

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

MINUTES OF August 17, 2009

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The Penn Township Planning Commission (PTPC) met on August 17, 2009 at 6:30 p.m. in the Municipal Building. PTPC members present were Ed Chism, Chairman, Art Dalla Piazza, Ken Martz, Rachel Mullen and Brian Maguire. 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.

COMPREHENSIVE PLAN (Plan) – Chairman Chism welcomed David Mills and Annette Mullen from Wheatfield Township (Wheatfield) and open discussion on a Joint Comprehensive Plan. Mr. Mills offered that Wheatfield's plan has not been updated since the 1970's. Mr. Chism offered that Penn Township (Penn) has a quote for the update and that the Penn Township plan is to review the quote and try to scale down the review. Mr. Chism offered that he would like to explain that last month he was not saying that RETTEW would be the firm to get the project, he was trying to explain that Penn has a quote from RETTEW and perhaps Wheatfield would like to get a quote from them or that both townships would have to get a quote from the same firm for the grant process. Mr. Mills offered Wheatfield would want to get a competitive bid for the plan. Mr. Shradley offered that the first step for the grant process would be to get a quote on a scope of work to quote that amount in the grant. After the grant was received, the project would be put out for bid. A discussion commenced on when the next window of opportunity would be and the secretary was directed to contact Frank Chlebnikow of RETTEW on the matter. Chairman Chism offered his thanks for Wheatfield Township meeting with Penn Township. The PTPC discussed a meeting date with both Planning Commissions and Boards of Supervisors. The consensus was that the dates of Tuesday the 15th, Tuesday the 22nd, and Monday the 28th of September would be presented to everyone.

Upon a Maguire/Dalla Piazza motion, the workshop was closed at 7:00 p.m. and Chairman Chism opened the meeting with the announcement that the meeting was recorded to help with the preparation of the minutes.

VISITORS – All visitors were acknowledged.

CORRESPONDENCE – Secretary presented the PTS letter granting a time extension to the Warden Property Plan, the HATS notice of Public Meeting for the Transportation Needs and Project Development Workshops and the Municipal Authority letter stating concerns with the Warden Property Preliminary Plan.

MINUTES – The minutes of the July 20, 2009 Planning Commission were presented. After discussion and upon a Maguire/Dalla Piazza motion, the PTPC voted unanimously to approve the July 20, 2009 PTPC minutes with the following changes:

Correspondence - The Board of Supervisors' letter approving the Penn Tech Properties, LLC Land Development Plan *was presented.*

Warden Properties Preliminary Subdivision Plan, File # 2005-06 - Time Extension - ~~current staff~~ outstanding comments.

Warren H. Snyder Final Subdivision Plan, File # 2009-02 – ~~Lou Harford~~ Mike Stover

Morrison Inc. Preliminary Land Development Plan, File # 2009-04 - Engineer offered that *the applicant requests that the plan*

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Charles E. Stoner Final Subdivision Plan, File # 2009-06 - ~~Mr. Harford~~ Darrin Foster, engineer
~~comments~~ County/Zoning Officer

Philip E. & Vicki J. Neufield Final Subdivision Plan, File # 2009-07 - ~~engineer~~ comments
County/Zoning Officer, ~~Municipal Authority~~ PTMA

Dave Hazzard Zoning Hearing Board, Docket # 2009-07 - 1. ~~What is the hardship to place this garage in front of the house?~~ What hardship is caused by meeting the requirement.

COMPREHENSIVE PLAN (Plan) Continued - Joint Comprehensive Plan ~~or not~~. The PTPC decided that the letter should be sent from the ~~Planning Commission~~ PTPC to Wheatfield Planning Commission.

SUBDIVISION/LAND DEVELOPMENT PLANS

Philip E. & Vicki J. Neufield Final Subdivision Plan, File # 2009-07 – Mr. Roger Watson of Navtech represented Mr. Neufield. After due consideration, and upon a Dalla Piazza/Martz motion, the PTPC voted unanimously to approve of the AOR for Section 306, *Preliminary Plat Procedures* of the SALDO (SALDO)

After due consideration, and upon a Dalla Piazza/Martz motion, the PTPC voted unanimously to recommend approval of the AOR for Section 406 & 407, *Stormwater Management & Erosion and Sedimentation Control* of the SALDO.

After due consideration, and upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to recommend approval of the Philip E. & Vicki J. Neufield Final Subdivision, File # 2009-07, contingent upon following items being completed.

1. The surveyor is required to certify the accuracy of the plans prior to approval.
2. The engineer is required to certify the engineering details of the plan by signature prior to approval.
3. The landowner is required to certify ownership by signature prior to approval of the final plan.
4. The existing shed located on the proposed Lot 1A should either be moved or registered as a Non-Conforming structure prior to plan approval.
5. The existing house should be registered as a Non-Conforming Use prior to plan approval.
6. The plan should have a note indicating that Lot 2 is currently a Non-Conforming lot of record and this subdivision will not change that. Lot 2 should also be registered as a Non-Conforming Lot.

Brent Fox Zoning Hearing, Docket # 2009-08 – Secretary informed the PTPC that Mr. Fox is requesting a variance to expand his barn which is in front of his principal dwelling. Discussion commenced on the front yard setback and the right-of-way of Dellville Road, the side setback requirement in connection with agricultural uses was discussed in relation to applicability of an existing dwelling enlargement and new development.

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Upon a Dalla Piazza/Maguire motion, the PTPC voted to allow an additional ten minutes for this matter.

Upon a Dalla Piazza/Martz motion, the PTPC voted unanimously to recommend that the Board of Supervisors support this variance with the following comments.

1. The additional length would be reduced to be outside the minimum front setback on Dellville Road.
2. The Zoning Officer would make a decision on the side set-back of agriculture use and the size of the non-conformance increase.

Warren H. Snyder Final Subdivision Plan, File # 2009-02 – Darrin Foster of Lou Harford, represented Mr. Snyder. Secretary offered that there were two questions from the last meeting. The first question was, if a note on the plan stating that stormwater control would be the responsibility of the homeowner would be sufficient. Secretary replied that Solicitor Wagner offered that he would like a covenant by the applicant that would be recorded in the courthouse that would state the future owners would be responsible in addition to the note on the plan.

The second question was, if the applicant or future owners would be allowed horses on the property. Secretary replied that the Zoning Officer stated the answer is no, as the property is zoned R-1, Low Residential.

After due consideration, and upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to recommend approval of the Warren H. Snyder Final Subdivision Plan, File # 2009-02, contingent upon the following items being completed.

1. An ownership and maintenance agreement that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent stormwater management facilities and erosion control facilities needs to be provided.
2. Evidence of approval of the Erosion and Sedimentation Control Plan and NPDES Permit by the Perry County Conservation District needs to be provided.
3. A note should be added to the plan that indicates that the driveway shall be constructed in a manor to prevent runoff from being directed onto the Township Road.
4. A construction cost estimate, which includes stormwater facilities, erosion and sedimentation facilities and roadway improvements, to be submitted to the Township. Upon approval of the cost estimate, an appropriate form of financial security shall be submitted to the Township.
5. The surveyor is required to certify the accuracy of the plans prior to approval.
6. The engineer is required to certify the engineering details of the plan by signature prior to approval.
7. The landowner is required to certify ownership by signature prior to approval of the final plan.

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8. An easement shall be provided through lot 2 for access to the lands of Jeremy A. Rodgers.

Morrison Inc. Preliminary Land Development Plan, File # 2009-04 – Mr. Ed Lupyak represented Mr. Morrison. Engineer asked on if the phases are construction phases or design phases. Mr. Lupyak offered that all construction of the infrastructure would be done in phase one except the stormwater facilities that is located in phase 3. The phase 3 stormwater facilities will not be tied into the other stormwater facilities. Upon a Dalla Piazza/Maguire motion, the PTPC voted by majority to allot ten more minutes for the plan. With the continuation of the discussion of the stormwater facilities and upon a Maguire/Dalla Piazza motion, the PTPC voted by majority to allot ten more minutes for the plan.

After due consideration, and upon a Mullen/Maguire motion, the PTPC voted unanimously to recommend approval of the AOR for Section 306.A, *Preliminary Plat* of the SALDO due to there being insignificant differences between the Preliminary and Final Plans.

After due consideration, and upon a Dalla Piazza/Martz motion, the PTPC voted unanimously to recommend approval of the AOR for Section 401.C.6, *Minimum Horizontal Curve* of the SALDO due the limitations of access to meet the requirements.

After due consideration, and upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to recommend approval of the AOR for Section 401.D.1.a, *Maximum Road Grade* of the SALDO due to there being an extensive amount of disturbance of the land to comply.

After due consideration, and upon a Mullen/Maguire motion, the PTPC voted unanimously to recommend approval of the AOR for Section 401.E.2, *Cut Slopes Along Road* of the SALDO due to there being an extensive amount of disturbance of the land to comply.

After due consideration, and upon a Maguire/Mullen motion, the PTPC voted unanimously to recommend approval of the AOR for Section 512.D, *Open Channel Freeboard* of the Township Stormwater Ordinance due to there being an extensive amount of disturbance of the land to comply.

After due consideration, and upon a Dalla Piazza/Mullen motion, the PTPC voted unanimously to recommend approval of the AOR for Section 513.A.3, *Prime Hydraulic Criteria* of the Township Stormwater Ordinance due to there being an extensive amount of disturbance of the land to comply and the entire site complies with the requirements.

After due consideration, and upon a Maguire/Dalla Piazza motion, the PTPC voted unanimously to recommend approval of the Morrison Preliminary Land Development Plan, File # 2009-04, contingent upon following items being completed.

1. An ownership and maintenance agreement that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent stormwater management facilities and erosion control facilities needs to be provided.
2. Evidence of approval of the Erosion and Sedimentation Control Plan and NPDES Permit by the Perry County Conservation District needs to be provided.
3. Fencing may need to be provided for detention basins with water depths in excess of three (3) feet. The applicant must provide detention basin depth calculations to the Engineer by August 24, 2009.

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4. The invert information for OCB-B4 does not appear to be consistent with Sheet C-6.0 and the detail on sheet C-6.1. The orifice and pipe inverts must be verified and presented to the Engineer by August 24, 2009.
5. A construction cost estimate, which includes stormwater facilities, erosion and sedimentation facilities and roadway improvements. Upon approval of the cost estimate, an appropriate form of financial security shall be submitted to the Township.
6. The roadway pavement section shall be in accordance with the minor road requirements of Section 506.B. The Superpave reference must be on page 64-22 instead of page 64-20.
7. The surveyor is required to certify the accuracy of the plans prior to approval.
8. The engineer is required to certify the engineering details of the plan by signature prior to approval.
9. The completed PADEP sewage facilities planning form is required.

Charles E. Stoner Final Subdivision Plan, File # 2009-06 – Mr. Darren Foster of Lou Harford represented Mr. Stoner. Upon review of the outstanding comments and after due consideration, and upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to recommend approval of the Charles E. Stoner Final Subdivision Plan, File # 2009-06, contingent upon the following items being completed.

1. The landowner is to certify ownership of the plan by signature prior to approval.
2. A note is to be placed on the plan regarding the indemnification statement and agreement and presented to the Township Office by August 21, 2009 for review by the Solicitor.
3. The Steps Slopes are to be displayed by shading.

Mutzabaugh's Fuel Depot Zoning Hearing Docket # 2009-09 – Secretary explained that Mutzabaugh's Family Limited is appealing the Zoning Officer interpretation of Section 1624 (2) (6) of the Zoning Ordinance. This section discusses the distance between the fuel depot and the building of Mutzabaugh Market and Rite-Aid. After discussion the consensus was that the PTPC has no recommendation on this matter and suggest following the advice of the Township Solicitor.

Susquenita School District (District) Zoning Hearing, Docket # 2009-10 – Secretary informed the PTPC that the District is requesting a variance of Section 1501 of the Zoning Ordinance. Discussions commenced on the face area of the sign and if the wordage on the pedestal is considered part of the signage, the height of the sign and the animation portion of the sign.

Upon a Dalla Piazza/Maguire motion, the PTPC voted unanimously to recommend that the Board of Supervisors consider opposing this variance request due to the following reasons.

1. Part of the sign is on the pedestal which according to the picture would add square footage to the sign area and according to Section 1501 (1) (a) (1) - The area of a sign shall be the area of the smallest geometric shape, such as a rectangle, triangle, or circle, that will encompass all elements of the sign, such as letters, figures, symbols, designs, logos or other displays.

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2. The map supplied shows the sign being 25 feet from the edge of the road. The requirement is a minimum of 10 feet from the right-of-way. The right-of-way of the SR 11/15 must be known to determine if this satisfies the requirements.
3. The proposed 13.5 feet height of the sign and the 52.41 square footage of the sign face plus wordage on the pedestal area is excessive from the permitted 40 square feet sign face and 6 foot height permitted. The PTPC believes that the message could be done within the height and area permitted by the Zoning Ordinance.
4. Section 1501(2) (x) states that no animated, sequential, intermittent, flashing, rotating, or oscillating signs shall be permitted except for time and temperature signs. The reason for the request states that the sign would have a changeable identification sign on it. This could be distracting and a hazard to the vehicle traffic.

OLD BUSINESS

Mutzabaugh's Fuel Depot Preliminary Land Development Plan, File 2009-04 – Secretary informed the PTPC that Mr. Ken Kilgore called and asked for the Engineer to review the plan as directed by the PTPC. This would entail a review of stormwater, financial security and vehicle traffic.

Zoning Hearing Board Decisions – Secretary reported that the Adams Conditional Use was granted and that the Morrison variance was granted.

NEW BUSINESS

Warden Properties Preliminary Subdivision/Land Development Plan, File # 2005-06 – The PTPC discussed the information received at the last meeting concerning the private right-of-way. The secretary was directed to send a letter to the Solicitor detailing the conversation and asking what liability would the Township have if the proposed plan was approved.

Upon the completion of all business and with a Maguire/Martz motion, the PTPC voted unanimously to adjourn the meeting at 10:55 p.m.

Respectfully Submitted;

Brian R. Maguire
Secretary