

**PENN TOWNSHIP BOARD OF SUPERVISORS**  
**100 Municipal Building Road**  
**Duncannon, PA 17020-1100**

Henry A. Holman, Jr., Chairman      Lucinda (CeCe) Novinger, Vice-Chairman      Brian Maguire, Supervisor

**MINUTES OF May 18, 2010**  
**Conditional Use Hearing for William Warner**

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The Penn Township Board of Supervisors (PTS) met on Wednesday April 28, 2010 at 6:30 p.m. in the Municipal Building to conduct a Conditional Use Hearing for William Warner. Chairman Henry Holman, Jr., Vice-Chairman CeCe Novinger, and Supervisor Brian Maguire were in attendance. Other personnel present were Helen Klinepeter (Secretary), P. Richard Wagner (Solicitor), and Christine Shaffer (Treasurer). The list of visitors is on file in the office.

**BACKGROUND**

William Warner has submitted a Conditional Use application for approval of a winery. Mr. Warner has an old apple orchard on his property, and would like to replace it with a winery. This Conditional Use approval requires a public hearing in front of the Board of Supervisors.

**CONDITIONAL USE HEARING**

Chairman Holman convened the hearing at 6:30 p.m., and turned the meeting over to Solicitor Wagner for opening comments and questions. Solicitor Wagner had all persons intending to testify sworn in by the court reporter. He noted that the Conditional Use Hearing Notice published on May 5, 2010 and again on May 13, 2010, a review from the Township Zoning Officer, a letter from the Penn Township Planning Commission recommending approval of the conditional use application, Application for conditional use, Information about the hours of operation, employment, parking, water, and sewer as well as other business operational details, and a plan of the property involved were all entered as evidence.

As Mr. Warner didn't have an attorney present, he proceeded to answer the questions set forth by Solicitor Wagner. He was asked about the plan submitted, and its depiction of boundaries. He was also asked about the business plan submitted, in regards to traffic, and the nature of the property and surrounding areas, which he described as primarily wooded. Mr. Wagner stated also that wine was to be manufactured on site, but there was no pollution anticipated from this activity, nor fire hazard or traffic problems. Also stated by Mr. Warner were the existence of private water and sewage, although he stated that a well might have to be drilled for water for the wine production. The plans submitted do show all surrounding property owners.

Supervisor Maguire asked if the Board was going to defer to the recommendations of the Planning Commission. Chairman Holman read that recommendation out loud, and commented about the anticipated effects on traffic along Barnett Dr. He felt the road was adequate to handle any additional traffic generated by the winery. It was also noted that at the time of review by the PTPC the comments of ZO Leonard Sizer were unavailable.

Solicitor Wagner then asked Mr. Warner about his upcoming Variance Hearing on June 10, 2010 to allow 2 Pole Buildings, and whether the possible denial would have any effect on his plans to proceed with the winery. Mr. Warner explained that the buildings would be used for storage. Vice- Chairman Novinger asked if those buildings would be involved in the sales of the wine, and was told no. She also asked about the hours of operation, and was told it would be open between Thursday and Sunday, with weekday hours of 4-5 pm to 7-8 pm, and weekend hours of 11 am -7 pm.

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Solicitor Wagner then questioned Secretary Klinepeter about the placement of the advertising for the Conditional Use Hearing, and she stated that all ads were in compliance with Municipal Code.

**DECISION**

Upon being asked by Solicitor Wagner on their intentions in regards to the Conditional Use, a motion was made by Vice-Chairman Novinger to grant the Conditional Use request. Supervisor Maguire then asked whether this motion would include the conditions set forth by the Zoning Officer, and it was agreed that those conditions be made part of the motion. The motion was then seconded by Supervisor Maguire, and unanimously approved by the Board.

Findings of Fact:

1. William Warner applied for a conditional use by way of application dated 3/22/10. (See Township Exhibit 4)
2. The application for conditional use was advertised appropriately pursuant to the provisions of the Penn Township Code and Municipalities Planning Code. (See Township Exhibit 1)
3. The conditional use application was reviewed by the Zoning Officer of Penn Township. (See Township Exhibit 2)
4. The conditional use application was reviewed by the Penn Township Planning Commission. (See Township Exhibit 3)
5. In support of the application for conditional use, the applicant provided information concerning the employment, the hours of operation, delivery, parking, traffic, water supply, sewage, and storm drainage. (See Township Exhibit 5)
6. In furtherance of the application, the applicant also filed a plan containing information regarding the surrounding neighbors, the nature of the land, the nature of the adjoining land as set forth in Township Exhibit 6.
7. At the time of the conditional use hearing, the applicant testified concerning the general requirements as set forth in the Penn Township Zoning Ordinance under Section 1820, specifically 1820 (1) (a) through (g).

Conclusions of Law:

1. The applicant has filed an application for Conditional Use.
2. The applicant has provided testimony that indicates that he has complied with all applicable sections of the Penn Township Zoning Ordinance, Section 1820(1) (a) through (g).
3. In support of his application, the Township also received exhibits from the applicant concerning his request for a conditional use.
4. The Township Supervisors paid particular attention to Exhibit 2 from the Zoning Officer of the Township.

**CONCLUSION**

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It is therefore the conclusion by motion seconded and proper adoption by the Penn Township Supervisors that the conditional use application of William Warner is hereby granted subject to the following conditions:

- A. Compliance with Article 16, Section 1613 (2) and 1613 (4) of the Zoning Ordinance of Penn Township.

**ADJOURNMENT**

As there were no additional comments, and upon unanimous approval of a Holman/Novinger motion Chairman Holman closed the Conditional Use hearing at 6:47 p.m.

Respectfully submitted,

Christine Shaffer,  
Recording Secretary