

**Planning Commission
CHANCEFORD TOWNSHIP**

MEETING DAY & TIME: April 16, 2013

John Shanbarger opened the meeting of the Chanceford Township Planning Commission at 7:00 p.m. in the Community Building, 51 Muddy Creek Forks Rd., Brogue, PA. He led those in attendance in the pledge to the flag.

Members present: Chairman John Shanbarger, Vice-chairman Bruce Miller, Members Ralph Daugherty, Mark Bupp, Thomas Gizzi, Rob Lyter and Brenda Gohn

Others present: Township Solicitor Timothy Bupp, Township Engineer Grant Anderson and Zoning Officer Jeffrey Koons.

A quorum was present.

APPROVAL OF MINUTES:

Ralph Daugherty made the motion to waive the reading of the minutes of 2/19/13 and to approve the same. Seconded by Bruce Miller, motion carried unanimously. There was no meeting in March due to no business to conduct.

SKETCH PLAN:

Robert Burchett presented a drawing showing the location of his proposed driveway on his property located along Delta Road. The driveway is located as to avoid putting it on the portion of his property that is located in the Commercial Zone. A pipe will be installed. The Planning Commission found it to be in order.

PUBLIC COMMENT:

The floor was opened. There being no comments, the floor was closed.

ZONING HEARING APPLICATION:

Cinkaj Brogue Partnership has applied for a special exception to operate an Adult Oriented Facility at 2512 Delta Road. Atty. Chris Vedder, attorney for Cinkaj Brogue Partnership, explained the application and exhibits relative to the Zoning Ordinance.

Terry Sutton was sworn in and testified as follows: a potential member of the Adult Cabaret will be required to complete an application containing the same information as a driver's license. The minimum age will be twenty-one because of it being a BYOB establishment.

A beginning guideline of rules and regulations was created, which would be modified if necessary, for the purpose of maintaining security and other safety features of the use.

Employees include 1 manager, 2 waitresses, 2 floor hosts, 1 receptionist, 1 DJ and 5 to 15 dancers that will be independent contractors.

Mr. Sutton feels the parking is adequate. They require 148 spaces and there are 168 spaces provided.

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Training will be provided to recognize intoxicated patrons at which time they will be removed from the premises.

No materials, merchandise, film, services or entertainment will be outside.

Patrons will be coming into the lobby/receptionist area where membership which is for security and control purposes will be verified. If not a member, a membership will be offered. The door behind the receptionist granting entrance to the club would be locked with a buzzer provided.

Atty. Bupp asked if there was a floor plan design that could be reviewed. He was told that it was unavailable at this time but will be available at the zoning hearing. Mr. Sutton explained that the windows will be opaque, there will be a panic door as well as soundproofing and a security camera system. Video cameras will be installed in front and rear as well as inside.

The sign will read, "The Office". Entrance will read, "The Office" – must be 21 years of age to enter Adult Entertainment Facility.

Mr. Sutton stated that the water supply is adequate on the site with water testing done periodically.

Mark Bupp asked how he is planning to make sure it will be a profitable business. Mr. Sutton stated that he has consultants that assured him it will generate money.

Mark asked if studies were done to determine if this is a good area for this type business. Mr. Sutton stated that usually they are in a rural setting. He further stated that membership will be drawn from a very large area (Harrisburg, Baltimore and Philadelphia).

Bruce Miller wanted to know more about security since the township is covered by State Police only. Mr. Sutton stated the staff will be trained by a company that provides this type of professional training. There will also be bouncers. He stated it will be a controlled environment and alcohol is limited. If rules are broken, patrons will be ejected.

Bruce stated that he is not convinced that those who have had too much alcohol would not be allowed to leave the premises.

Mark Bupp also feels that the alcohol would not be controlled and that 72 ounces is a lot of alcohol to be consuming especially in a short period of time.

John Shanbarger feels the township needs assurance that those who have consumed alcohol are not going to be on the highways endangering lives.

Mr. Sutton was asked if there was going to be food served. He stated that there will be no food preparation on the site.

Bruce Miller asked how they arrived at the 72 ounces. Mr. Sutton stated that this is the quantity of a six pack of beer but this amount can be modified if needed.

Ralph Daugherty asked Mr. Sutton if he has children or grandchildren. Mr. Sutton stated that he does. Ralph commented that he must not respect any of our children or grandchildren or he would not bring this into our township. Ralph further commented that the building originally was supposed to be a good thing for the community. Regarding the statement made about adequate water, Mr. Daugherty stated that the water

is not adequate according to the information he received from the fertilizer company that was previously located on the property. Mr. Sutton stated that he is merely providing something that is allowed by the Zoning Ordinance.

Mark Bupp asked the procedure for using the smaller rooms. Mr. Sutton stated that there are no doors just curtains. There is no supervision to insure privacy. Mark stated that the legality of the activity is questionable since there is no supervision or time limit.

Ralph Daugherty stated that the comment that no one will know it is there is erroneous considering it has been in all the newspapers.

Mark Bupp asked how is this use in the best interest of the surrounding properties in general and the township at large? Atty. Vedder stated that the Chanceford Township Comprehensive Plan provides this use by special exception and it has already been answered by the Board of Supervisors who approved the ordinance.

John Shanbarger stated that he disagrees with that statement in that just because it is an identified use by special exception does not guarantee that use just by making application or we would not be here tonight because it would have already been approved. There are other requirements that will have to be met and conditions can be added by the Zoning Hearing Board.

Bruce Miller feels another consideration is the security since this is going to be a higher risk type of venture and the township needs to know there is going to be a higher level of security to keep the roads and community safe.

Mark Bupp asked what positive aspects will this bring to the township. Mr. Sutton answered by saying a lot of this is generated by the unknown. He further stated that this business is going to be a highly well run organization which will provide jobs for the community. John Shanbarger asked the rhetorical question, do you honestly believe that people from the community are going to be coming to your door for a job. Mr. Sutton stated that there are more people in the community than are represented in this room.

PUBLIC QUESTIONS:

Jay Smeltzer lives across from the Center and asked where he falls in the guidelines since his family is a home schooling family and are less than 500 feet from the proposed use? Atty. Vedder answered that the ordinance is not recognizing home schooling.

Sandy Runkle asked why this community was chosen versus Harrisburg or Philadelphia. Mr. Sutton answered that the applicant studied this area and feels it is a right area for this type of use and this use is provided in the zoning ordinance.

Rachel Seitz asked what type of study was done. Mr. Sutton stated that it was a market research study.

Karen Booze asked Mr. Sutton if he is going to pick up the tab for added police protection. Mr. Sutton stated that the added protection is an assumption.

Catherine Dunbar asked if the parking that is needed will mean that Sugar & Spice and Peoples Bank will be squeezed out of business. Mr. Sutton stated it required 148 spaces and they have 168 with additional space for overflow parking.

Judy Shaull asked if there is going to be a limited number of people allowed in the door at one time. Mr. Sutton stated that the number of patrons will be limited based on the building code.

Rachel Seitz asked if buses of people are expected from outside the area. Mr. Sutton said no.

Bob Edmundson asked if the business will be a LLC corporation or standardized corporation? Atty. Vedder answered that they are forming an entity to operate but not sure which at this time. Mr. Edmundson also asked if the dancers will be 1099s. The answer was yes which means they will be responsible for their own actions.

Darla Dollinger asked who was paying the salary for the dancers in the booths. Mr. Sutton stated that the patrons will be paying.

Wendy Fulton asked why the dancers and patrons can't stay in the common area if there is no prostitution in the booths? Mr. Sutton stated that they could.

Judy Shaull asked how do you know that there are no illegal activities if you have curtains on the booths? Atty. Vedder answered that question has already been addressed.

Gloria Shaull asked Mr. Sutton if he owned a cabaret before. He stated no and nor did the applicant.

Darlene Strayer asked Mr. Sutton why he did not bring all the information regarding the renovations to the building if he is looking for approval. It was stated that this information will be presented at the zoning hearing.

Joe Koester asked, as a first responder in the area and 74 being one of the most dangerous road to travel, is Mr. Sutton going to make a contribution to emergency services to cover the added expenses. Mr. Sutton said it will certainly be considered.

Testimony was closed.

PUBLIC COMMENT:

Glenda Bowman – in my job, we have rules and regulations also but they are not always followed. Many families have third and fourth generations living in Chanceford Township.

Judy Shaull – it sounds like the attorney has met all the requirements but I am telling my township supervisors to fight this even if taxes have to be raised in order to keep them out.

Atty. Paul Minnich, counsel for Peoples Bank, was present to relay the bank's opposition to the use. Atty. Minnich stated that 502 addresses the special conditions that must be met. It is the bank's position that the condition of harmony with orderly and appropriate development of this zone clearly is not met. It will adversely impact the bank's branch office operation.

Ronald Hemphil – it is public opinion that nearby businesses will close if this use is approved.

Darla Dollinger – was very emphatic that she does not want this business in the community.

Joe Koester – take into consideration that this use will draw a lot of people from outside the area and some of these people will be sexual predators. This will place a financial as well as a mental burden on ambulance and fire services.

John Shanbarger stated that Mr. Sutton has an interest in the township because he owns property here and the Planning Commission tries to treat everyone fairly. We are only a recommending body to the Zoning Hearing Board. They can accept our recommendation or disregard it.

Andrea Warner – has worked at Roma's Delight for eight years and questioned how she and the patrons of Roma's are going to be assured safety. Mr. Sutton reiterated what he said earlier concerning security.

Stephanie Tome – I grew up in Chanceford Township and now am employed by the doctors next door to the Center. She commented that the doctors are hard working and patients have put their trust in these doctors. She feels they will lose patients if the proposed use is approved.

Bruce Miller asked Mr. Sutton if his study included this business without alcohol. Mr. Sutton stated no.

Mark Bupp asked if the applicant considered alternate sites for this business. Mr. Sutton stated that he would need to ask the applicant. Mark stated that he has a problem with the screening in that it can't be isolated.

John Shanbarger stated that he, as well, is not satisfied at all with the security and screening. Also, this property does not lend itself to this type of facility. John referred to Section 102 that states that the purpose of this ordinance is the public welfare, safety, morals and general welfare. There was nothing stated tonight that you are meeting very many of these if any. Also, the purpose of the General Commercial Zone is for those uses necessary to meet the commercial needs of Chanceford Township and the surrounding area for goods and services of a general commercial nature. No one here is in favor of this use.

Mark Bupp stated that if one of the existing businesses is lost, it will be a big loss to the community.

Bruce Miller stated that he is concerned with the hours of operation and the impact it will have on the nature of business.

Bruce Miller made the motion that the Planning Commission recognizes that the use meets the standards as written in the ordinance for an Adult Oriented Facility as outlined in Section 407, but it doesn't meet some of the other standards that we try to imply as we look at other uses within the township relative to the general requirements of Section 502. With the security concern, the amount of alcohol that is going to be permitted, the hours of operation and the effect it would have on adjoining businesses, this use is not compatible; therefore, I move to not recommend approval of this request to the Zoning Hearing Board. Seconded by Ralph Daugherty, motion carried unanimously.

OTHER BUSINESS:

Jeff Koons discussed with the Planning Commission as to whether a land development plan will be required for a sawmill that is going to be located in the Agricultural Zone. All agreed that it would be needed.

Ryan Shaul on Pomraning Road would like to place an accessory building on his property. He would like to place it on an old foundation that is too close to the road. He has no other location on his property for this building. His only alternative is to apply to the Zoning Hearing Board for a variance.

ADJOURNMENT:

There being no further business, Ralph Daugherty made the motion to adjourn the meeting. Seconded by Brenda Gohn, motion carried. The meeting adjourned at 9:14 p.m.

Respectfully submitted,

Brenda C. Gohn, Secretary