

**MINUTES  
BOARD OF COMMISSIONERS PUBLIC MEETING  
OCTOBER 19, 2015**

**CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:**

The Penn Township Board of Commissioners met in a regular session on Monday, October 19, 2015 at the Penn Township Municipal Building. President Felix called the meeting to order at 7:00 P.M. with a roll call of members. Present were Commissioners Felix, Heilman, Klunk, Goldsmith and Prieber. Also present were Solicitor Tilley, Township Manager Rodgers, Police Chief Laughlin, Zoning Officer Swanner, Township Engineer Bortner, and Administrative Assistant Hallett.

**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:**

Commissioner Felix announced following the public meeting this evening, the Board of Commissioners would convene with the Solicitor for the purpose of discussing legal, personnel, and other issues involving attorney/client privilege.

**APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:**

The minutes of the September 21, 2015 meeting of the Board of Commissioners were approved as submitted.

**PERSONS TO BE HEARD - CITIZENS COMMENTS:** Citizen Timothy Shorb expressed concern regarding a letter from the Code Enforcement Officer. Mr. Shorb shared that he has a medical condition that makes turning the light on and off a struggle and requested permission to leave the light off until he is able to sell his home in 2016 or at least until the end of the year when an electrician can come out to repair the damaged light. Commissioner Goldsmith recommended a Dusk to Dawn sensor from a local hardware store as a solution. Commissioner Felix apologized for Mr. Shorb receiving an unsigned letter from the Township and explained the reasoning behind the Lighting Ordinance.

Commissioners Klunk/Prieber moved to authorize the Zoning Officer to defer enforcement of the Ordinance until January 1, 2016 for the reason that it has been established that there is alternate lighting available for this property from other sources and as a medical accommodation to the resident. Motion carried unanimously.

**TOWNSHIP REPORTS - STANDING COMMITTEES:**

**Public Safety Committee - Commissioner Prieber:**

Commissioners Prieber/Goldsmith moved to approve the 2016 Klugh Animal Control Services Contract. Motion carried unanimously.

Personnel Committee - Commissioner Heilman: None

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$1,920,225.52. Motion carried unanimously.

Commissioners Heilman/Goldsmith moved to approve a request dated September 11, 2015 from St. Joseph Parish for a waiver of permit fees to conduct a Christmas Bazaar on Saturday, November 14, 2015.

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 Officer’s Report.

Commissioners Klunk/Prieber moved to approve a bond reduction for Pinebrook Villas, LLC from \$43,347.70 to \$31,708.38. Motion carried unanimously.

There were no land development plans formally filed.

There were no subdivision and land development plans to approve/disapprove.

Commissioners Klunk/Goldsmith moved to approve the following extension requests that will expire on January 18, 2016:

- P04-25 South Heights
  - P04-26 Stonewicke
  - P06-26 Brookside Avenue Townhouses
  - P14-08 Brookside Heights Phase 2
- Motion carried unanimously.

Commissioners Klunk/Goldsmith moved to deny P08-20 Park Hills Manor a preliminary subdivision and land development plan for nine single-family attached dwellings in the R8 Zone. The plan fails to meet the requirements for the Penn Township Subdivision and Land Development Ordinance number 180, as amended, along with Penn Township Stormwater Ordinance number 375, as amended. As noted in the following ways as described in Exhibit One which will be attached to the denial letter and the minutes. Motion carried unanimously.

Health & Sanitation - Commissioner Klunk: None

**MANAGERS REPORT:** No additions or changes.

**OLD BUSINESS:** None

**NEW BUSINESS:** None.

**CITIZEN'S QUESTIONS TO THE BOARD REGARDING DISCUSSION ITEMS:** None.

**QUESTIONS FROM PRESS:** None.

**ADJOURNMENT:**

There being no further business to come before the Board, Commissioners Klunk/Prieber moved for adjournment at approximately 7:10 P.M. Motion carried unanimously.

Respectively Submitted,

Angela Hallett  
Administrative Assistant

## EXHIBIT 1

Denial motion of P08 -20 Park Hills Manor subdivision plan

I move to deny P08-20 Park Hills Manor a preliminary subdivision/land development plan for nine single family attached dwellings in the R-8 zone. The plan fails to meet the requirements of the Penn Township Subdivision and Land Development Ordinance No. 180, as amended, along with Penn Township Stormwater Ordinance No 375, as amended, as noted, in the following ways:

1. The comments by York County Planning Commission dated January 5, 2009 have not been addressed, in violation of Section 103 c. (SALDO)
2. The proposed density of the subdivision is not shown, in violation of Section 402 g. (SALDO)
3. The Preliminary Plan does not include a signature block for approval by the Board of Commissioners, in violation of Section 402 h. (SALDO)
4. The length of new street is not shown, in violation of Section 402 i. (SALDO)
5. The plan does not have the zoning districts labeled and the zoning boundary line delineated. The special exception approved on January 8, 2008 by the Penn Township Zoning Hearing Board is not listed on the plan in violation of Section 402 k. (SALDO)
6. Tract boundaries showing bearings and distances are not listed, in violation of Section 402 m.
7. The locations and dimensions of any streets or easements shown thereon which abut the land to be developed are not shown. Proof of ownership of the paper street section of Hammond Avenue is not supplied. Proof of the ability to dedicate Manor Street including the cul-de-sac is not supplied, in violation of Section 402 p. (SALDO)
8. All existing wetlands are not shown. A general note is not included that states activities restricted in delineated wetlands, in violation of Section 402 q. (SALDO)
9. All existing streets on, adjacent to or within four hundred (400) feet of any part of the tract, including name, right-of-way width and cartway width are not shown, in violation of Section 402 s. (SALDO)
10. Approximate dimensions of proposed lot lines are not shown, in violation of Section 402 w. (SALDO)
11. A signed notarized statement to the effect that the applicant is the owner of the land proposed to be developed and that the land development shown on the Preliminary Plan is made with his or their free consent is not signed on the plan, in violation of Section 402 y. (SALDO)
12. Feasibility Study on sewer and water facilities for the tract (S.403) and for land developments of 2 or more lots or dwelling units, a Plan Revision Module for Land Development along with recommendations from the local office of the Pennsylvania Department of Environmental Protection did not accompany the plan as required by Section 402 2<sup>nd</sup> a. (SALDO)

13. Land subject to flooding or other hazards to life, health, or property and land deemed to be topographically unsuitable shall not be platted for residential occupancy or for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the land development plans. Such land within the development shall be set aside on the plan for uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Where flooding is known to have occurred within the area shown on the plan such area shall be clearly marked “subject to periodic flooding” and shall not be platted in streets and lots.

No building may be erected in any designated flood plain area as specified by engineering data regarding the “100 year flood” or the alluvium and flood prone soils as specified by the U.S. Department of Agriculture – Soil Conservation Service as required by Section 503 b. (SALDO)

The building setback line has not been moved outside the wetlands and floodplain.

The designer has not reviewed the Floodplain Evaluation for 550 Boundary Avenue.

14. Proposed streets are not planned with regard to existing and proposed use of land on abutting properties and future development extensions of the street system, in violation of Section 504 a. (SALDO)
15. The arrangement of streets does not provide for continuation of existing or platted streets and proper access to adjoining undeveloped or developed tracts, in violation of Section 504 b. (SALDO)
16. Vertical curbs are not shown being installed on Manor Street, in violation of Section 505 k. (SALDO)
17. Easements with a minimum width of twenty (20) feet are not provided for poles, wires, conduits, storm and sanitary sewer, gas, water, and/or other utility lines intended to service the abutting lots and the drainage basin. No structures shall be placed within such easements. To the fullest extent possible, easements are not centered on or adjacent to rear or side lot lines. The easement for the private sanitary sewer system has not been shown and the maintenance agreement referenced, in violation of Section 513 a. (SALDO)
18. Landscaping and buffer yards in accordance with section 605 have not been added to the plan. Planting plans shall be required; such plans shall be prepared by a Landscape Architect registered by the State of Pennsylvania to engage in the practice of Landscape Architecture, in violation of Section 605. (SALDO)
19. For the safety, convenience, and attractiveness of the development, street lights shall be installed in accordance with the Penn Township Residential Street Light Ordinance but the lights and requirements have not been shown on the plan, in violation of Section 606. (SALDO)
20. The plan for the installation of a sanitary sewer system has not been prepared for the

development has not been approved by the Township Engineer and the Pennsylvania Department of Environmental Protection. The proposed force main has not been designed with pressure pipe. Sanitary sewer manholes have not been numbered. [Ex. MH 167B and Proposed MH 167B(1)], in violation of Section 607. (SALDO)

21. The applicable Penn Township 2009 Standard Details have not been shown on the plan. The Typical Local Street Cross Section has not been modified to match the Penn Township 2009 Standard Detail.
22. A detailed plan of the intersection of Hammond Avenue and Manor Street has not been shown on the plan. A linear profile of the proposed cul-de-sac has not been included, in violation of Section 402 2<sup>nd</sup> c. (SALDO)
23. All line and grade changes must be affected with horizontal and vertical curves. Vertical curves must be symmetrical parabolic curves. All curves have not been designed in accordance with standards established by the American Association of State Highway and Transportation Officials. Vertical curve design information has not been shown on the Plan, in violation of Section 505 g. (SALDO)
24. Adequate storm sewers, culverts, and related facilities have not been provided, as necessary, to:
  - Permit the unimpeded flow of natural watercourses.
  - Ensure the drainage of all low points along the line of streets.
  - Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.

Drainage for Township streets has not been designed in accordance with Penn DOT, Design Manual Part 2, Chapter 10 and the Penn Township Stormwater Management Ordinance, or approved by the Township, in violation of Section 512 a. (SALDO)

25. The soil erosion and sedimentation control plan has not been reviewed and approved by the Pennsylvania Department of Environmental Protection and the York County Conservation District, in violation of Article VII.C. 2 of the Stormwater Management Ordinance and S. 405 2<sup>nd</sup> e. (SALDO)

I further move to deny P08-20 the Park Hills Manor Subdivision Plan because it does not meet the Penn Township Zoning Ordinance Number 623 as amended as follows:

1. A special exception that was approved on January 8, 2008 to allow single family attached dwellings. The special exception was not noted on the plan as required by the Penn Township Subdivision and Land Development Ordinance. The Penn Township Zoning Ordinance Section 503.4 reads that “unless other specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain where required to do so a building permit within one year of the date of the authorization of the special exception. The failure to obtain a building permit will void the special exception.
2. A clear sight triangle in conformance with the subdivision and land development ordinance is not provided for driveways, in violation of Section 306.2.d. (Zoning Ordinance)

3. The plan does not provide the minimum habitable floor area of 800 feet, in violation of Section 312.a. (Zoning Ordinance)
4. Clear sight triangles are not show for all streets and access drives, in violation of Section 314. 1. (Zoning Ordinance)
5. The required and available safe stopping sight distance for the intersection of Manor Street and Hammond Avenue is not shown on the plan, in violation of Section 314.2. (Zoning Ordinance)
6. The rear and side lot setbacks for lot five have not been revised as the lot extends to the adjoining property owner.
7. The surrounding parcels are not annotated with the appropriate zoning districts.

I further move that the plan be denied because it does not meet the Stormwater Management Ordinance Number 375 as amended as follows:

1. Where the tract is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, improving or protecting such drainage facilities, such drainage easement has not been shown in violation of Article IX.A.3
2. A statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture which can be altered or removed only after approval of a revised plan by the Township, has not been included on the plan in violation of Article VII.B.7
3. At the time a Stormwater Management Plan is submitted for review by the Township, the ownership and maintenance responsibilities of all temporary and permanent storm water management and soil erosion and sedimentation control facilities have not been clearly defined, in violation of Article VII.
4. A maintenance schedule shall be developed for the life of any private stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule has not been printed on the stormwater management plan, in violation of Article VII.A.4
5. Spillways have not been designed for a post twenty-five (25) year peak discharge. A minimum of one (1') foot freeboard has not been provided around the entire top of the pond embankment, in violation of Article IX.C.8
6. A four feet (4') high chain link fence shall be installed around the detention or retention facility, the required fence is not shown on the plan, in violation of Article IX.C.10
7. Where a storm water management plan involves the direction of some or all storm water off site, it shall be the responsibility of the Developer to obtain from adjacent owners any easements or other

necessary property interests concerning the flowage of water. The easements or other property interests are not shown on the plan, in violation of Article IX.C.11

8. Storm drainage conveyance systems has not been designed to a minimum of a 1 in 10 year storm without surcharging inlets, in violation of Article IX.A.2
9. Stormwater conduits of whatever material utilized shall be installed with a minimum of eighteen (18") inches of coverage below design finish grade elevations. Pipe strength shall conform to the minimum standards determined under Penn DOT Design Manual 2 Chapter 10. Stormwater conduits are not designed to this criteria, in violation of Article IX.C.6

I further move to deny the plan for not meeting the requirements of the Sewer System Use Ordinance No. 683:

1. Where due to special conditions a higher grade of sanitary sewer pipe may be required. The special condition exists but the required sanitary sewer pipe is not shown on the plan as required by Section 2.5.1.b
2. All service laterals and building sewers shall be installed with a minimum slope of two percent (2%), which is not shown on the plan, but is required by Section 2.5.1.d.
3. All service laterals and building sewers have not been designed deep enough to allow for basement service as required by Section 2.5.1.e.
4. A separation of service laterals and building sewers from other utilities shall be a minimum of five feet (5') horizontally and one foot (1') vertically. This requirement is not being met in violation of Section 2.5.1.f.
5. The minimum depth of cover for service laterals and building sewers shall be four feet (4') as required by Section 2.5.1.g

For each of these reasons, and because all of these defects in the plan as submitted I move that the P08-20 Park Hills Manor be denied.