

PENN TOWNSHIP PLANNING COMMISSION
APRIL 7, 2022

Chairman David Baker called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, April 7, 2022. Also present were planning members Pamela Berlingo, Justin Heiland, James Lumadue, and Zach Smith along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney. Planner Thomas Allision was absent, and Planner Adam Selfridge was absent with 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 March 3, 2022 Planning Commission minutes as submitted.

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

ZHB22-05-Beau Dunkerly, 22 Benjamin Drive, Hanover, PA 17331. The applicant is requesting a variance to Section 300.7 (Decks) that is constructed in the front yard and does not meet the rear only setbacks requirements. The property is located at 22 Benjamin Drive in the R-15 zone.

Mr. Beau Dunkerly, property owner and Mr. Michael Blaisure, represented this request. Mr. Blaisure stated that Mr. Dunkerly had suffered a stroke and is on long term disability. The deck has already been installed by the front door for the purpose of safe passage entry into his home. The deck is nine feet six inches by seven feet. Planner Lumadue questioned if a ramp would be installed. Mr. Blaisure stated that Mr. Dunkerly can maneuver the steps guided by the handrails that were installed.

Planners Smith/Lumadue moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-05-Beau Dunkerly, requesting a variance to Section 300.7 (Decks) as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 4-0, with Planner Justin Heiland abstaining.

ZHB22-06-Penn Township, 20 Wayne Avenue, Hanover, PA 17331. The applicant is requesting a variance to Section 211.2 (Use Regulations) to install two sewage pump stations and Section 211.3 (Area and Bulk Regulations) in order to create one lot near 45 Oak Hill Drive that does not meet the required regulations. The other lot is an existing lot located at 841 Hershey Heights Road. The applicant is also requesting an Interpretation of Section 211 (R-C Conservation Zone). The properties are located in the R-C zone.

Zoning Officer Smith stated this is a use variance for both pump stations. Pump stations fall under public uses and buildings which is not a permitted use in the RC Zone. He said the Township will own the existing lot on Hershey Heights Road, and plans to demolish the house. A variance may also be needed on Oak Hill Drive, which will not meet the requirements in the RC Zone.

Penn Township Manager Kristina Rodgers represented this request. Manager Rodgers stated they are requesting an interpretation to Section 211, as the Township feels that a variance is not needed because it is a public use and utility building, and they are required by the state to install the pump stations. She stated if the Commission does not agree with this interpretation, the Township is then requesting variances for both lots. She reported that approximately in 2016, the state approved the Township's Act 537 plan, which requires the Township to provide public sewer to the Oak Hill and Hershey Heights area. This affects forty-seven residents, and fifty-two properties. Construction has begun, and includes the installation of the sewer mains, laterals and the two pump stations. The first pump station will be located at 841 Hershey Heights Road, the property is owned by the township, and has been condemned. The house will be demolished and a pump station will be installed. The other property is a vacant lot at 45 Oak Hill Drive, the property has been condemned, and the pump station will be installed. Manager Rodgers stated that she has the plans for the project if the any of the Planning members wishes to review. Planner Berlingo asked if the garage will be demolished as well. Manager Rodgers stated it all will come down. The pump station will be approximately where the garage is located. Zoning Officer Smith reported he called the Pennsylvania Public Utility Commission, to inquire if municipalities are exempt from zoning regulations and no one ever responded. Planner Baker stated that they will vote first on the interpretation, then on the variances if they are needed.

Planners Lumadue/Smith moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-06-Penn Township to Interpretation of Section 211 (R-C Conservation Zone) that it is the Planning Commission's interpretation the variance is not needed. Motion carried 5-0.

Planners Lumadue/Smith moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-06-Penn Township for a variance to section 211.2 (Use Regulations) to install two sewage pump stations and Section 211.3 (Area and Bulk regulations) in order to create one lot near 45 Oak Hill Drive that does not meet the required regulations. The other lot is an existing lot located at 841 Hershey Heights Road, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 5-0.

ZHB22-07-Patrick William Farley, 504 Black Rock Road, Hanover, PA 17331. The applicant is requesting a variance to Section 203.3 (Area and Bulk Regulations) in order to construct an accessory building that extends into the side and rear setbacks. The property is located at 504 Black Rock Road in the R-15 zone.

Zoning Officer Smith stated that along with Mr. Farley's application, the Commission should have two drawings, one where the proposed garage will be, and the other of the area he has from the house to the rear and the side property lines.

Mr. Patrick Farley, property owner represented this request. Mr. Farley stated that he would like to install a twenty by twenty-eight-foot garage to align with the current driveway in the rear of his property. This location will provide a little area of yard to remain. The garage is planned approximately thirty inches from the side property line. Mr. Farley stated the house beside him, the garage on that property is about an inch away from the property line. Planner Heiland asked Zoning Officer Smith if the adjoining properties had variances? He replied that he has no records. Mr. Farley stated that he has spoken with his neighbors regarding his plans and they have no issues. Planner Lumadue stated that he is not leaving much room for maintenance between the property line and proposed building.

Planners Smith/Berlingo moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-07-Patrick William Farley, requesting a variance to Section 203.3 (Area and Bulk Regulations) in order to construct an accessory building that extends into the side and rear setbacks, as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 5/0.

ZHB22-08-York Rd. Investments, LLC, 4062 York Road, New Oxford, PA 17350

The Applicant is requesting a variance to Section 300.3 (Fences and Walls), Section 304.3 (Loading space layout), and Section 306.3.a (Number Per Lot). The applicant is also requesting an Interpretation of Section 304.3 (Loading space layout). The property is located at 501 Ridge Avenue in the Industrial zone.

Attorney Jeremy Fry, Barley Snyder represented these requests. Mr. Fry reported this is one hundred eighteen-acre property in the industrial zone. The proposed plan is for a four hundred eleven thousand square foot warehouse. He reported the property is unique in shape as it is a corner lot and considered to have two front yards. He added that the size of the property helps address some of the issues with the front yards. The first request is a variance to the height of the fence. Mr. Paul Fish, Rettew was in attendance last month to request a waiver of the Subdivision and Land Development Ordinance to install a four-foot fence around the stormwater facilities located in the front yard. The request was denied. Therefore, presenting an issue of being in violation of the zoning ordinance which requires nothing higher than a three-foot fence in the front yard. Mr. Fry stated that the area is a long way away from the street that makes the front yard.

The second request is a variance to the loading dock which is not allowed in the front yard. The front of the building is approximately four-hundred feet off of the street area, behind a tree line and stream. If a variance not granted, this would cut off a bulk of the property for use.

The third request is for a third driveway to allow direct access into the employee parking lot, away from the truck traffic that would come into the other two driveways. Planner Justin Heiland asked were the third driveway is intended to be placed, Mr. Fry showed the planning members it would be in the center of the other two. Planner

Heiland asked if there is any idea what the warehouse is to be used for. Mr. Fry stated that there is no specific user at this point and is planned for speculative warehouse use, which is much needed in the Hanover area. Planner Heiland asked what type of fence, would be used if variance would be granted. Mr. Fish stated that the stormwater ordinance suggests a chain link fence, but they are willing to work with Township suggestions.

Planners Smith/Lumadue moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-08-York Rd. Investments, LLC, requesting a variance to Section 300.3 (Fences and Walls) as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 5-0.

Planners Smith/Berlingo moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-08-York Rd. Investments, LLC, requesting a variance to Section 304.3 (Loading space layout) as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 4-1, with Planner Heiland casting the dissenting vote.

Planners Lumadue/Smith moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-08-York Rd. Investments, LLC, requesting a variance to Section 306.3.z (Loading space layout) as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 5-0.

Review and make recommendations on waiver and exoneration requests:

GHI Engineers and Surveyors on behalf of Arcland Self Storage, are requesting a waiver to Section 513.a (Easements, Width and Location) of the Penn Township Subdivision and Land Development Ordinance in regards to the land development plan. The property is located at 1049 Baltimore Street.

Mr. Kevin Barnes, GHI Engineers and Surveyors represented this request. Mr. Barnes stated that they are requesting a waiver to place a fence in the easement area over a pipe that is used to drain stormwater, the pipe is not owned by the Township. Arcland will take over the maintenance of the pipe from the shopping plaza. This creates a hardship due to that a storage unit facility is required by the subdivision and land development ordinance to be surrounded by a fence.

Planners Smith/Lumadue moved for a favorable recommendation to the Penn Township Board of Commissioners for a waiver to Section 513.a (Easements, Width and Location). Motion carried 5/0.

Hanover Land Services on behalf of Carroll County Christian Center, are requesting a waiver to Section 402 (Preliminary Plan Requirements) of the Penn Township Subdivision and Land Development Ordinance in regards to the land development plan. The property is located at 889 Baltimore Street.

Mr. Kris Raubenstine, Hanover Land Services, represented this request. Mr. Raubenstine stated this property is where the existing Youth for Christ is located. He does not foresee any changes in the plan and looking to go to final plans. The existing building will be demolished and the plan is to replace with a more updated building. Planner Heiland stated that he hopes the plan includes a safer point of entry. Mr. Raubenstine stated that it will all be PennDOT approved.

Planners Smith/Lumadue moved for a favorable recommendation to the Penn Township Board of Commissioners for a waiver to Section 402 (Preliminary Plan Requirements). Motion carried 5-0.

BPR, LLC on behalf of Porter and Warehime Property, are requesting a waiver to Section 305 (Review of Plans), 402 (Preliminary Plan Requirements), 403 (Feasibility Report on Sewer and Water Facilities) and 404 (Environmental Impact Studies-Wetlands) of the Penn Township Subdivision and Land Development Ordinance in regards to the land development plan. The property is located at 577 High Rock Road.

Mr. Scott Landis, BPR,LLC represented this request. Mr. Landis stated that there will be no construction, this is simply a purchase of land to divide properties for each side of the road. There are some wetlands at the bottom of the plan. Mr. Landis stated that Mr. Jeff Warehime reported that the ponds are no longer there. Planner Heiland asked Township Engineer Bortner if the wetlands would be an issue. Engineer Bortner agreed that the ponds, formerly to be the Hanover area water reservoir were no longer there, and does not feel a wetland study is needed at this time. He added that if there were any building in the future, a wetland study would not be needed for a single-family home, but if a development is planned, then yes, a wetland study would be need to be completed

Planners Smith/Lumadue moved for a favorable recommendation to the Penn Township Board of Commissioners to waivers for Sections 402 (Preliminary Plan Requirements), 403 (Feasibility Report on Sewer and Water Facilities) and 404 (Environmental Impact Studies-Wetlands). Motion carried 5-0.

Planners Heiland/Berlingo moved for an unfavorable recommendation to the Penn Township Board of Commissioners for a waiver to Section 305 (Review of Plans). Motion carried 4/1, with Planner David Baker casting the dissenting vote.

Pastor Mark Rohnke on behalf of Missionary Bible Baptist Church, is requesting a waiver to all requirements of the Penn Township Subdivision and Land Development Ordinance in regards to the proposed land development plan. The property is located at 920 Beck Mill Road.

Mr. Jeff Homan, Architect represented this request. Mr. Homan stated the plan is for a twelve by thirty-five-foot addition for ADA compliant bathrooms. He is requesting to submit the plans with the building permit. Zoning Officer Smith stated that MDIA will

review and inspect the project. Planner Heiland requested to see the plans when submitted.

Planners Smith/Berlingo moved for a favorable recommendation to the Penn Township Board of Commissioners for a waiver to all requirements of the Penn Township Subdivision and Land Development Ordinance. Motion carried 5-0.

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.**

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.**

SL22-02-ARCLAND SELF STORAGE, GHI Engineers & Surveyors, 213 Carlisle St, Hanover, PA 17331. A land development plan submitted in order to construct a new mini storage facility. The property is located at 1049 Baltimore Street in the SC zone. **There was no action taken on this plan.**

SL22-03-PANTHER CAT, LLC, Hanover Land Services, 585 McAllister Street, Hanover, PA 17331. A land development plan submitted in order to construct a new heavy storage service facility. The property is located at 25 Spring Garden Street in the Industrial zone. **There was no action taken on this plan.**

SL22-04-THE TRONE FAMILY TRUST, Hanover Land Services, 585 McAllister Street, Hanover, PA 17331. A preliminary/final plan submitted for amended landscaping plan. The property is located at 1020 Baltimore Street in the SC zone.

Mr. Kris Rubenstine, Hanover Land Services, represented this plan. He stated that the land development plan was before the Commission about two years ago, and has changed owners during the process. Trees that were to stay to provide a bufferyard, were mistakenly cut down. They are now requesting to replace those trees with a vinyl fence and also have some plantings on the south eastern property line. Planner Heiland asked why can't they plant trees where they were originally. Mr. Raubenstine stated that there is paving and drainage was installed along the property line. The tree root system was on the property to the east, and there was a request made to Hanover Borough to put the trees back and the Borough declined.

Planners Smith/Lumadue made a favorable recommendation to the Penn Township Board of Commissioners for SL22-04-The Trone Family Trust. Motion carried 5-0.

SL22-05-SILBAUGH INVESTORS, LP, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final plan submitted for an amended landscaping plan. The property is located at 1649 Broadway in the SC zone.

Mr. Kevin Barnes, Group Hanover, Inc, and Mr. Joe Silbaugh, Markets at Hanover represented this plan. Mr. Barnes stated that 2.5 caliper trees were approved on the land development plan for the street bufferyards. They are requesting to use 1.5 caliper trees which will meet the requirements for the Zoning Ordinance. The request is being made so the trees can be planted by hand, to avoid trucks packing the ground through the rain gardens that are currently functioning very well.

Planners Lumadue/Smith moved for a favorable recommendation to the Penn Township Board of Commissioners for SL22-05-Silbaugh Investors, LP. Motion carried 5-0.

SL22-06-SOUTH HEIGHTS MANOR, Hanover Land Services, 585 McAllister Street, Hanover, PA 17331. A Final subdivision plan submitted to create sixty-one (61) new residential lots. The property is located at Westminster Avenue in the R-22 zone.

Mr. Kris Raubenstine, Hanover Land Services, represented this plan. Mr. Raubenstine stated that ninety percent of the infrastructure has been installed and the developer is getting ready for the sale of the lots. This phase of the plan is for sixty-one residential lots located east of Old Westminster Road and Cooper Road. Planner Heiland asked who the developer was. Mr. Raubenstine said J.A. Myers. Planner Heiland asked Engineer Bortner if he has any issues. He replied that he has none.

Planners Smith/Lumadue moved for a favorable recommendation to the Penn Township Board of Commissioners for SL22-06-South Heights Manor. Motion carried 5-0.

SL22-07-CARROLL COUNTY CHRISTIAN CENTER, Hanover Land Services, 585 McAllister Street, Hanover, PA 17331. A Preliminary/Final plan submitted in order to construct a new house of worship facility. The property is located at 889 Baltimore Street in the SC zone. **There was no action taken on this plan.**

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Donna M. Sweeney,
Recording Secretary