

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

### Page 1 of 16

The Penn Township Planning Commission (hereinafter referred to as the PTPC) has compiled the following list of all reviews and recommendations made to the Penn Township Board of Supervisors in 2008 beginning with the first meeting.

### JANUARY 21, 2008

**REORGANIZATION** - The PTPC voted unanimously to appoint Edward Chism as Chairman, Arthur Dalla Piazza as Vice-Chairman and Brian Maguire as Secretary.

**MINUTES** – The PTPC voted unanimously to approve the December 17, 2007 PTPC minutes with typographical changes.

### SUBDIVISION AND LAND DEVELOPMENT PLANS (SALDO)

**Charles Stoner and Marcia Andri Preliminary Subdivision Plan, File # 2007-05** – The PTPC voted unanimously to recommend approval with the following contingencies:

1. The Certification of Ownership and Acknowledgement of the Subdivision Plan be signed and notarized on the Preliminary Plan.
2. The sight distance table on Sheet 2 is to be revised to reflect the removal of the private right-of-way and Lot 14 on the Preliminary Plan.
3. A water feasibility study is to be submitted for review and approval with the Final Subdivision and Land Development Plan.
4. Stormwater Management Ordinance - The runoff coefficient used in the calculations for the stormwater runoff was for a gravel roadway. Twin Oaks Drive is to be a paved roadway. The runoff coefficient shall be revised to reflect pavement and to recalculate the runoff. Details are to be provided for the proposed R-4 stone area and the proposed berm along with calculations to justify the size of the area and the height of the berm with the Final Subdivision and Land Development Plan.
5. An ownership and maintenance agreement needs to be submitted for review and approval of the Township Solicitor and Engineer with the Final Subdivision and Land Development Plan
6. Proposed Lot 12 driveway grading shows swales will be provided in cut areas. Based on the grading plan and the profile, the first 700 feet of the roadway is in cut. The proposed grade is 10% which will cause high velocities of the concentrated runoff in the swales. Calculations and details to control the runoff in the swales to prevent erosion of the area shall be provided. Also to be provided are the appropriate controls at the end of the swales to control the discharge with the Final Subdivision and Land Development Plan.
7. A note shall be placed on the plan for Lot 12 stating that the requirement of stormwater control is the responsibility of the property owner. The note will also state the requirement shall also be stated in the deed for the property with the Final Subdivision and Land Development.

### OLD BUSINESS

**MIXED USE COMMERCE DISTRICT** – The PTPC reviewed the proposed changes for Section 1003.14, Section 1007, Section 1315.1, Section 1651.c and 1652.c and Section 1652.1. The PTPC voted unanimously to submit the proposed recommended changes of the Mixed Use Commerce District and Supplemental Requirements to the Board of Supervisors for review and adoption.

**TO DO LIST** – Secretary presented the To Do List as compiled from the minutes and submitted items to be reviewed. It was noticed that the next item to be reviewed is the Zoning Ordinance Amendments concerning building heights, an agricultural only zone and to review the sign requirements portion. The PTPC requested the Secretary to confer with the Zoning Officer on what changes to the sign portion of the zoning ordinance are proposed.

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

Page 2 of 16

### NEW BUSINESS

**Prime Agricultural Land** – Ms. Mullen offered that she has submitted information on what is considered prime agricultural land and stated that you could pinpoint a property on the NRCS soil map.

### FEBRUARY 18, 2008

#### VISITORS

**Randy Plummer, Roadmaster of Penn Township** – He requested that the PTPC consider changing the Subdivision and Land Development Ordinance page V-7. The suggested change would require the developer to submit stone and blacktop slips for all loads so that the quantity of stone and blacktop being utilized on the roads can be used for future reference. He also suggested an inspection of the subgrade be conducted before it is blacktopped to check for soft spots. This inspection would be done by proof rolling for soft spots (with a township vehicle). The PTPC voted to recommend to the Penn Township Board of Supervisors (PTS) that the PTS require developers to submit delivery slips for stone and blacktop for roads to be dedicated to the township. The PTPC also recommended that an inspection by the Township of the sub-grade be completed by proof rolling for soft spots before the blacktop is laid.

**MINUTES** – The PTPC voted unanimously to approve the January 21, 2008 PTPC.

#### SALDO

**Warden Property Preliminary Subdivision Plan, File # 2005-06** – Secretary presented the response from Alpha Consulting Engineers concerning the request from the PTPC of the status of the subdivision plan and the water feasibility study. A discussion commenced on when a plan would be considered a new plan and not a revision.

**The Preserve at Mountain Side Preliminary Subdivision Plan, West File # 2006-09 and East File # 2006-10**  
The PTPC voted unanimously to recommend approval of the time extension until July 31, 2008.

**Charles Stoner/Marcia Andri Final Subdivision Plan, File # 2008-01** – The PTPC voted unanimously to table the Charles Stoner/Marcia Andri Final Subdivision Plan, File # 2008-01.

**John Leiter Final Subdivision Plan, File # 2008-02** – The PTPC voted unanimously to table the John Leiter Final Subdivision Plan, File # 2008-02.

**Kim Kenee Conditional Use** - Mr. Kenee offered that he has bought the adjoining property and wishes to use the house as his photography studio. The PTPC voted unanimously to table this application until Mr. Kenee had time to talk to the Zoning Officer in regards to reconsidering this application.

#### OLD BUSINESS

**Conditional Use Applications** – Mr. Maguire discussed in the possibility of applications for conditional use being reviewed before the submission. He noted that some of the applications were not complete as per the zoning ordinance. The consensus of the PTS was to ask the Solicitor if the Township can do an administrative review of Conditional Uses for completeness before the request is accepted and the time limit for a hearing started. If yes, may this requirement be placed in the Zoning Ordinance and have the Solicitor provide language? If an administrative review is not possible, could there be a requirement for a pre-submission review meeting with the Zoning Officer? If yes, may this requirement be placed in the Zoning Ordinance? If a pre-submission review cannot be required, could a suggestion that a meeting with the Zoning Officer before submission of application be placed in the instructions for the Conditional Use Application?

**FEMA Floodplain Map Meeting** – Secretary presented a report on the FEMA Floodplain Map Meeting.

### NEW BUSINESS

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

### Page 3 of 16

**Zoning Ordinance Proposed Amendments Subjects** – A discussion commenced on what items to discuss first. It was the consensus of the PTPC that building height and an agricultural only zoning district were to be considered first. The PTPC requested that the Engineer provide language for the agricultural only zoning district.

**Work Sessions** – It was the consensus of the PTPC to have work sessions from 6:30 p.m. until 7:00 p.m. for the meetings March through December 2008.

### MARCH 17, 2008

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

**Building Heights** –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 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. 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. 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 PTPC voted unanimously to approve the February 18, 2008 PTPC minutes with typographical changes.

### SALDO

**Jason Gehman Final Subdivision Plan, File # 2006-08** –The PTPC voted unanimously to table the plan. 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** – 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. 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** - 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** –Mr. Kenee requested to be allowed to have a photography studio in a Low Density Residential (R1) District. 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.

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

### Page 4 of 16

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

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** – The PTPC reviewed the proposed changes for Section 1322, Required Traffic Study, Article II, Definitions, Sections 1303, 1609.2.b, 1610.2.b, 1611.2.c, 1612.2.b, 1613. f, 1621, 1637.2. i , 1639.2 a .

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 Penn 1155 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 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.

### APRIL 21, 2008

Chairman Chism offered that the workshop will commence on the Building Heights Restrictions. The consensus of the PTPC was that the building height would be forty (40') feet for all districts. The PTPC offered that the changes should be made to the definitions of Story, Half Story, and Building Height.

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

### VISITORS

**Penn 1155 LLC** – Mr. John Murphy of Alpha Engineering stated that his firm had just gotten 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. Chairman Chism opened the floor to the visitors for questions. Mr. Chism closed the discussion at the end of the time period allowed.

**MINUTES** – The PTPC voted unanimously to approve the March 17, 2008 PTPC minutes.

### SALDO

**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 explained the reasoning for the communications tower and along with Ms. Leicht, reviewed Section 1637 of the Zoning Ordinance

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

### Page 5 of 16

with the PTPC. 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 being unable to be met by the ATT Tower and American Tower across river. 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.

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. The PTPC voted unanimously to table the Warden Properties Preliminary Subdivision Plan.

**Charles Stoner Final Subdivision Plan, File # 2008-01** – 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** – 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** –The PTPC voted unanimously to grant AORs for Sections 304 and 305 *Preliminary Plan Procedures* of the Township Subdivision and Land Development Ordinance. The PTPC voted unanimously to recommend approval the AORs for Sections 407, *Erosion and Sedimentation Control Plan*, 406 and Ordinance 102, *Stormwater Management* and the final plan with the following contingencies:

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** –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?

The PTPC voted unanimously to table the Larry Miller Final Subdivision Plan. The PTPC voted unanimously to recommend approval of the DEP Mailer for the Larry Miller Final Subdivision Plan.

**OLD BUSINESS**

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

### Page 6 of 16

**Zoning Ordinance Amendment** – Secretary presented the comments from the Perry County Conservation District concerning the Zoning Ordinance Amendment. 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 for guidance of the number of reasonable pets that is customary for a household. 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. 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. The consensus of the PTPC was to table this matter for further review.

### MAY 19, 2008

Chairman Chism called the workshop to order.

The discussion commenced on the height of the buildings. Chairman Chism offered that the PTPC decided on measurements starting from the average grade, and offered that perhaps forty (40) feet would be a good height. The consensus of the PTPC it was decided to change the building height requirements to forty (40) feet for all zoning districts. Mixed Use Commerce, Industrial, and Commercial zones may be extended to fifty (50) feet if the extra height is not used for habitation under Conditional Uses.

The PTPC reviewed the proposed changes for the following sections Section 1304 – Exceptions.

1. Height Exceptions.
3. Non-Conforming Uses

Chairman Chism closed the workshop at 7:00 p.m. and opened the meeting at 7:02 p.m.

#### CORRESPONDENCE

The PTPC discussed the interpretation of Section 1637.2.r, Communication Towers. Chairman Chism offered that this section does not state what was intended. The consensus was to change the language to “No Communications Tower shall be located closer than the length of tower, including antennas above the top of the tower, plus twenty (20) feet to the nearest inhabited building, ~~five hundred (500) feet from any~~ existing structure, playground, ballfield or other area used for active recreation within a municipal park or school.”

#### SALDO

**Warden Property Preliminary Subdivision Plan, File # 2005-06** –The PTPC voted unanimously to table this plan. Secretary presented the time extension request for the Warden Properties until August 27, 2008.

**Charles Stoner Final Subdivision Plan, File # 2008-01** – Mr. James Hockenberry represented Charles Stoner in this matter. The PTPC voted unanimously to recommend approval of the Charles Stoner & Marcia A. Andri Final Subdivision Plan, File 2008-01, with the following contingencies:

1. The certification of ownership and the dedicatory statement shall be signed and notarized.
2. Proof of Erosion and Sedimentation Control Plan approval by the Perry County Conservations District shall be provided to the Township.

# PENN TOWNSHIP PLANNING COMMISSION 2008 SUMMARY

## Page 7 of 16

3. A construction cost estimate needs to be approved by the Township.
4. A Construction Agreement needs to be submitted to the Township for approval.
5. A Financial Security Agreement needs to be submitted to the Township for approval.
6. The Stormwater Note on the plan must be approved by the Township Solicitor.
7. The water feasibility study comments must be addressed.

The PTPC further stipulated that the construction cost estimate, construction agreement, financial security agreement, stormwater note approval, and water feasibility study accepted by the Township Engineer and must be in the Township Office by May 23, 2008 or the plan will be held until the June Board of Supervisors meeting.

### OLD BUSINESS

**Zoning Ordinance Amendment** - Secretary presented the Perry County Comments and Engineer's Review for the Zoning Ordinance Amendment. The PTPC voted unanimously to accept the changes and recommend acceptance of the amendments to the Zoning Ordinance.

### NEW BUSINESS

**USDA – Duncannon EMS Expansion** – Secretary presented the letter and application of the USDA for a loan for the Duncannon EMS. The concept plan was recommended for approval with the contingency that the Municipal Authority review and provide comments if desired.

**Zoning Officer Question on The Number of Reasonable Pet** – Secretary presented the letter from the Board of Supervisors regarding the Zoning Officer's request for guidance of the number of reasonable pets that is customary for a household. The consensus of the PTPC to have the language drawn up for review.

**Perry County Planning Commission GIS Update** - Secretary presented the request for review of the information on the GIS map for the Perry County GIS. The consensus the PTPC agreed to submit changes to the PTS.

**Time Limit on Presentations** – Mrs. Mullen offered that to help keep the meeting progressing in a timely manner she is proposing that each visitor would have five (5) minutes to present their questions and if more time was needed, the visitor would be addressed under new business. Each applicant with a subdivision or land development plan would have fifteen (15) minutes to ask any questions concerning the comments from the Township Engineer, Zoning Officer or Staff. If the PTPC feels that more than fifteen (15) minutes are needed, then the PTPC would vote to extend the time in ten (10) minutes increments. The PTPC voted unanimously adopt the motion on the time limits as stated.

**Time Extension Guidance** – Chairman Chism offered that he felt more guidance was needed in the future on granting time extensions to subdivision and land development plans. The PTPC voted unanimously to ask the Solicitor the following questions and comments.

1. When a plan has not been acted upon except for time extensions for an extended period, what are the guidelines for limiting the amount of time extensions granted?
2. What are the guidelines for a revised plan versus a new plan when an extensive change has been made by the applicant that was not generated by comments from the Township?
3. The Planning Commission has concerns about continuous time extensions when there is no action.
4. The Planning Commission has concerns that an applicant will file a plan and just sit on it indefinitely so that any new changes to ordinances will not affect his plan.

### June 16, 2008 (No Quorum) Workshop

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

### Page 8 of 16

Chairman Chism called the workshop to order.

**BUILDING HEIGHTS** – The PTPC reviewed the proposed changes for the Lot Requirement Box in the Commercial, Industrial and the Mixed Use Commerce Zones, Article II – Definitions, and Section 1304.

**DOMESTIC PET**- Secretary presented the draft wordage for a definition of a domestic pet and amendment language for Sections 403.4, 503.4, 603.4 and 703.4 for review.

**CELL TOWERS** – Secretary presented the wordage for the change to Section 1637.2.r. The PTPC reviewed the proposed changes for Section 1637.2.r.

### JULY 21, 2008

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.

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

**MINUTES** –The PTPC voted unanimously to table the April 21, 2008 minutes. The PTPC voted unanimously to approve the May 19, 2008 minutes. 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.

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

### SALDO

**Warden Property Preliminary Subdivision Plan, File # 2005-06** – 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 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.

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

### Page 9 of 16

**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. The PTPC voted unanimously to table the Jason Gehman Final Subdivision Plan, File # 2006-08. 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** –The PTPC voted unanimously to table the Larry Miller Final Subdivision Plan, File # 2008-04 to address the outstanding comments.

**John B. Leiter Final Subdivision Plan, File # 2008-02** - The PTPC voted unanimously to table the John B. Leiter Final Subdivision Plan, File # 2008-02. 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** – The PTPC voted unanimously to recommendation approval of the time extension for 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. The consensus of the PTPC to review the language for the next workshop.

**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. 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). 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.

### AUGUST 18, 2008

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

**CELL TOWERS** – The PTPC discussed the difference between inhabited and occupied and active recreation and proposed wordage changes for further review.

# PENN TOWNSHIP PLANNING COMMISSION 2008 SUMMARY

**Page 10 of 16**

**DEFINITIONS** - The PTPC discussed the definition of occupancy.

**DOMESTIC PETS** - The PTPC discussed the verbiage for domestic pets and proposed changes to be made.

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

## **VISITORS**

**Bob Finnen – Susquenita School District** – Chairman Chism abstained from this discussion due to his involvement with the School District. Mr. Finnen offered that the school district desires to place two dugouts at the girls' softball field. Mr. Finnen is requesting to know if a Land Development Plan is needed. After discussion, the consensus was for Mr. Finnen to present a sketch plan to the PTPC with the stormwater plan shown at the next meeting.

**Keith Sultzbaugh, RSR Realty** – Mr. Sultzbaugh offered that he represents Mike Ward, the new owner of the Dersham property. He has come to the PTPC to ask what the Township would like to see developed on that property. Chairman Chism replied that the policy of the Township is not to offer comments on the type of development for any tract in the Township.

**MINUTES** – The PTPC voted unanimously to approve the April 21, 2008 and July 21, 2008 PTPC minutes with typographical changes.

## **SALDO**

**Jason Gehman Final Subdivision Plan, File # 2006-08** – Secretary notified the PTPC that Mr. Gehman's time extension expires on August 27, 2008 and that a request for another time extension has not been received by the Township as of the beginning of this meeting. The PTPC voted unanimously to recommend denial of the AOR for Section 304, *Final Plan* of the Township Subdivision and Land Development Ordinance. The PTPC voted unanimously to recommend denial of the AOR for Section 503.03, *Accessory Building* of the Township Zoning Ordinance. The PTPC voted unanimously to recommend denial of the Jason Gehman Final Subdivision Plan, File # 2006-08 due to the following comments, presented by the Township Engineer, Zoning Officer, Highway Department and Perry County Planning Commission, not being addressed.

## **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

The following sections were not addressed; Section 309.A.23, Section 309.A.24, Section 309.A.28, Section 309.B.2, Section 309.B.4.e, Section 309.B.7, Section 401.B.1, Section 401.B.2.c, Section 401.C.2, Section 401.C.5, Section 401.C.7, Section 403.A, Section 403.C, Section 403.D, Section 406, Section 506.B, Section 506.D.1.b, Lot Number 1 On-Lot Disposal System, Utility Easement.

## **ZONING ORDINANCE**

The following sections were not addressed; Section 503, Section 505, Section 1649.

## **TOWNSHIP STAFF COMMENTS**

### **HIGHWAY DEPARTMENT**

A speed study was needed for Holman Drive. No pins are marked where driveways are to be located. The plans do not show a cul-de-sac.

**John B. Leiter Final Subdivision Plan, File # 2008-02** –The PTPC voted unanimously to recommend approval of the AOR for Section 309.B.4, *Erosion and Sedimentation Control Plan*, the AORs for Sections 309.B.4, *Erosion and Sedimentation Calculations and Details*, and 309.B.4, *Soil Boundaries*, of the Township Subdivision and Land Development Ordinance based on the justification that no construction or earth disturbance will occur as a result of

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

### Page 11 of 16

this subdivision plan. The PTPC voted unanimously to recommend approval of the John Leiter Final Subdivision Plan, with the following contingencies;

1. The surveyor's certification needs to be signed and sealed.
2. The certification of title and the dedicatory statement should be signed and notarized.
3. The Request for planning waiver and non-building declaration approval by DEP.

**Verizon Wireless – Kinkora Final Land Development, File # 2008-05** – Ms. Paula Leicht of Mette, Evans & Woodside represented the applicant. The PTPC requested that the highway department review the reconfiguration and speed study. The PTPC voted unanimously to table this plan for the applicant to address the outstanding comments.

**Elite Dialysis Medical Offices Final Land Development Plan, File # 2008-06** – Dave Weihbrecht represented the applicant. The consensus of the PTPC was for the Zoning Officer to be asked if a note placed on the plan regarding the lighting plan is sufficient or if a lighting plan is required with the Land Development Plan. The consensus of the PTPC was for the PTS to be asked if a sidewalk was required. The PTPC voted unanimously to table this plan for the applicant to address the outstanding comments.

**Lisa Laird Final Subdivision Plan, File # 2008-07** –Mr. Watson offered that this is just a simple lot line addition. Mr. Watson offered that the line would be removed from Lot 6 and attached to Lot 1. The PTPC voted unanimously to recommend approval of the AORs for Section 306, *Preliminary Plan Procedures*, 406, *Erosion and Sedimentation Control Plan*, Section 407, *Stormwater Management Plan* of the Township Subdivision and Land Development Ordinance based on the justification that no construction or earth disturbance will occur as a result of this subdivision plan. The PTPC voted unanimously to recommend approval of the Lisa Laird Final Subdivision Plan, File # 2008-07, contingent on the Township Engineer, County, and Zoning Officer comments are addressed on the plan and the plan is to the Township Engineer by August 20, 2008 and that the Township Engineer approves that all the comments have been addressed prior to the Board of Supervisors meeting on August 27, 2008.

**Barry & Mary Sheaffer Final Subdivision Plan, File # 2008-08** –The PTPC voted unanimously to recommend approval of the AORs for Sections 306, *Preliminary Plan Procedures*, 406, *Erosion and Sedimentation Control Plan*, and 407, *Stormwater Management Plan* of the Township Subdivision and Land Development Ordinance based on the justification that no construction or earth disturbance will occur as a result of this subdivision plan. The PTPC voted unanimously to recommend approval of the Barry & Mary Sheaffer Final Subdivision Plan, File # 2008-08, contingent on the Township Engineer, County, and Zoning Officer comments being addressed on the plan and the plan submitted to the Township Engineer by August 20, 2008 and that the Township Engineer approves that all the comments have been addressed prior to the Board of Supervisors meeting on August 27, 2008.

**Larry Miller Final Subdivision Plan, File # 2008-04** – Mr. Charlie Cook offered that he is representing Mr. Miller. Mr. Cook offered that he has placed the flood plain building requirements on the plan and that he had a question on whether an the Erosion And Sedimentation Control Plan needs to be submitted. After discussion Mr. Cook verbally withdrew the request for an AOR for Section 309.B.4, *Erosion and Sedimentation Control Plan*. The PTPC voted unanimously to table this plan to allow the applicant to acquire an Erosion and Sedimentation Control Plan approval.

**Warden Property Preliminary Subdivision Plan, File # 2005-06** – The PTPC voted unanimously to recommend approval of the time extension request for the Warden Property Preliminary Subdivision Plan until November 26, 2008. The PTPC voted unanimously to table this plan.

### SEPTEMBER 15, 2008

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

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

Page 12 of 16

**AGRICULTURAL (AG) ONLY ZONING** – The PTPC discussed how to proceed with an AG Only Zone. One of the suggestions was to put prime soils into the AG and a number of lots based on acreage and perhaps a sliding scale.

Chairman Chism closed the workshop and called the meeting to order at 7:03 p.m. with the announcement that the meeting was recorded to aid in the preparation of the minutes.

### VISITORS

**Pat Devlin – Susquehanna Water Gap Landscapes** – Ms. Devlin presented the PTPC with two handouts. She offered that her group, Land Logics Group, is funded by DEP Grants to present a training workshop in the future. She continued that her group has worked with municipalities doing ordinance reviews and ordinance writings. Her group has also worked with landscape design and land site development and therefore has worked with both sides of development. The main purpose of the group is to start a dialog between neighboring municipalities and to look at some improvements that might be made in the ordinances to better protect the natural resources of this region.

Chairman Chism offered that as the PTPC has not reviewed the material, the PTPC would need time to review and decide what action is warranted.

**MINUTES** – The PTPC voted unanimously to table the minutes of August 18, 2008 for clarification.

### SALDO

**Susquenita School District AOR Request** – Secretary presented the sketch plan from Mr. Bob Finnen showing the stormwater runoff of the dugout as requested. The PTPC voted by majority, with one abstention, to recommend approval of the AOR request to not submit a Land Development Plan due to the minimum disturbance of the area and that there is little area of stormwater requirements for the proposed dugouts conditional upon the receipt of a written request presented to the township and sufficient grading is provided to direct stormwater into the existing stormwater control areas.

**Larry Miller Final Subdivision Plan, File 2008-04** – The PTPC voted unanimously to approve the AOR for Section 304 & 305 *Preliminary Plan Procedures*. The PTPC voted unanimously to recommend approval of the AORs for Sections 309.A.13.b, *Adequate Building Site*, 405.A.5, *Private Right of Way Lot Limits*, and 406, *Stormwater Management Plan* of the Township Subdivision and Land Development Ordinance. The PTPC voted unanimously to recommend approval of the Larry Miller Final Land Development Plan, File # 2008-04, with following contingencies.

1. The certification of ownership and the dedicatory statement should be signed and notarized.
2. The surveyor's certification needs to be signed and sealed.

**Verizon Wireless – Kinkora Site Minor Land Development Plan, File # 2008-05** The PTPC voted unanimously to recommend approval of the Verizon Wireless – Kinkora Site Land Development Plan with the following contingencies,

1. All professional certifications need to be completed.
2. The certification of title and the dedicatory statement need be signed and notarized.
3. Proof of Planning Module or exemption approval from DEP needs to be provided to the Township.
4. Financial security in the amount of \$14,414.40 needs to be provided to the Township.
5. The applicant must submit an agreement regarding the removal of the Communications Tower.

# PENN TOWNSHIP PLANNING COMMISSION

## 2008 SUMMARY

Page 13 of 16

**Elite Dialysis Medical Center Final Land Development Plan, File # 2008-06** - The PTPC voted unanimously to approve the AOR for Section 306, *Preliminary Plan Procedures*. The PTPC voted unanimously to recommend approval of the Elite Dialysis Medical Center Final Land Development Plan with the following contingencies

1. The requirements of the Penn Township Park and Recreation Ordinance need to be satisfied.
2. All professional certifications need to be completed.
3. Proof of Erosion and Sedimentation Control Plan approval needs to be submitted to the Township.
4. A construction cost estimate needs to be submitted to the Engineer before September 22, 2008
5. The certification of ownership and dedicatory statement needs to be signed and notarized.
6. A stormwater ownership and maintenance agreement needs to be submitted for review and approval of the Township Solicitor and Engineer before September 22, 2008.

The PTPC requested that the Secretary notify the Municipal Authority that a customer will be coming on line.

### OLD BUSINESS

**Domestic Pets** – The PTPC discussed the proposed language of for Domestic Pets. The consensus of the PTPC was to have the following changes made to the language for Domestic Pets.

Domestic Pets –Noncommercial keeping of domestic pets shall be permitted by right; provided, however, that no more than four (4) adult pets, not to include fish, **birds, reptiles, and rodents**, shall be permitted on lots that are one (1) acre **or less and below**. Feces shall be collected from premises and stored in an air tight container on a daily basis. One (1) additional adult pet, not to include fish, **birds, reptiles, and rodents**, shall be permitted **for each additional per ½ acre**.

~~The Zoning Officer shall determine those animals that constitute suitable domestic pets considering the size, number and likely impact such animals would have upon adjoining properties and the neighborhood. Appeals from the Zoning Officer's determination shall be provided as per Section 1804 of this Ordinance.~~

**Section 1637.2.r - Commercial Communication Tower** – The PTPC discussed the changes to Section 1637. The PTPC was to change the section to read as follows:

No Communications Tower shall be located closer than the length of tower, including antennas above the top of the tower, plus twenty (20) feet to **any of the following**:

- (1) The nearest inhabited or occupied building;
- (2) Playground;
- (3) Ballfield;
- (4) Other areas used for active recreation;
- (5) Activities such as but not limited to flea markets or farmer markets.

The PTPC voted unanimously to recommend the changes to the Zoning Ordinance for Domestic Pets, Building Heights and Commercial Communication Tower to the Board of Supervisors

### NEW BUSINESS

**Penn 1155 LLC** – Secretary informed the PTPC that Penn 1155 LLC Zoning Hearing will be on October 1, 2008 at 7:00 p.m.

**Susquehanna Water Gap** – Chairman offered that he is not pleased with the little he looked through and asked the other members to really look through the information.

**Agriculture Only Zoning** – The PTPC discussed the need to get permission from the Board Supervisor to go through with the review for an Agriculture Only Zoning.

**Fishing Creek Valley Associates LLC** – Engineer reported the outcome of the Zoning Hearing.

# PENN TOWNSHIP PLANNING COMMISSION 2008 SUMMARY

**Page 14 of 16**

**OCTOBER 20, 2008**

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

**Agricultural Zone (AG Zone) Area** –The PTPC discussed the different areas in the township that have Agricultural Easements. The discussion continued on how to designate an AG Zone Area with a sliding scale, by minimum acreage or areas where there is active AG uses in place. It was the consensus of the PTPC for the Engineer to submit a listing of all the parcels in the Agricultural/Rural Zoning District that are 25 acres and more for the next meeting.

Chairman Chism closed the workshop at 7:40 and called the meeting to order with the announcement that the meeting was recorded to aid in the preparation of the minutes.

**MINUTES** – The PTPC voted unanimously to approve the August 18 and September 15, 2008 PTPC minutes with changes.

**VISITORS** – There were no visitors present.

**CORRESPONDENCE** – Secretary presented the Board of Supervisors' (BOS) letters approving the Verizon Wireless - Kinkora Site Land Development Plan, Elite Dialysis Medical Center Final Land Development Plan, Larry Miller Subdivision Plan, and the Alteration of Requirement request for the Susquenita School District.

## **SUBDIVISION/LAND DEVELOPMENT PLANS (SALDO)**

**Warden Properties Preliminary Subdivision Plan, File # 2005-06** - The PTPC voted unanimously to approve the Time Extension for 90 days until January 27, 2009.

**The Preserve at Mountainside West Preliminary Subdivision and Land Development Plan, File # 2006-09 and The Preserve at Mountainside East Preliminary Subdivision and Land Development Plan, File # 2006-10** – The PTPC voted unanimously to recommend informing the Board of Supervisors the above mentioned plans have been withdrawn by the developer and recommending that the BOS accept the withdrawal of these plans.

## **OLD BUSINESS**

**Zoning Ordinance Amendment** – Secretary presented the Perry County Planning Commission comments concerning the proposed Zoning Ordinance Amendment. The PTPC voted unanimously to recommend to the Board of Supervisors the definitions of Building Height, Story and Story, Half as revised by the PTPC. The PTPC voted unanimously to recommends that the changes to Section 2B, the article number correction and Section 10.A.2.r, replacing the word “length” with the word “height” be accepted.

## **NEW BUSINESS**

**2006 & 2007 Summary** – The PTPC voted unanimously to approve the 2006 and 2007 PTPC Summaries.

**Barbara Sumple-Sullivan Letter** – Secretary presented the letter from the Solicitor for Garry and Donna Raub concerning the Warden Property Preliminary Subdivision Plan.

**Subdivision and Land Development Ordinance Training** - Secretary presented the PSATS training opportunity to the PTPC and requested to know if anyone was interested to let her know before the PTS meeting.

**NOVEMBER 17, 2008**

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

# PENN TOWNSHIP PLANNING COMMISSION 2008 SUMMARY

## Page 15 of 16

**Agricultural Only Zone (AGOZ) Area** – Engineer brought an overlay showing all the lots that are twenty-five (25) acres or more in the current Agricultural/Rural Zone. The PTPC consented to look at a sliding scale for development in the AR. The PTPC continued the discussion on regulating only parcels that are twenty-five (25) acres or more or the whole AR. The consensus of the PTPC is that the whole AR zone is to be considered.

Chairman Chism closed the workshop at 7:05 and called the meeting to order with the announcement that the meeting was recorded to aid in the preparation of the minutes.

**MINUTES** – The PTPC voted unanimously to approve the October 20, 2008 PTPC minutes with typographical changes.

### SUBDIVISION/LAND DEVELOPMENT PLANS

**Janet L. & Donald E. Bornman Final Subdivision Plan, File # 2008-09** –The PTPC voted unanimously to approve the AOR for Section 306, *Final Plan* of the Township Subdivision and Land Development Ordinance. The PTPC voted unanimously to recommend approval the AORs for Section 309.A.a, *Plan Scale*, 309.A.7, *Property Outline*, 309.A.11, *Contour Interval*, 309.B.4, *Erosion and Sedimentation Control*, 309.B.5, *DEP Permit for Earth Moving*, 309.B.7, *DEP Planning Module*, 309.B.10, *Sewage Enforcement Officer Report*, 406, *Stormwater Management Plan*, and 407, *Erosion and Sedimentation Control Plan* of the Township Subdivision and Land Development Ordinance.

The PTPC voted unanimously to recommend approval of the Janet L. & Donald E. Bornman Subdivision Plan, File # 2008-09, contingent upon following items being completed.

1. The certification of ownership and dedicatory statement needs to be signed and notarized.
2. The speed limit to be changed to 45 mph and the site distances corrected.
3. Change the designation for US 11/15.

### OLD BUSINESS

**Proposed Zoning Ordinance** – Ms. Novinger offered that she had issues with the proposed zoning amendment. She offered that regulating the number of pets a resident can have is not appropriate; there should be owner responsibility involved. Ms. Novinger offered a draft Pet Waste Model Ordinance for review. She offered that the responsibility should be on the pet owner, not to hold the animal responsible. The PTPC offered that they will review the paperwork and suggested that Zoning Officer review the model ordinance and submit his comments.

### NEW BUSINESS

**Reappointment** – The PTPC voted by majority to recommend that Brian Maguire be reappointed to the PTPC. Mr. Maguire abstained for the vote.

**December Meeting** – It was the consensus of the PTPC that unless new plans are presented to the Township, that there would not be a December meeting.

## DECEMBER 15, 2009

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

**DOG ORDINANCE** – The consensus of the PTPC is to replace “dogs” with “pets” in the preamble and Section 1 and Section 2 of Ordinance 90. The consensus of the PTPC was to place the following definitions in the amended Ordinance 90:

- (a) ***Owner/keeper*** – Any person who shall possess, maintain, house, or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

**PENN TOWNSHIP PLANNING COMMISSION  
2008 SUMMARY**

**Page 16 of 16**

- (b) Person – *Individual*, partnership, firm, association, corporation or *political subdivision of this State subject to municipal jurisdiction*.
- (c) Pet – *A domesticated animal (other than a disability assistance animal) kept for amusement or companionship*.

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

**MINUTES** – The PTPC voted unanimously to approve the November 17, 2008 PTPC minutes with typographical changes.

**VISITORS** – All visitors were acknowledged.

**SUBDIVISION/LAND DEVELOPMENT PLANS**

**Leonard B. Rife Final Subdivision Plan, File # 2008-10** – The PTPC voted unanimously to table the plan for the applicant to address the outstanding comments.

**NEW BUSINESS**

**Workshop Time** – The consensus of the PTPC was to have the workshops start at 6:30 p.m.

Respectfully Submitted;

Brian R. Maguire  
Secretary