

PENN TOWNSHIP PLANNING COMMISSION MARCH 5, 2020

Chairman David Baker called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, March 5, 2020 at the Penn Township Municipal Building. Also present were planning members Clayton Black, Mark Elksnis, Kathy Gill, James Lumadue, Ray Van de Castle and Chad Yiengst along with Zoning Officer Robert Smith, and Township Engineer Eric Bortner.

The February 6, 2020 Planning Commission minutes were approved as submitted.

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

**ZHB20-01-The Markets of Hanover,** 1649 Broadway, Hanover, PA 17331. Applicant is requesting a special exception to Section 201.2 (Use Regulations) in order to operate a brew pub. The property is located at 1649 Broadway in the S/C zone.

Zoning Officer Smith stated that this special exception was previously approved August 2018, contingent upon the proposed three hundred eighty-two parking spaces being installed.

Ms. Liz Johnides and Mr. Joe Silbaugh, Jr., property owners represented this case. The Markets is currently under construction with the installation of the additional parking spaces, stormwater improvement and additional lighting. The work is estimated to be completed in about five months. Planner Baker asked about the operating hours. Ms. Johnides stated the plan is to have core hours for the market and extended hours for the brew pub and food stands, Wednesday through Sunday 11 am to 10 pm. Commissioner Van de Castle asked when they plan on opening the brew pub. Ms. Johnides stated they are in the middle of the PLCB process, so it could be in about four to six months. Planner Yiengst expressed his concern of the close proximity of the homes to the back of the building. Mr. Silbaugh stated that they are taking the excess dirt from the parking construction and placing in the back of the property to elevate the land along the bordering homes, and they plan to plant trees to create a barrier. Planner Van de Castle asked about the location of the trash bins, Ms. Johnides stated they are in the back, and will remain there. Planner Van de Castle asked about additional lighting and expressed concern of the bordering residents. Mr. Silbaugh stated that the lighting that is currently on the building will remain, however there will be lights added to the parking area that will be pointed down, and will be turned off after hours. Planner Yiengst expressed concerns with the food waste with the proximity to the bordering homes, Mr. Silbaugh stated that the trash bins will remain where they are, they have not had any issues or complaints, he added trash pickup has been about 7 am in the past.

Planners Black/Elksnis moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB20-01 The Markets of Hanover, 1649 Broadway,

Hanover, PA 17331, requesting a special exception to Section 201.2 (Use Regulations) in order to operate a brew pub. Motion carried on a 7-0 vote.

**ZHB20-02-Edward Gonzales**, 27 Eastwood Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 202.3 (Area and Bulk Regulations) in order to construct two (2) single family houses. The property is located at 517 Meade Avenue in the R-8 zone.

Lee Royer, R. Lee Royer & Associates, represented this case. Mr. Gonzales has three, forty foot lots in which he would like to divide into two sixty-foot lots to construct two single family homes. There are currently other forty, fifty and eighty foot lots in the vicinity. Planner Van de Castle asked about the infiltration beds in the back yard, and if the prospective homeowner will be told that they cannot build anything on top of them. Mr. Royer stated that they would be informed, he stated he could move it back further, but wanted to keep it about ten feet away from the property line.

Planners Black/Gill moved for a favorable recommendation to the Zoning Hearing Board on case ZHB20-02 Edward Gonzales, 27 Eastwood Drive, Hanover, PA 17331, requesting a variance to Section 202.3 (Area and Bulk Regulations) in order to construct two (2) single family homes. The property is located at 517 Meade Avenue in the R-8 zone. Motion carried on a 7-0 vote.

**ZHB20-03-Nicole Kitzman**, 4104 Chestnut Street, Fairfax, VA 22030. Applicant is requesting a special exception to Section 322 (Uses Not Provided For) in order to operate a short-term rental. The property is located at 216 Park Heights Blvd. in the R-15 zone. **Applicant is requesting the case to be postponed until the April Meeting.**

**ZHB20-04-Octagon Rentals, LLC**, 515 Penn Street, Hanover, PA 17331. Applicant is requesting a variance to Section 306 (Access Drives), 628 b) & d) (Multi-Family Dwelling), a special exception to Section 628 (Multi-Family) and an interpretation of Section 103 (Definitions) in order to construct multi-family dwellings (3 units). The property is located at 300 John Street in the R-8 zone.

Zoning Officer Smith pointed out to the committee that there are three separate sections to this request.

Attorney Paul Minnich, Barley Snyder, represented this request. Attorney Minnich stated that it he would like to start with the interpretation portion of the request. Attorney Minnich introduced Jack Powell, Jack N. Powell, PE, Inc. Mr. Powell stated Tender Care Pregnancy Center has a double lot and they are proposing to sell off the south portion of their property. The existing corner property lot line on the deed does not create a clean lot that meets the ordinance requirement of setbacks, so the lot line has to shift, which would cut their lot line width to 93 feet. They are looking to build three townhouses which would be side by side units. They need clarification if this is to be considered single family attached or multifamily dwellings. Both classifications

require access to dwelling from a public street. John Street is right in front of the property, however they would prefer to have vehicles access the dwellings from the alley behind the building. If found to be the interpretation of multifamily, the variance section 628 b) & d) states the tract width must be 100 feet, they have 93 feet, and the impervious area which is capped at 30%, they are at 36.7% percent. If this is found to be single family attached dwelling they meet both lot width and impervious requirements. Commissioner Van de Castle asked why not build two units, then they would meet all of the requirements. Mr. Powell stated that they would, but with this being a row house, their interpretation to be single family attached and the only variance they would need is the access. They believe that it fits the neighborhood having the access from the alley behind the dwelling. Planner Black pointed out that being one owner of the three rental units his interpretation leans towards multifamily. Commissioner Van de Castle asked Engineer Bortner if the alley was owned by the township building. He stated that he was not sure, but the tax map indicates it as an alley. Planner Baker asked if there was any discussion with the neighbor on the corner of the proposed three rental units being built beside their property, Zoning Officer Smith stated that they were notified of the meeting by mail. Planner Baker stated that he would prefer to decide next month once it is determined to whom the alley belongs. Attorney Minnich wanted to point out that there is a sales contract on the property, pending the decision of the committee, and some urgency from the property owner. Attorney Minnich suggested if the committee could motion contingent upon the ownership of the alley. Zoning Officer Smith pointed out that we are required to hold a hearing date within 60 days of application date. Attorney Minnich conferred with his client and they would withdrawal the waiver of Section 306 access off of the alley, if this would help the committee make a recommendation. He added Tender Care is applying some time pressure of the sale of the property. He would like to get a recommendation tonight. Planner Yiengst asked if they could purchase the property could they come back and ask for a variance for the access. Zoning Officer Smith stated that with the parking access being taken off the table the plan is not complete.

Planner Baker stated that he would prefer tabling a decision until next month's meeting as it falls within the sixty days. Attorney Minnich asked since they are eliminating the access request, can amending the application be acceptable. Zoning Officer Smith stated that they could amend the application.

Planner Baker stated that there is a concern with the interpretation issue due to one owner with three rental properties, he understands it three single family units put together, however it is something that needs to be considered.

**ZHB20-05-John Meckley**, 10 Baugher Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk) in order to construct an addition that encroaches into the side setbacks. The property is located at 10 Baugher Drive in the R-15 zone.

Mr. John Meckley, represented this case. The existing home is less than twelve feet of the side set back, and less than 35 feet of the front set back. They propose to build an addition to the left of the existing home that will meet the necessary 35 feet front set back. The side set back will be met for half of the proposed structure except the back-left corner. The back corner as proposed will be four feet from the side setback. The existing structure and proposed structures both meet rear setbacks. Both structures meet the building height regulations. Planner Lumadue asked what is the size of the proposed garage, Mr. Meckley stated approximately 33'x28'. The alley on the plan was abandoned by the township in 1979, and was deeded to the Meckley's. The garage will be paved to come out onto Granger Street.

Planner Yiengst left the meeting at 8:00 p.m.

Planners Elksnis/Lumadue moved for a favorable recommendation to the Zoning Hearing Board on case ZHB20-05 John Meckley, 10 Baugher Drive, Hanover, PA 17331, requesting a variance to Section 203.3 (Area and Bulk) in order to construct an addition that encroaches into the side setbacks. Motion carried on a 5-1 vote, with Planner Black casting the dissenting vote.

Review and make recommendations on waiver and exoneration requests:

**Sharrah Design Group, Inc., on behalf of Clover Lane Development, LP**, is requesting a waiver to Section 509.a (Lot Layout in a Development) of the Penn Township Subdivision & Land Development Ordinance in regards to the Stonewicke V development. This property is located at 310 Clover Lane.

Mr. Robert Sharrah, SDGI represented this request. There are some unusual situations with the configuration of the existing parcels due to traffic flow that needs to line up with Clover Lane. The plan has not changed since he was before the committee last month. Planner Elksnis asked if it was common to build over a gas line like this, Mr. Sharrah stated that they have done this before, and there is no prohibition to it from the gas company, as long as they stay out of their right of way. They performed a test on the line to determine the depth in front of the gas company, so they are aware of the building plans. Planner Elksnis asked if the gas line would be disclosed to the future owner, and Mr. Sharrah replied absolutely and he added the right of way is noted on the land development plan. Planner Van de Castle stated that the fire chief has concerns with the gas line being that close to the houses and under the driveway. Planner Van de Castle asked which lot is the requested waiver for, Mr. Sharrah stated that the waiver request is needed for many of the lots as they do not meet the ratio. Planner Van de Castle added that the properties do not meet the setbacks. Planner Elksnis asked how deep is the gas line, Mr. Sharrah stated the road is required to have at least four feet of cover so the road must be built up as required by the gas company. The depth under the driveway is about three feet. Commissioner Van de Castle asked about the diameter of the gas pipe, Engineer Bortner stated it would be on the road layout of the land development plans. Mr. Sharrah said he believes it to be no more

that 8" in diameter.

Planners Black/Gill moved for a favorable recommendation to the Penn Township Board of Commissioners for a waiver request to Section 509.a (Lot Layout in a Development) of the Penn Township Subdivision & Land Development Ordinance in regards to the Stonewicke V development. Motion carried on a 4-2 vote with Planners Elksnis and Van de Castle casting the dissenting votes.

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

**P04-25 - SOUTH HEIGHTS, J.A. Myers Building & Development**, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan submitted to create fifty-nine (59) single-family residential building lots. The property is located within the southeast intersection of Cooper Road and Westminster Ave in the R-22 zone.

**There was no action taken on this plan.**

**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.**

**SL18-20-STONEWICKE V, Clover Lane Development, L.P.**, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan submitted to create fourteen (14) single family detached residential lots. The property is located at 310 Clover Lane in the R-15 zone.

**SL19-13-Brookside Heights Phase IV**, Brookside LLC, 1454 Baltimore Street, Hanover, PA 17331. A final subdivision plan submitted in order to create (78) residential lots for single family attached and multifamily dwellings. The property is located off South Center Street and Overlook Drive in the R-8 zone.

**There was no action taken on this plan.**

**SL19-15-South Hills Golf Course**, Maitland Investment, 630 Westminster Avenue, Hanover, PA 17331. A reverse subdivision and land development plan submitted to construct club house and pro shop and expand parking area. The property is located at 925 Westminster Avenue in the R-22 zone.

Mr. Kris Raubenstine, Hanover Land Services, Inc., represented this case. Mr. Raubenstine presented the board with plans for an additional hundred parking spaces if needed for future use. Commissioner Elksnis asked if the plan was still to close the course when the banquet hall is in use. Mr. Raubenstine believes that is still the intention of the owners.

Planners Elksnis/Lumadue moved for a favorable recommendation to the Penn Township Board of Commissioners on SL19-15 South Hills Golf Course. Motion carried on a 6-0 vote.

**SL19-17-1020 Baltimore Street**, Billy J. & Sadie Kress, 1020 Baltimore Street, Hanover, PA 17331. A land development plan submitted to construct a mini storage facility. The property is located at 1020 Baltimore Street in the S/C zone.

Mr. Kris Raubenstine, Hanover Land Services, Inc., represented this case. Mr. Raubenstine stated plans are to remove the house and existing buildings and construct mini storage units. There will be no public water or sewer needed, and there will be paving between the storage unit buildings. Zoning Officer Smith stated the fire chief is requiring a knox box prior to obtaining an occupancy permit. Planner Black asked if there will be additional lighting installed. Mr. Raubenstine said that the lighting will be wall mounted on the building. Commissioner Van de Castle asked if they were going to be open 24 hours a day. Mr. Raubenstine believes there may have been a time restraint placed on the plan from a previous meeting, but did not have in his notes.

Planners Black/Elksnis moved for a favorable recommendation to the Penn Township Board of Commissioners on SL19-17 -1020 Baltimore Street. Motion carried on a 6-0 vote.

**Public Comments:** None.

The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Donna M. Sweeney,  
Recording Secretary