

**PENN TOWNSHIP  
ZONING HEARING BOARD  
MINUTES OF JANUARY 10, 2024  
ATTENDANCE**

**Board Members Present:**

Gerald Wolfe/Chairman  
Aaron Kopp  
Leroy Stoltzfus  
Bill Postel

**Others**

Melvin Newcomer, ZHB Solicitor  
Brenda Pardun, Court Reporter  
Richard Landis, Supervisor  
Matthew Reeser, Penn Township Zoning Officer  
Titus Nuenschwander, KN Farms, Applicant  
Elden Kreider, KN Farms  
Dave Mease, Diehm & Sons, KN Farms Engineer  
Sheila O'Rourke, GKH, Attorney for Applicant  
Brian & Becky Shank, Neighbor  
John Glick, Township Resident  
Gary Martin, Elite Paving, ZHB Case #923, Elite Storage of Manheim

The meeting was called to order at 7:00 PM by Mr. Wolfe.

Minutes

**Reorganization of the ZHB occurred:**

Mr. Kopp made a motion for Mr. Wolfe to remain Chairman of the ZHB, with a second by Mr. Postel; the motion was carried in full by the board.

A motion was made by Mr. Stoltzfus, with a second by Mr. Wolfe to appoint Mr. Kopp Vice-Chairman; the motion was carried in-full by the board.

Chairman Wolfe asked M. Reeser, the zoning officer, if he would be the recording secretary for the ZHB; he was willing to do so.

Mr. Stoltzfus made a motion to approve the minutes of December 13, 2023; Mr. Postel seconded the motion; the vote was unanimous in favor of approval by the Board.

Anyone who might speak or present evidence during the hearing were sworn in by the court reporter.

Party Status was explained to the audience by the ZHB solicitor.

Sheila O'Rourke, attorney for both Elite Paving and ZHB Case #230973, KN Farms, asked the board if they would consider hearing Elite's time extension request prior to the new case, so that Elite representatives didn't need to stay the whole evening. The ZHB decided to change the order of items from the agenda. Below are statements that were made by Elite Owner Gary Martin, during the Elite Paving time extension request:

- Elite Paving received approvals from the ZHB previously, Case #923
- A sub-division plan has been approved by the township, and said plan was recorded on or around July 7, 2022
- The original application was reviewed under a previous zoning ordinance
- Permits were not issued and construction was not started due to Covid-related and financial delays
- The anticipated cost of completing the project has doubled due to changes in market conditions
- The Applicant/Owner is/has worked through financing for the project
- Per the zoning ordinance, the Applicant was to receive any related permits within 2 years of ZHB approval
- Elite has requested until January 10, 2025 to receive applicable permits for construction
- They have also requested until January 10, 2027 to complete construction

After the brief presentation/explanation of why permits have not been acquired and work has not been started, there was a motion by Kopp with a second by Postel to approve the requested time extension to those dates listed above; the motion was carried in-full by the ZHB.

Mr. Wolfe read the description for Case #230973

**Case #230973** – Applicant KN Farms, LP requests zoning relief from the Zoning Hearing Board of Penn Township to facilitate the modernization of an existing large-scale feed mill. Specifically, Applicant requests special exception approval for the feed mill pursuant to §27-202.3.F (Table of Permitted Uses in the Agricultural District) & §27-402.28 (supplemental criteria for a large-scale feed mill) of the Penn Township Zoning Ordinance. Applicant additionally requests variances from the following provisions, if necessary: §27-402.28.E (direct access to arterial or collector roadway); §27-310.6.D (parking setback); §27-215.5.B (disturbance of riparian buffer area), along with any other variances from the Zoning Ordinance the Board may deem necessary. Applicant also requests a variance from §8-502 of the Penn Township Floodplain Ordinance to permit construction within the floodplain.

The property that is the subject of this application is 934 Junction Road, Manheim, PA 17545, which is located in the AG - Agricultural Zoning District of Penn Township, Tax ID#500-37297-0-0000.

Mr. Wolfe asked those present in the audience if there were any party status requests, to which 2 people requested party status:

- Brian Shank of 443 South Colebrook Road, Manheim, PA 17545. A motion was made by Stoltzfus with a second by Postel to approve party status for Mr. Shank; the motion was carried in-full by the board.
- John Glick of 821 Junction Road, Manheim, PA 17545. A motion was made by Kopp with a second by Stoltzfus to approve party status for Mr. Glick; the motion was carried in-full by the board.

The following are key points of the hearing & presentation as explained by Titus Nuenschwander, KN Farms, Applicant:

- The property had been re-zoned by the Board of Supervisors about a year ago, to the AG – Agricultural Zoning District
- A mill has been on the site since the 1800's
- The purpose for this hearing is to modernize and "clean-up" the existing mill process
- Titus is an owner/partner for KN Farms
- The property is approximately 8.08 acres

- It is currently and will continue operating as a feed mill
- Almost the entire site is within the FEMA Floodplain
- KN Farms either currently owns or has a purchase option for adjacent parcels
- Sporting Valley Feeds has been operating on the property for about 16-17 years
- The process includes making ready to use animal feed from base materials
- There are currently 4 partners within the company
- The process currently requires the use of tractor mixing wagons to make feed, and they are required to drive the tractor all over the exterior of the site to gather ingredients
- Approximately ½ of the existing fill points on the site are not in buildings, so dust is a major issue
- There are not currently, and will not be in the future, any retail sale of products from the site
- The site only deals with bulk materials and products (no bagging for sale)
- There are currently 8 full-time and 6 part-time employees
- Employees are usually on the site between 4am and 6pm, however, sometimes employees are working outside of those hours
- Some aspects of the feed making process occur when there are no employees present (24 hours for pelletizing machine)
- Trucks may come and go from the site at any time of day or night
- Currently, there is only 1 scale on the site
- Trucks need to use Junction Road to complete their turning maneuvers due to the current site layout. If approved, trucks would be able to maneuver through the site, rather than go into the street
- There are 3 tractor/mixers on the property
- Currently there are 3 driveways/access points to the site from Junction Rd
- Only 8 parking spaces currently, and they are not readily usable since parked vehicles are not able to exit when trucks are loading or unloading, so vehicles are typically parked along Junction Road. If this plan is approved, employees will be able to park on the site, rather than in the street, since truck traffic will change
- If approved, all mixing will be done indoors with dust collection systems in-place
- The new batch plant will be approximately 90 feet in height
- There will be dust collection systems put into service
- Silencing equipment will be installed, in an effort to limit the amount of disturbance to neighbors
- 8 parking spaces will be added and one existing access point will be removed
- There will be no additional employees
- No changes in hours of operation
- No retail sales or outside storage
- Bulk feed only (no bagged product)
- New truck scales will be enclosed

Notes with regards to David Mease from Diehm & Sons testimony:

- Mease is a PE and is an expert in land development, stormwater management, the FEMA Floodplain, and other related topics
- The newly proposed access drive will be an “in-only” movement
- Approximately 12 tractor trailers/trucks will be able to “stack” in the proposed access drive
- All new parking and driveway will be paved
- An NPDES permit will be required
- A PADEP permit and approval will be required
- Approval from the Lancaster County Conservation District will be required

- The township engineer and staff will need to review and approve all aspects of the project
- The new buildings and site will be designed in accordance with the PA State Building Code (UCC)
- A majority of the property (92%) is located within the FEMA Floodplain
- It has been calculated that the base flood height for the site is 379.58 feet

A recess was called at approximately 8:12pm to allow a member to attend to quick personal business

The meeting was called back to order at approximately 8:15pm and testimony continued

- The batch plant floor will be located at 382.79 feet which is approximately 3 feet above the base flood height
- The newly proposed scale buildings are open on both sides and will allow possible floodwaters to pass directly through the buildings
- There will be no/minimal changes to the site flood storage capacity after the project has been completed. Some areas will be excavated to allow for other areas to be “built-up”
- The completed project will mitigate some existing flood/environmental issues
- A Traffic Impact Study had been conducted

After the presentation, Brian Shank (party status) asked a few questions of the applicant's:

- What is/are the heights of the existing buildings? Approx. 65' – Titus
- What will be the height of the tallest proposed buildings/structures? Approx. 90-95 feet – Titus
- What could be the source of existing noises between 12:00am and 7:00am? Cooling fan, truck load-out, vibrator – Titus

Resident Glick asked if KN would consider changing hours of operation? No response

There were discussions between the ZHB and Applicants about the number of trucks and the frequency of their accessing/leaving the site.

There was discussion with regards to truck routes possibly being put into place to limit large trucks from residential areas in an effort to limit disturbance

The main concerns of those granted party status were noise and heavy truck traffic

A recess was called at approximately 9:38pm, at the request of attorney O'Rourke

There was also an executive session requested by the ZHB at approximately 9:39pm, to allow members to consult with their solicitor

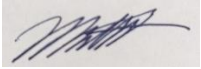
Everyone returned and the hearing was re-started at approximately 9:52pm

Attorney O'Rourke stated that if the requests were approved by the ZHB, KN was willing to post internal signs which state that feed trucks were not to regularly use Sun Hill Road or other roads close-by that lead to/through residential areas. Additionally, they proposed internal signage that states no engine brake use in residential areas. Finally, they stated that they would investigate where noises were coming from on the site and would install/implement silencing devices on equipment to attempt to limit noise disturbances.

A motion was made by Mr. Wolfe to approve all requested items, with a second by Mr. Kopp; the motion was carried in-full by the ZHB.

At approximately 10:02pm, there was a motion by Mr. Kopp, with a second by Mr. Stoltzfus to adjourn for the evening; the motion was carried in-full by the ZHB.

Respectfully,

A handwritten signature in blue ink, appearing to read "Matthew Reeser", is written over a light gray rectangular background.

Matthew Reeser – Penn Township Zoning Officer/ ZHB Recording Secretary