

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

MINUTES OF APRIL 21, 2008

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The Penn Township Planning Commission (PTPC) met on April 21, 2008 at 6:30 p.m. in the Municipal Building. PTPC members present were Art Dalla Piazza, Ed Chism (Chairman), Brian Maguire, Rachel Mullen, and Ken Martz. Others present were Township Secretary Helen Klinepeter (Secretary) and, Township Engineer Max Shradley (Engineer). A list of visitors attending is available in the Township Office. The meeting was recorded to aid in the preparation of the minutes. Chairman Chism called the workshop to order.

Chairman Chism offered that the workshop will commence on the Building Heights Restrictions. Secretary explained that she had pulled the old draft language from 2001 and the definitions are from the current zoning. The PTPC discussed how to proceed with the reviewing process. Mr. Maguire asked if the fire companies stated that they could reach 35 feet to fight fires. Secretary offered the statement was correct. After discussion, the consensus of the PTPC was that the building height would be forty (40') feet for all districts.

DEFINITIONS - The PTPC offered that the following changes should be made to the definitions.

Story: A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if its floor level is six (6) feet or more ~~above~~ **below** the level of the line of the finished floor next above it and has one-half or more of its height above the average level of the adjoining ground.

Story, Half: A story under a gable, hip ~~of~~ **or** gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor.

Building Height: The vertical dimensions measured from the average elevation of the finished lot grade at the ~~front of the~~ building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the **top** plate and ridge of a gable, hip or gambrel roof. (See Appendix A). The grade shall not be altered for the purpose of increasing the elevation of an object.

With a Chism/Martz motion, the PTPC closed the workshop at 7:00 p.m.

Chairman Chism opened the PTPC meeting at 7:02 p.m. with the announcement that Shawn Beaver will video and audio tape the meeting.

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VISITORS

Penn 1155 LLC – Mr. John Murphy of Alpha Engineering stated that his firm had just become involved in the project. He explained that the project includes 949 residential units, both single and multi-family. He stressed that the clustering concept is important to keep the access points toward Harrisburg, since most commuter traffic will flow in that direction. The three access points would be at Burley Road, by the Tea Room and toward 11/15 southbound.

Mr. Murphy stated he felt the clustering concept is a good starting point, but much work remains to be done. He noted that traffic volume will be a big issue, as will sewer, water, fire protection, and public safety issues. He stated that Penn 1155 must deal with the issue of steep slopes as it does not want to be environmentally insensitive and increase runoff. He offered that there will be a need for some form of relief concerning steep slopes. A lot of the area's steep slopes as defined by the ordinance are precautionary and prohibitive. Mr. Murphy stated that there is some engineering to do to take care of those particular slopes in a fashion so that the project does not impact the township.

Mr. Murphy continued that Penn 1155 will talk to the Penn Township Municipal Authority and neighboring residents regarding sewer and water issues. He continued that the economics of the Township and the School District will be affected.

Chairman Chism opened the floor to the visitors for questions.

Paul Zeph – Mr. Zeph asked if this has changed at all from the presentation of a couple years ago. Mr. Murphy offered that this concept would use clustering as opposed to traditional land development. Mr. Zeph offered that there are some concerns regarding the maintenance of the view shed from highway. Mr. Murphy offered that there will be a forest buffer around the units. Mr. Zeph offered that there are residences north of Harrisburg being built and asked if a study was done for the need to place units in this area. Mr. Murphy offered that he did not know and that he would have to save that question for another meeting.

Lu Hocker – Ms. Hocker asked that as most of the mountain is Forest Conservation, how much will be kept as Forest Conservation. Mr. Murphy stated that as much as possible will be kept as forest. Ms. Hocker asked if Penn 1155 is advocating a water utility for the project. Mr. Murphy answered that there would have to be a water system. Ms. Hocker asked if the surrounding homeowners be forced to connect to that system. Mr. Murphy stated that would be a Municipal Authority decision. It is one of the issues that have to be worked through; we hope that there will not be any forced hookups. We are hoping that the people who need it or want to will be able to be hooked up.” Ms. Hocker asked if fire hydrants would be used. Mr. Murphy stated that fire service will be provided. Ms. Hocker asked if the fire service would be a separate fire service. Mr. Murphy offered that the fire service will be a community system with stand pipes.

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Brian Houser - Mr. Houser asked if there will be wells drilled or where the water will come from. Mr. Murphy offered that Penn1155 is not that far along in the process yet.

Dave Karzek - Mr. Karzek asked if the proposed open space would remain preserved land or be open to development at a later date. Mr. Murphy offered that what would be a condition of approval and a restrictive covenant placed on the deed so the open space would be forever and never modified. Mr. Karzek asked if a traffic study has been done. Mr. Murphy stated that a study has been done but not presented to PennDOT. There will be signalization at the three access positions and perhaps at other areas. That is being looked at and will continue to be looked at.

David Marsh – Mr. Marsh offered that the slopes on the mountain and the township regulations could cause a problem. Mr. Murphy offered that any type of modification made would be based upon DEP and Conservation District Approval of both post and preconstruction Erosion and Sedimentation Control Plans. We will be taking a hard look at that during the design process. Mr. Marsh asked what the timeframe for the next steps of the project. Mr. Murphy offered not less than two (2) years down the road. In the next four to five (4-5) months we will gather all the input and work on the grading and engineering aspects and then we will have a better timeline. Mr. Marsh asked if there were plans for more zoning variances. Mr. Murphy offered that he was not sure yet.

Jim Renner – Mr. Renner offered that there are recreation opportunities shown, who would take care of these sites. Mr. Murphy answered that right now it is the home owners association. There could be discussion on if the Park and Recreation Board and the Township would take over the maintenance.

A question was asked where the money would be coming from for more police protection, fire protection and maintenance of the roads. Mr. Murphy offered that yes there will be more costs and that the projected numbers on the costs and revenues generated will be proved in the future.

Chairman Chism offered that the time allotted for this matter has been used and that the meeting will continue.

MINUTES – The minutes of the March 17, 2008 Planning Commission were presented. After discussion and upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to approve the March 17, 2008 PTPC minutes contingent upon the following change and correction of typographical errors.

Jason Gehman Final Subdivision Plan – “After discussion and upon a Martz/Mullen motion, the PTPC voted unanimously to table **the plan so that the outstanding engineering comments may be addressed.**”

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CORRESPONDENCE

Secretary presented the Penn Township Board of Supervisors (PTS) letter granting the PTPC the authority to prepare language for building heights. Secretary presented the PTS letter granting the Warden Property Preliminary Subdivision Plan a time extension. Secretary presented the PTS letter granting the Jason Gehman Final Subdivision Plan a time extension. Secretary presented the invitation to a breakfast meeting with the Perry County Early Care and Education Program.

SUBDIVISION/LAND DEVELOPMENT PLANS OR RELATED BUSINESS

Cellco Partnership Conditional Use Application – Paula Leicht of Mette, Evans & Woodside introduced herself and explained that Cellco Partnership would like to place a cell tower on the Rohrer Bus Property at 1515 State Road. Ms. Leicht turned the matter over to Mr. Paul Dugan of Millennium Engineering. Mr. Dugan offered that the objective of this cell tower is to provide service to the south-east section of the Township. Mr. Dugan offered that there are two structures that are outside of a two mile radius of the proposed structure. He explained why this location was decided upon and that the emphasis of coverage would be in the area of the Township that does not have uniform coverage. Ms. Mullen asked what subscriber is used at the school district. Mr. Dugan offered that he did not know. Mr. Maguire asked if a booster antenna was considered. Mr. Dugan offered that there are situations when a booster antenna would be used, but in this case it would not meet the threshold needed by Version. Mr. Dugan offered that if placing an antenna on the ATT tower would meet the threshold cover, then Version would do so and not contemplate a new tower.

Chairman Chism asked if they knew the ground elevation differences of the proposed location and the ATT Tower. Mr. Dugan offered that the proposed tower is at 352 feet and the ATT Tower is approximately 470 – 480 feet.

Mr. Dalla Piazza offered that according to the Section 1637.2.r, the facility is not to be located with five hundred feet from any other existing structures. Ms. Leicht offered that it states from any area used for active recreation within a municipal park or school. After discussion on this matter Secretary was instructed to contact the Zoning Officer and Township Solicitor for an interpretation of this section.

Mr. Dalla Piazza offered that perhaps the view shed could be kept with the communications tower painted to blend into the background.

Ms. Leicht reviewed the Conditional Use Application with the following comments being generated in answer to the conditions of Section 1637 of the Penn Township Zoning Ordinance.

Section 1637.2.a – Ms. Leicht offered the applicant will provide evidence as to the need for the tower at the Conditional Use Hearing.

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Section 1637.2.b – Ms. Leicht offered that the communications tower shall comply with all applicable FAA and Commonwealth Bureau of Aviation regulations and that testimony will be given at the Conditional Use Hearing. Ms. Leicht also offered that the tower is under the 200 foot lighting requirement.

Section 1637.2.c – Ms. Leicht offered that the communications tower is not located on property listed on a historic register or in an officially designate state or federal historic district.

Section 1637.2.d – Ms. Leicht offered that the communications tower is not within one thousand feet measured horizontally from another communications tower.

Section 1637.2.e – Ms. Leicht offered that the applicant shall enter an agreement with the Township acknowledging its obligation to remove unused facilities prior to the issuance of a building permit.

Section 1637.2.f – Ms. Leicht offered that the applicant’s plan contains the necessary fencing to meet the requirements. She offered that the fence will be 8 feet with barbwire at the top.

Section 1637.2.g – Ms. Leicht offered that the requirement pertaining to the submission of a landscape plan is not applicable to this plan as the site is located in the middle of an existing parking lot.

Section 1637.2.h & i – Ms. Leicht offered that the applicant’s plan includes a twenty foot right-of-way from Burley Road to the facility with room within the fenced in area for one parking space.

Section 1637.2.j – Ms. Leicht offered that the access way to the site is 20 feet wide and is improved with a packed gravel surface.

Section 1637.2.k – Ms. Leicht offered that the proposed telecommunications facility will be unmanned and will require periodic maintenance visits. She offered that there would be 1 or 2 trips a month.

Section 1637.2.l – Ms. Leicht offered that communications equipment shelter complies with the setback and height regulations for accessory buildings in the Commercial District.

Section 1637.2.m – Ms. Leicht offered that guy wires are not applicable with a mono pole design.

Section 1637.2.n – Ms. Leicht offered that the applicant will comply with the tower height measurement requirement.

Section 1637.2.o – Ms. Leicht offered that the plan shows the security gate install a minimum of twenty feet from the public right-of-way.

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Section 1637.2.p – Ms. Leicht offered that the applicant sought a variance from the Zoning Hearing Board to waive the requirement that the applicant control the land within the necessary 150 foot setback. She offered that this variance was denied.

Section 1637.2.q - Ms. Leicht offered that the applicant shall provide a copy of its current Federal Communications Commission license, along with emergency contact information, at the Conditional Use Hearing.

Section 1637.3.a – Ms. Leicht offered that the plan shows the setbacks for the tower are no less than 150 feet from adjacent property lines and public road right-of-way lines.

Section 1637.1.d – Ms. Leicht offered that the applicant sought a variance from the Zoning Hearing Board to install twelve panel antennas with a height of eight feet that exceed the five foot maximum height requirement. She offered that this variance was granted.

Section 1637.1.e & f – Ms. Leicht offered that the applicant will provide detailed construction drawings for the new tower and antennas at the time of the building permit process.

Section 1637.1.h – Ms. Leicht offered that the applicant will provide evidence of compliance with all applicable FCC standards regarding human exposure to electromagnetic radiation at the Conditional Use Hearing.

Engineer asked if the buses will be prohibited from access of the driveway. Ms. Leicht offered that the driveway is only for access the communications tower. Engineer offered a note should be placed on the plan stating this.

After discussion and upon Dalla Piazza/Maguire motion, the PTPC voted by majority to recommend approval of the Cellco Partnership d/b/a Verizon Wireless Conditional Use Request conditional upon the following.

1. An Interpretation of Section 1637.2.r of the Penn Township Zoning Ordinance by the Zoning Officer and Township Solicitor regarding the distance to structures and if this is structures in general or structures within a park.
2. Preservation of viewscape in relation to color of the monopole
3. Note placed on the plan stating that driveway permit is needed prior to the issuance of a building permit
4. Placing the available and required driveway site distance on the plan.
5. The PTPC has a question on the interpretation of the location need being unable to be met by the ATT Tower and American Tower across river. It is felt that the distances are not

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extreme enough to cause the ATT Tower to be out of the range of what the applicant is trying to accomplish.

Ken Martz abstained from the voting due to involvement with Verizon.

Warden Properties Preliminary Subdivision Plan, File # 2005-06 – Todd Wilson of Alpha Consulting Engineers explained that this plan has been revised with the emphasis being on a 55+ community. He offered that the number of units did increase, the entrance has been moved due to the slopes and site distances and the stormwater basins changed from six to three. Due to the Engineering staff needing more time for the review of the plan, Mr. Wilson asked for the plan to be tabled. After discussion and upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to table the Warden Properties Preliminary Subdivision Plan.

Charles Stoner Final Subdivision Plan, File # 2008-01 – Secretary presented the time extension request for the Charles Stoner Final Subdivision Plan. Mr. Stoner requested a time extension until July 30, 2008. After discussion and upon Maguire/Martz motion the PTPC voted unanimously to recommend approval of the time extension until July 30, 2008 for the Charles Stoner Final Subdivision Plan.

John Leiter Final Subdivision Plan, File # 2008-02 – Secretary presented the time extension request for the John Leiter Final Subdivision Plan. Mr. Leiter requested a time extension until July 30, 2008. After discussion and upon Maguire/Martz motion the PTPC voted unanimously to recommend approval of the time extension until July 30, 2008 for the John Leiter Final Subdivision Plan.

Carle E. Baker Final Subdivision Plan, File # 2008-03 – Robert Shaffer, Jr. of Act One Consultants represented Mr. Baker. Engineer reviewed the outstanding comments and Alterations of Requirement (AOR) requested.

After due consideration, and upon a Maguire/Dalla Piazza motion, the PTPC voted unanimously to grant and AOR for Sections 304 and 305 *Preliminary Plan Procedures* of the Township Subdivision and Land Development Ordinance.

After due consideration, and upon a Maguire/Dalla Piazza motion, the PTPC voted unanimously to recommend approval of the AOR for Section 407, *Erosion and Sedimentation Control Plan* of the Township Subdivision and Land Development Ordinance on the justification that no construction or earth disturbance will occur as a result of this subdivision plan.

After due consideration, and upon a Maguire/Dalla Piazza motion, the PTPC voted unanimously to recommend approval of the AOR for *Section 406 and Ordinance 102, Stormwater Management* of the Township Subdivision and Land Development Ordinance on the justification that no construction or earth disturbance will occur as a result of this Subdivision Plan.

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After due consideration, and upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to recommend approval of the Carl Bake Final Subdivision Plan, File # 2008-03, contingent upon following items being completed.

1. The list of subdivisions within 1000 feet needs to be provided with a record date.
2. A note is placed on the plan stating, "Lot 3 shall use U.S. Route 11 & 15 for access.
3. The surveyor's certification needs to be signed and sealed.
4. The certification of ownership and dedicatory statements needs to be signed and notarized.
5. A note is to be placed on the plan stating that the earthen lane and fence will be removed.
6. All Zoning Officer comments addressed.

Larry Miller Final Subdivision Plan, File # 2008-04 – Robert Shaffer, Jr. of Act One Consultants represented Mr. Miller in this matter. Due to the review comments being presented tonight Mr. Shaffer asked for the plan to be tabled. The PTPC discussed the concerns of the private right-of-way (ROW) and the number of lots existing on Railroad Street in connection with the possible addition of two more lots. The PTPC directed the Secretary to ask the Solicitor the following questions.

If the Township approves this subdivision, does this approval open the Township up to new responsibilities as the other lots are grandfathered?

Should the current residents grant their agreement of the additional lots?

After discussion and upon a Maguire/Dalla Piazza motion, the PTPC voted unanimously to table the Larry Miller Final Subdivision Plan.

Secretary presented the DEP Mailer for the Larry Miller Final Subdivision Plan. After discussion and upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to recommend approval of the DEP Mailer for the Larry Miller Final Subdivision Plan.

OLD BUSINESS

Zoning Ordinance Amendment – Secretary presented the comments from the Perry County Conservation District concerning the Zoning Ordinance Amendment. After discussion, the consensus of the PTPC was to table this matter for further review.

NEW BUSINESS

Zoning Officer Question on The Number of Reasonable Pet – Secretary presented the letter from the Board of Supervisors regarding the Zoning Officer's request of guidance of the number of reasonable pets that is customary for a household. A discussion on the number and fairness

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of limiting the number of pets a household could have. The discussion centered on the acreage in relation to the number of pets. Also limiting a number of pets would hinder rescue shelters as the number of dogs does not stay the same. It was stated that the number of dogs on one acre is different for 5 acres. After discussion, the consensus of the PTPC was to table this matter for further review.

USDA – Duncannon EMS Expansion – Secretary presented the letter and application of the USDA for a loan for the Duncannon EMS. After discussion and upon Maguire/Dalla Piazza, the PTPC voted unanimously to table this matter.

Zoning Amendment – Height of Communications Towers – Secretary offered that a concern of the Zoning Hearing Board (ZHB) came up regarding the height communications towers. The ZHB asked the PTPC to consider this matter. After discussion, the consensus of the PTPC was to table this matter for further review.

Upon the completion of all business and with a Maguire/Dalla Piazza motion, the PTPC voted unanimously to adjourn the meeting at 10:40 p.m.

Respectfully Submitted,

Approved August 18, 2008

Brian Maguire
Secretary