

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

**MINUTES OF JANUARY 18, 2016**

The Penn Township Planning Commission (PTPC) met on January 18, 2016 at the Municipal Building. PTPC members present were Ken Martz, Art Dalla Piazza, Forrest Woodward and John Owen. 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. Vice Chairman Martz called the meeting opened at 7:00p.m.

**RE-ORGANIZATION**

Upon a Dalla Piazza/Owen motion, the PTPC unanimously voted Edward Chism as Chairman, Ken Martz as Vice-Chairman and Arthur Dalla Piazza as Secretary.

**VISITORS** – All visitors were acknowledged

**MINUTES** –After discussion and upon a Dalla Piazza/Woodward motion, the PTPC voted unanimously to approve the December 21, 2015 PTPC minutes with the correction as follows. After discussion and upon a Owen/Martz motion, the PTPC voted unanimously to recommend approval of the Alteration of Requirements (AOR) for Section 306, *Preliminary Plat Procedure* of the Township Subdivision and Land Development Ordinance **due to the fact that the plan is proposing to create one new lot, we ask that the plan be reviewed as a final plan.**

**CORRESPONDENCE** – Secretary presented all correspondence to the PTPC.

**SUBDIVISION/LAND DEVELOPMENT PLANS**

**Randy L. & Julie A. Mladenoff and Chris A. and Candance M. Sanderson Final**

**Subdivision Plan, File # 2016-01 -** Mr. Joe Burget, Burget and Associates, explained that Mr. Mladenoff is subdividing a portion of his lot and selling to Mr. and Mrs. Sanderson to attach to their lot.

After discussion and upon a Owen/Woodard motion, the PTPC voted unanimously to recommend approval of the Alteration of Requirements (AOR) for Section 306, *Preliminary Plat Procedure* of the Township Subdivision and Land Development Ordinance due to the fact that the plan is proposing to create a lot addition to neighboring lands, we ask that the plan be reviewed as a final plan.

After discussion and upon a Owen/Woodard motion, the PTPC voted unanimously to recommend approval of the AOR for Section 309.A.a, *Plan Scale*, of the Township Subdivision and Land Development Ordinance to aid in creating a clear and legible plan for review, we ask for relief from using the specified plan scale.

After discussion and upon a Owen/Woodard motion, the PTPC voted unanimously to recommend approval of the AOR for Section 309.A.7, *Map Scale*, of the Township Subdivision and Land Development Ordinance due to the size of the property, we ask for relief from providing an overall property map at a scale of 1"=400'.

After discussion and upon a Woodward/Owen motion, the PTPC voted unanimously to recommend approval of the Randy L. & Julie A. Mladenoff and Chris A. and Candance M. Sanderson Final Subdivision Plan, File # 2016-01, contingent upon following items being completed.

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1. The landowner is required to sign the plan and certify title of the property being subdivided.
2. The maintenance agreement concerning the shared right-of-way/access drive beginning at Rupp Road is recorded.
3. On Lot 1, the owner information shall be revised to reflect the prior plan approved.
4. Note 10 on the plan is to reference both Lot 1 and Lot 1A.
5. Note 9 from the Randy L. and Julie A. Mladenoff Plan is placed on this plan. "The maintenance of the driveway within the accesses easement of Lot 1 and Lot 2 shall be the responsibility of the owners of tax parcels numbers: 210,117.00-154.000 (Mladenoff), 210,117.00-154.003 (Sanderson), 210,117.00-154.002 (Smith), 210,117.00-153.000 (Benner) A maintenance and roadway declaration has been prepared was recorded.

Upon a Dalla Piazza/Martz motion, the meeting adjourned at 7:23 p.m.

### WORKSHOP

The Workshop opened 7:25 p.m. with discussion on the wind ordinance. The following has been changed.

#### Section 10.- USE OF PUBLIC ROADS

- C. Penn Township may require the applicant to bond the road. ~~in compliance with state regulations.~~
- D. Any road damage caused by the Applicant or its contractors shall be promptly repaired, as required in a decided manner by the Township, at the applicant's expense.

#### Section 11. - LOCAL EMERGENCY SERVICES

- B. ~~Upon request~~—The Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

#### Section 12- NOISE AND SHADOW FLICKER

- C. Any studies required to determine noise and shadow flicker shall be the responsibility of the complainant.

#### ~~Delete Section 13—WAIVER OF NOISE AND SHADOW FLICKER PROVISIONS~~

- A. ~~At the request of the applicant, the governing body may grant partial waivers of the noise and shadow flicker requirements under Section 12 (A) of this ordinance where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.~~

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- B. ~~The applicant shall submit a signed notarized document from the property owner (s) that they are in agreement with the applicant's request for a waiver of the noise and shadow flicker requirements under Section 12 (A) of this ordinance. This document shall stipulate that the property owner (s) know of the sound or flicker limits in this Ordinance, describes the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance.~~
- C. ~~Any such waiver shall be recorded in the Recorder of Deeds Office of the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.~~

### Section 13 - SIGNAL INTERFERENCE

- A. The Applicant shall make all reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
- B. Any studies required to shall be the responsibility of the complainant.

### Section 15 DECOMMISSIONING

- D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment. ~~and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs").~~ Said estimates shall be submitted to Penn Township after the first year of operation and every fifth year thereafter.
- E. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to ~~Net Decommissioning Costs.~~ ~~Provided, that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs.~~ The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by Penn Township
- G. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Paragraph ~~17~~ 15 (A), then the landowner shall have six (6) months to complete decommissioning.
- H. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Paragraphs ~~17~~ 15(A) and ~~17~~ 15(G), then Penn Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to Penn Township shall constitute agreement and consent

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of the parties to the agreement, their respective heirs, successors and assigns that the Penn Township may take such action as necessary to implement the decommissioning plan in accordance with Section 15 above the escrow agent shall release the decommissioning funds to the Township.

- I. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the ~~municipality~~ Penn Township concurs that decommissioning has been satisfactorily completed, or upon written notice/approval ~~of the municipality~~ by Penn Township in order to implement the decommissioning plan.

Upon a Martz/Owen motion the Workshop closed at 8:15 p.m.

Respectfully Submitted;

  
Helen Klinepeter  
Recording Secretary