

PENN TOWNSHIP PLANNING COMMISSION
MAY 3, 2018

Chairman Baker called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, May 3, 2018 at the Penn Township Municipal Building. Present were planning members David Baker, Clayton Black, Wendell Felix, Kathy Gill, Justin Heiland, and Henry Senatore, along with Township Engineer Bortner, Zoning Officer Smith, and Recording Secretary Hallett. Planner Barbara Mahan was absent with notice.

The planners approved the April 5, 2018 Planning Commission minutes as submitted.

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

ZHB18-03 – Dan Rodgers, 102 Protectory Road, Abbottstown, PA 17301. Applicant is requesting a variance to Section 202.3 (Area and Bulk) in order to construct a single family dwelling that does not meet the minimum regulations. The property is located at 515 South High Street in the R-8 zone.

Dan Rodgers, property owner, represented this request. He said he's requesting a variance to side setbacks because the zoning requirements have changed over the years. The side setback is now twelve feet and with a forty foot wide lot he's left with sixteen feet to build on. Most properties in the area are built with a six to eight foot side setback. The existing house has a six foot setback on one side and eight foot on the other. He is asking for seven feet on each side of the house. Planner Black asked how old the existing home is and Mr. Rodgers was unsure. He said it's old enough that it was built with no foundation. Planner Heiland asked if the neighbors are meeting the twelve foot side setback requirement. Mr. Rodgers said the neighbor to the right of the house is six feet from the property line and the neighbor on the other side is eight feet from the property line. Planner Black asked if building on the existing foundation would require a variance. Zoning Officer Smith said it would not but the existing house has no foundation. Planner Baker asked if there will be a basement and Mr. Rodgers said it will have a crawl space. He'd like to stay consistent with the houses in the area and none of them have basements.

Planners Black/Heiland moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB18-03 – Dan Rodgers, requesting a variance to Section 202.3 (Area and Bulk) in order to construct a single family dwelling that does not meet the minimum regulations, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

ZHB18-04-Steven & Kimberly Zinn, 70 Lion Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk) in order to construct a garage that encroaches into side setback. The property is located at 70 Lion Drive in the R-15 zone.

Steven Zinn, property owner, represented this request. Mr. Zinn said they would like to build a two-car, attached garage on their property. He shared photographs of similar homes in the area with two-car, attached garages. The side setback is twelve feet and they have twenty-five feet from the property line. They would like to construct a twenty foot garage, which leaves the setback at five feet. Planner Baker asked if the houses in the photographs were neighboring homes. Mr. Zinn said they are also on Lion Drive. He's not able to give specific measurements of how far they are from the property line, but he believes they are similar to his request. Planner Felix said there is no way to tell from the pictures how far they are from the property line. Planner Heiland asked how far the existing driveway will be extended. Mr. Zinn said they are adding seven feet. Planner Felix said a single-car garage would meet the setback requirements. Planner Senatore asked if the majority of homes in the area have a single-car garage, two-car garage or a parking pad. Mr. Zinn said the majority of the homes have a parking pad.

Planners Felix/Senatore moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case ZHB18-04 – Steven & Kimberly Zinn, requesting a variance to Section 203.3 (Area & Bulk) in order to construct a garage that encroaches into side setback as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). They further noted that there would be no variance required for a single-car garage. Motion carried on a 5-1 vote with planner Black casting the dissenting vote.

ZHB18-05-Derick Evans, 3260 Grandview Road, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk) in order to construct an addition that encroaches into front setback. The property is located at 3260 Grandview Road in the R-15 zone.

Derick Evans, property owner, represented this request. Mr. Evans said he would like to add a 20X8 foot addition to the front of his home. Because he's on an arterial road the front setback is fifty feet instead of thirty-five. The addition would be forty feet from the property line. Planner Felix asked where on Grandview Road the property is located and Mr. Evans said between Benjamin Drive and Colonial Drive. Planner Felix asked if it's close to the intersection of 216 and it is not. Engineer Bortner said it's in the Colonial Hills development. Planner Felix asked what they are proposing to build. Mr. Evans said the addition will be bedroom space and there is a small porch to the right, even with the addition. Planner Felix asked if the forty foot measurement is from the property line or the center of the road. Mr. Evans said he'd be seventy-four feet from the center of the road and forty feet from the property line.

Planners Senatore/Black moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB18-05 – Derick Evans, requesting a variance to Section 202.3 (Area and Bulk) in order to construct an addition that encroaches into front setback 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 Felix and Heiland casting the dissenting votes.

ZHB18-06-Legacy, 300 Fame Avenue, Hanover, PA 17331. Applicant is requesting a variance to Section 304.2 (Off-Street Loading Spaces) in order expand their manufacturing and warehousing that does not meet the minimum loading spaces required. The property is located at 300 Fame Avenue in the Industrial zone.

Gerry Funke, with GHI, represented this request. Mr. Funke handed out updated plans. Legacy is proposing to add one loading dock and a retaining wall. There are three existing loading docks on the property, bringing the total to four. Mr. Funke explained that they can't fit anymore loading docks in because of the differences in elevation on the property. Planner Heiland asked if a variance was required for the existing three loading docks and there was a variance because six were required. Planner Black asked if the Zoning Ordinance dictates the number of loading docks required and it does. Zoning Officer Smith said the ordinance calls for one per ten thousand square feet, which would total nineteen docks with the addition. Planner Black asked why they don't have a need for the additional docks and what they'll do if they have a need in the future. Mr. Funke said four is the maximum number of docks they can fit on the property. Planner Black asked if trucks waiting to unload will stay on the property or circle Hanover waiting their turn and Mr. Funke didn't know. Planner Black said he has seen tractor trailers lined up on publically maintained roadways waiting to unload. On a two-lane road the line of trailers disturbs traffic. Mr. Funke said there is plenty of room for trucks to unload. Planner Felix asked why they can't add a loading dock to the existing building and Mr. Funke said the grade isn't suited for it and they also need as much parking as they can get. Legacy currently rents parking spaces from the neighboring property when they have summer employees. Planner Felix asked if the lot is getting to be too small for the business and Mr. Funke said they are growing faster than they expected. Planner Felix asked how many employees they have right now and Planner Heiland said two hundred. Planner Felix asked how many employees are being added and Mr. Funke said fifty to one hundred. He also said the plan calls for two hundred additional parking spaces.

Planners Black/Gill moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB18-06 – Legacy, requesting a variance to Section 304.2 (Off-Street Loading Spaces) in order to expand their manufacturing and warehousing that does not meet the minimum loading spaces required as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

ZHB18-07-The Markets of Hanover, 1649 Broadway, Hanover, PA 17331. Applicant is requesting a special exception to Section 207.2 (Uses by Special Exception) in order to construct a mini-storage warehouse. The property is located at 1649 Broadway in the Shopping/Commercial zone.

Gerry Funke, with GHI, and Joe Silbaugh, with The Markets of Hanover, represented this request. Mr. Funke said they are requesting a special exception to use the existing warehouse for mini-storage and to phase the parking. Planner Baker said there is already a parking shortage at the Markets. Mr. Silbaugh said he has been working with the State for three and a half years to get a Redevelopment Assistance Capital Program (RACP) grant. The grant will assist with infrastructure, stormwater management and improvements to the building. He explained that the business has grown much faster than he predicted and more parking is needed. He'll need the grant assistance to pay for the additional parking. He said the grant has been recommended by the York County Commissioners and local legislators and is now going to a Senator. The grant isn't guaranteed but indications seem favorable.

Mr. Silbaugh said the traffic impact from the mini storage warehouse would be minimal. It won't be a high volume business. The mini-storage warehouse will be forty-five thousand square feet. He said the matching funds from the grant will be used for the interior improvements. The parking and stormwater improvements are a requirement of the grant. Planner Baker asked if phase three will exceed the required parking spaces and it will. Planner Felix asked if the existing building is being used for the mini-storage warehouse and it is. Planner Felix asked where the parking comes in because he didn't see anything about parking on the Zoning Hearing Board application. Mr. Silbaugh said they want to add more parking but in phases. He needs the special exception for the mini-storage warehouse. The existing warehouse is a continuous non-conforming use. Mr Funke said the parking is referenced on the second page of the application. Mr. Silbaugh said he isn't able to shut down the business to complete all the improvements at once and is requesting to do the parking in phases. He needs the special exception to be approved so he can submit it with the grant, showing his plans for the improvements are acceptable to the Township. Mr. Funke said the mini-storage warehouse won't happen if the grant isn't approved.

Planner Senatore said, according to the plan, they are already short sixty parking spaces. Mr. Funke said that won't be the case until the mini-storage warehouse is open. Planner Senatore said the Market alone requires two hundred thirty parking spaces and there are only one hundred seventy. Planner Black asked how the Market was opened when they were short on parking spaces. Mr. Funke said they were in compliance with parking for the Markets of Hanover when it was opened. The amount of retail area being used hasn't changed since they opened. Planner Felix said there was an understanding that vendors would park elsewhere. Mr. Silbaugh said they have an agreement with the bowling alley across the street to use their parking lot for overflow. Planner Black said they are still short on parking spaces for the retail use, without even taking the mini-storage warehouse into account. Engineer Bortner believes the number of parking spaces required was determined, in part, by using the Markets of Shrewsbury as a model. He didn't know if it was approved by the Zoning Hearing Board or if it was an internal agreement. Planner Heiland said he would be more comfortable with the mini-

storage warehouse after phase three of the parking has been completed. Mr. Silbaugh said he can't expand the parking without the income from the mini-storage warehouse. He also said he has a letter from the Zoning Hearing Board Solicitor granting approval for the existing warehouse. Mr. Funke said there isn't much of a difference between a warehouse and a mini-storage warehouse.

Mr. Silbaugh asked if it would work to approve the special exception, subject to his receiving the grant funds. He said he needs a favorable decision from the Zoning Hearing Board to get the grant approved. He knows they can't build the mini-storage warehouse without the additional parking. Planner Baker asked how much of the grant he needs to complete phase three and Mr. Silbaugh said he needs at least seventy percent.

Planners Felix/Gill moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z18-07 – The Markets of Hanover, requesting a special exception to Section 207.2 (Uses by Special Exception) and a variance to Section 303.1 (Off-Street Parking) in order to construct a mini-storage warehouse as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e) and for a variance as set forth in Section 502.3 a) thru f). Motion was denied on a 3-3 vote with Planners Black, Heiland and Senatore casting the dissenting votes.

The planners reviewed and made recommendations on the following waiver and exoneration requests: None.

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

P01-28 – HIGH POINTE @ ROJEN FARMS, Martin Hill, 4219 Hanover Pike, Manchester, MD 21102. A preliminary 227 lot subdivision located on Grandview Road in the R-22 & R-40 zones. (Pending sewer) (South Portion – Robert Sharrah)
There was no action taken on this plan.

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 building lots. The property is located within the southeast intersection of Cooper Road and Westminster Avenue, in the R-22 zone. There was no action taken on this plan.

P16-06 – BROOKSIDE HEIGHTS – PHASE 3, Brookside LLC (Paul Burkentine, member), 1500 Baltimore Street, Hanover, PA 17331. A final subdivision plan to create eighty-five (85) residential lots to construct single family attached and multifamily dwellings. The property is located east of South Center Street and west of Meadowbrook Drive in the R-8 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.

SL18-02 – AERO ENERGY, BULK PLANT CANOPY, Larry Marshall, East 230 Lincoln Hwy, New Oxford, PA 17350. A land development plan submitted in order to construct a canopy to cover an existing fueling station. The property is located at rear 1056 and 1060 Baltimore Street in the S/C zone.

Jacob Dortch, with First Capital Engineering, represented this plan. He said they are proposing to install a canopy over an existing concrete pad. The plans were signed and delivered to the Township and the Township Manager's comment about an Operation & Maintenance agreement was addressed because there are no changes being made that would require the agreement. Planner Felix said the planners approved everything on the plan last month but they wanted the plans to show the changes before they recommended it for approval. He asked Engineer Bortner if all the changes have been made and they have. The address was corrected on the plan and all other comments were addressed.

Planners Senatore/Heiland moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 5-1 vote with planner Black casting the dissenting vote.

SL18-03 – SOUTH WESTERN TURF FIELDS, South Western School District, 225 Bowman Road, Hanover, PA 17331. A land development plan submitted in order to construct turf fields. The property is located at 225 Bowman Road in the R-8 zone.

Jacob Dortch, with First Capital Engineering, represented this plan. He said they dropped off the Operation & Maintenance agreement and got all the necessary signatures. The bond will be addressed at the Board of Commissioners meeting on May 21, 2018. Planner Baker asked what was decided with the crosswalk. Mr. Dortch said there is no additional crosswalk being added. Planner Heiland asked if they will add another crosswalk in the future and Mr. Dortch didn't know. Planner Baker said the existing crosswalk is heavily used because it's how the students get to the Intermediate School where the buses are staged. Mr. Dortch said they are widening the sidewalk from four feet to six feet which may help. Planner Baker asked how many lights are being installed. Mr. Dortch said six lights. They are all the required distance from the property line, which is equal to the height of the light. Planner Baker asked if there is a fence around the fields and there is.

Planners Senatore/Felix moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 5-1 vote with planner Black casting the dissenting vote.

SL18-05 – ESAB STORAGE BUILDING, The ESAB Group, Inc., 1500 Karen Lane, Hanover, PA 17331. A land development plan submitted in order to construct a storage building. The property is located at 1500 Karen Lane in the Industrial zone. There was no action taken on this plan.

SL18-06 – LEGACY BUILDING EXPANSION, Legacy 92, LLC, 300 Fame Avenue, Hanover, PA 17331. A land development plan submitted in order to construct a building addition. The property is located at 300 Fame Avenue in the Industrial zone. There was no action taken on this plan.

SL18-07 – YOUNGS WOODS, Penn Township, 20 Wayne Avenue, Hanover, PA 17331. A reverse subdivision submitted in order to create one lot to be used for recreational purposes. The property is located at 317 Blooming Grove Road in the R-15 zone. There was no action taken on this plan.

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Angela M. Hallett
Recording Secretary