

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
APRIL 19, 2004**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, April 19, 2004 at the Penn Township Municipal Building. President Rishel called the meeting to order at 7:00 P.M. with a roll call of members. Present were Commissioners Rishel, Klunk, Stauffer and Johnson. Commissioner Dubbs had an excused absence. Also present were Solicitor Tilley, Manager Garvick, Police Chief Gilbert, Engineer Bortner and Zoning Officer Menges.

PLEDGE OF ALLEGIANCE TO THE FLAG FOLLOWED BY A PERIOD OF SILENT MEDITATION:

All in attendance stood for the Pledge of Allegiance to the flag, which was followed by a period of silent meditation.

ANNOUNCEMENTS:

President Rishel announced that following the public meeting this evening, the Board of Commissioners would convene in an executive session with the Solicitor for the purpose of discussing legal and/or personnel issues.

PERSONS TO BE HEARD/CITIZENS COMMENTS:

Charles Beimiller, 56 Little Knoll Drive, requested an explanation of what the public works facility was for and where it would be located. Commissioner Klunk explained that it will be located on Wilson Avenue across from the wastewater treatment plant and will be used to house equipment and for salt storage.

Richard Hartlaub, 132 Hillside Road, expressed concern about the decision of the Zoning Hearing Board regarding the appeal by J. A. Myers. Mr. Myers contended that his development plan for Stonewicke was submitted prior to the adoption of the new zoning regulations. Solicitor Tilley explained the merits of the appeal and the Township's case and the decision of the Zoning Hearing Board, which has the final authority on the request unless it is appealed to Commonwealth Court. He stated that the residential use on the plan would be permitted if the Zoning Hearing Board case is not overturned and the Board of Commissioners approves the plan. There will be difficulties with the plan because there will be residential homes on commercial property. Mr. Hartlaub wanted to know if the Zoning Hearing Board took into consideration the availability of water and the effect on the school district when the development was considered. Solicitor Tilley explained that the Board of Commissioners has done what it could do to help control growth by enacting the Zoning Ordinance.

Dale Lippy, 101 Hillside Road, stated that he attended the Zoning Hearing Board meeting last week and was concerned about the fact the Board did not take into consideration the case law that was presented by Mr. Tilley that supercedes the case law presented by the applicant. The Board sided with the applicant based upon case law and Mr. Lippy was concerned about how they applied the case law. Solicitor Tilley explained that Mr. Baranski is the Solicitor for the Zoning Hearing Board and they meet in executive session prior to the motion and those meetings are private so he is not aware of the legal analysis that was applied. Mr. Lippy feels that there should be a review of the decision.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETINGS:

The minutes of the Board of Commissioners March 15, 2004 meeting were approved as submitted.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Finance Committee - Commissioner Klunk

Commissioners Klunk/Stauffer moved to approve Township warrants in the amount of \$952,116.65. Commissioner Klunk abstained from warrants for vendor #60. Motion carried.

Commissioners Klunk/Stauffer moved to approve a request received from Ronald J. Smith for a refund of the pavilion fee for the Community Park. Motion carried.

Commissioners Klunk/Stauffer moved to approve a request received from Clara Warehime for a refund of occupation tax paid prior to submitting a tax exoneration request form. Motion carried.

Commissioners Klunk/Stauffer moved to approve a request dated March 23, 2004 from the Penn Township Lions Club for a waiver of the sign permit fee to advertise a mulch sale and chicken barbeque. Motion carried.

Commissioners Klunk/Stauffer moved to approve a proposal dated April 12, 2004 from Architectural Workshop, Inc. for a redesign plan for renovations and expansion of the police department. Motion carried.

Commissioners Klunk/Stauffer moved to approve a request received from the Penn Township Staff for a waiver of the sign permit fee to install a construction sign at the Industrial Drive Project. Motion carried.

Public Works Committee - Commissioner Klunk

There were no additions or changes to the Engineer's Report.

Planning & Recreation Committee – Commissioner Klunk

There were no additions or changes to the Zoning Officers report.

Commissioners Klunk/Johnson moved to adopt Ordinance No. 611 providing for the construction and regulation of signs and fixing the penalties for violations thereof. Motion carried on a 4-0 roll call vote.

The following subdivision and land development plans were formally filed:

P04-03 – Sutton Industries Corporation
P04-04 – Dave Humbert & Jack Cook
P04-05 – Penn Township

Commissioners Klunk/Johnson moved to approve the following subdivision and land development plan:

P03-18 – Maitland Investment Corporation
Motion Carried.

Commissioners Klunk/Johnson moved to deny the application of J.A. Myers Building and Development Company for approval of the Stonewicke plan, No. P03-31 because it fails to meet the requirements of the Subdivision and Land Development Ordinance in the following ways:

1. The applicant failed to submit a sketch plan as required by Section 302.
2. The applicant failed to submit a feasibility study on sewer and water facilities for the development as required by Sections 402 (2nd a) and 403, and Section 303.
3. No sketch plan was submitted for the street layout for the remaining undeveloped portion of the tract as required by Section 402 X.
4. The zoning boundaries and zoning classification of a portion of the tract is shown incorrectly in violation of Section 402 K.
5. The proposed use of a portion of the tract does not conform to the zoning ordinance, in violation of Section 207 of the Zoning Ordinance.
6. The plan does not show the existing streets on, adjacent to or within 400 hundred feet of the tract including the name, right-of-way and cartway width, in violation of Section 402 S of the Subdivision and Land Development Ordinance.
7. The plan does not provide the names of owners of immediately adjacent

unplatted land; the names of proposed or existing land development immediately adjacent, and the locations and dimensions of any streets or easements shown there that abut the land to be developed, in violation of Section 402 P.

8. The plan does not show the accurate location of, or the preservation of existing significant trees, or the existing and proposed ground elevations in relation to these trees in violation of Section 503 (a).
9. The proposed street system shows a portion of Lark Avenue and a portion of Meadow Lane on lands of persons other than the developer, without showing that the developer has a right-of-way, easement, or other authorization from the adjacent property owner to connect these streets to existing Township roadways, in violation of Section 504 (a) and (c).
10. The streets are not laid out in a manner to discourage through traffic in violation of Section 504 (b).
11. Intersecting streets at Meadow Lane and Narrow Road are not shown to be as nearly at right angles as possible in violation of Section 506 (a).
12. The minimum separation of centerlines of streets not in alignment does not exceed the minimum of 200 feet, in violation of Section 506 (e). This appears to apply in particular to the alignment of Meadow Lane and Narrow Road.
13. The plan does not provide easements with a minimum width of 20 feet for poles, wires, conduits, storm and sanitary sewers, gas, and water mains and other utilities in violation of Section 513 (a).
14. Easements were not centered on the rear or side lot lines in violation of Section 513 (a).
15. The plan does not show natural gas lines installed in compliance with USAS Code B31.8 in violation of Section 513 (c).
16. The plan does not maintain the minimum distance from the natural gas line to a dwelling unit as required by the gas transmission company in violation of Section 513(c).
17. Manholes are numbered incorrectly and must be numbered as assigned by the Wastewater Treatment Plant Superintendent, in violation of Section 607.
18. The plan does not show line and grade changes affected with horizontal and vertical curves designed in accordance with the standards established

by the American Association of State Highway and Transportation Officials for the given design speeds in violation of Section 505 (g).

19. The horizontal curves are not shown as true circular curves of at least 150 feet in length, in violation of Section 505 (g).
20. The plan shows the distance between the intersections of two local streets is less than the minimum distance of 500 feet, in violation of Section 506 (e).
21. Easements are not properly labeled to show their purpose, in violation of Section 402 (t).
22. Structures are shown within easement areas in violation of Section 513 (a).
23. Lots 29, 39 and 196 have depths exceeding two and one-half times their average width in violation of Section 509.
24. Lot 196 has double frontage, and is not laid out with satisfactory space for off-street parking and unloading in violation of Section 509.
25. A retaining wall in excess of six feet high is shown without satisfactory drainage and without a 4-foot high fence within 1 foot of the wall's edge, in violation of Section 313.3 of the Zoning Ordinance.
26. The plan does not show design information for open drainage ways to allow the Township to verify that no pools of stagnant water or swampy areas are being created, in violation of Section 512 (d) of the Subdivision and Land Development Ordinance.
27. Contour elevations are not based on the US Coast and Geodetic Survey datum as required by Section 402(o) of the Subdivision and Land Development Ordinance.
28. A stagnant pool is designed at the lot corner of lots 175, 176, and 178 in violation of Section 512 (d).
29. The plan does not show streetlights being installed in accordance with the Penn Township Street Lighting Ordinance, in violation of Section 606 of the Subdivision and Land Development Ordinance.
30. The plan fails to show that the proposed land development is coordinated with existing development in the neighborhood so that the entire area is developed harmoniously, in violation of Section 502 (d). In particular, coordination of proposed and existing curbing is not shown.

31. Kaitlyn Drive is not shown as a temporary cul-de-sac on his own land in order to permit future street extension into adjoining tracts in violation of Section 505 (d).
32. The plan does not provide for drainage at the low points along the street line because inlets are not shown at the low points, in violation of Section 512 (a).
33. The plan shows street blocks of less than 500 feet in many locations, all in violation of Section 506 (e).
34. The plan fails to show all existing buildings, sewers, water mains, culverts, petroleum lines, telephone and electric lines, gas lines, fire hydrants and other significant man-made features in violation of Section 402 (r).
35. The report of Eric Bortner, PE to John Menges, Zoning Officer, is incorporated by reference into this motion for the following reasons. First that report details where the violations can be found. Second, the report supplements this motion by providing, as part of this motion, additional ways that the plan is deficient and fails to meet the Township's design standards for preliminary land development plans, and third, because much of it is a repeat of an earlier report provided to the developer, who was on notice of these problems and failed to correct them in its most recent submission to the Township.

For each of these reasons, and because of all of these defects in the plan as submitted I move that the application for approval of the preliminary plan for the Stonewicke development, plan number P03-31 be denied.
Motion carried.

Commissioners Klunk/Johnson moved to approve the following extension requests that will expire on July 19, 2004:

- P03-03 – Bowman Tract Apartments
 - P03-05 – Breezewood Drive Project
 - P03-15 – Pine Brook Development
 - P03-23 – John & Martha Halter
 - P03-29 – Bon Ton Builders
 - P04-01 – Ginger Tree
- Motion carried.

Commissioners Klunk/Johnson moved to approve the following extension request that will expire on May 17, 2004:

- P03-21 – Columbia Cottage

Motion carried.

Personnel Committee - Commissioner Johnson

Commissioners Johnson/Klunk moved to reappoint Fred Marsh to the Penn Township Planning Commission, said term to expire May, 2008. Motion carried.

Health & Sanitation - Commissioner Johnson

Commissioners Johnson/Klunk moved to approve and execute the West Manheim Township Sewer agreement.

Commissioner Johnson stated that on April 3, 2004 the Township conducted an electronics recycling project. There were a 131 vehicles processed with a total of 12,200 pounds of material collected and disposed of.

Commissioner Johnson announced that the Township received notification today from the York County Planning Commission that it is a co-recipient of a planning award, which recognizes a 2001-2002 Economic Development Study, prepared by Penn Township, The Borough of Hanover and the York County Economic Development Corporation. The Study is the result of a cooperative effort by all parties to develop an inter-municipal understanding to develop a Regional Land Use and Economic Development Plan for the Greater Hanover Area. The study effectively deals with municipal issues such as Zoning, Workforce Development, Transportation, Infrastructure, Downtown Hanover and Recreation.

The award is to be presented at the Local Government Advisory Committee Annual Planning Awards Presentation on May 5, 2004 at the Holiday Inn Holidome, York, PA.

Public Safety Committee - Commissioner Stauffer

Commissioners Stauffer/Johnson moved to approve a Letter of Intent with Governor's Center for Local Government Services for technical services regarding a regional police feasibility study. Motion carried.

MANAGERS REPORT: There were no additions/corrections to his report.

OLD BUSINESS: None

NEW BUSINESS: None

PERSONS TO BE HEARD/CITIZENS COMMENTS:

James Ellison, 820 Westminster Road, expressed concern about the approval given to the Maitland Subdivision Plan and the fact that Cooper Road, which is adjacent to the Maitland property, is currently not feasible to use as an egress for a development

because it has a variable width. Manager Garvick stated that the plan was approved because the developer did offer additional right away for the road so that it can be widened in the future. He stated that there is now enough right-of-way to put in a road which complies with the Ordinance.

Dale Lippy, 101 Hillside Road, wanted clarification what the denial of the Stonewicke plan meant for J. A. Myers. Solicitor Tilley explained the Mr. Myers has several options including appealing the decision of the Board of Commissioners to the courts or submitting a new plan that complies with the Ordinance.

QUESTIONS FROM THE PRESS FOR THE COMMISSIONERS:

Questions from the press were received and answered.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Klunk/Stauffer moved for adjournment at approximately 7:40 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary