

Penn Township Planning Commission Minutes July 28, 2014

Vice Chairman Cornelius Heeren called the 7.28.2014 meeting of the Penn Township Planning Commission to order at 7:03 pm.

Members present included: Shane Kerstetter, Mike Kuhns, Jim Geiswite, Ben Moyer and Cornelius Heeren.

Chairman Dan Kuruna arrived at 7:25 pm.

Members absent: Derek Straub

Also Present: Attorney James Bathgate and Brenda Moyer, PC Secretary.

Members of the Public Present: Chris Beaver, Lynne Renn, Jeff Smith, D. Allen Hornberger, and Chris Bailey.

A motion by Jim Geiswite, second Ben Moyer and commission acclamation the 5.19.14 minutes were approved as presented.

There was no PC meeting in June.

Public Comment – N/A

Persons Present to be Heard

Greg Mull was present to provide information to planning in reference to the Conditional Use application submitted to Penn Township. Mr. Mull is seeking to alter or expand an existing nonconforming setback on his property, Salem RV at 387 Clifford Road, per Section 602 (B) 1+2. 387 Clifford Road is a corner lot and considered to have two front yards and requires an 80 foot setback in the HC (Highway Commercial) zone. One of the existing structure's non-conforming building setbacks is 56'. Mr. Mull's proposed addition would create a setback of 38' from the centerline of the road. PC members questioned line of sight for traffic exiting the business if Conditional Use were approved, it was determined an addition would not hinder sight distances. A public hearing was advertised and scheduled for 6:30 pm on Wednesday, August 6th, 2014.

On motion by Jim Geiswite, second by Mike Kuhns and acclamation, planning commission would recommend the Supervisors approve Mr. Mull's application for Conditional Use, but note to Mr. Mull he must be in full compliance with any and all Penn Township ordinances that would include SLDL, Stormwater, Zoning and driveway.

Chris Beaver of 949 Beaver Road (Tax Map PN 13-01-019) is exploring the idea of two chicken barns on his property. Beaver owns 68 ac in the AC (Agricultural Conservation) zone. His property is divided by Beaver Road with @ 58 ac on one side and @10 ac on the other. He was present to discuss with planning commission the process or steps he might take. His initial plan is to construct (2) – 48' X 500' barns, each housing @30K chickens. Planning articulated to Mr. Beaver past submissions have shown it could be a long and expensive process. Beaver noted he had financing in place. Planning suggested he contact Francis Strouse, the AG Loan Officer at SU Bank and talk to some engineering firms who might specialize in this type of land development for additional guidance. Mr. Beaver was made aware a land development plan would be required; this plan would detail all aspects of the proposal including manure management. The land development plan would be submitted for review to Snyder County Planning Commission, Penn Township Planning Commission and other agencies as required. These submissions all required prior to presentation to Penn Township supervisors for review and final approval. Other suggestions from planning included contacting Farmer Boy Ag a barn contractor. Mr. Beaver was made aware that odor mitigation would be a very important part of the process. Mr. Beaver will be provided the draft minutes for reference.

D. Allen Hornberger was present representing Sonsmith LLC c/o Jeff Smith and Rhoads Enterprises, LLC, c/o Linda R. Adams with a Final Subdivision Plan.

Two lots (Add-On Lot 1 and Add-On Lot 2) from lands owned by Rhoads Enterprises LLC will be considered add-on lots to adjoining land owned by Sonsmith, LLC, and not proposed to be developed or conveyed independently. This subdivision will also include a third lot (Add-On Lot 3) from lands owned by Sonsmith, LLC to be considered an Add-On to lands owned by Rhoads Enterprises, LLC, these too shall not be conveyed or developed independently. No development is planned at this time; subdivision would conform to current use.

On Motion by Cornelius Heeren, second Mike Kuhns and acclamation Chairman Dan Kuruna will complete and sign the Section D of the DEP form, Request for Planning Waiver and Non-Building Declaration.

The DEP module will be forwarded to the 8/6/2014 Supervisors meeting.

Motion by Cornelius Heeren, second Jim Geiswite and acclamation, Planning Commission would recommend approval of proposed Final Subdivision Plan for Sonsmith, LLC and Rhoads Enterprises, LLC upon receipt of a favorable review from SCPC.

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Chris Bailey, Director of Facilities for Susquehanna University was in attendance to provide information on the proposed water research facility proposed at 1340 W. Sassafras Street. This property is zoned R1 (Low Density Residential) and the proposed use does not fall under Section 404.2 (Permitted Uses) or Section 404.3 (Conditional Uses) of the Penn Township Zoning Ordinance. Further discussion determined this project could fall under Section 402.2 (Uses Not Provided For) of the ordinance. Mr. Bailey will get in touch with the university council to determine how to proceed. It was suggested the narrower the proposed use is presented, the more likely it will fall under Section 402.2 (Uses Not Provided For) of the zoning ordinance. The facility, per the drawing is labeled as office/lab /storage and will house two professionals.

Mr. Bailey noted this project will be funded by a \$2.25 million, time sensitive grant. The grant would provide for renovation of an existing low rise building on the property, geothermal heat and cooling system, new septic system, research equipment, a boat and trailer, a pickup truck and the salaries of two onsite professionals for 3 years.

Mr. Bailey will be provided draft minutes, SEO contact info, township solicitor contact info, Penn Township ordinances, and a conditional use application.

Joe Yoder, not present, but requested clarification on the Final Subdivision and Land Development Plan for Peachwood View with regard to the front setbacks of the three flag lots numbered 13, 15 and 17. VC (Village Center) front setbacks call for 35' from the centerline of the road. Mr. Yoder asked for clarification as to what the setbacks would be for these three lots because the 35' from CLR will not work. After discussion with planning commission and Solicitor Bathgate, Mr. Yoder will be notified setbacks for flag lots, numbers 13, 15 and 17 shall be 10' (ten) on all sides.

New Business

The opening on the Penn Township Municipal Authority was mentioned.

Old Business

Discussion was held to further clarify which swimming pools are required to obtain a zoning permit. Clarification began with looking at Section 1102 Zoning Permits, (A) Purpose, in the zoning ordinance. This notes a zoning permit is required to erect, alter or convert any structure or building. See definition of Structure and Swimming Pool, Private in Section 301, Definitions, of zoning ordinance. These definitions clearly define when a permit is required but the swimming pool definition, included below, is most clear to answer the questions that continue to arise.

Swimming Pool, Private

A private swimming pool, but not including farm ponds or lakes, as regulated in this Ordinance shall be any pool, be it permanently installed or temporarily erected upon the ground or a platform, and not located within an enclosed building. Swimming pools shall be considered structures and shall be subject to all the regulations and set back rules that apply to any structure in the Township. Small inflatable pools or structures that contain water no more than 1-1/2 feet deep at any point shall not be regulated.

Planning did determine that a temporarily erected pool would not require a permit every year the pool is reinstalled as long as size and location remain the same.

Noting that setbacks are what matters in permitting a pool, while looking at the setback requirements for the different zoning districts it was pointed out the use of the word 'structure', or not...needed to be cleaned up and consistent throughout. The word structure should be included in the setback back section of each zoning district.

The Outdoor Wood Fired Boiler Ordinance was revisited and discussion, per comments and discussion from a previous supervisor meeting, led to the addition of language to apply for a zoning setback variance. Mr. Bathgate will include this variance language.

On motion by Jim Geiswite, second by Cornelius Heeren and acclamation, planning commission requests Solicitor Bathgate add language to the Outdoor Wood Fired Boiler Ordinance allowing for application for a zoning variance if needed.

On motion by Cornelius Heeren, second Mike Kuhns and acclamation the planning commission would recommend the Supervisors review the presented Outdoor Wood Fired Boiler Ordinance and agree to move forward with the process of advertising and adopting the ordinance.

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All planning commission members who were present received the most recently adopted versions of the following for reference:

- Section 105 – Definition of Land Development in SDLD
- AC (Ag Conservation) Section of Zoning Ordinance
- Resolution 2004-07 Waiver from Land Development Requirement

The July 28, 2014 Planning Commission meeting was adjourned at 9:33 on motion by Jim Geiswite, second by Cornelius Heeren and acclamation.

Respectfully Submitted,

**Brenda Moyer
Planning Commission Secretary**