

# Penn Township Planning Commission

## Minutes

### April 23, 2012

Chairman Dan Kuruna called the 4.23.12 regular meeting of the Penn Township Planning Commission to order at 7:03 pm. **Members present included:** Dan Kuruna, Mike Savidge, Ben Moyer, Cornelius Heeren and Mike Kuhns. **Members absent:** Bill Moyer and Shane Kerstetter **Also Present:** Mr. James Bathgate, Solicitor, and Brenda Moyer, Planning Commission Secretary. **Members of the Public Present:** Kimberly and Shane Erdley, Paul Sauder, Weaver Martin and John Martin.

*Mike Savidge made motion to approve the minutes from February 27, 2012 meeting as presented; Ben Moyer seconded the motion, and minutes were approved by commission acclamation.*

#### Public Comment

- No public comment.

#### Persons Present To Be Heard

Weaver Martin, Paul Sauder and John Martin spoke with regard to building a new Kantz School (Kantz Mennonite Parochial School). The current school is located at the intersection of Clifford Road and Middle Creek Road. Tax Map/PN 13-04-15. It was noted this lot is deficient in size (.48ac), prone to flooding and outhouses need to be updated. Group is proposing to build a school on the land of John Martin 3528 Middlecreek Road, Tax Map/PN 13-09-036. Mr. Martin would lease the lot to the non-profit school. A signed and notarized lease agreement dated 4/2/12 between Mr. John R. and Sharon Martin and Kantz Mennonite Parochial School was presented. It was recommended the group talk to the Penn Township ZO. Currently a school in the AC Zone is neither a permitted nor a Conditional Use. Group may need to apply for zoning variance. The group received contact information for the ZO and Section 811 from the Penn Township Zoning Ordinance, Daycare Center and Private Schools.

**Kimberly and Shane Erdley were present** to discuss two upcoming conditional use applications that will go before the Board of Supervisors at a public hearing on May 2, 2012, at 6:30 pm. The "use" request by the Erdley's would involve land owned by the Erdley's, 729 Old 11 and 15 Road, Tax Map PN 13-09-080, located in the AC zone.

A Conditional Use may be granted if certain measures are met. 1. Landowner would need to show the proposed use meets the criteria of the conditional use he is requesting. 2. The Conditional Use Standards of Section 801 of the Zoning Ordinance need to be met. 3. Use would need to meet and follow the PT Zoning Ordinance.

**The first, a seasonal kayak rental business in the AC Zone.** Section 411.4 (G) of the Zoning Ordinance allows for "outdoor recreation" as a conditional use. Following the above noted measures PC reviewed Section 821 Outdoor Recreation against the proposed conditional use. Proposal easily meets Sec 821 (B + C), noting (A) allows for the Township to require such conditions and safeguards that may be necessary to protect adjoining properties from any damage. Moving to Section 801, Conditional Use Standards, proposal does meet standards (A thru F), with (G), again allowing the Township to attach any reasonable conditions or safeguards as seen necessary, and to meet all local, state, and federal regulations.

**The second, use of a barn as an event venue in the AC Zone.** PC used the following steps to review the request. A permitted use under Section 411.3 ? – **NO**. A conditional use under 411.4? – **NO**. In that case, PC moved to Section 402.2 - Uses Not Provided For, this notes "any use not specifically allowed elsewhere shall be allowed by conditional use in zones where similar uses are permitted or allowed by conditional use...provided conditional use requirements are met and use does not constitute a public nuisance. PC reviewed the request against Section 801, Conditional Use Standards, finding requests does meet Section 801 (A thru F), and again (G), allowing the Township to attach reasonable conditions or safeguards felt necessary, and to meet all local, state, and federal regulations.

PC member Mike Kuhns left the meeting at 8:05 pm.

New Business

- Ethics forms still required of Dan K., Mike K., and Jim B.
- Can a parcel be landlocked? PA "had" a private road act that kept parcels from being landlocked. Supreme Court @ a year ago decided this was unconstitutional taking of people's properties to allow ROW's to landlocked properties. In some cases there may be ways around it if the ROW would "benefit the public". See an attorney.

Old Business –

- Revisions to the Zoning Ordinance were discussed. The following indicates work to be completed for the next meeting by those noted.
  - ✓ Solicitor Bathgate will look for a definition for a "cornet lot"
  - ✓ COG will be contacted for their pool regs.
  - ✓ The .4 section of most zones have a density restriction, Mike S. will review density standards and whether they might apply and need to be added to Sections 407 (NC), 408 (HC), 409 (I), 410 (C), and 411 (AC) of the zoning ordinance.
  - ✓ Dan K will review the ordinance w/ regard to churches. Churches are Conditional Use in 403.3 (RR), 404.3 (R1), 405.3 (R2), 411.4 (AC), a Permitted Use in 406.2 (VC), 407.2 (NC), 408.2 (HC), and neither Conditional nor Permitted in 409 (I), 410 (C). Section 403.3 as all other zones that allow a church as a Conditional Use refer reader to Section 807 but churches are not included under Article VIII, Conditional Uses

On motion by Mike Savidge, seconded by Cornelius Heeren, and acclamation of all, the April 23, 2012 planning meeting was adjourned at 9:30 pm.

Respectfully Submitted,

Brenda Moyer  
PC Secretary