

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
OCTOBER 17, 2005**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, October 17, 2005 at the Penn Township Municipal Building. Vice -President Johnson called the meeting to order at 7:00 P.M., with a roll call of members. Present were Commissioners Johnson, Stauffer, Klunk and Felix. Commissioner Rishel was absent with notice. 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:

Vice -President Johnson 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:

Jim Brandt, Horst Senior Care, Lancaster, Pennsylvania, informed the Commissioners that he was just making his quarterly visit for an update on the sewer moratorium issue and had already spoken to Manager Garvick.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETINGS:

The minutes of the Public Hearing and Board of Commissioners meeting held on September 19, 2005 were approved as submitted.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Finance Committee - Commissioner Klunk

Commissioners Klunk/Stauffer moved to approve township warrants in the amount of \$1,137,246.49. Motion carried.

Commissioners Klunk/Stauffer moved to approve a request dated September 30, 2005 from God's Meal Barrel for a wavier of the sign permit fee to advertise Appreciation Days at Buckley Chiropractic. Motion carried.

Commissioners Klunk/Stauffer moved to adopt Resolution No. 619, authorizing the advertisement for the public sale of real estate situate at the northeast corner of

Barnhart Drive and Industrial Drive. Motion carried.

Public Works Committee - Commissioner Klunk

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

Planning & Recreation Committee – Commissioner Felix

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

The following subdivision and land development plans were formally filed:

P05-21 – Hillside Medical Center

Commissioners Felix/Klunk moved to approve the following subdivision and land development plans:

P05-17 – McClarin Plastics

P05-18 – Donna Scott

Motion carried.

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

P05-19 – Snyder's of Hanover

Motion carried with Commissioner Stauffer abstaining.

Commissioners Felix/Klunk moved to approve the following extension requests that will expire on January 16, 2006:

P03-03 – Bowman Tract Apartments

P03-15 – Pine Brook Development

P03-23 – John & Martha Halter

P03-29 – Bon Ton Builders

P04-04 – Dave Humbert & Jack Cook

P04-25 – South Heights

P04-26 – Stonewicke

P05-11 – Unit 14 Grandview Plaza

P05-12 – Baxter Investment Group, Inc.

Motion Carried.

Commissioners Felix/Klunk moved to approve the following extension request that will expire on November 21, 2005:

P03-21 – Columbia Cottage

Motion carried.

Commissioners Felix/Klunk moved to deny the application of Baker's Dozen to rezone the lot shown as Tax Map CD, Parcel 60C at the rear of Grandview Road properties

located near the intersection of Grandview Road and Baltimore Street for the following reasons:

1. The request is to rezone the lot from R-15, medium density residential, to S/C, Shopping Commercial. The proposed rezoning calls for a far less restrictive use of the land, which would allow commercial development on the lot, including uses such as retail businesses, restaurants, banks, and similar commercial uses.
2. Although the applicant proposes to use the land for a self-storage facility, if the land is rezoned, there can be no assurance that the applicant, or any future owner, would not use the land for other commercial uses allowed in the S/C zone.
3. The lot size is 3.73 acres, which is not a large enough lot to constitute an independent or free-standing zoning district.
4. The lot is currently in the R-15 zone and is surrounded on three sides by properties also in the R-15 zone and that are used for residential purposes.
5. Creating a "peninsula" of commercial use in what is a primarily residential area would adversely affect the adjacent residential properties.
6. There is adequate undeveloped land in S/C districts, as well as land that is able to be redeveloped in the S/C district, so that the enlargement of the S/C district is not needed or appropriate at this location.
7. The subject land is designated on the Penn Township Comprehensive Plan as Medium Density Residential. The Comprehensive Plan was adopted by the Township in 2001, and no changes have occurred since then that would warrant developing the subject tract in a manner that is inconsistent with the Comprehensive Plan.
8. Although areas near the subject tract are served by arterial roadways, the subject tract itself is not located along these roads, and access to the tract is limited by the relatively narrow roads and the proximity of the homes located on those roads.
9. Access to the tract itself was proposed by the applicant to be through land that currently serves as a driveway for one of the residences adjacent to the lot. Even assuming that the property ownership issues are resolved in favor of the applicant, this access is not adequate to support a commercial use for the land.

For each of the foregoing reasons, I move that the rezoning request be denied.
Motion carried.

Personnel Committee - Commissioner Felix

Commissioner Felix announced that applications are being received for vacancies on the Penn Township Planning Commission, Recreation Board, and Civil

Service Board.

Health & Sanitation – Commissioner Klunk

Commissioner Klunk had nothing to report.

Public Safety Committee - Commissioner Stauffer

Commissioners Stauffer/Klunk moved to adopt Resolution No. 618, an application for a permit to install and operate flashing warning devices in the school zone on West Granger Street. Motion carried.

Commissioners Stauffer/Klunk moved to adopt Ordinance No. 632, amending Section 127-25 “parking prohibited at all times” of the Penn Township Code to include additional no parking in the 500 block of Frederick Street. Motion carried 4-0 on a roll call vote.

Commissioners Stauffer/Klunk moved to approve the 2006 shelter agreement with Susquehanna Stray Animal Shelter. Motion carried.

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

OLD BUSINESS: None

NEW BUSINESS: None

PERSONS TO BE HEARD/CITIZENS COMMENTS:

Charles Paul, 3319 Grandview Road, thanked the Commissioners for denying the rezoning request.

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 7:10 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary