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Lycoming County Zoning

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David Hubbard
County Zoning Administrator

Fred A. Holland, J.D.
Zoning Hearing Board Solicitor

LYCOMING COUNTY ZONING HEARING BOARD MEETING MINUTES
Executive Plaza Building
1st Floor Commissioner's Board Room
November 17, 2021
6:00pm

I. CALL TO ORDER

Chairman Bill Klein called the meeting to order at 6:00pm.

II. ROLL CALL (Members & Alternates)

Members Present: Bill Klein, David Hines, Leslie Whitehill, Chris Logue, Stephan Brady, Dan Clark

Members Present via Conference Call:

Members Absent:

III. MINUTES OF PREVIOUS MEETING

The October 27, 2021 meeting minutes were approved.
Chris Logue made motioned to approve, Leslie Whitehill second to motion. Motion carried.

IV. NEW BUSINESS

A. ZHB Case 2021-011
Matthew Sehenuk
Plunketts Creek
Special Exception – Home Business

Seated Members: Bill Klein, David Hines, Leslie Whitehill, Chris Logue, Stephan Brady

David Hubbard presented to the Zoning Hearing Board case number 2021-011, located in Plunketts Creek, with a small portion in Upper Fairfield Township. The applicant Matthew Sehenuk is requesting Special Exception approval for a Home Business located at 1165 Mountain Road, Montoursville.

The applicant is requesting a special exception to permit a distillery home business, Section 3240L, in the Resource Protection (RP) Zoning District. The Special Exception request was received October 1, 2021. A Home Business is permitted by Special Exception in the Resource Protection (RP) Zoning District. The property is located at 1165 Mountain Rd, in Plunketts Creek Twp and is a residential use.

The subject property of tax parcel #48-292-118.03 contains approximately 10.15 acres and is located in the Resource Protection (RP) Zoning District in Plunketts Creek Township. The property currently contains an existing house (Single Family Dwelling) with a detached garage, and storage shed. The property sits off a private drive. The business will be operated from the existing accessory detached garage. No new disturbance is proposed.

CONCLUSION: General Standards for Special Exception are listed in the Lycoming County Zoning Ordinance, Section 10310 Subsections A-C.

David Hubbard reviewed the following communications:

1. Special Exception Application dated October 1, 2021
2. Notices sent to interest parties: Lycoming County Planning Commission, Lycoming County Commissioners, Plunketts Creek Township Supervisors, Zoning Hearing Board Members, and Applicant
3. Legal notice published in Sun-Gazette 11/02/2021 & 11/09/2021.
4. Property posted – per David the camera did not work, no date.

The Zoning Hearing Board packet containing the Special Exception application, copy of LCPC comments from Shannon Rossman, Zoning Permit application, Overhead GIS sight plan view.

The following are exhibits presented by David Hubbard:

- Z#1 – ZHB packet including letter from Shannon Rossman
- Z#2 – Legal posting Sun-Gazette
- Z#3 – Property posting, no date
- Z#4 – Accessory Pack

David read the responses to the questions he had emailed to Mr Sehenuk. (1) The location has adequate access for commercial vehicles and adequate parking for the owners delivery vehicles and other vehicles. (2) To ensure that proper PLCB and Federal TTB licenses are obtained the federal permit application has been started and in process and is waiting for zoning approval since floor plan is required to be in place prior to submitting applications. (3) Future expansion of the business requires land development and additional permitting requirements, such as new structures, on-site sales, tasting rooms would require zoning clearances. (4) Expected output is 150 gallons twice per week, producing 15,600 gallons annual yield, well under PLCB limits of 100,000 gallons per year. Additional information provided by Mr. Sehenuk - Driveway easement is part of the deed. Spent distillery products will be collected and stored in enclosed totes that will be delivered to local farms animal feed and crop fertilizer. Future expansion, taste room would require additional licensing.

Mr. Sehenuk stated there will be four full-time employees and possibly two part-time employees. COVID closures changed PA laws and have relaxed some, this allows in-state sales, shipping direct to consumers, other opportunities for off-site sales are at farmers markets.

David follow-up with No more than four full time employees, no more than two home business on a single property.

Chris Logue question Mr. Sehenuk if he wanted on-site sales. Mr. Sehenuk responded to question. He would like to have on-site sales and a small tasting room and discussed having his product into the state PLCB locations. David followed up stating that no on-site sales can take place.

Bill Klein questioned the driveway easement. Fred Holland stated no restrictions for land-owner/guests.

Stephan Brady questioned the raw materials, deliveries, storage facilities, impact on mountain road. Chris Logue asked about fuel and heating, which will be electric heating. There is LP gas on the site. There is a separate meter on the building.

David discussed a sprinkler system and suggested to talk to the fire company.

Approved with the following conditions:

- Appropriate state and federal licenses and permits are approved
- No on-site sales
- No expansion of the facilities without further approval

Bill Klein motioned to approve, Leslie Whitehill second the motion. Motion carried.

B. ZHB Case 2021-012
William & Susan Klein
Moreland Township
Special Exception – Family Care Unit

Seated Members: Stephan Brady, Leslie Whitehill, David Hines, Chris Logue, Dan Clark

David Hubbard presented to the Zoning Hearing Board case number 2021-012, located in Moreland Township. The applicant William Klein is requesting Special Exception approval for a Family Care Unit located 270 Church Drive, Muncy.

The Applicant is requesting a Special Exception to permit a Family Care Unit in the Agricultural (AG) Zoning District. The Special exception application was received October 13, 2021. Family Care Unit use is permitted by Special Exception in the Agricultural (Ag) Zoning District.

The property, Tax Parcel #36-375-1336.C is currently a residential lot containing a Sing Family Dwelling (SFD), garage, and a storage shed. The parcel is located at 270 Church Dr. in Moreland Township. The property has an existing septic system that will also serve the temporary garage apartment (Family Care Unit) in addition to the existing dwelling.

Section 3220J provided that a Family Care Unit is temporary, that is to say, limited to a specific family circumstance. When that circumstance no longer exists, the use must be removed within a reasonable timeframe (established by the ZHB/Township).

The location proposed by the applicant for the Family Care Unit meets all required minimum yard setbacks (50' front/rear/combined side, 20' one side) for Conventional Single-Family Bulk Standards (§4140A). Moreland Township is in a support of the proposed use.

The subject property of tax parcel #36-375-133.C is comprised of 1.54 acres and is located in the Agricultural Zoning District (AG) in Moreland Township. The property is currently a residential lot containing a Single-Family Dwelling (SFD), garage, and a storage shed.

The location proposed by the applicant for the Family Care Unit meets all required minimum yard setbacks (50' front/rear/combined side, 20' on side) for Conventional Single-Family Bulk Standards and Moreland Township is in support of the proposed use.

CONCLUSION: General Standards for Special Exception are listed in the Lycoming County Zoning Ordinance, Section 10310 Subsections A-C.

STAFF NOTES: Section 10310 B. The proposed use at the proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare. The proposed use appears to be a viable use of the property, and when in compliance with the County Zoning Ordinance, should not adversely affect the community.

The following statements are attached to this report: (1) – Gene Powlus, the township SEO; with a signed agreement and temporary permit to conditionally connect the Family Care Unit to the existing septic system; (2) – Optometrists written report of eye examination to Penn DOT.

David Hubbard reviewed the following communications:

1. Special Exception Application received 10/13/2021
2. Notices sent to interest parties (*): Lycoming County Planning Commission, Lycoming County Commissioners, Moreland Township Supervisors, Zoning Hearing Board Members, and Applicant
3. Legal notice published in Sun-Gazette 11/02/2021 & 11/09/2021.
4. Property posted – no date
5. Communications including LCPC Comments

The following are exhibits presented by David Hubbard:

- Z#1 – ZHB packet including letter from Shannon Rossman
- Z#2 – Legal posting Sun-Gazette
- Z#3 – Property Posting

Attachments included a copy of the special exception including an aerial map, sewer enforcement officer's response and Mr. Smith's optometrist written report.

Bill Klein discussed family issues requiring the Family Care Unit. The garage has a summer kitchen and the garage will go back to a garage when the FCU use is done. It is handicapped accessible.

Stephan Brady motioned to approve, Chris Logue second the motion. Motion carried.

ADJOURNMENT

Meeting adjourned at 7:11 pm.

Respectfully submitted,

Sherrie Hook, Recording Secretary

Bill Klein, Chairman

DATE: _____

DATE: _____