

**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 JUNE 30, 2010**  
**Conditional Use Hearing for Kim Lenker**

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The Penn Township Board of Supervisors (PTS) met on Wednesday June 30, 2010 at 5:30 p.m. in the Municipal Building to conduct a Conditional Use Hearing for Kim Lenker. 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**

Kim Lenker has submitted a Conditional Use application for approval of a materials conversion center. This Conditional Use approval requires a public hearing in front of the Board of Supervisors.

**CONDITIONAL USE HEARING**

Chairman Holman convened the hearing at 5:32 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 was published on June 10, 2010 and again on June 17, 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 machinery to be used by the operation, a statement of compliance with business description included, a document with noise level information, and a plan of the property involved were all entered as evidence.

Mr. Lenker was represented by his attorney, Mr. Charles Zaleski., who was asked by Solicitor Wagner to present an explanation of what Mr. Lenker intends to do with the parcel of land. The property in question is along State Rd., at the southern intersection with Schoolhouse Rd. Mr. Lenker is currently involved in the construction/excavating business. His new intended business doesn't fit into any single category, instead touches on four different categories:

- 805.9- construction/farm sales/supplies
- 805.10- lawn/garden equipment sales/service
- 805.13- wholesale/storage/warehousing
- 805.22- limited manufacturing/processing

All of these are permissible as conditional uses on the property in question. The submission best fits under category 805.28- use of same character. The use will also require variances, and a Land Development Plan, and Mr. Lenker agrees to the variances and plan approval as a condition.

Mr. Lenker, who resides at 738 Tower Rd., Enola PA went on to describe his current occupation, and established that he is the owner of the property in question. The plot is 10.97 acres. His planned activities at the property involve taking in clean building materials, and reprocessing them for resale. Those materials include stone, and clean construction debris (no paint or pressure treated). The hours of operation would be Monday thru Friday, 7 am to 5 pm., and Saturday, 7 am to 1 pm. Approximately \$1.5 million will be invested to meet DEP requirements. He went on to describe the machines to be brought in, and their purposes.

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At this point, Mr. Gerald C. Grove, engineer with Grove Associates was introduced to speak on Mr. Lenker's behalf. He showed a plan of the property, and the proposed layout for the business. Specifically described were the traffic pattern for the property, building types and locations, and setbacks from surrounding property owners. It is the intention to preserve as much of the natural vegetation as possible to provide a screen for the business, and lessen the impact on the natural environment. Mr. Grove and Mr. Lenker went on to describe the property and plans in greater detail, with the statement that the plan is conceptual at this point.

Solicitor Wagner asked at this point if there were any questions. Robert Gouse stated his concern on the impact on traffic along State Rd., especially with sight distances, truck traffic, and turns. He was told that a permit application would be filed with PennDOT, and that permit would address those issues, and trees could be moved to provide a better site distance.

In response to the potential for noise pollution, Mr. Grove and Mr. Lenker presented applicants Exhibit 1 which showed the decibel readings for several common sounds, and then discussed the expected decibel readings for the machinery they intend to use. Also, they stated that the machinery would only be run during the week, with Saturday hours being for sales only.

Vice-Chairman Novinger asked for and received a more detailed description of the bins that would be used on the property. Supervisor Maguire asked about any anticipated overflow of material from these bins, and its impact on the environment, and was also provided with an explanation on planned drainage and storm runoff usage. Mr. Maguire also asked about the natural buffers, and if they would be sufficient, especially in the winter. Mr. Lenker replied that this issue would be addressed in the application for a variance, but they were prepared to comply if necessary.

Chairman Holman had several questions, including the nature of the buildings to be constructed, intended customers, retaining walls, and greater detail on certain materials that were to be processed. All questions were answered by the applicant.

Solicitor Wagner inquired about the plans submitted, zoning of the property, and the applicant's familiarity with the intended business, all of which Mr. Lenker addressed. The solicitor then invited Mr. Gouse to make any further statements, which he declined.

**ADJOURNMENT**

After final comments by Chairman Holman and final clarifications by Mr. Wagner, Mr. Lenker was informed that he would receive a decision within 45 days. The hearing was adjourned at 6:28 p.m. by unanimous approval of a Holman/Novinger motion.

Respectfully submitted,

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Christine Shaffer,  
Recording Secretary