

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

Henry A. Holman, Jr., Chairman

Brian Maguire, Vice-Chairman

Brian K. Peters, Supervisor

**Minutes of December 9, 2014, Ziats Zoning Map Change Hearing**

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The Penn Township Board of Supervisors (PTS) met on Tuesday, December 9, 2014, at 6:00 PM in the Municipal Building to conduct a Zoning Map Change Hearing for David Ziats. Chairman Henry Holman, Jr., Vice-Chairman Brian Maguire, and Supervisor Brian Peters were in attendance. Other personnel present were Helen Klinepeter (Secretary), Solicitor Richard Wagner, and Elizabeth Goodhart (Treasurer/Recording Secretary). A list of visitors is on file in the Township office.

Chairman Holman opened the Hearing at 6:00 PM, and turned the meeting over to Solicitor Wagner.

Solicitor Wagner explained the purpose of this Hearing is to gather information which will be used by the PTS to decide if they will consider this Zoning Map Change. A stenographer was present to record the testimony which can be referenced if needed.

Solicitor Wagner explained the process to be used by anyone who wants to speak during this Hearing. He also explained that this will be an informal procedure and witnesses will not be sworn in.

Solicitor Wagner stated the following items would be entered into the Record as Exhibits.

1. Township Exhibit #1 – An Affidavit of Publication.
2. Township Exhibit #2 – Letter dated October 16, 2014, from Madden Engineering, Zoning Officer for Penn Township.
3. Township Exhibit #3 – Letter dated October 22, 2014, from the Penn Township Planning Commission (PTPC).
4. Township Exhibit #4 – Letter dated November 19, 2014, from the Perry County Planning Commission.

Solicitor Wagner asked Hubert Gilroy, attorney for applicant David P. Ziats, to make his presentation. Mr. Gilroy stated he is present along with Robert P. Shaffer from Act One and Associates, the engineer on this project. Mr. Gilroy entered the following items into the Record as Exhibits, and asked Mr. Shaffer the following questions.

Applicant Exhibit #1 – Application filed with the Township by Mr. Ziats. Mr. Gilroy stated the application has already gone before the PTPC who gave a favorable recommendation.

Mr. Gilroy asked Mr. Shaffer if he is a licensed engineer in the state of Pennsylvania. Mr. Shaffer responded in the affirmative.

Mr. Gilroy showed Mr. Shaffer the item labeled as Applicant Exhibit #2 and asked him to describe it. Mr. Shaffer responded that it is the site plan prepared by him showing the area the applicant is

requesting be rezoned from R1 to commercial. Mr. Gilroy stated Mr. Ziats purchased the property in September 2014. Mr. Shaffer was then instructed to describe the property, half of which is wooded and will not be rezoned. Mr. Shaffer stated there are other commercial properties in the area.

Mr. Gilroy showed Mr. Shaffer the item labeled as Applicant Exhibit #3 and asked him to describe it. Mr. Shaffer responded that it is the Penn Township Zoning Map with the proposed commercial rezoning marked to show how it fits with other commercial properties in the area. Mr. Shaffer stated the parcel to the east of this property is zoned commercial, as well as the Duncannon Fire Company (DFC) across Route 274, which in the past was part of the subject property before it was subdivided. Mr. Shaffer also stated there are lots to the northwest of subject property toward Faculty Road which are zoned commercial, as well as a property at the intersection of Route 274 and Faculty Road. Mr. Shaffer mentioned several commercial areas in the general vicinity of the subject property.

Mr. Gilroy showed Mr. Shaffer the item labeled as Applicant Exhibit #4 and asked him to confirm that it is a copy of Penn Township Zoning Ordinance, Article VI, Section 601, for R1 district. Mr. Gilroy stated this exhibit shows the permitted uses for subject property if it remains zoned as R1. Some of the permitted uses include essential services, i.e., sewage pumping station, Township building, etc., a church, day care home, cemetery, school, and a golf course. Mr. Shaffer stated that Mr. Ziats would like to build self-storage units on this property and will need to provide the Township with a Land Development Plan showing the layout of the proposed buildings and screening.

Solicitor Wagner asked Mr. Shaffer to mark the original Zoning Map, which was entered as an Exhibit, with the appropriate zoning classifications.

The Solicitor then asked for questions from attendees.

Jerry Philpott, attorney for Susan Kistler, asked Mr. Shaffer to confirm that the parcels to the north and east of subject property will continue to be zoned residential, as well a property across Route 274 owned by Benjamin Smith. Mr. Shaffer replied they will remain residential but also stated the subject property is equally sided by commercial properties.

Mike Conroy, who lives across the street from the subject property, asked how many buildings will be built. Mr. Shaffer stated they will start with two or three, but the number of units in each building has not been determined as yet. Mr. Conroy had additional questions regarding lighting, fencing, etc. However, Solicitor Wagner stated the purpose of this Hearing is only to discuss the rezoning, not the details of the proposed storage facilities.

David Marshall stated he was not sure of the exact location on the property where the storage facilities will be located. Mr. Shaffer explained it is directly across the road from the DFC with approximately 600' of frontage. He explained that Mr. Ziats has a PennDot permit to access this property directly across from the DFC driveway. Mr. Shaffer also stated that all access to subject property would be from Route 274.

Richard Fisher asked if boats and RV's will be stored at the proposed storage facilities. Mr. Shaffer stated it has not been determined as yet. Mr. Fisher asked questions regarding the zoning of the DFC property.

Gerald Kline asked if the driveway permit issued by PennDot allows Mr. Ziats to construct the driveway. Mr. Shaffer stated the driveway permit was issued to the prior owner which transferred to Mr. Ziats.

Joe Ether questioned which commercial locations exist East and West of the subject location. He pointed out that the properties located next to subject property currently have R1 uses even though they are zoned commercial.

Cathryn Kalata asked the PTS to consider that the R1 uses are totally different than the use proposed by Mr. Ziats.

Susan Kistler stated the proposed access road to subject property is along her property line. Mr. Gilroy mentioned there is no plan for the proposed access road. Ms. Kistler quoted sight requirements from PA code 441.8 and stated there is not enough sight distance for RV's.

Mr. Gilroy stated the concerns of the residents will be addressed after approval of the rezoning.

Susan Kistler mentioned her concerns regarding the lights, noise pollution, 24-hour access, location of the access road, outside parking for junk vehicles, manufacture of drugs within storage units, people living in storage units, and the decrease in her property value. Ms. Kistler also feels that rezoning of only a portion of the property is considered spot zoning, which she said is illegal in PA.

Susan Kistler mentioned she drafted a petition and obtained approximately 130 signatures. The petitions were entered into the Record as Opponents Exhibit #1.

Solicitor Wagner stated if the PTS approves the rezoning, it requires an ordinance which must be advertised, and the property must be posted. The ordinance must be passed at a public meeting.

The Hearing was closed at 6:47 PM.

Respectfully Submitted,

Elizabeth Goodhart  
Treasurer/Recording Secretary