

PENN TOWNSHIP PLANNING COMMISSION
FEBRUARY 3, 2022

Chairman David Baker called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, February 3, 2022. Also present were planning members Thomas Allison, David Baker, Pamela Berlingo, Justin Heiland, Adam Selfridge and Zach Smith along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney. Planner Lumadue was absent without notice.

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

The planners approved the January 6, 2022 Planning Commission minutes as submitted.

The planners received the following zoning appeals and made the following recommendations:

ZHB22-01-Andres Valdes-Dapena, 2165 Broadway, Hanover, PA 17331. The applicant is requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to construct an above ground pool in the side yard that does not meet the backyard requirements. The property is located at 2165 Broadway in the RC zone.

Dr. Valdes-Dapena, property owner represented this case. Dr. Valdes-Dapena stated he resides on the corner of Broadway and Beaver Creek Road, and he is aware this is considered to be two front yards on the property. The home fronts Broadway, and he would like to position the above ground pool to the side of the home, out of view to the neighbors located across the street on Beaver Creek Road. The pool would be set more than three hundred feet from the front of the property on Broadway. The pool would be closed and covered during the off-season months.

Planners Selfridge/Allison moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-01-Andres Valdes-Dapena, requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to construct an above ground pool, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-2 vote, with Planners Berlingo and Heiland casting the dissenting votes.

ZHB22-02-Cody Bentzel, 1045 Bair Road, Hanover, PA 17331. The applicant is requesting a variance to Section 300.10 f.g1 (Temporary Uses) in order to utilize drop boxes and storage units year-round for storage of retail goods. The applicant is also requesting for the interpretation of the listed sections and appealing the zoning violations he received. The property is located at 934 Baltimore Street in the HB zone.

Attorney Johanna Rehkamp, Strausbaugh Law, Jeffrey Homan, Architect, and Cody Bentzel, property owner represented this case. Zoning Officer Smith stated that there have been a few changes to the variance request. Mr. Bentzel is no longer requesting a variance for the use of drop boxes and storage units. He added that Mr. Bentzel has addressed the violations that were received by removing the storage units that were in place, and clearing the junk that was outdoors. The Fire Code violations will not be addressed by the Planning Commission, and will be addressed with the Fire Chief. Mr. Bentzel is requesting to display merchandise outside year-round, and would like to keep the tent for the sale of seasonal merchandise. Ms. Rehkamp, attorney representing Mr. Bentzel stated that the only location currently for the sale of merchandise is the tent, one hundred percent of sales is outdoors, therefore it is to be considered an outdoor sales business. She presented the Commission with photos of various retail stores in the Township that have merchandise placed outside. Zoning Officer Smith Stated that Mr. Bentzel had applied for a Building permit application, and he should receive within a week. Mr. Bentzel stated that once he received the occupancy permit he would like continue to sale seasonal merchandise outside in the tent. Planner Zach Smith asked about the plans for the building that came before the Commission several months ago. Mr. Bentzel stated that he is waiting on the reverse subdivision to be finalized. Planner Berlingo asked if Mr. Bentzel if he would be agreeable to putting a more permanent structure in place of the tent. Mr. Bentzel stated that he would be happy to place something there as long as there are walls present. Planner Zach Smith asked Mr. Bentzel when did he realize that he needed more space than originally planed. Mr. Bentzel stated he hoped to do the outdoor sales from the start. Zoning Officer Smith stated that Mr. Bentzel intends to expand the current building. Ms. Rehkamp stated that she doesn't believe the ordinance prohibits tents to be erected for any length of time, it addresses having merchandise outside of the building. Zoning Officer Smith stated that he does have three consecutive months to place merchandise outside. Planner Berlingo stated that the photos presented were more like larger or smaller merchandise that can be brought inside the store when not in operation. She would like to see more of a timeline of the goal of when the building will be completed. Planner Heiland asked where does code enforcement and zoning draw the line of the merchandise outside. Zoning Officer Smith stated he can't verify, but they may have been in place prior to the ordinance being adopted. Planner Selfridge stated most businesses rotate the merchandise that is outside. Planner Baker stated if he is looking at a more permanent structure in place of the tent, then he would have to be concerned with meeting setbacks, Zoning Officer Smith stated he does not know how that will look until the Subdivision and Land Development Plans are submitted. Mr. Bentzel stated that he hopes to have merchandise in the building within a month. Mr. Bentzel stated that once the reverse subdivision goes through, and the addition is built he would have about twenty percent of his merchandise outside. Zoning Officer Smith asked how large the tent is, Mr. Bentzel stated twenty-five feet by forty feet. Planner Selfridge stated that a more permanent structure would be more ideal. Mr. Homan, Architect, 485 Clover Lane, stated the tent was placed because they didn't have to meet setbacks, Zoning Officer Smith stated that the setbacks are going to be determined by the building that is already in place. Mr. Homan stated that the building is already over the setback line, and if that is the case he can place a structure with a roof on the

property line, and place vinyl sides during the winter to protect the merchandise. Planner Berlingo asked what the time-line would look like. Mr. Homan stated that possibly two months for permitting and two months for the construction. Zoning Officer Smith stated that he must go through the reverse subdivision first.

Planners Selfridge/Baker moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-02-Cody Bentzel, requesting a variance to Section 300.10 g1 (Temporary Uses) in order to display merchandise outside of enclosed building year-round, with the condition of allowing for a period of one-year. Planners Allison, Berlingo and Heiland casted dissenting votes therefore, motion was denied on a 3-3 vote.

ZHB22-03-Bert Miller, 900 Black Rock Road, Hanover, PA 17331. The applicant is requesting a variance to Section 300.3 (Fences and Walls) in order to erect a fence that exceeds the maximum height in the front yard. The property is located at 900 Black Rock Road in the R40 zone.

Mr. Bert Miller, property owner represented this case. Zoning Office Smith stated that Mr. Miller would like to place a four-foot fence across the front and the side of his property, he added that the house sits six to seven hundred feet from the road. Mr. Miller stated the house is not visible from the road, and the aluminum fence would fall along the tree line. He removed the fence that was a steel type cattle fence that was in place from the previous owner because it was in pieces and falling down, and he would like to replace the fence that was previously there. Zoning Officer Smith stated the back fence was installed with a permit, however there was no permit issued for the front fence. Planner Heiland stated that a three-foot fence is permitted in the front yard, and if that would be sufficient. Mr. Miller stated that a three-foot fence would not keep his afghan hound contained in the yard, which is the reason he is requested a four-foot fence.

Planners Selfridge/Smith moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-03-Bert Miller, requesting a variance to Section 300.3 (Fences and Walls) in order to erect a fence that exceeds the maximum height in the front yard, as it meets the requirements for a variance set forth in Section 502.3 a) thru f). Motion carried on a 5-1 vote, with Planner Heiland casting the dissenting vote.

Review and make recommendations on waiver and exoneration requests:

1. Hanover Land Services, Inc on behalf of Devener Landing, is requesting a waiver to Section 402 (Preliminary Plan Requirements), Section 505(a) (Street Design), Section 505(g) (Curbs) and Section 605 (landscaping and bufferyards) of the Penn Township Subdivision and Land Development Ordinance in regards to the land development plan. The property is located on Moulstown Road.
There was no representatives present, therefore, no action was taken.

The planners reviewed and made recommendations on the following pending subdivision/land development plans:

SL17-10-MUSTANG POINTE, J. A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan to create 190 new residential building lots. The property is located between Breezewood Drive and Bowman Road in the R-8 zone. **There was no action taken on this plan.**

SL20-09-PERO FARMS HANOVER FACILITY LLC, Pero Farms, 26 Industrial Drive, Hanover, PA 17331. A land development plan submitted in order to construct a manufacturing addition. The property is located at 26 Industrial Drive in the Industrial zone. **There was no action taken on this plan.**

SL20-10-AQUAPHOENIX SCIENTIFIC BUILDING ADDITION, Aquaphoenix Scientific, c/o Frank Lecrone, 860 Gitts Run Road, Hanover, PA 17331. A land development plan submitted in order to construct a building addition. The property is located at 860 Gitts Run Road in the Industrial zone. **There was no action taken on this plan.**

SL21-01-CLOVER LANE DEVELOPMENT (STONEWICKE V), Clover Lane Development, LP, 160 Ram Drive, Hanover, PA 17331. Final subdivision plan submitted to create fourteen (14) new residential lots. The property is located at Maple Lane (310 Clover Lane) in the R-15 zone. **There was no action taken on this plan.**

SL21-05-ELSNER ENGINEERING WORKS, Elsner Engineering Works, 475 Fame Avenue, Hanover, PA 17331. A final subdivision plan was submitted in order to construct an Industrial Building for the expansion of Elsner Engineering. The property is located West of the intersection Barnhart Drive and Industrial Drive, Hanover, PA in the I-Industrial zone. **There was no action taken on this plan.**

SL21-09-PORTER AND WAREHIME PROPERTY, BPR LLC, 150 Airport Drive, Unit 4, Westminster, MD 21157. Final subdivision plan submitted in order to reverse subdivide and add property to an existing parcel. The property is located at 577 High Rock Road in the R/C zone. **There was no action taken on this plan.**

SL21-12- ABOVE & BEYOND CHRISTIAN CHILD CARE CENTER, GHI Engineers & Surveyors, 213 Carlisle St, Hanover, PA 17331. A land development plan submitted in order to demolish two existing structures and construct a new 3,000 sq. ft. building to expand the existing childcare facility. The property is located at 701 Black Rock Road in the R-15 zone. **There was no action taken on this plan.**

SL22-01 – WATER STREET FOUR, LLC, Hanover Land Services, Inc, 585 McAllister St, Hanover, PA 17331, A Preliminary/Final Land Development plan submitted in order to create one-hundred twenty-two (122) new residential units. The property is located

on Moulstown Road in the R-8 Urban Residential zone. **There was no action taken on this plan.**

Public Comments: There were several residents in attendance, Mr. Lynn Rebert, Mrs. Beth Rebert, 77 Test Road, and Mrs. Kim Holstein, 71 Test Road. Mr. Lynn Rebert had questions regarding the Water Street Four Subdivision and Land Development Plan, mainly about the bufferyards. Township Engineer answered their questions. Zoning Officer Smith stated that the representatives of the plan will be present at the Public Works meeting on Monday, February 7, 2022, to discuss the waivers that are being requested.

The meeting was adjourned at 8:16 p.m.

Respectfully submitted,

Donna M. Sweeney,
Recording Secretary