

**Penn Township Planning Commission
100 Municipal Building Road
Duncannon, PA 17020**

MINUTES OF MARCH 17, 2008

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The Penn Township Planning Commission (PTPC) met on March 17, 2007 at 6:30 p.m. in the Municipal Building. PTPC members present were Brian Maguire, Rachel Mullen, and Ken Martz. Others present were Township Secretary Helen Klinepeter (Secretary) and, Township Engineer Frank Chlebnikow (Engineer). A list of visitors attending is available in the Township Office. The meeting was recorded to aid in the preparation of the minutes.

WORKSHOP

Mr. Maguire opened the workshop at 6:30 p.m.

Building Heights – Engineer offered the history of building heights in the Zoning Ordinance and offered that the PTPC is back to the beginning to insert a height requirement. Mr. Maguire asked what height requirement is in the Uniform Construction Code (UCC). Secretary offered that the UCC does not specify a height requirement but states what has to be done for fire protection depending upon the use, type of and height of the building.

Engineer offered that Engineer Max Shradley informed him that tonight was to be a discussion on whether the PTPC considered this matter should be advanced to the Supervisors for approval to draft the language for the Zoning Ordinance. Ms. Mullen asked if the prior work done could be provided for the PTPC to review and consider. Engineer offered that the prior language could be provided for use.

After discussion and upon a Martz/Mullen motion, the PTPC voted unanimously to recommend to the Board of Supervisor (PTS) an amendment to the Zoning Ordinance inserting a building height requirement in the range of 35 to 40 feet. The requirement would include all districts. The PTPC requests approval to develop the language.

Agricultural Only Zoning – Engineer presented the Cumberland County AG Land Preservation Guide and the Lancaster County Rural Business Planning Assistance for review concerning the Agricultural Only Zone. He also encouraged the PTPC to meet with the farming community.

Mr. Maguire closed the workshop at 7:00 p.m. and convened the PTPC regular meeting.

VISITORS

Jake Brenneman, 947 Greenbrier Rd, New Bloomfield - Mr. Brenneman offered that he works for Jack Gaughen out of the New Bloomfield Office and that he has a client interested in the Betty Boyer property off of Linton Hill Road. He offered that there is a ravine crossing this property and wanted to know who would address the possibility of crossing this ravine. Mr. Maguire offered that DEP would be the regulating agency.

Mr. Brenneman also asked about 1815 State Road, formerly the Violet Ward property. He would like to discuss the possibility of rezoning the property to commercial. He offered that right now the property is two lots. One is zoned Low Density Residential (R1) and the other is zoned High Density Residential (R2). A discussion on the location of the property commenced.

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Mr. Charlie Cook, a resident, offered that there are deed restrictions with the development where this property is located. Engineer offered that Mr. Brenneman submit the application for rezoning for final consideration.

MINUTES – The minutes of the February 18, 2008 PTPC meeting were presented. After discussion and upon a Mullen/Martz motion, the PTPC voted unanimously to approve the February 18, 2008 PTPC minutes with typographical changes.

CORRESPONDENCE

Secretary presented the PTS letter approving the time extension for The Preserve at Mountain Side East and West Preliminary Subdivisions until July 31, 2008.

Secretary presented the Township Solicitor's response to questions concerning the Conditional Use Application process.

SUBDIVISION/LAND DEVELOPMENT PLANS

Jason Gehman Final Subdivision Plan, File # 2006-08 – Roger Morgenthal, attorney for Mr. Gehman represented the owner. Mr. Morgenthal offered that the question of the accessory building on a lot without a principal building had been discussed with the Zoning Officer. He continued that a letter from the Zoning Officer dated March 13, 2008 suggested there were three possible ways to resolve this matter. One was to tear down and remove the building; the second was to get a variance from the Penn Township Zoning Hearing Board; and the third was to have the Township Solicitor agree to a note being provided on the plan stating that the building on Lot 3 is not a principal building and it shall not project nearer to the street than the proposed principal building. Mr. Morgenthal offered that he has tried to call the Township Solicitor and has not been able to contact him as of this meeting. He offered that the accessory building matter is something that, as soon as the property is sold and the residence is built, will disappear. Mr. Maguire offered that he was not comfortable making a decision without the Township Solicitor's input.

Engineer asked if there were any questions on the comments. Mr. Maguire offered that the plan shows that the iron pins and monuments are to be set upon a plan approval. Mr. Morgenthal offered that the pins and monuments will be set upon approval of the plan and when soil conditions improve. Mr. Maguire also asked if site distances for the private driveways should be provided on the plan. Engineer offered that the distances can be placed on the plan and would be addressed during the driveway permit process. Mr. Morgenthal offered that his engineers are to do site distances and that he did not know if they had done that yet. Secretary offered that the Township Highway Department has not returned their report on this plan yet. Mr. Maguire offered that the proposed driveway for Lot 1 is shown extending to the bituminous pavement, and the proposed driveway for Lot 3 is shown extending only to the 50-foot dedicated right-of-way line. Is there a reason for the difference? Mr. Morgenthal stated that he would have to defer to his engineer for that question. Mr. Maguire asked about the two lines of utility poles visible on the property, and whether both lines are on the same easement shown on the

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drawings. Mr. Morgenthal offered that he believed that both utility poles were on the same easement.

After discussion and upon a Martz/Mullen motion, the PTPC voted unanimously to table the plan for so that the outstanding engineer comments may be addressed

Secretary presented the time extension request for 91 days for the Jason Gehman Final Subdivision Plan, File # 2006-08. After due consideration, and upon a Mullen/Martz motion, the PTPC voted unanimously to recommend approval of a Time Extension until June 25, 2008 for the purpose of acting upon the Jason Gehman Final Subdivision Plan, File # 2006-08.

Carl Baker Final Subdivision Plan, File # 2008-03 – Mr. Charlie Cook offered that he represents the Bakers. He offered that this plan is to add Lot # 4 to Lot #3. Mr. Cook offered that a PennDOT Highway Permit has been issued for Lot #3 and a copy will be provided to the Township. Lot #4 does not have access to any road. Mr. Cook offered that on the prior Carl Baker plan Lot # 3 is to serviced by public sewer and all conditions on the previous plan will be continued on to this plan. Secretary was directed to submit a copy of this plan to the Municipal Authority with the note that this plan is a lot addition (no building is being considered at this time) and a copy of the previous plan.

Mr. Cook asked if the precautionary slopes should be placed on the plan since Lot #4 is flat. Any precautionary slopes are on Lot #3. The consensus of the PTPC is that the contours of Lot #3 should be placed on the plan.

After due consideration, and upon a Mullen/Martz motion, the PTPC voted unanimously to table the plan so that the outstanding engineer comments may be addressed.

Warden Property Preliminary Subdivision Plan, File # 2005-06 - Secretary presented the time extension request for 90 days. After discussion and upon a Mullen/Martz motion, the PTS voted unanimously to approve the Time Extension until June 24, 2008 for the purpose of acting upon the Warden Property Preliminary Subdivision Plan, File # 2005-06.

Kim Kenee Zoning Variance Request, Docket # 3008-03 – Secretary presented the zoning variance request for review. Mr. Kenee is requesting to be allowed to have a photography studio in a Low Density Residential (R1) District. The PTPC discussed the uses in the neighborhood and the driveway as shown on the plan. After discussion the consensus of the PTPC was to request that the Township Highway Department investigate if the driveway shown on the plan does connect to SR 274.

Cellco Partnership d/b/a Verizon Wireless Zoning Hearing Board Variance Requests, Docket 2008-04 - Secretary presented the zoning variance requests for review. Cellco Partnership is requesting a variance for the height of the panel and control of the 150 foot setback area. After review of the application and discussion, the consensus of the PTPC was to send the following comments to PTS.

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1. In the opinion of the PTPC the Applicant has not proved a hardship by having control of the 150' setback requirement.
2. The PTPC has a concern on the lack of justification for abiding by the Ordinance.
3. The PTPC has a concern that not all the abutting property owners are listed on the Plan.

OLD BUSINESS

Board of Supervisors Comments to Amendments of the Zoning Ordinance – Secretary presented Supervisor Randy Plummer’s comment to have the phrasing “and Road Master or Road Foreman” added to Section 1322, Required Traffic Study.

Supervisor Lucinda “CeCe” Novinger offered that she had several items. She asked that under Article II, Definitions if the term “farmette” should be added. Engineer offered that this term is more a real estate term and perhaps should be considered under an Agricultural Only Zone.

Article II – Warehousing, Distribution and Wholesaling – the word “inflammable” should be “flammable”.

Section 1303 the word “of” is to be inserted between “disposal” and “commercial”

Sections 1609.2.b, 1610.2.b, 1611.2.c, 1612.2.b are to have the word “each” – add “each” at the end of the sentence.

1613. f – is to replace the word “than” with “that”.

1621 the word “conversion” is to become singular.

1637.2. i – the word “and” is to be changed to “which”

1639.2 - a “)” is to be placed after the word “stock”

The following sections are to have the numbering corrected: 1608, 1613, 1622, 1642, 1643, 1644, 1645, 1648, and 1649.

After discussion and upon a Mullen/Martz motion, the PTPC voted unanimously to accept the recommended changes and recommend the PTS advance to the next stage for adoption of the ordinance.

NEW BUSINESS

Penn 1155 LLC – Secretary presented the question asked by Penn1155 LLC, if the PTPC wished for representatives to attend a regular meeting or a special meeting for them to do a presentation. Penn 1155 LLC also would like to know how much detail does the PTPC wish to

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hear. After discussion, it was the consensus of the PTPC to have Penn 1155 LLC attend a regular meeting and to present what items that Penn 1155 LLC feels are appropriate.

Upon the completion of all business and with a Mullen/Martz motion, the PTPC voted unanimously to adjourn the meeting at 10:00 p.m.

Respectfully Submitted,

APPROVED APRIL 21, 2008

Brian Maguire
Secretary