

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

MINUTES OF JULY 21, 2008

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The Penn Township Planning Commission (PTPC) met on July 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.

Chairman Chism opened the workshop at 6:30 p.m.

BUILDING HEIGHTS – The Secretary presented the changes to the PTPC for review. She also pointed out that the definitions of habitation and occupancy were added as per the discussion in June. A discussion commenced on the definition of occupancy.

Occupancy: A building or part of a building intended to be utilized by humans.

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

Secretary explained that in the use schedule blocks the wordage “regular used workspace” was added as per the discussion in June. Mr. Maguire asked if the phrase “under conditional use” means that if the height was to extend pass the forty (40) foot stage that the applicant would have to get a conditional use. The answer was in the affirmative. Mr. Martz suggested that the wordage be changed to “Building Height can be extended to 50', **under Conditional Use**, if the extra height is not used for habitation or **regularly** used workspace”. The PTPC also consented to change the word “regular to regularly”.

Chairman Chism closed the workshop at 7:00 p.m.

Chairman Chism called the meeting to order at 7:00 p.m. with the announcement that the meeting was recorded to aid in the preparation of the minutes.

Chairman Chism explained that the PTPC has initiated a new time presentation policy. Five (5) minutes are allotted for per visitor and anything longer than 5 minutes to be listed under the new business section of the agenda. Applicants with subdivision or land development plans have fifteen (15) minutes for comments concerning their plan. He continued that if needed the PTPC can vote for an extension of time in ten (10) minute increments, if needed.

MINUTES –Planning Commission minutes of April 21, 2008, May 19, 2008 and notes from the June 16, 2008 workshop were presented. After discussion and upon a Maguire/Dalla Piazza motion, the PTPC voted unanimously to table the April 21, 2008 minutes for the secretary to correct typographical errors in the minutes and the specified changes listed as follows

1. 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

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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 the southern end of Perdix.**

2. **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 **viewshed** from the highway. Mr. Murphy offered that there will be a forest buffer around the residential units. Mr. Zeph offered that there are residences north of Harrisburg being built and asked if a study conducted concerning the need for these **units in this area.** Mr. Murphy offered that he did not know and that he would have to save that question for another meeting.

3. **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 **existing** structures that are **outside a two** mile radius of the proposed structure.

5. 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. **Mr. Chism voted nay as he believed that that Cellco Partnership did not prove their need for the tower.**

6. 5. **The PTPC questioned the need for the proposed tower since existing towers are located nearby.** It is felt that the distances are not extreme enough to cause the ATT Tower to be out of the range of what the applicant is trying to accomplish.

7. Ken Martz abstained from the voting due to involvement with **Rohrer Bus.**

After discussion and upon a Mullen/Dalla Piazza motion, the PTPC voted unanimously to approve the May 19, 2008 minutes with the typographical errors corrected.

The PTPC accepted the notes of the June 16, 2008 workshop.

VISITORS

CeCe Novinger – Ms. Novinger offered that the Township Supervisors have received several complaints that properties have not been maintained. The calls consist of tall grass, trash and similar things. She asked if there is any ordinance in the Township to cover these areas. Secretary explained that there is the nuisance ordinance to cover the trash but that there is nothing in place for the maintenance of the grass.

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Ms. Novinger offered that due to the amount of complaints that the matter of grass height should be addressed.

CORRESPONDENCE

Secretary presented the PTS letter granting a time extension to the Warden Properties Preliminary Subdivision Plan until August 27, 2008. Secretary presented the PTS letter conditionally approving the Charles Stoner and Marica Andri Final Subdivision Plan. Secretary presented the letter from the PTS asking DEP to deny the application for a stream crossing permit for 303 Schoolhouse Road. Secretary presented the Perry County Planning Commission Memorandum regarding the Perry County Comprehensive Plan Implementation Toolbox. Secretary presented the PTS letter granting the Jason Gehman Final Subdivision Plan a time extension until July 30, 2008. Secretary presented the PTS letter granting the Larry Miller Final Subdivision a time extension until September 24, 2008.

SUBDIVISION/LAND DEVELOPMENT PLANS

Warden Property Preliminary Subdivision Plan, File # 2005-06 – Secretary offered that Mr. Todd Wilson of Alpha Consulting Engineers requested the plan be tabled due to the applicant requesting zoning variances to permit grading within selected areas of the site containing steep slopes. After discussion, and upon a Maguire/Mullen motion, the PTPC voted unanimously to table the Warden Property Preliminary Subdivision Plan as per applicant's request.

Fishing Valley Creek Associates Zoning Docket # 2008-05 – Chairman Chism offered that the applicant is requesting variances of Section 1203 of the Zoning Ordinance to permit grading within areas of precautionary and prohibitive slopes as delineated in exhibits A-D for the conception of public streets and stormwater management facilities related to the residential development known as the Warden Property Preliminary Subdivision Plan.

The PTPC reviewed the progression of the Warden plan in regards to the entrances to the property. Engineer offered that most of the property frontage on the public road is in steep slopes. Mr. Chism offered that the applicant had a plan with 120 homes that did not require going through the steep slopes because they acquired another piece of property. Secretary clarified that Mr. Chism was referring to the piece of property the applicant acquired that fronts on Butchershop Road and offered that that piece of property was acquired between the first plan and the second plan. She offered that the property fronting Butchershop Road does not show an entrance on the second plan. Mr. Chism offered that he believes that the increase in housing did force the applicant into the steep slope situation.

Engineer offered that to access the property off the existing public road (SR 849) the applicant almost has to come through the slopes somewhere to get an access. He continued that his concern is that the applicant minimizes the impact as much as possible. He offered that this is one of the requests that the applicant has. Some relief is necessary for the applicant to have access to the property. Ms. Mullen asked if the slope issue was discussed in the initial application. Engineer replied that there were no steep slopes discussed or shown in the initial

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application. He continued that at that time we did not realize that they were impacting steep slopes. Mr. Chism asked if the increase in the number of dwellings has increased the impact on the steep slopes. Engineer offered that in a general statement the answer is yes, but not on the access. Engineer offered that a review was conducted on the application and a memorandum was presented to the PTS at their June meeting. The request was reviewed for consistency with the County and Township Comprehensive Plans, planning documents, zoning and from the engineering perspective of the different variance requests. The Engineer believed that there needs to be an impact in the steep slopes at the entrance for access to the property but the impact could be minimized on the precautionary slopes if the applicant did some work and realigned the road. Engineer continued that the other request shows that roadway and layout has gone right through the precautionary and prohibitive slopes. Engineer offered that the applicant is citing that the property is unique with the steep slopes. Chairman Chism asked if the slopes were unique to the property in question. Engineer offered as could be seen from the steep slope overlay, steep slopes are all over the Township thus not being very unique. Engineer offered that a different layout of the property would not allow the applicant to maximize the property. Chairman Chism asked if part of the problem is the maximization of the lots. Engineer replied in the affirmative. Chairman Chism read the requests to the PTPC for discussion.

A discussion commenced on the zoning of the property and whether the existing terrain is a hardship when someone purchases a property knowing the limitations of the land.

After discussion and upon a Maguire/Mullen motion, the PTPC voted unanimously to submit the following comments concerning the variance requests for Section 1203, Permitted Uses in the Steep Slope Conservation District.

Request A: Consideration should be given to allow the minimum variance to the precautionary slope only; because the zoning for this property is High Density Residential (R2). This consideration is for the entrance and the entrance only.

No consideration should be given to the request for a variance to the prohibitive slope.

Request B: No consideration should be given to the request for a variance to the prohibitive slope.

Request C: No consideration should be given to the request for a variance to the prohibitive slope.

Jason Gehman Final Subdivision Plan, File # 2006-08 – Chairman Chism noted for the record that neither the applicant or a representative was present for this plan. Secretary presented the request for a time extension until August 31, 2008. Chairman Chism asked if there have been any changes on the road or if any comprehensive runoff documentation on the property was received? Engineer offered that he did not receive any documentation. He continue that the only change from the June 13, 2008 report is under the Alteration of Requirements (AOR) for

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Accessory Building with the notation that the applicant was working with the Township Solicitor to address the request and now it appears that if the applicant puts a note on the plan restricting the property then that comment would be addressed. Engineer continued that there are still outstanding items such as the improvement of the roadway, planning module, and site distances from the driveways. He continued that the applicant has shown a snow removal easement that does not appear to be very usable from his knowledge and he would have the road foreman to look at the easement. Engineer continued that with the steep slopes on one side, the applicant has been asked to provide a detail on the control of runoff from the driveway and structures. Chairman Chism offered that long term control also needs to be addressed. Engineer offered that one of the lots has the house located on the northern side of the road and the septic system on the southern side of the road. The applicant needs to supply a detail on how they are going to cross the road with the sewage system. Mr. Maguire offered that in March the PTPC requested to know if the two separate lines of poles are shown in the easement.

After discussion, and upon Maguire/Martz motion, the PTPC voted unanimously to table the Jason Gehman Final Subdivision Plan, File # 2006-08, to allow the applicant to address the engineering comments, zoning comments and to address the question on the utilities easement.

After discussion, and upon a Dalla Piazza/Martz motion, the PTPC voted unanimously to recommend approval of the time extension request until August 31, 2008 for the Jason Gehman Final Subdivision Plan, File # 2006-08.

Larry Miller Final Subdivision Plan, File # 2008-04 – Charles Cook of Act One Consultants represented Mr. Miller. Mr. Cook requested to review a couple of the comments from the Engineering report. Mr. Cook offered that he has not received an answer on the request for exemption from DEP. He continued that Mr. Miller has executed the private right-of-way agreement but forgot it in his office. Mr. Cook then discussed the two types of building permitted in flood plains, elevated structure and a type of block building with a staircase to reach the living area. Mr. Cook explained that an AOR request for the Erosion and Sedimentation Control Plan is being presented. He offered that when a building is being proposed then the County Conservation will be involved and he did not know what else he could do to show on the plan to control the stormwater runoff without a full plan. Mr. Cook offered that there is a mobile home existing on the property that is not habitable. Mr. Miller informed Mr. Cook that the mobile home was to be removed and used as a hunting camp, but the person died before this could be accomplished. Mr. Cook offered that a neighbor will be tearing down the trailer and taking it to the scrap yard, an affidavit to that effect could be presented. Mr. Cook offered that engineer's comment number seven concerning proof be provided that the proposed wells will meet the DEP and EPA standards should be provided by the well driller. Engineer offered that the concern is that the wells are in the flood plain. Engineer continued that a note could be placed on the plan that the well shall be done according to the DEP and EPA standards. After discussion and upon Mullen/Dalla Piazza motion, the PTPC voted unanimously to table the Larry Miller Final Subdivision Plan, File # 2008-04 to address the outstanding comments.

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John B. Leiter Final Subdivision Plan, File # 2008-02 - Mr. Darrin Foster of Louis Harford & Associates represented Mr. Leiter. Engineer offered that the only new comment is that the Proof of Planning Module submission to DEP needs to be provided to the Township and be signed by Wheatfield Township's SEO. Mr. Foster asked if the Final Erosion and Sedimentation Control Plan and the soil boundaries could be considered as an AOR. Chairman Chism offered the PTPC's leanings to the AOR requests. After discussion and upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to table the John B. Leiter Final Subdivision Plan, File # 2008-02.

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

The Preserve at Mountainside East and West Preliminary Subdivision and Land Development Plans, File # 2006-10 and 2006-09 – Secretary presented the time extension request for The Preserve at Mountainside East and West Preliminary Subdivision and Land Development Plans until October 31, 2008. After discussion, and upon a Dalla Piazza/Martz; motion, the PTPC voted unanimously to recommendation approval of The Preserve at Mountainside East and West Preliminary Subdivision and Land Development Plans until October 31, 2008.

OLD BUSINESS

Chairman Chism offered that the letters with the answer to our questions for the Solicitor on the Time Extension and Time Limits were received and asked if there were any questions on the letters.

NEW BUSINESS

Fishing Creek Valley Associates L.P. Zoning Hearing – Secretary informed the PTPC that the Zoning Hearing for the Fishing Creek Valley Associates was continued until August 12, 2008 at 7:00 p.m.

Tri-County Model Ordinances - Secretary informed the PTPC that Tri County Planning Commission has sent Model Ordinances for consideration.

Susquehanna Water Gap – Chairman Chism offered that he had new agricultural land usage information available for sharing from the Susquehanna Water Gap meeting in Marysville.

Domestic Pets and Section 1637.2.r – Secretary requested if the PTPC would like to review the draft wordage for the Domestic Pets and Section 1637.2.r. After discussion, it was the consensus of the PTPC to review the language for the next workshop.

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Cellco Partnership Conditional Use Hearing – Secretary informed the PTPC that the Conditional Use for the Cellco Partnership (Verizon) was approved by the Board of Supervisors. A discussion commenced on Section 1637.2.r.

Outdoor Wood Burning Stoves – Secretary informed the PTPC that the Zoning Officer requested that the PTPC consider adding to the zoning regulation on outdoor furnaces. She continued that a gentleman talked to the zoning officer about opening an office to sell outdoor furnaces. Engineer asked if there were any in the Township. Secretary offered that there are three or four in the Township that she knows of. Ms. Novinger offered that there is one on the corner of Main Street and Fisher Street. The discussion continued on whether that furnace was installed or a demonstrator. Engineer wondered if the furnace was in the township right-of-way (ROW). Secretary stated that she would have the Roadmaster check if the furnace is in the Township ROW. The discussion continued on items being burned in the furnaces and the amount of smoke that is generated. Mr. Maguire pointed out that there is an ordinance in place to govern the burning of non-wood products. Chairman Chism suggested that the zoning officer be asked what he had in mind. Engineer stated that he has a draft ordinance on outdoor furnaces.

Windmills – Secretary offered that she received a phone call from a resident asking what regulations were in place for windmills to generate electricity. She continued that she had informed the person that a land development plan would have to be submitted. She asked if there any regulations in place for windmills. A discussion commenced on the matter.

Upon the completion of all business and with a Maguire/Dalla Piazza motion, the PTPC voted unanimously to adjourn the meeting at 9:45 p.m.

Respectfully Submitted;

Approved 8/18/08

Brian R. Maguire
Secretary