

Penn Township Planning Commission
Perry County
100 Municipal Building Road
Duncannon, PA 17020
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AUGUST 21, 2006

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The Penn Township Planning Commission (PTPC) met on August 21, 2006 at 7:00 p.m. in the Municipal Building. PTPC members present were Edward Chism (Chairman), Brian Maguire, Art Dalla Piazza, Rachel Mullen, and Ken Martz. Others present were Township Secretary Helen Klinepeter (Secretary) Township Engineer Max Shradley (Engineer), and Christopher Knarr. A list of visitors attending is available in Township Office. The meeting was recorded to aid in the preparation of the minutes. Chairman Chism called the meeting to order.

OPEN SPACE – Chairman offered that the reason for the meeting was to discuss the May 11, 2006 memorandum from RETTEW concerning Open Space Development. He suggested going down the line for comments

Paragraph 1 – Incorporating additional overlay provisions for the protection of certain natural features. Mr. Maguire asked if the PTPC would be talking about what to include in the overlay maps and modifying the existing provisions in the ordinance. Mr. Knarr answered in the affirmative. Chairman suggested that the PTPC review the memorandum to see if we want to incorporate these items if everyone was agreeable. Chairman asked if paragraph 1 is something the PTPC would like to review. The consensus was yes.

Paragraph 2 – Permitting Open Space Development by right. Chairman offered that he understood this to be changing from a Conditional Use to a Permitted Use. Mr. Dalla Piazza offered that he would be agreeable to allowing it a permitted use in Low Density Residential (R1) District. Mr. Maguire offered that he is a little hesitant with allowing it as a permitted use since we have never had an open space development in the Township. The consensus of the PTPC was to keep the use as conditional.

Paragraph 2.a.i.1 – The identification of wetlands, floodplains, steep slopes, existing easements, rights-of-way and other encumbrances. Mr. Knarr offered that this would remove all the encumbrances before the yield plan could be drawn. Chairman offered that in the Forest Conservation the limit of slope is 15%. The consensus of the PTPC is to see the language and add “except in Forest Conservation (over 15%).

Paragraph 2.a.i.2 - The on-site- septic systems are being proposed; soil types and suitability should be identified. 10% of the lots should be required to be perced and probed. Chairman offered he did not understand this section. Mr. Knarr offered that this section says, that for example someone has 50 acres and he can fit 25 dwelling units that use on-lot septic systems. They have to perc and probe 2.5 of these lots (10%) before they could go into the Subdivision/Land Development process. If one of the percs or probes fails, then the developer has to choose another 2.5 lots for perc and probe, until at least a 10% sample of the lots are able to accommodate on-lot septic

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systems. Chairman asked what would happen if the developer decides to place sewer in the development instead of on-lot septic. Mr. Knarr offered that the developer would have to say what his plans are. Mr. Knarr offered that the PTPC gets to select the lots to be perced and probed. A discussion commenced on the minimum number of the lots to be perced and probed. The consensus of the PTPC was to see the language with 10%, with a minimum of 2 lots.

Paragraphs 2.b.i - A defined minimum lot size. Mr. Knarr explained that some townships have minimum lot size and some don't. It is a comfort level for the Township. The consensus of the PTPC was to see the language.

Paragraphs 2.b.ii - Minimum side setbacks of at least 5 feet for principal structures. Mr. Knarr explained that this would be a minimum setback from the property lines. Chairman asked if there was a perimeter around the buildings. Mr. Knarr explained that the ordinance has minimum distances between principal buildings. He continued that there is a perimeter around the whole open space development. The consensus of the PTPC is to see the language.

Paragraphs 2.b.iii - Minimum required street frontage of a least 20 feet for all lots. Mr. Knarr offered that there is not a minimum street frontage in the ordinance. The consensus of the PTPC is to see the language.

Paragraphs 2.b.iv - Removing specific requirements for the number of "flag lots" as well as requirement for minimum lot area. Mr. Knarr offered that the number of flag lots and the minimum requirement for lot area is: no other flag lot within 200 feet and the area is determined by the zone. The consensus of the PTPC is to see the language.

Paragraphs 2.b.v – Remove specific references to "single-family attached and "multi-family" dwellings. The consensus of the PTPC is to see the language.

MINUTES – The minutes of the June 19, July 12 and July 17, 2006 PTPC meetings were presented. Mr. Maguire offered that he had questions on the June 19 and July 17, 2006 minutes. After discussion and upon a Maguire/Mullen motion, the minutes of June 19 and July 17, 2006 minutes were tabled for further research. After discussion and upon a Maguire/Dalla Piazza motion, the PTPC voted unanimously to approve the minutes of July 12, 2006.

VISITORS – All visitors were acknowledged.

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CORRESPONDENCE - Secretary presented the Penn Township Supervisors (PTS) letter approving the Lisa Laird Final Subdivision Plan. Secretary presented a memorandum from the Cumberland/Perry Counties Joint Task Force inviting the PTPC to attend the next meeting on August 24, 2006 to view a presentation on the recently completed Regional Goods Movement Study.

SUBDIVISION/LAND DEVELOPMENT PLANS

Sam Krick Subdivision Plan, File # 2006-05 – Secretary presented a time extension request for 90 days due to sanitary sewer capacity/conveyance. After discussion and upon a Dalla Piazza/Mullen motion, the PTPC voted unanimously to recommend approval of a 90-day time extension until November 29, 2006.

Chairman turned the meeting over to Vice-Chairman Dalla Piazza (Vice-Chairman) due to his employment with the Business Campus One.

David Arnold Conditional Use Request - Vice-Chairman offered that this is a continuation of the review of the David Arnold Conditional Use request. Charlie Cook informed the PTPC that he represents Mr. Arnold. Engineer asked if there are stormwater issues on this lot. Mr. Cook offered that there might be some restriction on the plan concerning stormwater. This issue will be addressed during the land development process. Engineer noted that there is a lot of area open for parking. Mr. Cook offered that the turning and parking of the trucks take a lot of area. Mr. Arnold offered that the driver parking is behind the water tower for an orderly look. Mr. Cook offered that Mr. Arnold is here for a favorable recommendation to the PTS. Engineer asked what the drainage is currently. Mr. Cook offered that the drainage is currently being directed to the property behind the lot.

Ms. Mullen asked what will be the maximum number of trucks able to park on the property at one time in the future. Mr. Arnold answered that there are 25 more spaces shown on the plan and with the turning radius this would be the most number of trucks parked at one time. Engineer asked if he was correct that there are 40 spaces shown and 25 more truck stalls are possible. Mr. Cook offered that there is a possible 65 stalls in the future. Engineer asked Mr. Arnold if he anticipates 65 trucks parking there in the future. Mr. Arnold stated that he anticipates 30 trucks in the future but it is possible. Mr. Arnold offered that he encourages drivers to take the trucks home, and all the trucks will not be there at one time. Engineer asked if he is providing parking for the number of trucks you have but are not anticipating them to all be there at any given moment. Mr. Arnold stated that is correct and the only time the majority of trucks would be home is during the Christmas Holidays. Vice-Chairman asked if he is providing parking and services for only his trucks and not anyone else's. Mr. Arnold stated that is correct. Vice-Chairman asked if there would only be goods transported on the trucks. Mr.

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Arnold stated that he is not authorized to transport HAZMAT items. He offered that he has not transported HAZMAT cargo yet and does not plan to in the future. Mr. Maguire asked if the average daily trips would be 5 trips per day. Mr. Arnold stated that if 40 trucks were in the future, then the average daily trips could go up to 7. He continued that the PTPC should understand that the numbers of trips are either entry or exit not the number of trucks. If a truck comes in, it stays in for at least one day.

Ms. Mullen asked if most of the trucks come in empty. Mr. Arnold responded in the affirmative. Ms. Mullen then asked if the trucks would be coming from SR 274 and US 22/322, and she had a concern about air brake noise. Mr. Arnold offered that air brakes would not be needed at any time. Mr. Maguire asked what speed the trucks could get coming up the hill with an empty trailer. Mr. Arnold offered that he does not believe the trucks would impede traffic.

Engineer offered the Zoning Officer's comments are more in line with a land development review. Vice-Chairman asked if there were any comments from the audience. Mr. Scott Mutzabaugh asked what traffic studies were done as far as speed limit for trucks. He also asked if the mechanical shop would be a 24/7 operation with air horns blowing all night long. Mr. Arnold answered no. Mr. Mutzabaugh stated that air horns should be checked. Mr. Arnold offered that in 13 years that he has not had an air horn fail. The maintenance services are preventive only. All heavy repairs will be done at Kenworth of PA. Mr. Mutzabaugh stated that his main concern is the highway. Mr. Mutzabaugh asked if there would be a dock. Mr. Arnold stated that only for personnel supplies. He continued that the other lots would also have trucks delivering. Vice-Chairman offered that traffic studies are programmed into the daily trips generated.

Mr. Vern Leppard offered that he had previously stated his concerns with noise and dust. After discussion and upon a Maguire/Mullen motion, the PTPC voted by majority to recommend approval of the Dave Arnold Conditional Use with the following conditions:

1. The maximum daily entry/exit is limited to a daily average of fourteen trips calculated on a weekly basis.
2. No placard materials are stored overnight.
3. Only company vehicles could use the maintenance services on site.
4. The hours of garage and maintenance services will be limited to 7:00 a.m. to 9:00 p.m., 7 days a week. All maintenance will be performed inside the building.

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5. There will be no fueling facilities on site.
6. Dust control facilities will be put in place on the property.

Mr. Chism abstained from voting.

Ken Martz arrived at 8:20 p.m.

Vice-Chairman returned the meeting to Chairman Chism.

George Shoemaker Zoning Hearing Request – Secretary presented notice of a Zoning Hearing for George Shoemaker. Mr. Shoemaker is requesting a variance on Section 1307, Driveways and Section 605, Lot Width in a Low Residential Area. She offered that Mr. Shoemaker has purchased the Edmond Moore lot behind the Church of God. He wishes to subdivide the lot into two parcels. Mr. Maguire offered that this lot was approved in the original subdivision with a 50 foot right-of-way. Secretary stated that she believed the right-of-way was 30 feet. Chairman asked if Mr. Shoemaker is asking for anything from the PTPC. Secretary stated no. This is to inform the PTPC that this request has been submitted and to see if you have any comments or questions to submit to the PTS. Engineer explained that the PTS has the option of sending a representative to the Zoning Hearing Board (ZHB) to present their views.

Engineer offered that the reason we reduced the size for a single driveway was so that someone could not later come and subdivide and create a private drive. He continued now there is someone coming into the Township and asking for a variance. Chairman stated that this would have to come back in front of the PTPC. Engineer asked if the decision of the ZHB would lock the PTPC into their decision. He offered that the Township would almost have to challenge their decision and say that the ZHB could not grant a variance on the dimension of a private right-of-way. After discussion and upon a Dalla Piazza/Martz motion, the PTPC voted unanimously to recommend to the PTS that the following comment be forwarded to the ZHB: This plan should be considered as a 30-foot private drive and would not be available for review by the ZHB, because it is only covered by the SALDO regulations and the SALDO does not allow a 30-foot private drive.

OLD BUSINESS

Chairman turned the meeting over to Vice-Chairman Dalla Piazza due to his employment with the Business Campus One.

Business Campus One (BCO) Zoning Request – Mr. Maguire offered that the Engineer was to propose a question to the PTS on the direction to consider. Engineer

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offered that the direction of the PTS was to put your best effort into the matter and propose your best recommendation back to the PTS. Mr. Holman offered that his understandings of that motion is that the zoning stands as it is and that it goes back to the PTPC for review. He offered that if you come with a Conditional Use Application such as we are reviewing at the present time and the Township would lose none of the control but have the option to grant all that is asked for at the same time. The direction was to let the zoning stand as is. He continued that the only problem holding up and drawing out the process is the Conditional Use Hearing.

Other municipalities don't have the conditional use hearing and can make a decision without a hearing. That would quicken the process. He offered that unless the PTPC would like to open the hearings to the public for comment, the decision still falls into the hands of the PTS. Mr. Holman offered his thoughts were that since the inception of zoning, except for few mistakes on coloring of the map, which was justified in being changed, our Zoning Ordinance has stood as passed and adopted. We were heading in the right direction in taking a look at opening uses up here and granting some these additional permitted uses, but still keeping our foot in the door at the same time. Engineer asked if he understood that the PTS thought some uses to be permitted and some uses stay as conditional use. Mr. Holman offered that he didn't get any indication that there was favoritism or any indication for a zoning change. Engineer offered that he understood that the option was going to be left somewhat to the PTPC based on some comments from the Solicitor. Mr. Holman offered that is what he is basing this on. If it is being thrown back to the PTPC to recommend a change, then the PTS will entertain that idea.

Mr. Maguire asked if the requirements for conditional use apply in all zones or vary by zones. Mr. Knarr offered that the conditional use hearing applies to all zones; the specific requirements are attached to specific uses, which can change according to district. Mr. Knarr offered that the other way to regulate uses is to add additional provisions for a permitted by right use. Mr. Maguire asked if special exemptions also have a requirement for a public hearing. Mr. Knarr stated that yes they did.

Ms. Virginia Barr explained that having conditional uses in the BCO is detrimental to the selling of the properties because of the limitations of the grants that are in place. Prospective buyers are shying away from the conditional use system. Mr. Maguire asked if the Perry County Economic Development Corporation (PCEDC) was involved in the zoning process for this development. Engineer answered in the affirmative. Ms. Barr offered that there are also constraints from Mr. Mutzabaugh. Engineer offered that the place to start is to look at the uses and decide which the PTPC wishes to be conditional or permitted.

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A discussion commenced on changing the Mixed Use Commercial (MUC) zoning along SR 11/15 and the changing of the zoning map at the BCO. The consensus of the PTPC was not to change the zoning map but to consider changing the conditional uses to permitted uses.

After discussion, the consensus of the PTPC was to have a special meeting on August 28, 2006 at 6:00 p.m.

After discussion and upon a Maguire/Dalla Piazza motion, the PTPC voted unanimously to adjourn the meeting at 10:55 p.m.

Respectfully Submitted;

Brian R. Maguire
Secretary