

Penn Township Planning Commission
Perry County
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MINUTES OF AUGUST 28, 2006

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The Penn Township Planning Commission (PTPC) met on August 28, 2006 at 6:00 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 the Township Office. The meeting was recorded to aid in the preparation of the minutes. Chairman called the meeting to order.

Visitors - All visitors were acknowledged.

Chairman described the papers before the PTPC as Article VII of the Municipal Planning Code (MPC), which is the article that covers Planned Residential Developments (PRD). Mr. Knarr explained that the process to review a PRD is a combination of zoning and subdivision and land development. He continued that not all municipalities have a PRD provision in their zoning ordinances.

Chairman offered that a curative amendment was also on the agenda to be discussed. He continued that if a curative amendment were declared then development would be stopped in the Township for 180 days. He offered that Solicitor Wagner (Solicitor) would be arriving to answer any questions. He asked if there were any questions for the Engineer. Engineer explained what a PRD consists of.

Chairman offered that if we consider a PRD addition to the ordinance, we should ask for curative amendment. The Township can step out of the curative amendment any time we wish.

Secretary offered that a request to the PTS for a zoning text change was received from the Nevin White land developer. Solicitor arrived at the meeting at 6:15 p.m. Mr. Maguire asked if the request is a proposed residential development or is it a planned residential development and if there is a difference. Solicitor offered that there is no subdivision application; that the developer is requesting the Township to consider adding a PRD section to the ordinance. Engineer asked if this would be a zoning text change? Solicitor replied yes that is all this is. Solicitor offered that since it is not an application, the Township is not precluded from seeking a curative amendment to the Zoning Ordinance. He continued that there is an application process where you have to submit a fee along with plans etc. Mr. Holman offered that they have submitted \$500.00. Solicitor stated that the developer has not submitted an application for a subdivision plan, and the Township would not be precluded from considering a curative amendment.

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Solicitor informed the PTPC that if it is determined by the PTS to declare a curative amendment, the PTS have 30 days to pass a resolution and 6 months to pass a curative amendment. Mr. Holman offered that in regards to this, we know that we have a lot of work to do on Open Space Development (OSD). Mr. Holman offered that his concern is that the majority of the time would be taken to review the OSD verbiage. He asked for clarification on when the clock starts ticking; is it when the declaration takes place or when the resolution is adopted. Solicitor replied that the 180 days start with the declaration of curative amendment.

Mr. Holman addressed the PTPC and said that perhaps this is the best way to give the PTPC time to review this. A discussion commenced on what would happen to plans that are already submitted and being reviewed. The question was asked that if there is a plan that complies 100% with zoning, could that plan be reviewed. Solicitor replied not if the curative amendment is all-encompassing of the zoning ordinance. Mr. Dalla Piazza asked if the curative amendment could be worded so that only certain portions of the ordinance were affected. Solicitor replied in the affirmative. Mr. Maguire asked if something has to be passed and could a recommendation be made not to change the ordinance. Solicitor offered that it doesn't matter what the result is.

Engineer asked about the effect a curative amendment would have on the change to the zoning ordinance for Business Campus One. This review is already underway. Solicitor replied that in his opinion the curative amendment would have to include that, or you could set it aside and continue after the curative amendment.

Solicitor left the meeting at 7:00 p.m.

Chairman started a discussion on the language of the motion for a recommendation for a curative amendment. During the discussion, Mr. Maguire asked what the curative amendment does to the Business Campus One (BCO) request to review the Mixed Use Commerce (MUC) District. Engineer offered that this would postpone the review of the MUC. The delay in reviewing the request would not hinder the project as any request could still be reviewed as conditional use.

After discussion, and upon a Dalla Piazza/Martz motion, the PTPC voted unanimously to recommend that the PTS declare a Municipal Curative Amendment for Section 1641, Open Space Development, because the PTPC believes that this section needs amendment, and to review and consider a Planned Residential Development use, because the current ordinance does not provide for such use.

OPEN SPACE – Chairman offered the PTPC left off with reviewing the May 11, 2006 overview document from RETTEW on Open Space Development.

Page 2 sub-paragraph c - Three quarters of every lot shall abut or face an open space area. Chris offered that the concept is that everyone has direct access to open space areas that are in the development. **The consensus of the PTPC is to review the language.**

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d. Open Space designation of Maintenance Standards – Mr. Knarr offered that this section lays out what provisions are required in open space. Chairman suggested that each provision be reviewed separately.

d.i (1) All wetlands, floodplains, and Steep Slopes above 25%. – Chairman offered that 15% in Forest Conservation (FC) would be added. **The consensus of the PTPC is to review the language.**

d.i (2) Stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection. **The consensus of the PTPC is to review the language.**

d.i (3) Significant natural areas of species listed as endangered, threatened, or of special concern. **The consensus of the PTPC is to review the language.**

d.i (4) Slopes 15% - 24.99%, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality. **The consensus of the PTPC is to review the language.**

d.i. (5) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats. **The consensus of the PTPC is to review the language.**

d.i (6) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation. **The consensus of the PTPC is to review the language.**

d.i (7) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural past. **The consensus of the PTPC is to review the language.**

d.i (8) Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service. **The consensus of the PTPC is to review the language.**

d.i (9) Historic structures and sites. Chairman asked if historical places are state or municipality designated. Engineer offered that the municipality could name sites that are unique to that area. Mr. Maguire asked if cemeteries could be included. Engineer replied in the affirmative. **The consensus of the PTPC is to review the language with cemeteries added.**

d.i (10) Visually prominent topographic features and Scenic view sheds. Mr. Brian Foster offered there are also trails and views from the other side of the river. **The consensus of the PTPC is to review the language with Appalachian Trail added.**

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d.ii removing the maximum amount of restricted open space land area permitted to be occupied by floodplains, wetlands, and slopes above 25%. Chairman offered that 15% in FC be added. Mr. Knarr offered that typically there are two sets of features. The primary features are floodplains, wetlands, and slopes. The secondary features are infiltration, sedimentation and erosion and things like that should be included not to exceed the 15% of restricted open space land area. The consensus of the PTPC was not to review the language.

Rachel Mullen left the meeting at 9:25 p.m.

d.iii Remove reference to Density Bonus – Engineer explained that if the yield plan generates 10 houses by going to this scenario you want them to have a 10 or 15% bonus. The consensus of the PTPC is to review the language.

d.iv Including provisions for all stormwater management plan facilities to be located in the open space area. Engineer offered that some stormwater management facilities could be located in the open space area. He offered as an example, ponds and rain gardens. It was discussed about not prohibiting the use but to let the developer decide how he wishes to address stormwater. The consensus of the PTPC was not to include this in the language of the ordinance.

d.v Reducing maximum impervious coverage in the restricted open space. Mr. Knarr offered that the 30% maximum impervious coverage is currently allowed. After discussion, the consensus of PTPC was to reduce the percentage to 10 and to review the language.

e.i The following uses in Restricted Open Space – Mr. Knarr asked if the PTPC wanted to see the language of the following uses. Chairman offered that we would go through each one.

e.i (1) Conservation in its natural state. The consensus of the PTPC is to review the language.

e.i (2) Agricultural and horticultural uses. The consensus of the PTPC is to review the language with buildings being not more than 2% of the impervious surface.

e.i (3) Pastureland for horses. The consensus of the PTPC is to review the language with the deletion of “but may not consume more than half of the minimum required restricted open space land”.

e.i (4) Forestry. The consensus of the PTPC is to review the language.

e.i (5) Neighborhood open spaces uses such as village greens, commons, picnic areas, etc. The consensus of the PTPC is to review the language excluding motorized vehicles.

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e.i (6) Active non-commercial recreation areas. **The consensus of the PTPC is to review the language with the addition of “open space” and add “each playground or field”.**

e.i (7) Golf courses, including their parking areas and associated structures, may comprise up to half of the minimum required restricted open space land, but shall not include driving ranges or miniature golf. **The consensus of the PTPC is to review the language.**

e.i (8) Water supply and sewage disposal systems and storm water detention areas. **The consensus of the PTPC is to review the language.**

e.i (9) Easements for drainage, access, sewer or water lines, or other public purposes. **The consensus of the PTPC is to review the language.**

e.i (10) Underground utility rights-of-way. **The consensus of the PTPC is to review the language.**

Upon all business being completed and with a Maguire/Martz motion, the PTPC voted unanimously to adjourn the meeting at 10:45 p.m.

Respectfully Submitted;

Brian R. Maguire
Secretary