MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
NOVEMBER 19, 2007

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, November 19, 2007 at the Penn Township Municipal Building. President Klunk called the meeting to order at 7:00 P.M., with a roll call of members. Present were Commissioners Klunk, Stauffer, Felix, Johnson and Heilman. Also present were Solicitor Tilley, Manager Garvick, Lieutenant Rhodes, 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 Klunk announced that the Board of Commissioners has again received a letter from Burkentine and Sons requesting that the rezoning hearing for 1403 Baltimore Street be deferred for another month. Any one present for the hearing was given the opportunity to address the Board but they were also advised that they should attend the hearing when it is rescheduled. President Klunk also 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. He also welcomed Commissioners-Elect Daniel Goldsmith and Walt Rewa, who were in attendance.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of October 15, 2007 and November 9, 2007 meetings of the Board of Commissioners were approved as presented.

PUBLIC HEARING

President Klunk convened a public hearing to consider a request to rezone a 1.63 acres parcel from Shopping/Commercial (SC) to Urban Residential (R-8). The public hearing was properly advertised in the Hanover Evening Sun.

Zoning Officer Menges reading from the York County Planning Commission minutes stated that the project involves a proposal to rezone a parcel of land in Penn Township (Tax Map 06, Parcel 43B) containing approximately 1.63 acres from

Shopping/Commercial (S/C) to Urban Residential (R-8). This request is being made by Jeffrey Garber and Todd Grim, realtors for Remax located at 1147 Eichelberger Street.

The subject parcel is located in Penn Township on the north side of Manor Street and the south side of Boundary Avenue and is situated to the east of what was previously South Forney Avenue, which has been vacated and no longer provides access from Manor Street to Boundary Avenue. The parcel is presently zoned S/C Shopping Commercial.

The parcel is bordered by the Children's Discovery Day Care Center, zoned Commercial, to the north. KrillCo LLC owns the property to the west. An industrial use storage/garage building is located on the KrillCo property, which is zoned Commercial. The Park Hills Elementary School, zoned R-15 Suburban Residential, is located to the south and Single Family Semi-Detached dwellings, zoned R-8 Urban Residential, are located to the east of the project parcel.

The proposed revision to the map would expand the R-8 Urban Residential Zone to the west of an unnamed alley and extend farther west along Manor Street. This rezoning would enlarge the R-8 Urban Residential District by 1.63 acres and this parcel would be bordered by S/C Shopping Commercial to the north and west and R-15 Suburban Residential to the south.

The parcel is currently an open field and contains a small stream and trees bordering the northern boundary. There are no existing structures on this parcel. Public water and sewer are available at this site.

The Penn Township Comprehensive Plan Future Land Use Map designates the subject parcel as being in the Commercial Primary Growth Area. The Comprehensive Plan designates the subject parcel as having a Current Land Use of Residential.

According to the York County Comprehensive Plan, the subject parcel lies within an Established Primary Growth Area.

The staff of the York County Planning Commission recommends that the proposed rezoning be conditionally approved provided the recommendation noted in Comment #1 below is addressed. Comment # 2 notes the principal reason for support of the recommendation of conditional approval:

1. If the proposed amendment is to be adopted, in order to ensure consistency between the comprehensive plan and zoning ordinance, Township officials should amend the comprehensive plan to reflect the proposed zoning amendment. Section 603 (j) of the Pennsylvania Municipalities Planning Code requires that when " . . . a municipality amends its zoning ordinance in a manner not generally consistent with its comprehensive plan, it shall concurrently amend its comprehensive plan...." This requirement regarding zoned amendments applies to

proposed revisions to the zoning map and/or text.

2. The location and accessibility of Parcel 43B make it less feasible to be developed commercially than for residential purposes, as it has no direct access to Boundary Avenue, a through street which provides access to a variety of zones and uses. The only accesses to the subject parcel are residential neighborhood streets.

At the Penn Township Planning Commission on September 6, 2007 Planners Van de Castle/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. The motion carried on a 7-0 vote.

The applicants are requesting the rezoning to construct a multi family unit, which will require special exception approval from the Zoning Hearing Board. They will also have to submit a land development plan to be reviewed by the Penn Township Planning Commission.

D. J. Hart, attorney for Jeffrey Garber and Todd Grim, represented this request. They have a sales agreement to purchase the property from Mr. and Mrs. Fabian. The property is located between the football field at Park Hills Elementary and the commercial uses located along Boundary Avenue. According to Atty. Hart, this parcel has been denied seven separate commercial uses proposed for this site. There is no commercial access to the property, which is located along a paper alley vacated by the Township. The other properties in the area are generally commercial and residential. The current zoning would allow the parcel to be used as eating establishments, clubs, or other industrial uses. These usages would allow more lot coverage than would be allowed on a residentially zoned property. The applicants provided copies of plans that showed an eight-unit multifamily home for the parcel. A variance was approved for a twelve-unit multifamily home but the project was never followed through.

There was no comment from the public with regards to the rezoning request.

Commissioners Felix/Johnson moved to approve a request dated July 18, 2007 from Jeffrey Garber and Todd Grim to rezone parcel 43B, tax map 06, from shopping/commercial to R-8 urban residential. They further moved to authorize the Township Manager to advertise the appropriate ordinance for adoption by the Board of Commissioners on December 17, 2007. Motion carried 5-0.

Commissioner Klunk adjourned the Public Hearing and resumed the Board of Commissioners meeting.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Finance Committee - Commissioner Heilman

Commissioners Heilman/Johnson moved to approve Township Warrants in the amount of $969,483.28. Commissioner Klunk abstained for a warrants for vendor

#A0060. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated October 8, 2007 from God's Meal Barrel for a waiver of the sign permit fee to advertise appreciation days at Buckley Chiropractic Center. Motion carried.

Commissioners Heilman/Johnson moved to approve a request from South Western Lacrosse for a waiver of the sign permit fee to advertise their registration night. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated October 19, 2007 from Exit Realty for a waiver of the sign permit fee to advertise a food drive for charitable organizations. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated October 22, 2007 from Penn Township Volunteer Emergency Services for a waiver of the sign permit fee to advertise a non-profit event. Motion carried.

Commissioner Heilman presented the first reading of the proposed 2008 budget. He stated that the General Fund projected revenues are $8,316,260 while the expenditures are projected to be $8,986,420. The revenues are comprised of a cash carryover of $1,385,000 and total receipts in 2008 of $6,931,260. The Highway Aid revenues and expenditures are projected to be $547,840. The Sewer Account revenues and expenditures are projected to be $4,525,300. The revenue is comprised of $2,000,000 in cash carry over and $2,525,300 in receipts. This is only a preliminary budget and it will be presented for public display on December 4, 2007 during normal business hours at the municipal office. The Commissioners will be holding a budget meeting on November 28, 2007 at 6:30 PM to review and work on the budget. It was noted that a deficit is not unusual at this time in the budget process.

Personnel Committee - Commissioner Heilman

Commissioners Heilman/Stauffer moved to adopt Resolution No. 666, setting the rate of pay for the draftsman/inspector for 2007 and 2008. Motion carried.

Commissioners Heilman/Stauffer moved to appoint William Russell to an unexpired term on the Penn Township Civil Service Board, said term to expire August 2012. Motion carried.

Public Works Committee -Commissioner Johnson

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

Planning & Recreation Committee – Commissioner Johnson

The following subdivision and land development plans were formally filed:

P07-29 – NHM Construction LLC
P07-30 – M & T Bank – 1275 Baltimore Street

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

P05-21 – Hillside Medical Center
P07-28 – Hawk Creek Laboratory
Motion carried.

Commissioners Johnson/Felix moved to approve the following extension requests that will expire on February 18, 2008:

P01-28 – High Pointe @ Rojen Farms
P02-28 – Gateway Hanover
P03-06 – Brookside Heights
P03-20 – Wallen Tract Apartments/South West Crossing
P03-30 – Mustang Pointe
P05-15 – Avion
P07-07 – 150 Brookside Avenue Final Subdivision
Motion carried.

Commissioners Johnson/Felix moved to adopt Ordinance No. 670 adopting as public roads Astoria Drive, Lexington Drive, Timber Lane and Breezewood Drive in the Morningstar Development. Motion carried 5-0 on a roll call vote.

Commissioners Johnson/Felix moved to approve a request dated October 9, 2007 from Homewood Retirement Centers for a waiver of a land development plan to install a garage. Motion carried.

Health & Sanitation – Commissioner Felix

Commissioners Felix/Stauffer moved to adopt Ordinance No. 671 approving the plan of construction of sanitary collection sewers within and to that portion of the Township consisting of Astoria Drive, Lexington Drive and Timber Lane with designated rights-of-way. Motion carried on a 5-0 roll call vote.

Public Safety Committee - Commissioner Stauffer:

Commissioner Stauffer had nothing to report.

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

OLD BUSINESS: None.

NEW BUSINESS: None

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

QUESTIONS FROM THE PRESS FOR THE COMMISSIONERS:

There were no questions from the press.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Stauffer/Johnson moved for adjournment at approximately 7:25 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary