

MINUTES  
BOARD OF COMMISSIONERS REZONING HEARING  
SEPTEMBER 19, 2005

President Rishel called to order a public hearing on Monday, September 19, 2005, at 6:30 PM to hear a request to rezone a parcel 3.73 acres in size from Residential (R-15) to Shopping Commercial (SC). The property is located to the rear of Baltimore Street and Grandview Road in Penn Township. The proposed use of the property is self-storage units. The public hearing was properly advertised in the Hanover Evening Sun and the property was posted as required by the PA Municipalities Planning Code.

Present were President Rishel and Commissioners Johnson, Klunk, Stauffer and Felix. Also present were Manager Garvick, Solicitor Tilley, Township Engineer Bortner and Zoning Officer Menges.

Township Zoning Officer John Menges presented the staff review of the rezoning request. He provided the Commissioners with a packet of information that included the rezoning application, plot plan, R-15 and Shopping Commercial regulations, and York County Planning Commission Review. He stated that the application for rezoning was filed on May 16, 2005 by Baker's Dozen c/o Donald J. Little, Sr., 216 Panther Drive, Hanover, PA. The owner of the property is Baker's Dozen as of July 2005. The parcel identification number is 44-CD-60C and it is located to the rear of Grandview Road behind Tom's Exxon and Sackett Family Chiropractic. The property is currently undeveloped and relatively open with a scattering of plantings. There are no utilities on the property but public sewer and water are in close proximity. The property does not front any Township or State roadways but access is proposed to Grandview through a 40' Right-of-Way. The property is currently zoned R-15 Single Family Residential and the permitted uses are group home, house of worship, no-impact home base business, residential accessory uses, single-family detached dwelling and timber harvesting.

The rezoning request is for Shopping Commercial (SC) with the intended use being self-storage units. The permitted uses in the Shopping Commercial zone are business services, club room (meeting hall), commercial school, commercial recreation, convenience store, eating establishment, financial institutions, funeral home, home occupations, house of worship, laundry (dry cleaning establishment), medical clinic, parking lot or parking garage, personal services, public uses and buildings, retail business, sale of agricultural products, wholesale establishments in conjunction with retail and timber harvesting. The surrounding property uses are commercial, professional, and residential single family. The surrounding zones are Shopping Commercial (SC) (west), and R-15 Single Family Residential (north, south, and east). The current Comprehensive Plan calls for future land use as medium density residential.

The York County Planning Commission recommended denial of the request on July 5, 2005 and the Penn Township Planning Commission recommended denial on August 4, 2005.

Donald J. Little, Sr. represented Baker's Dozen on this request. He provided a sketch plan showing the layout of the proposed storage units. Mr. Little stated that access to the site would be from a right-of-way off Grandview Road as well as the alley behind Baltimore Street

for emergencies. There will be no site lights activated at night. There will be a fence around the property with hours being dawn to dusk and other times by appointment. The site is going to store mostly boats and campers. He does not expect it to be high traffic. There will be someone there to take care of the property. Mr. Little's son lives adjacent to the property and when and if he moves there will be a caretaker placed in the home.

Commissioner Klunk stated that he is not concerned about land development issues but rather the uses that would be allowed on the property if it were rezoned. The issue is land use and only land use.

The Commissioners received public comments at this time. Donald Little, 3335 Grandview Road, part of Baker's Dozen, who is also the homeowner adjacent to the property, stated that he has concerns about traffic but with regards to land use he would rather see a storage facility than homes on the property. He stated that he currently gets traffic from the craft store on Baltimore St. but it is only one day a week if there are homes built there will be traffic everyday. He is aware there are issues that need to be addressed and is in favor of an agreement that once the site is no longer used for storage then it should return to R-15. He stated that a storage facility is needed because the Township will be growing by another 1400 homes.

Attorney Chris Restak, representing Lisa Bankert who owns property on Grandview Road, wanted to address the right-of-way issues. He was concerned that the plan presented by Mr. Little was laid out in accordance with Section 625 with regards to access and width of access. If there were a zoning change the applicants would still have to request a special exception because this is not a Use By Right in the Shopping Commercial zone. There are other special exceptions that are allowed in the zone. He was concerned that access to an arterial street was required in the Shopping Commercial zone and that all the other shopping commercial zones in the Township are located along arterial streets. Mr. Restack stated that the Little's are trying to spot zone. He stated they have a right to develop the land in accordance with the current zoning. The right-of-way access is still an issue and he would like Ms. Bankert to address it. He noted that both planning agencies recommended denial of the plan. He was concerned with the events that occurred between May and July because the application was submitted in May and they did not purchase the property until July.

Mr. Little stated that if the rezoning request was not approved, the property would be used for residential building lots. Mr. Little stated that he is not a partner of Baker's Dozen. It is comprised of his wife and children.

Dorothy Nickerson, 3265 Grandview Road, opposes the rezoning of the property because it would interfere with the quietness of the neighborhood. She is concerned about what could go on the property if it is sold. Also there is a housing development across the street from this property that has an access onto Grandview and an additional access may require the installation of a traffic signal.

Tina Ruby, 3327 Grandview Road, testified that she purchased her home about eighteen years ago and was concerned about the alley that is listed on her deed and who owns it. Zoning Officer Menges stated that there is an alley behind the Little's property up to the Paul property

and Brodbeck Avenue. The alley is still shown on the sketch that was presented by Mr. Little. Mr. Little stated that land was being sold off for development in the late thirties to the early sixties and Brodbeck Avenue was included as a future road. Mr. Little stated that the alley still belongs to the Mary Ellen Brodbeck estate, and the executors of the estate stated that it could be purchased relatively cheaply. They would incur the expense of having it surveyed and a new deed created.

Charles Paul, 3319 Grandview Road, opposes the rezoning and is concerned because the Township's ordinance only references mini-storage and the applicant is requesting storage facilities for boats and campers. He is also concerned because once it is rezoned it remains shopping commercial and could be spot zoning. He also currently has a problem making right turns onto his property from Grandview Road and is concerned that trailers and campers will have the same problem.

Lisa Bankert, 3301 Grandview Road, stated that the proposed site access is actually her existing driveway and has been since 1959 when her grandparents lived there. Ms. Bankert purchased the property in 1997. She presented pictures showing the current driveway on her property. The deed does not show the right-of-way because the property was sold by a handshake. Ms. Bankert claims ownership because the property has been maintained for over twenty years. She also noted on the pictures all the current accesses onto Grandview Road near her property.

Mr. Paul was concerned that the right-of-way issue should be decided before the rezoning issue is made. The Commissioners stated that the access are part of the land development process and that it would be addressed during the review. Solicitor Tilley reaffirmed that decision. Mr. Tilley stated the legal criteria to be reviewed for the use of the property. Access issues are plan-based rather than use-based and they are land development issues. The Commissioners need to make the decision on the appropriate legal basis.

The Board will take all the information that was provided under advisement and will make a decision at a future date.

Commissioner Rishel adjourned the public hearing at 7:04 P.M.

Respectfully submitted,

Kristina J. Rodgers  
Township Secretary

**MINUTES  
BOARD OF COMMISSIONERS' PUBLIC MEETING  
SEPTEMBER 19, 2005**

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

The Penn Township Board of Commissioners met in a regular session on Monday, September 19, 2005 at the Penn Township Municipal Building following a rezoning hearing. President Rishel called the meeting to order at 7:10 P.M., with a roll call of members. Present were Commissioners Rishel, Johnson, Stauffer, Klunk and Felix. 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:** None

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

The minutes of the August 15, 2005 meeting of the Board of Commissioners were approved as submitted.

**TOWNSHIP REPORTS - STANDING COMMITTEES:**

**Finance Committee - Commissioner Klunk**

Commissioners Klunk/Stauffer moved to approve Township warrants in the amount of \$1,130,582.35. Motion carried. Commissioner Rishel abstained from all warrants for vendor number 162.

Commissioners Klunk/Stauffer moved to adopt Resolution No. 616 authorizing the release of the Township as the lead agency for the Communities that Care Initiative. Motion carried.

Commissioners Klunk/Stauffer moved to adopt Resolution No. 617 authorizing the dissolution of the Penn Township Recreation District #3 account with Community Bank. Motion carried.

Commissioners Klunk/Stauffer moved to adopt the Minimum Municipal Obligations for the nonuniformed, uniformed, and firefighters pension plans for 2006. Motion carried.

Commissioners Klunk/Stauffer moved to approve a request dated September 6, 2005 from the Hanover Jaycees for a wavier of the sign permit fee to place five temporary signs advertising the Halloween parade. Motion carried.

Public Works Committee - Commissioner Klunk

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

Commissioners Klunk/Felix moved to authorize the Township Manager to execute an agreement with LSC Design, Inc. for the design of a public works facility. Motion carried.

Commissioners Klunk/Felix moved to approve a request dated September 1, 2005 from Homewood Retirement Center to change the street name of Honeysuckle Lane to Sweet Pea Lane. Motion carried.

Commissioners Klunk/Felix moved to approve a request dated August 16, 2005 from Loss-Stair Civil Engineering for a waiver of the stormwater management ordinance, Article IX, for the Bob Morris Furniture land development plan. Motion carried.

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 – 18 – Donna Scott
- P05 – 19 – Snyder's of Hanover
- P05 – 20 – Green Glen Produce

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

- P05 – 07 – George H. & Anna M. Smith and Kenneth & Joan Hartlaub
  - P05 – 08 – Bob Morris Furniture
  - P05 – 13 – La Cucina Restaurant
  - P05 – 14 – Hanover Brands, Inc. - Slurry Storage Tank Facility
- Motion carried.

Commissioners Felix/Johnson moved to approve the following extension

requests that will expire on December 19, 2005:

P02 – 22 – Whispering Run  
P03 – 11 – Thornbury Hunt  
P04 – 20 – South Western School District  
P05 – 04 – 21 Industrial Drive  
P05 – 09 – Bon Ton Plaza  
Motion carried.

Commissioners Felix/Johnson moved to approve the following extension request that will expire on October 17, 2005:

P03 – 21 – Columbia Cottage  
Motion carried.

Personnel Committee - Commissioner Felix

Commissioner Felix reported that applications are being accepted for the Recreation Board.

Health & Sanitation – Commissioner Johnson

Commissioner Johnson had nothing to report.

Public Safety Committee - Commissioner Stauffer

Commissioners Stauffer/Johnson moved to approve a request dated August 10, 2005 from Holland Properties for a waiver of the fire lane requirement along Lot 14 in the Grandview Plaza. Motion carried.

Commissioners Stauffer/Johnson moved to deny a request dated June 9, 2005 from Robert Hemler Sr. for a waiver of the residential lighting requirement for 124 West Granger Street. Motion carried.

Commissioners Stauffer/Johnson moved to approve a request dated August 30, 2005 from the South Western School District for a change in the start and stop time of the school zone flashing signals. Motion carried.

Commissioners Stauffer/Johnson moved to set Trick or Treat for Tuesday, October 25, 2005 from 6:00 p.m. to 8:00 p.m. Motion carried.

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

**OLD BUSINESS:**

Commissioners Stauffer/Johnson moved to grant approval to the Hanover Area

Jaycees to hold their 64<sup>th</sup> annual Halloween Parade on Thursday, October 27, 2005 with a rain date of Monday, October 31, 2005. The parade will begin at 7:30 p.m. and last till about 10:00 p.m. Motion carried.

**NEW BUSINESS:** None

**PERSONS TO BE HEARD/CITIZENS COMMENTS:**

Dave Stair, Loss-Stair Civil Engineering, and John Beile, Burkentine and Sons, wanted to know how to proceed with the subdivision know as Avion. Mr. Stair reported that the Miriam Runkle plan might be withdrawn. He would like to proceed with Avion and needs to know where the Township want the connector road located. It was noted that the Township's Planning Commission was hesitant to review the Avion plan since recommendations were already given on the layout and design of the same parcels on the Miriam Runkle plan. After some discussion, the Commissioners recommended that Mr. Stair and Mr. Beile come to the Public Works meeting on October 4, 2005 to discuss the road alignment.

**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 Felix/Johnson moved for adjournment at approximately 7:26 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers  
Township Secretary