

Penn Township Planning Commission Minutes May 21, 2012

Chairman Dan Kuruna called the 5.21.12 regular meeting of the Penn Township Planning Commission to order at 7:12 pm. **Members present included:** Dan Kuruna, Mike Savidge, Ben Moyer, and Cornelius Heeren. **Members absent:** Mike Kuhns and Shane Kerstetter **Also Present:** Mr. James Bathgate, Solicitor, and Brenda Moyer, Planning Commission Secretary. **Members of the Public Present:** Paul Sauder, Weaver Martin and John Martin and William Wright, PLS.

Mike Savidge made motion to approve the minutes from April 23, 2012 with a spelling correction; 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 were present with regard to a zoning variance filed with the Township on 5.7.12. Group is proposing to build a new school on the land of John Martin, 3528 Middlecreek Road, Tax Map/PN 13-09-036. Proposed site is in the AC (Agricultural Conservation) Zone and a school is neither a permitted nor a conditional use. Presented to Planning Commission was a site plan and letters from two neighbors who are not opposed to the request. The school members are aware if a variance is approved they would need to return to Planning Commission for land development approval and development would need to meet Section 811 of PT ZO. A zoning hearing date before the Penn Township Zoning Hearing Board is set for June 11, 2012 at 10am and the group has indicated they do not request a stenographer for this hearing. After review by planning commission they advise the group to prepare for hearing indicating whether a variance would alter the character of the neighborhood, whether school could meet all zoning, subdivision/land development requirements, indicate "similar" uses such as churches and daycares are 'permitted' use in this zone etc. **On motion by Mike Savidge, second Cornelius Heeren, acclamation of all, PC will recommend the ZHB approve the variance request for the Kantz Mennonite Parochial School to build in the AC zone. An approval should be contingent on submission on of a land development plan to the Township for approval and plan must follow all Penn Twp Ordinances, Section 811 of PT ZO.**

William E. Wright, PLS representing Wesley R. Rickenbaugh subdivision. This proposed one lot subdivision plan, TX Map PN 13-03-170, with total acres 45.226. Subdivision would create a lot 2 of 23.812 ac. w/ a residual of 21.414ac. The Norfolk-Southern Railroad will run between the lots. Land N of the RR is zoned I (Industrial) and lands south are AC (Agricultural Conservation). No improvements or development is proposed at this time. There is an existing private 20ft ROW used currently as access to the property with ingress near the RR bridge. **After review and discussion, on motion by Mike Savidge, second by Cornelius Heeren and acclamation, the PC advised Mr. Wright of additions to the Plan; 1. a note indicating a private road intended for AG USE ONLY and a ROW Maintenance Agreement for this road. 2. Reference the ROW agreement in the deed. 3. A non building waiver will be added to the Plan. Mr. Wright will provide language to Solicitor Bathgate for review.**

In the event a new owner may elect to use road for further development the lot owner would need to look at Section 402 (Use Regulations) of the Penn Township SALDO.

Mr. Wright will submit revised subdivision plan to the SCPC 6/1/12 and return to PT PC on 6/25, 2012. County comments should be received by then.

Mike Savidge excused himself at 8:15 to present a Conditional Use request.

After review and discussion of Mr. Savidge's request, Mr. Savidge has withdrawn his Conditional Use request and will apply for a zoning variance allowing for a duplex in the HC (Highway Commercial) zone. While a duplex is not a permitted use in the HC zone, a multi-family (3 or more independent units) dwelling is.

On motion by Cornelius Heeren, second by Bill Moyer, acclamation of all, Planning Commission would recommend the Zoning Hearing Board entertain the idea of a variance to build a duplex on an existing non-conforming lot, pointing out that surrounding properties are of a similar type, and a variance allowing a duplex would be a lesser impact on the use of the non-conforming lot. If a variance were approved it should be noted the owner of the land must submit a land development plan prior to and construction.

Public sewer and water are available for this property.

Solicitor Bathgate would recommend the ZHB appoint an independent attorney as the hearing officer.

Mike Savidge returned to the table at 9:05.

Ben Moyer left the meeting at 9:05 pm.

New Business

No new business

Old Business –

- COG – when building permits are required, list was provided.
- Solicitor Bathgate definition - "corner lot", next meeting
- Next meeting info will be provided by Jim Bathgate on how other municipalities handle church regulations and allowed zones. Brenda will look at Monroe Twp's Ord and the MPC.
- Ordinance discussion brought up the radio tower recently constructed in Penn Township. **On motion by Mike Savidge, second by Dan Kuruna, acclamation of commission a letter will be sent on behalf of the commission to Mr. Tom Snyder, PT Zoning Officer, requesting Mr. Snyder clarify what FAA approval was submitted and whether radio tower meets all requirements of Section 809 of the Penn Township Zoning Board.**
- Continued discussion on revisions to the zoning ordinance.
- A copy of letter to Grand Oak Estates from Solicitor Bathgate will be forwarded to members.

On motion by Bill Moyer, seconded by Cornelius Heeren, and acclamation of all, the May 21, 2012 planning meeting was adjourned at 9:40 pm.

Respectfully Submitted,

Brenda Moyer
PC Secretary