

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 April 29, 2015, Selle Conditional Use Hearing

The Penn Township Board of Supervisors (PTS) met on Wednesday, April 29, 2015, at 6:00 PM in the Municipal Building to conduct a Conditional Use (CU) Hearing for John and June Selle. Vice-Chairman Brian Maguire and Supervisor Brian Peters were in attendance. Other personnel present were Helen Klinepeter (Secretary), Solicitor Richard Wagner, Engineer Max Shradley, and Elizabeth Goodhart (Treasurer/Recording Secretary). A list of visitors is on file in the Township office.

Vice-Chairman Maguire opened the Hearing at 6:05 PM, and turned the Hearing over to Solicitor Wagner.

Solicitor Wagner stated that anyone who wanted to speak during this Hearing would be sworn in. The following individuals were sworn in by the court stenographer at this time:

- Tom Marsilio
- Art Campbell
- John Lee Selle
- June L. Selle
- Carl Fox

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

1. Exhibit #1 – Affidavit of Publication indicating this Hearing has been properly advertised.
2. Exhibit # #2 – Letter from Penn Township Planning Commission indicating they voted unanimously to recommend approval of the Conditional Use.
3. Exhibit #3 – Letter from the Penn Township Zoning Officer indicating his response in review of the CU application. He noted the CU would be based on **Section 604.14**, and if approved, the applicant would be required to show compliance with all parking regulations and any other comments addressed by the zoning officer at that time.
4. Exhibit #4 – Conditional Use (CU) Hearing application dated March 10, 2015, applicants John Lee Selle and June E. Selle.
5. Exhibit #5 – Statement explaining the nature of the services provided by CPRS Physical Therapy.
6. Exhibit #6 – Non-Conforming Use registration form dated September 10, 2014.

7. Exhibit #7 – Response from Lenny Sizer, Zoning Officer, to Non-Conforming Use registration form listed as Exhibit #6.
8. Exhibit #8 – Description of hours of operation, number of employees, number of parking spots, and notes related to buffer area, well and septic.
9. Exhibit #9 – List of property owners around subject property.
10. Exhibit #10 – Aerial photo of buildings and topography of the area.
11. Exhibit #11 – Expanded view of aerial photo in Exhibit #10.
12. Exhibit #12 – Mrs. Donald Sterner, property owner within 200' of property.
13. Exhibit #13 – Mr. Carl Fox, property owner within 200' of property.
14. Exhibit #14 – Mr. Randolph Morris, property owner within 200' of property.
15. Exhibit #15 – Mr. Richard Morris, property owner within 200' of property.
16. Exhibit #16 – Mr. Robert Gers, property owner within 200' of property.
17. Exhibit #17 – Mr. Haverman, property owner within 200' of property.
18. Exhibit #18 – Mrs. Lori Harris, property owner within 200' of property.
19. Exhibit #19 – Mr. Robert Shatto, property owner within 200' of property.
20. Exhibit #20 – Mutzabaugh's Market, property owner within 200' of property.
21. Exhibit #21 – Mutzabaugh's Market, property owner within 200' of property.

Solicitor Wagner stated the issue presented tonight is contained in Zoning Ordinance Section 1701(4) which states that no existing non-conforming use may be changed to another non-conforming use without being approved as a Conditional Use by the Board of Supervisors. In addition, the PTS must determine that the proposed non-conforming use is not more detrimental to the District than the existing non-conforming use.

Art Campbell, President, Campbell Commercial Real Estate, Inc, stated the proposed use as a physical therapy office is not more detrimental than the existing use as a daycare center. He stated the proposed hours of operation will be reduced, there will be less traffic, there is no kitchen or residential bathroom at this location, and the outside play area will no longer be needed.

Solicitor Wagner re-stated Mr. Campbell's comments to confirm his understanding. Mr. Campbell confirmed Solicitor Wagner's understanding was accurate.

Tom Marsilio, owner of CPRS Physical Therapy, explained the clinic will schedule approximately 100 outpatient visits per week. The hours of operation will be Monday, Wednesday and Thursday 9:00 AM - 7:00 PM, and Tuesday and Friday 7:00 AM - noon.

Solicitor Wagner asked the attendees if anyone wanted to speak on behalf of or against the applicants. Mr. Carl Fox stated he lived at the adjoining house for many years and stated the Selle's have been good neighbors. He feels the noise level will be reduced significantly as a result of this change. He has no issues with the proposed change.

Supervisor Peters stated that bringing health services to our community is an asset.

Vice-Chairman Maguire closed the testimonial portion of the Hearing.

Upon a Peters/Maguire motion, the CU application was approved by a majority.

Solicitor Wagner stated the following Findings of Fact and Conclusions of Law:

Finding of Fact

1. An Application of CU was filed by John Lee Selle and June E. Selle, 5 Muehlenberg Avenue, Duncannon, PA 17020.
2. The present location is a non-conforming use per the Penn Township Zoning Ordinance.
3. The proposed CU is to change the current non-conforming use to a physical therapy center which is also a non-conforming use.
4. The Hearing was advertised properly.
5. All documents necessary in support of the application as required by the Penn Township Zoning Ordinance have been provided.
6. The PTS finds the proposed use will result in less hours of operation, less traffic, continue to be non-residential use, will continue to not use the kitchen in the facility, will have no residents spending the night, and will have less use of the outside facilities.
7. The PTS makes the specific finding that the proposed non-conforming use is not more detrimental to the District than the existing non-conforming use.

Conclusions of Law

1. Applicant has filed a Conditional Use application to use this property as a physical therapy center.
2. All requirements of the Penn Township Ordinances have been met.
3. Advertisement was properly taken.
4. The record completely includes all the necessary information for the Board of Supervisors to make a determination.
5. The Board specifically finds the intended non-conforming use is not more detrimental to the District than the existing non-conforming use.
6. Conclusion – the application for the CU of this property is approved.

A Maguire/Peters motion to adopt was approved by a majority.

A Maguire/Peters motion to close the meeting at 6:18 PM was approved by a majority.

Respectfully Submitted,

Elizabeth Goodhart
Treasurer/Recording Secretary