

July 6, 2022
6:30 PM

The regular meeting of the Monroe Township Planning Commission was called to order by Chairperson Nelson. The Pledge of Allegiance was said by all.

ATTENDANCE

Sharon Nelson, Chairperson
Sheldon Brymesser, Vice-Chairman
Mark Swartz, Secretary
David DeNicholas
Michael Mira

Kirk Stoner, Cumberland County Planning
Michael Pykosh, Solicitor
Holly Wood, Recording Secretary

MINUTES

On the motion of Mr. DeNicholas, and seconded by Mr. Mira, and by unanimous vote of the Planning Commission members present, it was duly RESOLVED to approve the minutes of the June 1, 2022 regular meeting.

CORRESPONDENCE

None

Ms. Nelson announced an agenda order change to move new business before the unfinished business to better accommodate presenters of plans. Ms. Nelson also noted that the Planning Commission is just a recommending board and that official decision falls on the Board of Supervisors in matters the Planning Commission hears.

AUDIENCE PARTICIPATION

Bob Fisher of R.J. Fisher & Associates said he heard that the Monroe Township Zoning Ordinance is being updated, and he want to make a request a copy of the draft to review when it is available. Ms. Nelson noted that the update is still being worked through by a committee and the planning commission members and assured Mr. Fisher that opportunities to review and comment on the draft will be scheduled to take place.

NEW BUSINESS

Samento Conditional Use Application

Hubert Gilroy of Martson Law Offices, Doug Brehm of Brehm-Lebo Engineering, Inc and Tony Samento were present to speak on this Conditional Use application. Mr. Gilroy

acknowledged that this property has been a focus of the Township officials for the last year or so. He stated that they received the Engineer's comments and have no issues with them. Mr. Gilroy noted that they have been communicating with the Engineer for quite some time and respect the time he has given them working through this process.

Doug Brehm of Brehm-Lebo Engineering, Inc. presented drawings showing the existing features as they stand now and noted that parking and stormwater will need to be shown, but assured the board that those items will meet the SALDO. Mr. Brehm noted that the property is currently includes a single-family dwelling with a pole barn constructed several years ago which will not change. He also noted they did not do extensive plan drawings due to this project being a use not provided for, thus the need for the Conditional Use application. He noted he was also ok with the Engineer's comments and stated that the proposal would need to be refined to meet the comments. He also noted that this project will need many permits from various agencies. Mr. Brehm acknowledged the noise complaints and said a noise study was completed, but that study will be redone by a qualified professional, as the credentials of the original consultant could not be verified. He also noted that capacity limits will need to be reduced from 200 to 133 to fit with the 800-gallon holding tank proposed.

Mr. Pykosh asked what the actual operations in the pole barn would entail. Would there be live music and/or disc jockeys and would the sound be amplified? This question was answered with a yes. Mr. Pykosh asked if the pole barn was completely or partially enclosed, and what materials made up any part of the enclosure. It was stated that 3 sides were enclosed with steel walls, and the 4th side could be closed off with an insulated vinyl curtain. Mr. Pykosh asked if the original sound study was conducted with the building opened or closed. It was stated that it was conducted with the building mostly closed. Mr. Samento said his profession is a business working with companies on meeting OSHA regulation and standards. He noted he has a sound meter on his phone that he has used to measure sound during events at the barn, and the noise level has never been over 80 decibels. Ms. Nelson noted that prior approved event venues have had to maintain all sound inside the building, with the exception of wedding ceremony music being allowed for outdoor weddings. Mr. Pykosh made special note of comment B. 13. on the Engineer's comments about unpermitted improvements existing on the property. The applicant confirmed that they are aware they will have to obtain permits to bring these items into compliance. Mr. Pykosh asked what the parking surface of the proposed parking area would be. It was stated that the parking area would start as a stone lot that would eventually be paved when the stormwater facilities were completed. Mr. Pykosh asked about the ingress and egress for vehicles and if the existing driveway would be used for the event barn. Mr. Brehm noted that a low-volume driveway permit will need to be obtained from PA DOT, and the home driveway will be used for ADA parking only, as those parking spots are not located in an area that would connect to the new parking lot. If that issue can change with the land development plan, then it will be addressed. Mr. Pykosh questioned the number of events that will take place during the year. It was stated that the events would be capped at 40, with all events happening between May 1 and October 31 with the exception of a New Year's Eve party. The applicant stated that this is similar to other venues already approved. Mr. Pykosh asked if the smaller events that had no band and such were included in this count. Mr. Samento said they were included in the 40. Mr. Pykosh asked about food service and other vendors on the property. It was stated that a Dept. of Agriculture license would be obtained for the kitchen and Joe Carr would act as the cook, as he is food safe certified. Mr. Samento said no other food or other

vendors would be present on the property.

Ms. Nelson opened the floor to audience participation at this time.

Karen Dodge of 1090 Sheaffer Road submitted a written statement entailing events that have taken place at the Samento property over the last two years (attached). Ms. Dodge noted that this application speaks to a proposed event venue, but it is not proposed it is already existing and has been going on since 2020. It was noted that the argument can be made that the train in the area and the speedway races are loud too, but she knew what she was getting with these when she moved in. The train comes and goes and the speedway is typically one night per week. Mr. Samento's events are night after night for hours on end. Ms. Dodge noted that the Countryside Inn was a night club type of facility back in the day. It was loud and it was fun, but it was contained inside the building; you could hold a normal conversation in the parking lot when you stepped outside. Mr. Samento's events are not contained and the whole neighborhood ends up being part of them whether they want to or not.

Diane Radcliff, representative for Norman Law of 1049 Park Place, stated that this use is not compatible with this zoning district. She feels this type of use would be better suited in the Highway Commercial zone, as it is open to the public and involves live music. It is not compatible with the residential properties in this Agriculture zoning area. She also feels that Mr. Samento is asking for a second primary use for this property, and that does not seem right either. Ms. Radcliff feels that the application and plan before the board is not complete enough and has too many unanswered questions to be acted on at this point.

Wilbur Wolf of 1056 Park Place submitted a written statement entailing his and his wife's objections to this project and the events that have been taking place over the last two year (attached). Mr. Wolf noted that the last 24 months of their 20+ years of residence in their home have been hell. The noise and air pollution, the additional traffic and cars in the area and their driveway in particular have been very unpleasant. Mr. Wolf noted that the Samentos' entertain by choice, the neighbors have no choice. Every thing is so loud and overbearing that they can no longer enjoy their homes.

Eliza Lehrman of 345 Heisey Road noted that she was impressed to hear the care and concerns of the community. She noted that most in this area prefer a quiet life, and that is why they move here. She said she was a bit shocked to hear the experiences of these neighbors over the last two years. In her opinion, this type of business activity does not make sense for that area, safety alone be a big issue with traffic and alcohol consumption and such. She noted that the township has no police force, so why even consider this type of venue, if nobody is available to deal with the issues it may entail. Ms. Lehrman noted that several years ago that they wanted to create a place that could host equestrian events, and they were denied that use due to traffic concerns and such, and they complied with that decision. She hopes the board will use the same considerations when making this decision to allow or deny.

Mr. Gilroy acknowledged that there have been issues in the past, but this conditional use application is consistent with the last similar application that was approved.

Mr. Samento responded to comments from the audience noting the most recent parties

where a birthday party for his son and his customer appreciation picnic that he has been hosting for years as part of his business. With regard to the burning, he noted that he has six homes in the township and has only burned yard waste from these properties as he has cleaned them up. He noted that he is asking for Friday and Saturday nights only, events on Sunday consist of a few couples getting together for game night. He noted the events will not be open to the public and the past will not be repeated. With regard to the court injunction concerning the Mechanicsburg homecoming event, he was just trying to give the kids a place to hold a traditional homecoming dance, he was not charging them a fee for that and had no way of knowing they were going to fundraise for refreshments. Mr. Samento noted that he would like to sit down with the neighbors and see what he can do to make this work.

Amy Wolfe of 1056 Park Place expressed concern with regard to property values. She has been told that it will lower the property values in the area.

Ms. Nelson opened the discussion to the Planning Commission members.

Mr. Brymesser noted that he has received calls about parties at this location, and he is just a planning commission member.

Mr. DeNicholas expressed the opinion that there is still too much to be done and too many unanswered questions.

Mr. Swartz expressed a similar opinion. He noted that the parking does not seem realistic for 133 people. He understands it meets the ordinance, but we all know it is not reality. Mr. Swartz noted a directional error on page 10 with regard to a residential property to the west of the site. He believes this should be east of the site, not west. That was confirmed and noted that the application would need to be corrected. Mr. Swartz noted that a business should not affect the neighbors, and noted he would like to see more information with regard to signage and such, to keep out of area guests from affecting neighbors.

Ms. Nelson noted that other approved conditional use applications had to contain the noise inside a building with real walls. She has an issue with the curtain wall. She also noted that the lack of a police force is a valid concern, as seen with the parking issues near the Appalachian trail parking areas during the height of COVID. She also noted that continuous ongoing noise versus intermittent noise, such as the speedway races and train, are very different.

Mr. Swartz noted that the Planning Commission has denied a recommendation of approval on at least one other event venue based on noise concerns.

Mr. Pykosh noted that the Planning Commission should make a recommendation one way or the other as the application does have a timetable that requires action unless the applicant waives those deadlines.

Mr. Gilroy noted that they are listening to the neighbors.

On the motion of Ms. Nelson, and seconded by Mr. Brymesser, and by unanimous vote of the Planning Commission members, it was duly RESOLVED to recommend denial

of approval to the Samento Conditional Use application with encouragement to the applicant to further discuss options with the neighbors to come to a compromise.

UNFINISHED BUSINESS

Zoning Ordinance Update

Troy Truax of Michael Baker International was present to discuss the use table with the Planning Commission. He reminded everybody that conditional use approval comes from the Board of Supervisors, and that special exception approval comes from the Zoning Hearing Board. He said the goal is to make uses by right in the zones where they make sense. He also noted that an error was found and corrected in the version the group had for review. Mr. Truax noted the plan to improve upon the list of uses and accessory uses.

Mr. Swartz asked if the short-term rental was the same as Airbnb, which is approved by special exemption. Mr. Truax said yes, it is. It was suggested that it be considered as an accessory use as well as a principal use.

Mr. Mira suggested making the microbrewery, micro distillery, micro winery category an accessory use in the Ag zone.

Mr. Brymesser asked about churches that house child care centers, and their allowance by right, since churches are allowed by right in all zones. It was noted that this use would be an accessory use for churches. Mr. Stoner asked Mr. Truax to check the definition for this allowance in churches. Mr. Truax said he will build it into the definition.

Mr. Truax noted that the table is a work in progress and looks forward to all thoughts and feedback.

AUDIENCE PARTICIPATION

None

STAFF COMMENTS

None

ADJOURN

On the motion of Mr. Swartz, and seconded by Mr. Brymesser, and by unanimous vote of the members it was duly RESOLVED to adjourn the meeting at 9:00 PM.

Respectfully submitted,
Holly S. Wood
Recording Secretary

I would like to start by saying that we have no personal problem with the Samentos. Our main complaint is about the noise coming from their club. We know that a sound pressure test was done to show that we would not be impacted by the music coming from the live bands, well that is not the case. His sound pressure test shows a decibel level of 90.3 with the barn open at a distance of 8'. A simple riding mower is also rated with a decibel level of 90. We can hear the noise from the barn, but we would not be able to hear the noise from the mower. All this test indicates is the sound level pressure but not the actual noise being generated by that sound. Noise is a sound that is unwanted and irritating. Yes, the trains are loud, but they come and then they go, they last for a few minutes. As far as the Speedway is concerned, it is usually one night a week for a few hours and in the last 4 weeks, we could barely hear it. The Party Barn is different, it runs day after day for hours at a time. The noise from the Party Barn is continuous, it does not come and go. You can be sitting in the chair with the TV on, windows closed, and the air conditioner running and hear exactly when the party starts. The entire time, you feel the thumping in your gut. They had a party there last Saturday, July 2 and we could hear the lyrics to the song "Bad Girls", by Donna Summer around 9:10 p.m., then they did a song I didn't recognize, then they held a raffle calling out the number 751.....the rest blocked out by local fireworks, and then someone loudly declared "We have a winner". After that, another song, "My Hump" by the Black-Eyed Peas around 9:20. If the sound level is so low, then why do we hear everything word for word? One of the reasons could be that we are at approximately the same elevation and the sound is trapped by the mountain. When we moved in, we were aware of both the Speedway and the train both of which were here first; the Speedway since 1939. Imagine the races at the Speedway running non-stop five days a week next to your house, or someone mowing outside your window for hours at a time every day and night while you try to sleep, work, or relax. Or a neighbor's dog barking constantly for hours and hours with no end. After a while you start to become angry and stressed. We have ordinances for dogs stating that they cannot disturb or interfere with the peace, quiet, rest or sleep of other persons. Don't we as property owners and tax payers have the right to quiet enjoyment of our own properties as stated in the township ordinances, and zoning regulations?

SECOND: The Samentos are now requesting to change a permitted AG building into an event venue. Everyone here knows that no change is needed and that it is already being used as a public place with a complete kitchen, bathrooms, parking lot including handicap spots, dance floor, dance lighting, stage, sound system, outdoor seating w/firepit, outdoor slide and more. It has been operating as an outdoor club for public use and member use for most of 2020 against township regulations, and Covid restrictions. They can call these events private but they were not. Hundreds of people attended. Google searches listed the Party Barn as a nightclub. PA Musician Magazine, Vol.39 #445 Nov. 2020, ran a piece about the Party Barn and an event held there that featured 10 different bands. The Dillsburg Banner had an article about Tony and his wife Caryn stating that they opened their home to friends and neighbors and that is how the "Party Barn" was born and that it grew to "astronomical proportions" and that "People from the surrounding tri-state area visited the Party Barn" and that they would "be back open to the public by spring of 2022". Live bands advertised their shows, with cover charges and BYOB, to members and to the public, anyone on and off Facebook welcome to attend. Food, with a changing menu, was also sold on premise. They had live bands every Friday, Saturday, and some Sundays, with sound checks starting early, paint nights on Tuesdays, line dance lessons on Wednesdays, and massive fireworks. Anyone could just drive in, pay a nominal cover charge, buy food, drink beer, and party. It created traffic and parking problems. We know this because we attend every event. Not by choice, but because we can hear it all. We listened to pop, rock, jazz, blues, and country, we celebrated birthdays, weddings, graduations, and achievements. We clapped and cheered. This went on all summer and fall. Finally, a court order stopped the noise.

Now they are requesting a conditional use, using the defense that other places were granted conditional use within the township. These other places are private venues. They are **not open to the public** nor do they require you to be a member. They require formal bookings and reservations for events such as weddings. They are small in nature with less than 135 guests, and **all bands and music are required to be kept indoors behind walls and doors**, not "weather curtains". One of those venues is only allowed no more than 1 event per weekday and 1 per weekend, not to exceed 40 events per year. The other one hosts banquet style events. Since these venues are **not** open to the public for public recreation or entertainment, they fell under a "use not provided for" category. In fact, during one of the conditional use hearings, Mr. Rogalski stated that "this is a use we don't provide for" and that "the closest section of the ordinance is Commercial Recreational Facilities in section 415".

The Party Barn is proposing events up to 5 days a week with multiple events possible on some days. This could equal up to 260 events per year. It is not contained inside of an enclosed building; it is open to the outdoors. It is not similar to, nor compatible with, the **permitted** uses of the other venues. It will be open to the public, and/or members, for entertainment purposes, with live bands, cover charges, food for purchase, and an occasional wedding or meeting. All of this type of use is defined under the township's definition of a Commercial Recreation Facility and also fits the township definition of a Nightclub, or Private Clubhouse since the Party Barn accepts members known as "Peeps". These are permitted conditional uses in the HC zone and since those uses are allowed in another zone there would not need be a need for a Conditional Use under a Use Not Provided For in Section 107 of the Zoning Ordinance.

Years ago, some of us here probably frequented CountrySide Inn, where Rockwells now stands. It was a nightclub/bar with live bands, dancing, and good times. The bands were extremely LOUD, but when you went outside the noise stayed in the building; you could have a conversation in the parking lot. With the Party Barn, we have no choice, we have to party along. Everyone attending these parties gets to go home when they are tired or done partying. We can't, we have to listen to it until it is over whether we like the music or not and the next day it starts again. Section 704.2- #2 clearly states "The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties". As neighbors, we can no longer enjoy our own backyards. Any cookouts or parties of our own are ruined by the party noise coming from the Party Barn. His setup is a terrific idea and lot of fun for all but this is supposed to be an AG building used for storage only. If this use is granted what is going to stop it from becoming the club it was? The Samentos have proven over and over again, that they will do what they want; even after a court order. They have already constructed their club and they continued to have parties. Their building, which was supposed to be a storage facility, was used as a commercial enterprise; was it inspected as such? They have bathrooms, was there a sewer permit? There is a kitchen serving food, is there an inspection? If this permit is granted, it will be a full-blown outdoor club not a wedding site with quiet indoor receptions. Believing that it will be a non-impactful venue is naive thinking, all you have to do is look at the history and the pictures; it was fully designed to be enjoyed outdoors. I don't think anyone would have minded an occasional blow out bash, after all we all have friends and family that like to party, but with this type of set-up our peaceful enjoyment of our own properties is gone and the value of real estate will drop. We are not against anyone enjoying their property to the fullest, however; that should apply to all of us equally.

Jim + Karen Dodge

❖ **Test Results:**

- **Notes:** Test had to be paused several times due to extreme changes in background noise.
- Passing train measured 84.4 dB at property line.
 - Motorcycles measured at 96.8 dB at property line.
 - Two helicopters one at the property line was 84.5 dB, the other one was at 41' and was 78.6 dB.
 - Williams Grove Speedway at 41' the level was at 76.4 dB.
 - If the difference between measured sound pressure levels and background noise < 6 dB, the corrections for background noise to be applied is 1.3 dB. For some cases, the corrected sound pressure level might be lower than the background noise. It can be assumed that the source emits little or no measurable noise, and that the data reported represent upper bounds to the emission sound pressure level.

<u>Distance</u>	<u>Background Noise</u>	<u>Barn Open</u>	<u>Barn Closed</u>
8'	48.2 dB	90.3 dB	86.0 dB
41'	51.6 dB	89.8 dB	79.6 dB
82'	54.8 dB	85.5 dB	74.5 dB
120'	56.4 dB	78.4 dB	71.4 dB
Property Line	68.2 dB	68.3 dB	68.7 dB
Williams Grove Speedway			76.4 dB at 41' measurement area

LEVELS OF NOISE In decibels (dB)

PAINFUL & DANGEROUS		
Use hearing protection or avoid	140	<ul style="list-style-type: none"> • Fireworks • Gun shots • Custom car stereos (at full volume)
	130	<ul style="list-style-type: none"> • Jackhammers • Ambulances
UNCOMFORTABLE		
Dangerous over 30 seconds	120	<ul style="list-style-type: none"> • Jet planes (during take off)
VERY LOUD		
Dangerous over 30 minutes	110	<ul style="list-style-type: none"> • Concerts (any genre of music) • Car horns • Sporting events
	100	<ul style="list-style-type: none"> • Snowmobiles • MP3 players (at full volume)
	90	<ul style="list-style-type: none"> • Lawnmowers • Power tools • Blenders • Hair dryers
Over 85 dB for extended periods can cause permanent hearing loss.		
LOUD		
	80	<ul style="list-style-type: none"> • Alarm clocks
	70	<ul style="list-style-type: none"> • Traffic • Vacuums
MODERATE		
	60	<ul style="list-style-type: none"> • Normal conversation • Dishwashers
	50	<ul style="list-style-type: none"> • Moderate rainfall
SOFT		
	40	<ul style="list-style-type: none"> • Quiet library
	30	<ul style="list-style-type: none"> • Whisper
FAINT		
	20	<ul style="list-style-type: none"> • Leaves rustling

OCTOBER IS NATIONAL AUDIOLOGY AWARENESS MONTH AND NATIONAL PROTECT YOUR HEARING MONTH

Visit www.HowsYourHearing.org to learn more about audiology and hearing loss.

Think you may have a hearing loss? Click on the "Find an Audiologist" link of the Web site to locate and set up an appointment with an audiologist in your area to get your hearing tested.

❖ Reference ranges:

Sound sources (noise) Examples with distance	Sound pressure Level L_p dB SPL
Jet aircraft, 50 m away	140
Threshold of pain	130
Threshold of discomfort	120
Chainsaw, 1 m distance	110
Disco, 1 m from speaker	100
Diesel truck, 10 m away	90
Kerbside of busy road, 5 m	80
Vacuum cleaner, distance 1 m	70
Conversational speech, 1 m	60
Average home	50
Quiet library	40
Quiet bedroom at night	30
Background in TV studio	20
Rustling leaves in the distance	10
Hearing threshold	0

❖ Conclusion:

- Weather curtains decreased the sound pressure levels, but unable to say how much at property line.
- The test shows that at levels a typical local band would play at does not increase the noise level at the property line. In my professional opinion.
- That even if a neighbor could/can hear a band. The level would be lower than the background noise from Williams Grove Speedway, traffic, trains, chainsaw, and helicopters.

noun

noun: **noise**; plural noun: **noises**

1. 1.

a sound, especially one that is loud or unpleasant or that causes disturbance.

- a series or combination of loud, confused sounds, especially when causing disturbance.

noun

noun: **sound**; noun: **musical sound**; plural noun: **musical sounds**

1. 1.

vibrations that travel through the air or another medium and can be heard when they reach a person's or animal's ear.

"light travels faster than sound"

- a thing that can be heard.

- the area or distance within which something can be heard.

"we were always **within sound of** the train whistle"

2. 2.

sound produced by continuous and regular vibrations, as opposed to noise.

MONROE TOWNSHIP

CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2011-4

AN ORDINANCE OF MONROE TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, PROHIBITING DOGS OR OTHER DOMESTIC OR NON-DOMESTICATED ANIMALS FROM RUNNING AT LARGE AND REGULATING THE KEEPING OF SAID ANIMALS; PROVIDING FOR THE PROSECUTION AND PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of Monroe Township has determined that an Ordinance prohibiting dogs or other domestic or non-domesticated animals from running at large and regulating the keeping of said animals is essential to protect public and private property and to ensure the health and safety of the residents of Monroe Township; and

WHEREAS, the Board of Supervisors of Monroe Township feels that it is in the best interests of Monroe Township to prohibit dogs or other domestic or non-domesticated animals from running at large and to regulate the keep of said animals; and

WHEREAS, this Ordinance and the objections leading to its enactment are authorized by "The Second Class Township Code," Act of May 1, 1933, P.L. 103; No. 69, reenacted and amended November 6, 1996, P.L. 350, No. 60 (53 P.S. Section 65101, et. seq.) it is therefore enacted and ordained by the Board of Supervisors of Monroe Township, Cumberland County, Pennsylvania, as follows:

SECTION 1: PROHIBITION FROM RUNNING AT LARGE

No person having a dog or other domestic or non-domesticated animal in his or her control or custody shall permit such animal to run at large in Monroe Township, upon the public streets or highways, or upon the lands owned and/or controlled by any person or entity other than the lands of the person having the control and custody of such animal.

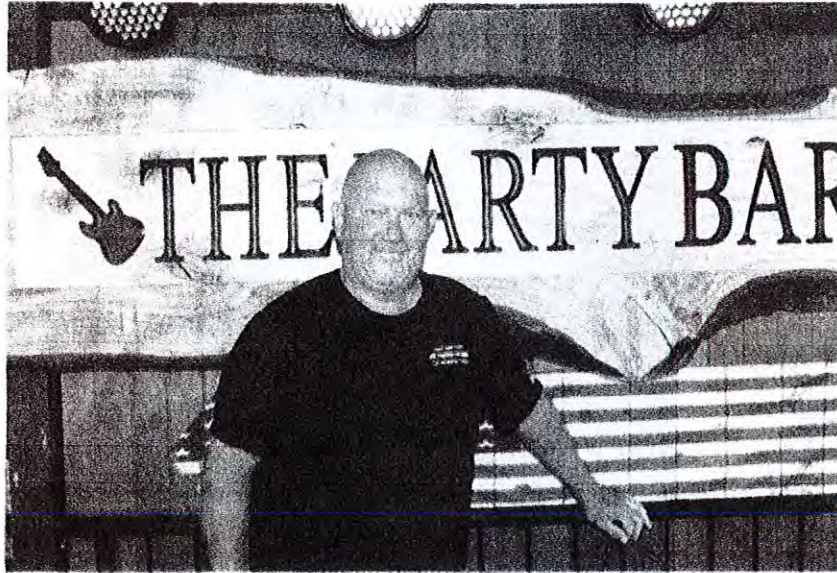
SECTION 2: REGULATION OF LOUD AND HARSH NOISES

No person who has in his or her control or custody any dog or other domestic or non-domesticated animal shall allow or permit such animal to make loud, harsh noises to the extent that it shall disturb or interfere with the peace, quiet, rest or sleep of other persons.

ORDINANCE AGAINST DOG NOISE

Emcee

Children's Parade



Tony Samento

We would like to introduce this year's 2021, 106th annual Children's Parade emcee Tony Samento. Tony is the proud father of five children, with the youngest two adopted from Guatemala. He has been happily married to Caryn Samento for six years.

Tony graduated from Canon City High School in Colorado. He is the owner of Samento Industrial Training Systems, Inc. and also owner of the Party Barn in Mechanicsburg.

In 2020 when the pandemic hit and our governor shut down all the small businesses in our state and nobody had a place to dance or listen to live music, Tony and his lovely wife Caryn decided to open their home to friends and neighbors and it grew to astronomical proportions. Thus, the "Party Barn" was born. Over the summer and fall months, many people from the surrounding tri-state area visited the Party Barn, including our State Representative Dawn Keefer and Senator Doug Mastriano of Franklin County. On one occasion, Tony held a First Responder Appreciation Day, free for all first responders and their families to enjoy a nice meal and entertainment with a fireworks display to end the evening.

Tony is a big guy with a big heart and can never say no to someone in need. Hopefully, the Party Barn will be back open to the public by spring of 2022. As of now, the township will only allow private parties.

Tony is looking forward to emceeing this year's Children's Parade.

DILLSBURG TOWNSHIP ARTICLE



15



FRIDAY, OCTOBER 2, 2020 AT 7 PM - 10 PM

The Party Barn

Off Our Rockers

Events

Search Events

Home

Your Events

Birthdays

Notifications

Create new event

Details

116 people responded

Event by Off Our Rockers

Off Our Rockers

Duration: 3 hr

Public · Anyone on or off Facebook

ANYONE
ATTEND

The Party Barn! Located at 1066 Park Place in Mechanicsburg PA 17055, just off of Locust Point Rd. near Cold Springs Inn and Brewery. There is an \$8 cover, with a B.Y.O.B.

Music & audio

Recommended Events

[See All](#)

Jun 11 at 8 AM - Jun 12 at 5 PM
Second Spring Market

Today at 6 PM - 8 PM
Italian Whites Wine Tasting

Today at 1 PM - 5 PM
Heritage Day



15



SATURDAY, SEPTEMBER 26, 2020 AT 7 PM - 10 PM

M80s gig - Samento Party Barn

Mechanicsburg, PA

Events

Search Events

Home

Your Events

Birthdays

Notifications

Create new event

Details

76 people responded

Event by M80s Band - Harrisburg, Erin Anderson Baboian and 2 others

Mechanicsburg, PA

Duration: 3 hr

[See All](#)

Public · Anyone on or off Facebook

ANYONE CAN
ATTEND

Party Barn Peeps and their guests only.
(Search "Party Barn Peeps" on FB and request to join the group.)

\$10 cover

BYOB

Onsite food & restrooms available.... See more

Music & audio

Recommended Events

Jun 11 at 8 AM - Jun 12 at 5 PM
Second Spring Market

Today at 6 PM - 8 PM
Italian Whites Wine Tasting

Today at 1 PM - 5 PM
Heritage Day

Categories

Classics

Comedy

Crafts

Guests

[See All](#)

36
Went

40
INTERESTED

Meet Your Host

SCHEDULE

JOSH SQUARED

OPEN TO PUBLIC

PARTY BARN DANCE

Stop by for a night of dancing and good food at the Party Barn. \$8.00 cover and \$8.00 for food. 1066 Park Place Mechanicsburg, PA

Posted in [Party Barn](#)

Sunday, September
20, 2020
6:00 PM – 9:00 PM

1066 Park Place,
Mechanicsburg, PA,
17055, United States

Earlier Event: September 5

Later Event: December 5

PA MUSICIAN MAGAZINE VOL. 39 #445 NOVEMBER 2020

www.pamusician.net

Local Music News & Show Dates

Article: CappelloWelsh Management Party (A music management organization)
At the Party Barn

Featured live bands:

Brandi LM

Grant Bryan/Sarah Sheriff

Corina Rose

RJ Moody

Devon Beck

Colt Wilbur

David Self

Nathan Merovich

Massive fireworks display- followed with last band:

Cold Spring Union



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The Party Barn

[Night club](#) - [Cumberland County](#) | [Pennsylvania](#)

The Party Barn (Night club) is located in **Cumberland County, Pennsylvania**, United States. Address of The Party Barn is 1066 Park Pl, Mechanicsburg, PA 17055, USA. The Party Barn has quite many listed places around it and we are covering at least 50 places around it on Helpmecovid.com.

Address

1066 Park Pl, Mechanicsburg, PA
17055, USA

Millworks

In-House Artist Studios

Millworks | Art Food Brewery | Harrisburg, PA



Website

Directions

Website

<http://bit.ly/ThePartyBarn>

Digital Address (Plus Code)

[4XX2+HP Mechanicsburg, PA, USA](#)

Google Map Location

[40.1489374, -77.0482192](#)



The Barn

1066 Park Pl, Mechanicsburg, PA

Ask a question



I was told by a neighbor that there will be a band on 7 Nov. where her granddaughter will be performing. Is this event also canceled due to the township's ban?

⋮


 Like  Answer

Who is playing 10 -17-20

⋮

 Like  Answer

The Barn (Owner)

 a year ago

⋮

Currently the township has the party barn is shut down

 1

The Barn

1066 Park Pl, Mechanicsburg, PA

[Write a review](#)

4.2

5 reviews ⓘ

7 months ago

The owner is great. Atmosphere is adult and kid friendly.

 Like



Gwen Burns

18 reviews · 1 photo

11 months ago

so loud that it can be heard from residential areas

 Like



Camden myers

6 reviews

CARTWAY - The surface of a street, access drive, driveway or alley available for vehicular traffic, including travel lanes and parking lanes, but not including curbs, sidewalks, or swales.

CELLAR - Space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half feet (6 ½').

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

CENTER FOR LOCAL GOVERNMENT SERVICES - The Governor's Center for Local Government Services located within the Department of Community and Economic Development.

CERTIFICATE OF OCCUPANCY - A statement signed by the Zoning Officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance, other applicable codes and regulations, and the zoning permit. Where a Building Permit is required under the Uniform Construction Code, the Building Code Official shall execute the certificate of occupancy.

CHANNEL - A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, church-related schools, church-related day care facilities, recreational facilities, church-related accessory structures, or any combination thereof.

CLEAN WOOD - Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

COMMERCIAL ACTIVITY - An activity characterized by the sales of goods and services for monetary gain and/or the visitation of patrons to obtain said goods and services. Activities meeting the definition of "Home Occupation" shall not be considered a commercial activity under this definition.

COMMERCIAL LIVESTOCK OPERATION - An agricultural use requiring a nutrient management plan.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc.

COMMERCIAL STOCKYARD OR FEEDLOT - Agricultural business that collects and temporarily stores livestock.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, "live entertainment" is meant to include the use of disk-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site consumption of food.

Additionally, nightclubs may offer the retail sale of carry out beer and wine as an accessory use. This is also meant to include an "under 21" club which features entertainment.

NO-IMPACT HOME-BASED BUSINESS - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. "The business may not involve any illegal activity".

NON-COMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a residential dwelling unit involving the breeding, raising, caring for, housing, and principally the hobby / personal use of livestock and products derived from livestock by the occupant, owner or leaser of the lot on which such use is located.

NONCONFORMING LOT - A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the Zone in which it is located by reason of such adoption or amendment. Lots created through the Conditional Use approval process shall not be considered nonconforming lots.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Applicant requests Conditional Use approval to have a special events venue on the property. Applicant's proposed project includes construction of a 1,286 square foot addition to an already existing barn to support the change from an agricultural barn to a venue for special events.

The proposed special events venue is not defined within the Monroe Township Zoning Ordinance. Applicant is pursuing a Conditional Use approval as a "Use Not Provided For." Conditional Use approval as a "Use Not Provided For" is governed by Section 107 of the Zoning Ordinance.

Section 107 of the Zoning Ordinance states as follows:

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood. For the purposes of this section, a specifically denied use shall be considered a use that is not a permitted use in the zone in question, but is a permitted use in another zoning district.

A zoning ordinance classifies uses in a given zoning district as "permitted uses as of right" or "prohibited uses." At its discretion, the municipality may classify certain uses as permitted by special exception, or as conditional uses. 53 P.S. §10603(c)(1) [pertaining to special exception] and 53 P.S. §10603(c)(2) [pertaining to conditional use]. In classifying a use as a special exception or conditional use, the municipal governing board makes a legislative decision that the use is permissible and legitimate use of property within a given zoning district and not adverse to the public interest per se. *Bailey v. Upper Southampton Twp.*, 690 A.2d 1324 (Pa. Cmwlth. 1997); *Perkasie v. Moulton Builders, Inc.*, 850 A.2d 778 (Pa. Cmwlth. 2004).

A zoning ordinance classifying uses as conditional uses properly must set forth in the zoning ordinance the standards for such cases. These standards may be objective or subjective in character. An applicant for a conditional use is required to demonstrate compliance with the objective criteria of the zoning ordinance. *Bray v. Zoning Bd. Of Adjustment*, 410 A.2d 909 (Pa. Cmwlth. 1980).

Objective criteria include the following: (1) the kind of use (i.e. the threshold definition of what is authorized as a conditional use); (2) specific requirements or standards applicable to a particular conditional use (e.g., special setbacks); and (3) specific requirements generally applicable to such a use (e.g., parking requirements). *Bray*, 410 A.2d at 911.

704.2. General Criteria - Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;

The purpose of the Zoning Ordinance is to preserve the agricultural nature of the community, to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood panic or other dangers.

The applicant shall provide the proposed use in compliance with the Monroe Township Zoning Ordinance, this shall include, but it is not limited to, required coverages, setbacks, parking and landscaping. The use shall be consistent with similar uses proposed within the (A) Agricultural Zone and previously approved by the Board of Supervisors.

2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;

The proposed use is not expected to detract from the use and enjoyment of adjoining or nearby properties. The hours of operation will be limited to 12 PM – 10 PM Friday, 8 AM Saturday – 12 AM Sunday and 12 PM – 10 PM Sunday. Additional weekday operations shall be limited to Holidays, including but not limited to, New Year's Eve (5 PM to 1 AM) and Independence Day (actual holiday or observed, 12 PM – 10 PM), and an occasional day in the week from 7 AM -3 PM to host business seminars and one day a week from 5 PM to 9 PM for small events that would not include live bands. No overnight events will be permitted. Furthermore, the site is located approximately 0.7 miles west of Williams Grove Speedway. It is expected that nuisances such as noise, light, traffic, etc. from the proposed use will be minimal in comparison, due to privacy fencing and screening.

3. The proposed use will not effect a change in the character of the subject property's neighborhood;

The proposed use is not expected to detract from the character of the subject property's neighborhood. North and west of the subject site is agricultural fields and are noted in the Township's Comprehensive Plan as being Agricultural Security Areas. A residential property is located west of the site; adequate screening shall be provided or is currently present to conceal the proposed use. Noise levels shall not exceed those typical of a residential or agricultural operation. Furthermore, the site is located approximately 0.7

March 19, 2015
6:00 PM

The conditional use hearing for John Bordelon was called to order by Chairman Kehoe. The Pledge of Allegiance was said by all.

ATTENDANCE

Phil Kehoe, Chairman
A.W. Castle, Vice-Chairman
Samuel Simmons, Supervisor

Mike Pykosh, Solicitor
Greg Rogalski, Zoning Officer
Marjorie Metzger, Administrative Assistant

PROCEDURE

Mr. Pykosh announced this is the conditional use hearing for Johnathan Paul Bordelon, located at 1554 Williams Grove Road.

EXHIBITS

- | | |
|---------------------|---|
| Township Exhibit #1 | Conditional Use Application dated January 25, 2015. |
| Township Exhibit #2 | half page explanation of what is being requested. |
| Township Exhibit #3 | Aerial map listed as 1554 Williams Grove Road... |
| Township Exhibit #4 | Full page area map, stating the property is roughly 10 acres. |
| Township Exhibit #5 | Actual tax assessment print off with dated information and map of property. |
| Township Exhibit #6 | Certificate of service of public notice, which appeared in The Sentinel on February 24 and March 3. The notice of hearing and nature of hearing was mailed on February 19 to the following individuals: Marjorie Metzger, Secretary/Treasurer; Monroe Township Planning Commission members; Greg Rogalski, Zoning Officer; JHK Enterprises, Applicant; and Kirk Stoner, Cumberland County Planning Department. First class mail was sent to Williams Grove Speedway, the mobile home Park, steam engine association, and Dale Stager, all adjoining property owners. The notice was posted at the municipal building on February 19 and the property in question was posted on February 24. |
| Township Exhibit #7 | Letter to Monroe Township Board of Supervisors dated February 24, 2015 from Mark Bruening, township engineer. A copy was provided to the applicant. |
| Township Exhibit #8 | Memo dated March 19, 015 and attached aerial plan to the Board of |

Supervisors from Greg Rogalski, Zoning Officer.

Township Exhibit #9	A sign in sheet on the back table of the meeting room. Anyone who signs it will receive a copy of the written decision on this matter.
Applicant's Exhibit #1	One page document called Magnolia Manor septic proposal.
Applicant's Exhibit #2-8	Photos from different vantage sites.
Applicant's Exhibit #9	Plan submitted by applicant. The top right corner is marked Plan 2 proposed parking, back and west north side.
Applicant's Exhibit #10	Plan 3 proposed septic.

There was no objection to the omission of the exhibits, so they were all omitted into evidence.

Anyone who will be making a statement or testifying was sworn in.

APPLICANT'S PRESENTATION

Mr. Bordelon thanked Greg Rogalski for his help because he is not used to this process. He wants to keep the business small and simple for wedding and events at his property. He would not call it commercial. He is a small residential property. There will be no more than 20 weddings a year. There will be no event on Labor Day weekend because of the tractor show and flea market. Mr. Bruening had made some comments on things that he was not aware of. The bathrooms can be done and he will go through the steps to get it the right way. He would like to be a special event venue.

ZONING OFFICER'S PRESENTATION

Mr. Rogalski referred to Township Exhibit #8, his memo dated March 19, 2015, and listed the potential conditions. This is a use we don't provide for. We don't deny or allow it anywhere in the township. When that occurs, it is a conditional use. The general criteria for health, safety, and welfare of the use have been met. Mr. Bordelon proposes to re-use an existing structure. There is nothing new. The intent is to house banquet style events. The closest section of the ordinance is commercial recreational facilities in Section 415. The applicant appears to meet those criteria with this particular use.

There was discussion with the Planning Commission on parking and how it is calculated. There must be one parking space for every three seats. The proposal is for 150 seats, so that would require 50 parking spaces. The property is next to the creek. Flood plain is a concern and a very small sliver of the barn appears to be in the 100 year flood plain. The applicant must have a survey and provide a certificate stating the barn is outside the flood plain. Mr. Rogalski believes the survey will show it is outside the flood plain. The Planning Commission recommended approved of the application, working off of Mr. Bruening's comments which is Township Exhibit #7.

This hearing is the first step of the process. There are other steps like the building permit and things of that nature in order to get the final go ahead. Some of these steps have costs associated with them. If the Board provides an approval with conditions then Mr. Bordelon would have to come back with the appropriate paperwork.

Mr. Rogalski read the proposed conditions from his memo dated March 19. How this application came about gives the Board flexibility.

Mr. Bordelon agreed with the conditions as outlined by Mr. Rogalski. He needs to determine what to do about the sewage. Mr. Rogalski said there is the option of an on-lot septic system. There is also the option of a holding tank, which is permitted under certain conditions. That is something to come back with under a separate item. Mr. Bordelon said he is willing to do his best and work with the township to get it done.

Mr. Pykosh questioned if Mr. Rogalski's conditions encompass Mr. Bruening's comments? Mr. Rogalski said this is his recommendation. Mr. Bruening had additional comments. The Board should understand the type of facility being proposed. Some of the engineer's comments were included. One comment not included is the requirement of a land development plan. He doesn't feel a land development is necessary because nothing new is being built. He does not feel the land development plan applies. Not having a land development plan does not relieve the applicant from having to provide most of what is on a land development plan. It is just the matter of process.

BOARD'S COMMENTS:

Mr. Castle asked if existing buildings are being used, and Mr. Bordelon said yes.

Mr. Simmons questioned one event per weekend. Mr. Bordelon said yes. Friday evening he will allow decorating. Saturday will be the event. And Sunday will be for coming back for personal items. Mr. Simmons said it sounds good. Mr. Rogalski said the traffic would be during peak hours, according to PennDOT.

Mr. Castle said it is in the right location. There is also the Grangers and the speedway. There is a lot of activity with a lot of noise. No one is real close to the barn area. Mr. Bordelon said there is a tree buffer on the back of the property.

Mr. Kehoe asked if there would be overnight events or camping on the property. Mr. Bordelon said there would be no overnight. His property is on the federal national register. He will not be putting tents in his yard. He wants to keep it nice, neat and elegant. Mr. Rogalski said the camping would not be allowed.

Mr. Kehoe asked if there would be portable trailers on the site. Mr. Bordelon said only the catering trailers during the event.

Mr. Kehoe noticed the initial plan showed a 10,000 square feet parking lot. This revised plan is a lot bigger. Mr. Bordelon mentioned the old Williams Grove Road goes through his property. He thought he could add to both sides of that for the parking, but that is all in the front yard. He was trying to make Mr. Bruening happy. He likes the parking in the rear better.

Mr. Rogalski said Section 415 permits grass overflow parking. By our ordinance he only needs 50 spaces and he is proposing 90. The green concept would make more impervious surface. Only the first 50 cars would require the stone. The functionality will drive the need.

Mr. Kehoe asked about the layout of the plans. Mr. Bordelon said he used to build homes so he made the drawing.

Mr. Kehoe asked if the survey shows an area within the flood plain, by the township allowing this use, do we assume any responsibility from any damage from a declared disaster. Mr. Rogalski said the flood plain could be a deal breaker depending on the FEMA survey. Mr. Bordelon said the events will be on the upper level. He has been there 15 years and has never gotten water. Mr. Rogalski doesn't think the township is taking on a risk.

Mr. Kehoe asked if this is for weddings. Mr. Bordelon said weddings and special events. Mr. Kehoe asked if there would be a special event to tie in with the Granger's week. Mr. Bordelon said he would not have an event the week before or the week after Granger's and he is willing to put that in writing. That is the only time of the year he has seen a backup of traffic on Williams Grove Road.

Mr. Pykosh said the Board could approve the request with the conditions outlined in Mr. Rogalski's memo, and compliance with all other regulations.

Mr. Kehoe suggested changing the end time on Saturday evenings to 11 PM instead of 10 PM.

Mr. Kehoe asked if this property is in the MS4 area. Mr. Rogalski was not sure, but as long as the storm water permit is followed it should be okay.

Mr. Kehoe said it is a good idea and wished Mr. Bordelon the best of luck. He hopes it works out.

Mr. Simmons asked about the noise of the Saturday night races. Mr. Bordelon said he could turn up the radio. For the most part, the event would be inside the top of the barn.

Mr. Kehoe asked if the tents would be set up in the back. Would a tent be allowed to be set up in the front? Mr. Rogalski said the Board has flexibility on that. Usually we don't allow structures in the front yard 75'. Mr. Bordelon said the tent will be put up for the event and taken down the next day. No tent will stay on his property for a seasonal use.

Mr. Kehoe mentioned the farm up the road doing the same thing. From a competitive sense is there any zoning in that township to be considered. Mr. Rogalski said he is not familiar with that. Mr. Bordelon said they park in corn fields. He will keep it classy. There will be no port-a-potties, even though they are used next door at Grangers and the flea market.

Mr. Castle asked about the conditions presented. Mr. Bordelon said he has been working on them and will continue. He agreed to abide by the stipulations outlined by Mr. Rogalski. He is confused with the flood plain. Mr. Castle said he has never seen flooding on that property.

AUDIENCE COMMENTS: None

BOARD DELIBERATION AND DECISION:

On the motion of Mr. Castle, and seconded by Mr. Simmons, and by unanimous vote of the Supervisors it was duly RESOLVED to approve the John Bordelon conditional use request, with the conditions as set forth by the Zoning Officer in his memo dated March 19, 2015, with the one change of time on Saturday evening from 10 PM to 11 PM.

Mr. Pykosh will get a written decision prepared within the next 45 days.

Mr. Kehoe announced the Board will hold an executive session after the meeting to discuss a potential matter of litigation.

The hearing was adjourned at 6:45 PM.

Respectfully submitted,

Marjorie E. Metzger
Administrative Assistant

IN THE MATTER OF:

JACLYN COOK and PAUL COOK

**APPLICATION FOR CONDITIONAL USE
RELIEF**

BOARD OF SUPERVISORS

MONROE TOWNSHIP

**CUMBERLAND COUNTY,
PENNSYLVANIA**

WRITTEN DECISION

EXHIBITS

- B-1 Letter from Judd W. Dayton, P.E. of Snyder, Secary & Associates, LLC dated April 28, 2021 addressed to Monroe Township Engineer Greg Rogalski enclosing Application for Conditional Use.
- B-2 Application for Conditional use dated April 28, 2021.
- B-3 Conditional Use Application Narrative dated April 14, 2021.
- B-4 Aerial photo of the property.
- B-5 Certificate of Service of Public Notice and Written Notice.
- B-6 Minutes from the June 2, 2021 regular meeting of the Monroe Township Planning Commission.
- B-7 Township Engineer Comments.

FINDINGS OF FACT

1. Jaclyn and Paul Cook (collectively "Applicant") own property located at 151 Simmons Road, Monroe Township, Cumberland County, Pennsylvania, identified as Tax Parcel No: 22-10-0642 (hereinafter the "property").
2. Applicant requests relief in the form of Conditional Use of the Monroe Township Zoning Ordinance of September 17, 1998, last amended, May 14, 2015 (hereinafter "zoning ordinance").
3. Applicant's request is to have a special events venue located on the property, including having an existing barn renovated into a facility for weddings and other like events.

4. The property is located in the Agricultural zoning district of Monroe Township, Cumberland County, Pennsylvania.
5. Public Notice of the hearing in this matter was published in the Carlisle Sentinel, a newspaper of general circulation in Monroe Township on May 24, 2021 and June 1, 2021.
6. The Written Notice of the hearing was forwarded to the following individuals and entities on May 17, 2021: Applicants, Jaclyn and Paul Cook, Applicants' Engineer and Architect, Monroe Township Planning Commission, Director of the Cumberland County Planning Commission, and 4 neighboring residents.
7. The Municipal Building and the Township's website were posted with the Notice of Hearing on May 14, 2021. The property was posted on May 17, 2021.
8. No objections as to the method and timing of Notice and advertising were raised.
9. No objections as to any of the exhibits were raised.
10. On June 10, 2021 at approximately 6:00 p.m., a hearing was conducted on the matter.

CONCLUSIONS OF LAW

1. The Monroe Township Board of Supervisors has jurisdiction to hear the above-captioned appeal and application pursuant to Article 7 Section 704.1 of the Monroe Township Zoning Ordinance and Section 603(c)(2) of the Municipalities Planning Code.
2. Proper Notice of the hearing was given to the public and to all interested parties.
3. Exhibits B-1 through B-7 were properly admitted into evidence.
4. Applicant has met their burden in establishing the requirements for an approval of Conditional Use in accordance with the conditions as set forth in the attached decision and order.

DISCUSSION

Applicant, Jaclyn Cook and Paul Cook, submitted an application for Conditional Use relief on April 28, 2021. The subject of the application is property located at 151 Simmons Road, Mechanicsburg, PA 17055. The property is located north of the intersection of West Lisburn Road and Simmons Road within Monroe Township, Cumberland County, Pennsylvania.

Applicant requests Conditional Use approval to have a special events venue on the property. Applicant's proposed project includes construction of a 1,286 square foot addition to an already existing barn to support the change from an agricultural barn to a venue for special events.

The proposed special events venue is not defined within the Monroe Township Zoning Ordinance. Applicant is pursuing a Conditional Use approval as a "Use Not Provided For." Conditional Use approval as a "Use Not Provided For" is governed by Section 107 of the Zoning Ordinance.

Section 107 of the Zoning Ordinance states as follows:

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood. For the purposes of this section, a specifically denied use shall be considered a use that is not a permitted use in the zone in question, but is a permitted use in another zoning district.

A zoning ordinance classifies uses in a given zoning district as "permitted uses as of right" or "prohibited uses." At its discretion, the municipality may classify certain uses as permitted by special exception, or as conditional uses. 53 P.S. §10603(c)(1) [pertaining to special exception] and 53 P.S. §10603(c)(2) [pertaining to conditional use]. In classifying a use as a special exception or conditional use, the municipal governing board makes a legislative decision that the use is permissible and legitimate use of property within a given zoning district and not adverse to the public interest per se. Bailey v. Upper Southampton Twp., 690 A.2d 1324 (Pa. Cmwlth. 1997); Perkasie v. Moulton Builders, Inc., 850 A.2d 778 (Pa. Cmwlth. 2004).

A zoning ordinance classifying uses as conditional uses properly must set forth in the zoning ordinance the standards for such cases. These standards may be objective or subjective in character. An applicant for a conditional use is required to demonstrate compliance with the objective criteria of the zoning ordinance. Bray v. Zoning Bd. Of Adjustment, 410 A.2d 909 (Pa. Cmwlth. 1980).

Objective criteria include the following: (1) the kind of use (i.e. the threshold definition of what is authorized as a conditional use); (2) specific requirements or standards applicable to a particular conditional use (e.g., special setbacks); and (3) specific requirements generally applicable to such a use (e.g., parking requirements). Bray, 410 A.2d at 911.

Once the applicant has provided such information, and the information demonstrates compliance with the objective requirements of the zoning ordinance, the applicant is entitled to approval because the use is presumed to be consistent with the public health, safety, and welfare. Perkasie v. Moulton Builders, Inc., 850 A.2d 778 (Pa. Cmwlth. 2004); Bailey v. Upper Southampton Twp., 690 A.2d 1324 (Pa. Cmwlth. 1997).

The governing body may disapprove the application only if parties that object to the proposal demonstrate with sufficiently particularized evidence. Speculative or generalized evidence is not sufficient to deny an application (i) that it does not meet the subjective criteria of the zoning ordinance or (ii) that there is a high degree of probability that the use would have effects greater than those normally generated by that type of use and those effects will pose a substantial threat to the health and safety of the community. See Marquise Inv., Inc. v. City of Pittsburgh, 11 A.3d 607 (Pa. Cmwlth. 2010); Brickstone, 789 A.2d at 333, 341-342.

Article 7 Section 704.1 of the Monroe Township Zoning Ordinance requires that a conditional use application must show the following:

1. Ground floor plans and elevations of proposed structures. This requirement shall not apply for proposed single family dwellings.
2. Names and addresses of adjoining property owners including properties directly across a public right-of-way.
3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

Further, Article 7 Section 704.2 of the Monroe Township Zoning Ordinance sets forth the General Criteria that each Applicant for a Conditional Use Relief must demonstrate compliance:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
2. The proposed use shall be detracted from the use and enjoyment of adjoining or nearby properties;
3. The proposed use will not affect a change in the character of the subject property's neighborhood;
4. Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);

5. The proposed use complies with the Monroe Township Floodplain Ordinance;
6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance; and,
7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

Upgrades to the property include the relocation of an access drive from Simmons Road, more suitable parking areas to accommodate an event venue, and a building expansion off of the eastern end of the barn for restrooms, office space, and storage space. (Notes of Transcript. – June 10, 2021 – Pg. 13-14).

Testimony from the Applicant and the Applicant's Engineer further established that the venue will accommodate a maximum of 120 guests and the hours of operation will be limited. Hours of operation will be as follows:

Monday through Thursday:	10 A.M. to 10 P.M.
Friday:	8 A.M. to 10 P.M.
Saturday:	8 A.M. to 11 P.M.
Sunday:	12 P.M. to 10 P.M.

Applicant's Engineer further testified that events held on the property will primarily consist of weddings and birthday parties. Most events are to be held inside of the barn. (N.T. – June 10, 2021 – Pg. 14). No additional structures will be added for purposes of outdoor events. Bands and disc jockeys performing at the property will perform inside of the barn. Occasional outside music will be limited to a small speaker playing instrumental type music. (N.T. – June 10, 2021 – Pg. 22).

The Board of Supervisors believes that the proposed use will be consistent with the character of the neighborhood and will not detract from the use and enjoyment of adjoining or nearby properties. In addition, the Board of Supervisors believes that the Applicant's proposed use will not be detrimental to the public health, safety, and welfare of the Township's residents and will not substantially impair the integrity of the Township's Comprehensive Plan.

The Board of Supervisors grants the Applicant's requested relief subject to eight conditions outlined by the Township Engineer, to which the Applicant consents. The Conditions are as follows:

- 1.) The venue be limited to a capacity of 120 guests or less at any given time.
- 2.) The hours of operation be limited to 10 A.M. to 10 P.M. on Monday through Thursday, 8 A.M. to 10 P.M. on Friday, 8 A.M. to 11 P.M. on Saturday, and 12 P.M. to 10 P.M. on Sunday.

- 3.) The Applicant obtain a valid On-Lot Sewerage Disposal or Holding Tank Permit from the Sewage Enforcement Officer, including the completion of Sewerage Planning Module as required through the Pennsylvania Department of Environmental Protection.
- 4.) The Applicant obtain a Building Permit in compliance with the Uniform Construction Code, including permit drawings signed and sealed by a design professional.
- 5.) The Applicant obtain a Stormwater Management Permit in accordance with Ordinance No. 2011-03 for any new impervious or semi-impervious areas created.
- 6.) The Applicant obtain a Commercial Zoning Permit for the proposed use, including satisfying all elements of Section 701.3, including but not limited to a detailed description of operations consistent with the conditional use applicant and any other requirements listed therein.
- 7.) The Township shall reserve the right to require the Applicant to submit a traffic impact study prepared by a professional traffic operations engineer in the event it is determined the facility is having an adverse effect on traffic on Simmons Road, or an unsafe situation exists at the main access due to traffic generated by the facility. If the Township deems it necessary for a traffic study to be performed, the Applicant is obligated to implement the recommendations thereof for purposes of continuing operations.
- 8.) The Applicant is only permitted to have one event per weekday and one event per weekend, not to exceed 40 events in a year.
- 9.) All bands and disc jockeys performing on the property will perform on the inside of the barn. From time to time, Applicant is permitted to play instrumental type music outside of the barn on a small speaker.
- 10.) Applicant is required to abide by all federal, state, and local laws, rules, regulations, and ordinances.

DECISION:

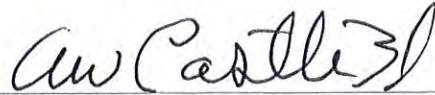
And now, this 8th day of July, 2021, in consideration of Applicant's request and after a public hearing, the Applicant's request for Conditional Use is granted, subject to the following conditions:

- 1.) The venue be limited to a capacity of 120 guests or less at any given time.
- 2.) The hours of operation be limited to 10 A.M. to 10 P.M. on Monday through Thursday, 8 A.M. to 10 P.M. on Friday, 8 A.M. to 11 P.M. on Saturday, and 12 P.M. to 10 P.M. on Sunday.
- 3.) The Applicant obtain a valid On-Lot Sewerage Disposal or Holding Tank Permit from the Sewage Enforcement Officer, including the completion of Sewerage Planning Module as required through the Pennsylvania Department of Environmental Protection.
- 4.) The Applicant obtain a Building Permit in compliance with the Uniform Construction Code, including permit drawings signed and sealed by a design professional.
- 5.) The Applicant obtain a Stormwater Management Permit in accordance with Ordinance No. 2011-03 for any new impervious or semi-impervious areas created.
- 6.) The Applicant obtain a Commercial Zoning Permit for the proposed use, including satisfying all elements of Section 701.3, including but not limited to a detailed description of operations consistent with the conditional use applicant and any other requirements listed therein.
- 7.) The Township shall reserve the right to require the Applicant to submit a traffic impact study prepared by a professional traffic operations engineer in the event it is determined the facility is having an adverse effect on traffic on Simmons Road, or an unsafe situation exists at the main access due to traffic generated by the facility. If the Township deems it necessary for a traffic study to be performed, the Applicant is obligated to implement the recommendations thereof for purposes of continuing operations.
- 8.) The Applicant is only permitted to have one event per weekday and one event per weekend, not to exceed 40 events in a year.
- 9.) All bands and disc jockeys performing on the property will perform on the inside of the barn. From time to time, Applicant is permitted to play instrumental type music outside of the barn on a small speaker.
- 10.) Applicant is required to abide by all federal, state, and local laws, rules, regulations, and ordinances.

Monroe Township Board of Supervisors



Philip Kehoe, Chairman



A.W. Castle, III, Supervisor



Carl Kuhl, Supervisor

(Written Decision of Findings issued this 9th day of July, 2021)

November 7, 2018
6:30 PM

The regular meeting of the Monroe Township Planning Commission was called to order by Chairperson Nelson. The Pledge of Allegiance was said by all.

ATTENDANCE

Sharon Nelson, Chairperson
Sheldon Brymesser, Vice-Chairman
Carl Kuhl
Mark Swartz

Gregory Rogalski, Engineer
Chris Gleeson, Solicitor
Holly Wood, Recording Secretary

MINUTES

On the motion of Mr. Swartz, and seconded by Mr. Kuhl, and by unanimous vote of the members it was duly RESOLVED to approve the minutes of the October 3, 2018 regular meeting.

CORRESPONDENCE

Ms. Nelson noted an email between Mr. Kuhl and Mr. Stoner concerning Rails to Trails and the South Mountain Trolley Greenway project and asked Mr. Kuhl to speak on it. Mr. Kuhl said he heard from some residents and a fellow Planning Commission member that have concerns regarding a trail cutting through or near their properties. Mr. Kuhl said he asked Mr. Stoner for the County's position on such projects and learned the County is against obtaining land by eminent domain. Mr. Kuhl said he has concerns about setbacks on some properties not being far enough off the trail.

Ms. Nelson asked what the status of the South Mountain Trolley Greenway feasibility study is at this point in time, to which the answer was that there is nothing yet. Mr. Kuhl would like to see the Township clarify that it is not in support of the trail. Ms. Nelson feels that until there is a formal request to address this item again as an agenda item, there is no need to discuss it or make any statement at this time.

AUDIENCE PARTICIPATION

None

UNFINISHED BUSINESS

None

NEW BUSINESS

On a motion by Ms. Nelson, and seconded by Mr. Brymesser, and by unanimous vote of the members, it was duly RESOLVED to switch the new business agenda items to make 2019 meeting dates first, and Bordelon Conditional Use last.

2019 Meeting Dates

Mr. Brymesser noted that the March meeting date as proposed coincided with Ash Wednesday and suggested that meeting date be changed to the next week.

On a motion by Mr. Brymesser, and seconded by Mr. Kuhl, and by unanimous vote of the members, it was duly RESOLVED to set the 2019 meeting dates as proposed with the exception of the March 2019 meeting being changed from March 6 to March 13, 2019.

Bordelon Conditional Use

Mr. Kuhl left the meeting at this time.

Ms. Rebecca Erikson was present to represent Mr. Bordelon and herself, as business partners and co-owners of Magnolia Manor. Ms. Erikson read a letter from Mr. Bordelon, as he is on a business trip and unable to make it to this week's meetings. It was explained that this Conditional Use request was for a wedding/special event venue in the existing barn located at 1554 Williams Grove Road. Mr. Rogalski gave a brief history of the prior Conditional Use that was approved for Mr. Bordelon at this property, stating that the prior Conditional Use expired because it was not acted on in a timely manner due to family medical issues and overwhelming and unrealized improvement necessities and the like. Mr. Rogalski feels that due to their prior experiences, Mr. Bordelon and Ms. Erikson are better prepared this time around.

Ms. Erikson noted that due to meeting and talking with Mr. Rogalski and Mr. Wargo, she and Mr. Bordelon would like to make a few changes to this Conditional Use request. One change being the reduction of the guest count from 200 to 133. Mr. Rogalski noted that to utilize a holding tank as a waste disposal system, the waste volume must be at 800 gallon or less per day. The reduction in the guest count would allow for the volumes to be managed by the holding tank proposal. Ms. Erikson also asked if there would be any flexibility in the hours of operations proposed, since reducing the number of guests also reduces the income potential. She explained that there is no plan for any additional structures, and that the parking area has been relocated to the rear of the barn.

Mr. Rogalski stated that there are still many things that will need to be addressed by Mr. Bordelon and Ms. Erikson. Things like a floodplain elevation certificate will need to be obtained as a small portion of the building falls in the FEMA floodplain map, water/well requirements will need to be verified, building permits and commercial zoning permits will need to be obtained, and stormwater will need to be addressed. Mr. Rogalski also stated that Mr. Bordelon and Ms. Erikson have also been notified about building code issues that will need to be addressed.

Mr. Brymesser asked if there was any objections to weekday events since Friday through Sunday only hours were presented. It was agreed that there is no real objections to weekday events as long as the holding tank can handle the waste produced. Mr. Rogalski noted that the holding tank capacity is based on daily flows, allowing 133 guest to be handles daily.

Mr. Swartz asked if all the activity will be inside the barn. Ms. Erikson stated the their plan is to host most events inside the barn, but they would not be opposed to doing something small outside; however, they will not be adding any structures to promote or entertain outdoor events. Mr. Swartz also asked about food handling. Ms. Erikson stated that they are going to be a venue only establishment. Food will be brought in by caterers; there will be a staging area established with water and the like for caterers to use as a prep area, but no food will be prepared at the venue. Mr. Swartz asked if there was any noise concerns. Mr. Rogalski stated that the Township does not have a noise ordinance, but with the events being held inside the barn, noise should not be an issue.

Ms. Nelson stated that she likes the idea of repurposing a historic property in this way, and asked what the role of the Planning Commissions is tonight. Mr. Rogalski said the role of the Planning Commission tonight is to make a recommendation of approval or denial to the Board of Supervisors, who will hear this Conditional Use request at a hearing tomorrow night. He suggested the Planning Commission recommend approval with particular condition attached.

On a motion by Mr. Brymesser, and seconded by Mr. Swartz, and by unanimous vote of the members, it was duly RESOLVED to recommend approval of the Bordelon Conditional Use request subject to the following conditions:

- 1. The venue be limited to a capacity of 133 guest or less at any given time.**
- 2. The hours of operation be limited to 10 AM – 10 PM Monday through Thursday, 8 AM – 10 PM Friday, 8 AM – 11 PM Saturday, and Noon – 10 PM Sunday.**
- 3. The applicant obtain a valid On-Lot Sewerage Disposal Permit from the Sewage Enforcement Officer, including the completion of Sewerage Planning Module as required through the Pennsylvania Department of Environmental Protection.**
- 4. The applicant obtain a Building Permit in compliance with the Uniform Construction Code, including permit drawings signed and sealed by a design professional.**

5. The applicant obtain a Stormwater Management Permit in accordance with Ordinance 2011-03 for any new impervious or semi-impervious areas created.
6. The applicant shall submit a Floodplain Elevation Certificate to confirm the presence of the existing structure within or outside of the regulatory floodplain.
7. The applicant obtain a Commercial Zoning Permit for the proposed use, including satisfying all elements of Section 701.3, including but not limited to a plot plan certified by a professional surveyor, a detailed description of operations consistent with the conditional use application and any other requirements listed therein.
8. The Township shall reserve the right to require the applicant to submit a traffic impact study prepared by a professional traffic operations engineer in the event it is determined the facility is having an adverse effect on traffic on Williams Grove Road, or an unsafe situation exists at the main access due to traffic generated by the facility.

AUDIENCE PARTICIPATION

None

STAFF COMMENTS

None

ADJOURN

On the motion of Mr. Swartz, and seconded by Mr. Brymesser, and by unanimous vote of the members it was duly **RESOLVED** to adjourn the meeting at 7:15 PM.

Respectfully submitted,

Holly Wood
Recording Secretary

IN THE MATTER OF
JOHNATHAN P. BORDELON
APPLICATION FOR
CONDITIONAL USE RELIEF

: BOARD OF SUPERVISORS
: MONROE TOWNSHIP
: CUMBERLAND COUNTY
: PENNSYLVANIA

WRITTEN DECISION

EXHIBITS

- B-1 Application of Johnathan P. Bordelon (10 pages dated 9/27/18)
- B-2 Certificate of Service of Public Notice and Written Notice
- T-1 Memorandum of Gregory R. Rogalski, Township Engineer, to Board of Supervisors dated November 8, 2018

FINDINGS OF FACT

1. Applicant, Johnathan P. Bordelon, is the owner of the property located at 1554 Williams Grove Road, Mechanicsburg, Monroe Township, Cumberland County, Pennsylvania. Further identified as tax parcel number 22-31-2156-019. (hereinafter the "property").
2. Applicant request relief in the form of Conditional Use of the Monroe Township Zoning Ordinance of September 17, 1998, last amended, May 14, 2015 (hereinafter the "ordinance").
3. Applicant's request is relief in the form of Conditional Use for the purpose of operating a wedding event business upon the property, a Use Not Provided For under Section 107 of the Monroe Township Zoning Ordinance.
4. The property is located in the Agricultural zoning district of Monroe Township, Cumberland County, Pennsylvania.
5. Public Notice of the hearing in this matter was published in the Carlisle Sentinel, a newspaper of general circulation in Monroe Township on October 23, 2018 and October 30, 2018.
6. The Written Notice of the hearing was forwarded to the following individuals and entities on October 19, 2018; Monroe Township Planning Commission; Greg Rogalski, Township Engineer; applicant; and Kirk Stoner, Director of Planning, Cumberland County. On October 19, 2018, written notice was given by first class mail to the following neighboring property owners: JHCK Enterprises, Williams Grove Speedway, Williams Grove Mobile Home Park; Williams Grove Steam Engine Association, and Dale Steager.

7. The Township's Municipal Building, the property in question and website was posted with the Notice of Hearing on October 17, 2018.
8. No objections as to the method and timing of Notice and advertising were raised.
9. No objections as to any of the exhibits were raised.
10. On November 8, 2018 at approximately 6:00 p.m., a hearing was conducted on the matter.

CONCLUSIONS OF LAW

1. The Monroe Township Board of Supervisors has jurisdiction to hear the above-captioned appeal and application pursuant to Article 7 Section 704.1 of the Monroe Township Zoning Ordinance.
2. Proper Notice of the hearing was given to the public and to all interested parties.
3. Exhibits B-1 through B-2 and Exhibit T-1 were properly admitted into evidence.
4. Applicant met its burden in establishing the requirements for an approval of Conditional Use in accordance with the conditions as set forth in the attached decision and order.

DISCUSSION

Applicant, Johnathan P. Bordelon, submitted an application for Conditional Use relief on September 27, 2018. The subject of the application is a property located at 1554 Williams Grove Road, Mechanicsburg, Monroe Township, Cumberland County, Pennsylvania. Applicant request relief in order that he may use the property for purposes of holding weddings upon the property for business purposes. Rebecca Erikson, business partner of the applicant, attended the hearing on behalf of Mr. Bordelon and provided testimony. Applicant indicated that the intention is that the events would be primarily held indoors.

Article 7 Section 704.2 of the Monroe Township Zoning Ordinance sets forth the General Criteria that each Applicant for a Conditional Use Relief must demonstrate compliance:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
2. The proposed use shall be detracted from the use and enjoyment of adjoining or nearby properties;

3. The proposed use will not affect a change in the character of the subject property's neighborhood;
4. Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);
5. The proposed use complies with the Monroe Township Floodplain Ordinance;
6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance; and,
7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

The Board of Supervisors believes that, with the conditions set forth below, the use of the property as a site for weddings keeps its agricultural nature consistent with the intent of the zoning ordinance. The proposed use will be consistent with the character of the neighborhood and will not detract from the use and enjoyment of adjoining or nearby properties and will not substantially impair the integrity of the Township's Comprehensive Plan. Additional adequate public facilities are available to serve the proposed use. Additionally, the Supervisors shall attach conditions to ensure compliance with the Township Floodplain Ordinance & Subdivision and Land Development Ordinance.

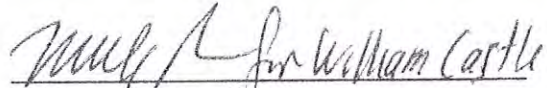
DECISION:

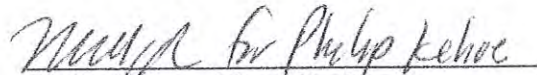
And Now, this 26th day of November, 2018, in consideration of Applicant's request and after a public hearing, the Applicant's request for Conditional Use is granted for purposes of permitting Applicant to hold wedding parties and like events upon the property with the following conditions:

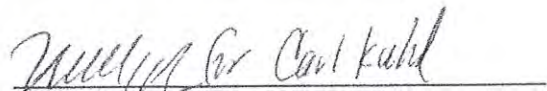
1. The venue be limited to a capacity of 133 guests or less at any given time.
2. The hours of operation be limited to 10 am – 10 pm Monday through Thursday, 8 am to 10 pm Friday, 8 am to 11 pm Saturday and 12 pm to 10 pm Sunday.
3. The applicant obtain a valid On-Lot Sewage Disposal or Holding Tank Permit from the Sewage Enforcement Officer, including the completion of Sewerage Planning Module as required through the Pennsylvania Department of Environmental Protection.
4. The applicant obtain a Building Permit in compliance with the Uniform Construction Code, including permit drawings signed and sealed by a design professional.

5. The applicant obtain a Stormwater Management Permit in accordance with Ordinance 2011-03 for any new impervious or semi-impervious areas created.
6. The applicant shall submit a Floodplain Elevation Certificate to confirm the presence of the existing structure within or outside of the regulatory floodplain.
7. The applicant obtain a Commercial Zoning Permit for the proposed use, including satisfying all elements of Section 701.3, including but not limited to a plot plan certified by a professional surveyor, a detailed description of operations consistent with the conditional use application and any other requirement listed therein.
8. The Township shall reserve the right to require the applicant to submit a traffic impact study prepared by a professional traffic operations engineer in the event it is determined the facility is having an adverse effect on traffic on Williams Grove Road, or an unsafe situation exists at the main access due to traffic generated by the facility.

Monroe Township Board of Supervisors


William Castle, Chairman


Philip Kehoe, Vice Chairman


Carl Kuhl, Supervisor

(Written Decision of Findings issued this 26th day of November 2018)

How Sound Travels

Here's Why Concert Noise From Downtown Sometimes Makes Its Way To Hyde Park

Stubb's concert venue in downtown Austin is more than two miles from the city's Hyde Park neighborhood. But Hyde Park residents can hear music coming all the way from the club.

One night two years ago, Terrence Henry (devout KUT listeners will [probably remember him](#)) was at home during SXSW when he felt his floorboards start to vibrate.

"I stepped outside, and it sounded like there was a concert happening a couple blocks away. I could hear the bass. I could hear the lyrics," he said. "After a little bit of research, we determined it was Snoop Dogg."

The rapper was performing at Stubb's downtown that night—more than two miles from Terrence's house in Hyde Park.

"The first time it happened I thought maybe someone was having a party, or maybe someone was driving by with a tricked-out bass," he said.

But then he realized the sound was coming from downtown. And his neighbors could hear it, too.

Terrence's neighbors say they hear music from downtown during big events like SXSW or Austin City Limits Fest, and occasionally on weekends throughout the year. The city has received complaints about this over the years, though Terrence, and at least some of his neighbors, don't mind the sound.

"We live in Austin, this is a music town," Terrence said. "It's one of the great things about living here, and it's a small price to pay, but it's a fascinating mystery."

A mystery that Chad Himmel at the Hancock Golf Course could maybe help solve.

The golf course, also more than two miles from downtown, is one of the places city officials say they've heard noise from downtown clubs. The issue isn't necessarily volume as much as low bass frequency.

Here you can see highlighted in red the Austin valleys with potential for unobstructed noise 'channeling' or 'funneling' from downtown to north residential areas.

Buildings and elevation also play a role. Sound can bounce off a building and head somewhere else and be stopped by a hill.

Austin officials say they're aware that noise can travel into these neighborhoods.

"When we first got complaints about noise traveling to Hancock, I was in disbelief. And until I heard it with my own ears I wouldn't have believed it," said David Murray with the city of Austin's music office.

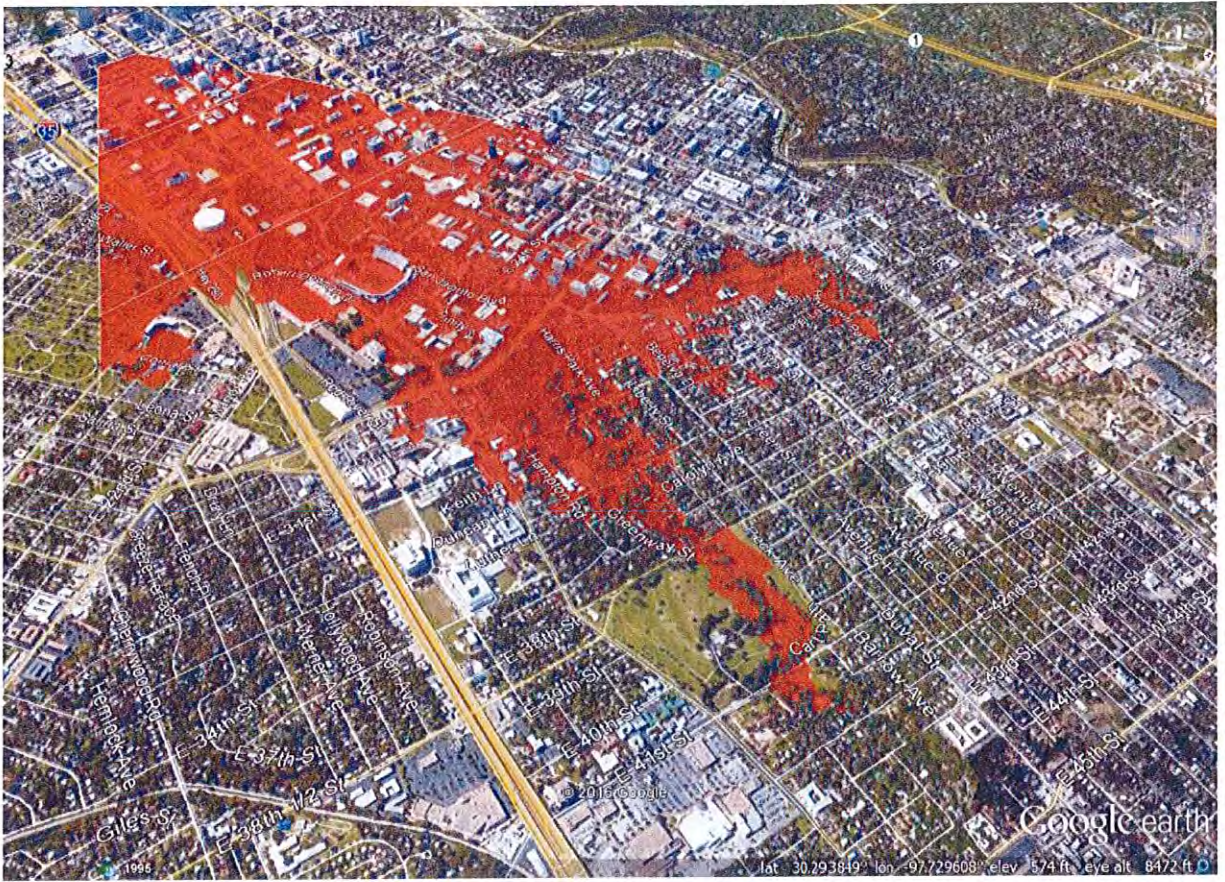
"The wind was north-bound, and all the conditions were right to make it happen."

A few years ago, the city offered music venues low-interest loans for new sound equipment. The goal was to reduce noise outside venues and in residential neighborhoods. Cheer Up Charlies and Stubb's both applied for loans.

Stubb's is right next to Waller Creek, but the club's general manager Ryan Garrett thinks the new system has kept the sound from traveling up north as often. Murray with the city of Austin says as downtown grows, it gets harder to predict how that growth affects the city's soundscape:

"It's a dynamic situation as downtown is being built out. A tower went up recently over on 4th, and complaints have increased from a certain condo because it's reflecting off that building now. So, it keeps us hopping."

He says new construction like the Dell Medical School could affect how much sound travels to the Hyde Park neighborhood in the future.



Wilbur and Amy Wolf, 1056 Park Place, Mechanicsburg, PA 17055

"The proposed use SHALL NOT detract from the use and enjoyment of adjoining or nearby properties"

"The proposed use WILL NOT effect a change in the character of the subject property's neighborhood"

Conveniently missing from the description on the application is that fact that many of the "events" that have been and would continue to be held at the Party Barn feature one or more live and very loud rock bands. Also missing from the description is that the events are BYOB&D.

400-600 additional vehicles per week entering and exiting our immediate proximity! Typically a few of them entering and trespassing on our property! 45 parking spaces...¹³³200 attendees...averaging almost 4.5 persons per vehicle? I am just a simple Army guy and I don't understand how that math works?

Up to 48 hours per week of party activity...traffic, trespassing, noise pollution, air pollution, trash. All holiday days and nights, most waking hours of the weekend, Friday, Saturday, and Sunday afternoons, evening, and night, Saturday mornings, one full weekday, one evening during the week...every...single...week...of the year!

When Tony and Caryn Samento host a party, they do so by choice. When people attend Tony's and Caryn's parties, they do so by choice. But for those of us in the neighborhood, we have no choice. Every time that Tony and Caryn host a party, we have to put up with everything that comes along with it...traffic that frequently enters our property looking for the Party Barn. Noise and air pollution from the significant increase in vehicle traffic. Noise pollution from the live bands and crowd noise. Trash that makes its way from the Party Barn to our and adjacent properties. The smell and air pollution from the frequent burning of party waste, home renovation waste, and construction waste typically once or more per week. The net effect is loss of the peace, quiet, safety, and security that we have had here at our property from 1998-mid 2020 and that our neighbors have enjoyed for even longer. Since July 2020, we have lost endured the disruption from the party barn. If you approve this application...we will be forced to endure it at least four days a week, every week of the year from now forward.

In some ways, maybe it doesn't even matter what the decision is. The Samentos have repeatedly violated the Township Cease and Desist from 2020. They have repeatedly violated the County Judge's ruling from 2021. We have zero confidence that the Samento's will comply with any ruling...they have already demonstrated that with their actions for the last 24 months.

If this nightclub were proposed beside your house, would you approve it? This is water under the bridge, but if this were the stated use of the structure when the Samentos got an agricultural building permit approved...would you have approved it? The Samentos can refer to it as a Special Event Venue to make it sound less objectionable. But, we know the reality because we have lived it for 2 years. The Party Barn has the effect of a Night Club...large loud crowds, alcohol and drugs, surges of traffic at opening and closing, trespassing, and loud live band music at times of the day when here in the country it should be silent! Although the operating days and times are objectionable, the impact is not limited

to those times...traffic, and trespassing on our property, typically starts an hour or more before each event and continues well after the event ends. Vendors and others often arrive earlier and depart later. Sound checks often precede the events by a few hours! The trash burning typically follows the day after!

Amy and I own and live in the only residence that is immediately adjacent and we are the ones most directly impacted by the unlawful operation of the Party Barn since July 2020. We are closest, but we are not the only ones impacted. Our neighbors to the south actually have a worse impact from the band and crowd noise. But, although the operations of the Party Barn are generally disruptive to the neighborhood, we are the ones most directly and significantly impacted. If you approve this application, we will be permanently negatively impacted! This impact does not just detract from our ability to use and enjoy our property and significantly change the character of the neighborhood, it also would significantly negatively impact the value of our property!

We have been dealing with this disruptive impact for two years! Several years ago when Tony let us know that he had a permit to erect an agricultural structure in which he would store his vehicles and equipment and then once per year host the Samento Industrial Training Systems Customer Appreciation Day (CAD) we thought that was great. We accepted their gracious offer to attend in the summer of 2020 as we had done in many years past. And then, the parties started...first it was one night per week, then two nights per week, then three nights per week, and then activities on Sunday afternoons and one or more evenings during the week. With complete disregard of lawful order, the activities at the Party Barn continued after the Township Cease and Desist Order. With further disregard, the parties have continued after their stipulation in response to a Cumberland County Judge's ruling that they would not have parties at the Party Barn.

In August 2020 after a loud and very disruptive party, Mr. Samento stated that there would be no more big parties like that one...two weeks later on Labor Day weekend...large and loud parties on Friday, Saturday, Sunday, and Monday! He lied. After an incredibly disruptive 800 person party in the fall of 2020, Mr. Samento said...no more like that. And the Monday after, we found out about "Dirt fest" that was planned for Halloween a few weeks later... 7+ band marathon event scheduled until 2AM. He lied. On 4 October 2021, Tony Samento sent me an email containing this message "Wilbur I wanted to let you know that we have decided from this moment on not to have any parties at all until we get permission from the township. No birthday parties. No Halloween, Thanksgiving, Christmas, New Years. No friends or family weddings. No church events. Absolutely nothing. Thank you." Since that time, there have been more than a dozen parties at the party barn. Again, he lied. It is not just the disruption that has been caused, that is currently being caused, and that would be caused in the future, it is the fact the Mr. and Mrs. Samento have, time and again, showed willful disregard for lawful orders and they have demonstrated repeatedly that they cannot be trusted to comply with any rulings, any restrictions, or any promises related to the operation of the Party Barn as a nightclub-like venue.

The impact on us, our peace and quiet, on our safety and security, and on our expected ability to enjoy our house and property is unreasonable and unacceptable. From July 2020 until as recently as this past holiday weekend, during nearly every event hosted at the Party Barn, we have had one or multiple

persons drive on to our property looking for the party barn...most have been courteous and apologetic...a few have not! Since August 2020, during most parties and other events, we have had a flow of persons who we do not know disrupting our peace and breaching the security of our property. I don't know a single person who would be ok with this level of disruption of their private life and residence!

In the Samento's application, they reference other things in the neighborhood such as Williams Grove Speedway, the railroad, vehicular road traffic, as well as noises from normal and accepted residential and agricultural activities. All of these things were pre-existing when we purchased our property. All of these things mentioned are activities and noises that we and every other resident considered when we decided to buy and live in this neighborhood. The operation of the Party Barn is not a pre-existing condition. We didn't have the opportunity to consider the impact when we made our purchase decision. The Party Barn is an unwelcome addition to our environment and neighborhood and it is measurably disruptive to the peace, quiet, and security that was a primary reason for us buying and living here. We are also very concerned that it would be a significant factor in our ability to market and sell the house and property when that time comes. "Located beside a nightclub" on a home listing...we think will measurably negatively impact the value of our property! No matter how the Samentos attempt to justify or rationalize it, the impact of the Party Barn on us and our property is significantly negative and it is generally negative to the local area.

While we have multiple points of legitimate objection...safety and security, traffic, noise, air pollution, trash...it is the impact on our expected peace and quiet and on our safety and security that are most significant. When we openly objected to the operation of the Party Barn in late summer 2020, we were greeted with "snitches get stitches" from "Party Barn Peeps" as their Facebook members were then known. A bit later in 2020, when speaking at the Party Barn, current Republican Gubernatorial Candidate, Doug Mastriano, gleefully repeated that phrase "snitches get stitches" when referencing those who objected to operations at the party barn. His comment brought huge ovation! While I am reasonably confident in my ability to defend my family and property...these are things that we should not have to be concerned about!

Trespassing - People who are not familiar with the area and/or who may be just disoriented for some reason and who are looking for the Party Barn...they frequently end up in our driveway and on our property. It is not just persons attending parties...it is also large delivery, vendor, and service vehicles that are intending to deliver products and/or services in support of Party Barn functions! Often, we find out that a party is about to happen when someone drives in our long driveway, ends up behind our house trying to turn around, and asks us if this is the Party Barn. It has been happening for almost two years. And, if their continued operations are approved, it will continue to be a completely unacceptable issue for us. Mr. Samento knows this and he understands the impact because since the beginning of his commercial operations, he has proposed to station a member of his team at the end of our driveway to direct traffic towards his driveway. As recently as just a couple weeks ago, the Samentos notified us about the four already planned and announced large parties for summer 2022 and offered to put someone at our driveway. We don't want their partygoers in our driveway and on our property and we don't want someone stationed in our driveway! Would you? It is unreasonable in any circumstance for

us have to guard/block or to have to station a person at the end of our driveway to prevent unwelcome visitors.

In their application, the Samentos reference traffic as it may relate to other nearby commercial operations...Williams Grove Speedway, Cold Springs, Mountain View Nursery, PA Agricultural Education Center, or even Mill Run Farm...all in our immediate area. In the 24 years that we have lived here we have had exactly zero persons enter our property looking for those venues. Yet, in the two years that the Samento's have been operating the Party Barn, we have had hundreds of vehicles and individuals...partygoer and/or vendors... enter our property looking for the Party Barn. While traffic approaching from the West and South may see the party barn and use the proper driveway, some of those approaching from the east have and will continue to enter our property...in many cases because their GPS says "you have reached your destination". We know this because more than a few have stopped and said "I am sorry, my GPS said turn here". Short of us installing a secure gated entry to our driveway and property, we see no conditions with the Party Barn operating that would resolve this situation. I snicker just a little at the proposed attendance limit of 200 persons. We recall not fondly at all another event about 18 months ago at the Party Barn at which more than 800 persons attended...at least 200 more than the Samentos had authorized. When the Samentos closed their driveway because their parking was full...those still trying to attend decided that it was just fine to try to park in our driveway, on our yard, and in all directions alongside Park Place and Locust Point Road. We had to remove more than a dozen vehicles from our driveway and from parking in our yard. They had the audacity to drive around the cones we had positioned in the driveway. They even tried to enter along the back of our property from Locust Point Road via the Marbain property to reach the Party Barn. I have exactly zero confidence that the Samentos would intend or be able to limit participation as they propose. I have high confidence that in short order we would be dealing with this same invasion of property and privacy issues three or more nights per week!

Noise Pollution – We bought this house and property 24 years ago and one of the greatest factors was to be able to enjoy the peace and quiet of the country...especially in the evening and at night. We bought it so that we could sit outside and listen to crickets, frogs, great horned owls, the wind, falling rain or snow, or nothing at all...silence. When we sell or transfer this house and property, we want to be able to offer that joy to potential buyers/new owners. What we don't want to offer is being beside a night club with the blaring music, the roar of often drunk and high crowds, and the thump of base that can be felt inside and that vibrates our windows! We don't want to offer the feature of a loud party next door...Friday night, Saturday and Sunday day and night, all holiday days and nights, as early as 7am during weekdays, and at least one evening per week...52 weeks a year! If we wanted this...we would have bought a house in a commercial district!

We simply don't think that it is reasonable that at 10PM, 11PM, midnight, 1AM...every week of the year...we should be forced to listen to the music and crowd noise from the Party Barn...in our yard and gardens, on our patio, on our porch, in our kitchen...in our bedroom! The music from the Party Barn is unequivocally disruptive and it is undeniably a not pre-existing condition that detracts from our ability to use and enjoy our property! Regardless the decibel level...if we can hear the music at any time it is not normal or accepted in an Agricultural zoned area. What it is is noise pollution that has been added to

our environment! There is an equivalency offered as it relates to Williams Grove Speedway...it is a false equivalency. Williams Grove is about 7/10 of a mile from our property and prevailing downwind. The Party Barn is about 1/10th of a mile and it is prevailing upwind. Williams Grove operates one night per week for about 6 months plus a few extra days when the Outlaws come to the Grove. The Party Barn proposes to operate all three weekend nights and two afternoons, plus other times during the day and evening during the week. Finally, Williams Grove was here and operating when we bought the property...the Party Barn was not.

Air Pollution – Certainly the 400-600 additional vehicles entering and exiting is negative impact on air quality. The more acute and often highly visible issue is that Tony frequently burns debris from the Party Barn and their residence and natural and unnatural waste that was hauled there from off-premises. There is a huge pile there now waiting to be burned! Because the prevailing wind is from the West/northwest, the smoke from their burning typically blows on to our property. Since the newly proposed parking area is where their burn pile is located, we can only assume that the burn pile will be moved somewhere closer to our property thereby further polluting our air.

We will close as we started...

We don't understand why the Township Cease and Desist has not been effectively enforced. We don't understand why the County Court ruling has not been enforced. Regardless, we think that it is very reasonable that we should expect to be able to use and enjoy our property without having a night club next door.

"The proposed use SHALL NOT detract from the use and enjoyment of adjoining or nearby properties" – it has unequivocally detracted from our use and enjoyment for the last 24 months!

"The proposed use WILL NOT effect a change in the character of the subject property's neighborhood" – The Party Barn has already effected change in the character of the neighborhood. If permitted to continue, it will permanently negatively impact all of our ability to enjoy the very reasons that we moved and live here! The night club does not belong here...period!