

PENN TOWNSHIP BOARD OF SUPERVISORS
100 Municipal Building Road
Duncannon, PA 17020-1100

Henry A. Holman, Jr., Chairman Lucinda (CeCe) Novinger, Vice-Chairman Brian Maguire, Supervisor

MINUTES OF MAY 7, 2012
Zoning Map Change Hearing for Harry Morrison, Jr.

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The Penn Township Board of Supervisors (PTS) met on Monday, May 7, 2012 at 6:00 p.m. in the Municipal Building to conduct a Zoning Map Change Hearing for Harry Morrison, Jr. Chairman Henry Holman, Jr., Vice-Chairman CeCe Novinger, and Supervisor Brian Maguire were in attendance. Other personnel present were Helen Klinepeter (Secretary), P. Richard Wagner (Solicitor), and Christine Shaffer (Treasurer). The list of visitors is on file in the office.

BACKGROUND

Harry "Rock" Morrison has requested a partial Zoning Map Change for his property. He wishes to change a portion of his property from Agricultural/Rural to Commercial.

ZONING MAP CHANGE HEARING

Chairman Holman convened the hearing at 6:00 p.m., and turned the meeting over to Solicitor Wagner for opening comments and questions. Solicitor Wagner explained the procedure for the hearing, and had all persons intending to testify sworn in by the Stenographer. It was explained that this hearing was to allow the applicant a chance to explain the change he is requesting, and collect public feedback. There would be no decision at this hearing. Two initial pieces of evidence were introduced into the hearing; an advertisement of the hearing that was published in the Duncannon Record on April 19, 2012 and April 26, 2012, and The Zoning Map Change Application with map.

Mr. William Bunt, Attorney for the applicant, began the presentation for the applicant with an introduction of himself, Mr. Morrison, and Mr. John Melham (the applicant's landscape architect). They introduced several items into evidence, along with explanations of their intentions. Plans were presented displaying the current land use, and what could be developed if the zoning remains as-is. This plan was introduced as App. #1. The 2nd Exhibit, App. #2 was an aerial image with a superimposed residential plan. This plan was stated to conform to the current SALDO requirements. App. #3 was what the applicant deemed a "partial rezoning request". The area currently zoned R-1 would be retained and the area currently zoned A/R would be changed to Commercial. An explanation of the proposed lots was given, and a required visual buffer was discussed. Also discussed was a letter from the Perry County Planning Commission that recommended refraining from approving the plan until such time as the future land use shows that area as being commercially zoned. It was mentioned that the Perry County comprehensive plan shows the area in question as village/mixed use, which could support the applicant's plans. Questions were also raised about possible traffic impacts.

Visitors were then given the chance to ask the applicant questions, and state their concerns. Mrs. Karen Potteiger asked if a visual barrier would be installed at the rear of the property adjacent to her land, and was told that yes, one would be as it is required. Mr. Charley Oakes stated that he bore the applicant no malice, however the property that the applicant currently is using has a lot of trash lying around, and he has not presented himself as a "neat neighbor". Mr. Morrison was aware of the mess on the property, and intended to clean it up, however he was lacking sufficient storage space for the materials.

Mr. Jim Chrisman asked if Mr. Morrison would be able to use Quail Trail as an access to his commercial property. Mr. Kris Oberholtzer asked if the residential area would be R-1 or R-2, and

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was told it would remain R-1. Mr. Chrisman then asked if this partial zoning change could be construed as spot-zoning, and Mr. Bunt stated that they did not feel it was, as they were only expanding an existing commercially zoned tract. Mrs. Potteiger then asked for and received an explanation of the term "spot-zoning". Mr. Oberholtzer then asked if the Township was able to restrict commercial access from Quail Trail, and Mr. Melham stated that there was no plan to use Quail Trail as an access to his commercial property unless the Township deemed it necessary as an emergency egress.

Mr. Mel Mullen asked if there were plans to put any other businesses on the property, and was told not at present; however it would be permissible by zoning if the map change was approved. He then wanted to know if there were any hazardous materials currently being stored on the property, and if there could be any further construction done on the property. Mr. Mullen was told that there would be no further development permitted without a land development plan being approved. Mr. Mullen then asked who was able to control the mess on the property, as the mess seems to have been relocated from a former Morrison facility in Wheatfield Township to the property in Penn Township.

Mrs. Potteiger asked if the Township would be able to control the hours of operation of the business, and was told by Solicitor Wagner that conditions like that are only set during Conditional use decisions.

Mr. Bunt then introduced App. #4, which was a board of exhibits, and asked Mr. Morrison some questions. Mr. Morrison explained his business, acknowledged the mess on his property and stated that as more buildings could be constructed or made use of, the mess would be contained appropriately. App. #5 was introduced as a series of 3 letters to the immediately surrounding residents. This letter was to have opened a dialogue with those residents as to the future plans of the property. Mr. Morrison also stated that he had rented a room at the Township building to meet with anyone who wished to discuss his plans. Both Mrs. Potteiger and Mr. Mullen stated that they did not receive those letters. Mr. Deitch asked why only certain people were contacted, and was told that Mr. Morrison was starting with those immediately adjacent to the property, and working out from there. Discussion then ensued about the proposed buffer.

Mr. Bunt was asked about his connection with the Perry County Planning Commission, to which he stated that he was their solicitor but did not attend the meetings. Solicitor Wagner then stated that the Planning Commission, like the Township's, is only a recommending body, so this was not a conflict of interest. It was also asked if the Township had any part in the public meeting hosted by Mr. Morrison, and it was made clear that the Township only rented a room for Public use, and none of the PTS were present. Mrs. Potteiger stated that the letter she was reading suggested otherwise.

A question was asked about the status of an occupancy permit for the current building on the Morrison Property. Solicitor Wagner replied that a conditional use application was on file, and Mr. Morrison was granted conditional use of the property. Mr. Chrisman then introduced a group of photos that he said was left in his mailbox of what appears to be the Morrison Property. Questions were raised about when they were taken, and received by Mr. Chrisman. A copy of documents of a previous commercial project by Mr. Frisch was also introduced, and Solicitor Wagner questioned its relevance to the matter at hand.

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Mr. Dietch then asked again about the choice of addressees for the letters sent by Mr. Morrison, who repeated his answer about that being the first step in his attempts to contact his neighbors. Mr. Oberholtzer asked about the restriction of Cove Rd. from commercial traffic. Mrs. Potteiger asked again about the installation of buffers and noise control measures. Solicitor Wagner encouraged everyone to wait for any further applications for those issues to be addressed. He also stated that the initial conditional use application was done in 2009, with no public input at that point, so it was important for residents to stay aware of what was happening in their community.

CLOSING:

The Solicitor closed the record, and directed the Board to review the information from the hearing. He asked Mr. Bunt to provide more direction about the intended use of the property, and Mr. Bunt asked for copies of the photos presented by Mr. Chrisman. The Hearing was adjourned at 7:30 p.m.

Respectfully submitted,

Christine Shaffer,
Recording Secretary