene Kreamer was present representing Elizabeth L Payne and Janet Fox with a Final Subdivision Plan.

The idea of this subdivision was seen previously by the Planning Commission in a review for a recommendation to the Penn Township Zoning Hearing Board. A zoning variance was granted on 1.30.13 by the Penn Township Zoning Hearing Board allowing for a subdivision of this non-conforming lot – 903 S. Front Street, 13-05-094 in the AC (Agricultural conservation).

Motion by Shane Kerstetter; second by Ben Moyer and acclamation of all, the PC will recommend the Supervisors approve the Final Subdivision Plan of Elizabeth Payne and Janet Fox as presented.

New Business

Old Business - PC secretary will incorporate proposed revisions for signs in working revision.

On motion by Ben Moyer, seconded by Mike Savidge and acclamation of all, the March 25, 2013 planning meeting was adjourned at 8:38 pm.

Respectfully Submitted,
Brenda Moyer
PC Secretary