

## PENN TOWNSHIP PLANNING COMMISSION MAY 2, 2019

Chairman Baker called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, May 2, 2019 at the Penn Township Municipal Building. Present were Planning members David Baker, Clayton Black, Ronald Fanelli, Kathy Gill, Justin Heiland, and Joseph Klunk along with Engineer Bortner, Zoning Officer Smith, Township Secretary Sweeney.

The April 4, 2019 Planning Commission minutes were approved as corrected.

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

**ZHB19-08-John A. Freiert, 166 Windsor Court, Hanover, PA 17331. Applicant is requesting a special exception to Section 322 (Uses Not Provided For) in order to operate a rental for an Airbnb. The property is located in the R-15 zone.**

Mr. John A. Freiert represented this case. Mr. Freiert owns a three bedroom home and is requesting a special exception to list one bedroom with full bath on Airbnb, and the entire house starting in the year 2020 and plans to have a property management firm in place by then. Zoning Officer Smith stated that Penn Township previously had a resident that listed with Airbnb and the Township sent a letter to the resident stating it was not a permitted use in the township, and the listing was then removed.

Zoning Officer Smith reached out to Hanover Borough and Conewago Township with no response, Gettysburg area has several listings. Oxford Township and Straban Township has an ordinance in place against listing on Airbnb. Penn Township has an ordinance permitting a residence for use as a Bed and Breakfast. The differences are Bed and Breakfasts have staff, annual fees and regulations, Airbnb does not have staff, no regulations and receive 10% of rental fees.

Zoning Officer Smith stated the Pocono area is having issues with investment companies coming in and purchasing homes and listing them on Airbnb. The Township started having problems and went in and sited them for using as a rental property in a residential single family use zone. The LLC Company took the case before the Zoning Board and the Board upheld the decision, LLC then appealed to the Supreme Court and the decision was upheld. If this is approved, basically approving use that has not been permitted in the Township. Penn Township has no regulations regarding rentals with Airbnb. Planner Black stated that this is essentially a substitute for a motel.

Mr. Freiert stated that there are many listings in the surrounding area of Hanover for single rooms and homes, so there is a need in the community. He will be there when room/home is being rented, if he is not, there is a woman who checks in on his cats that can check in on renters, his brother also lives next door. Mr. Freiert asked the board what is the difference from listing on Airbnb and renting out his home. Zoning Officer Smith responded that Airbnb is short term. There are long term rental homes in Hanover.

Zoning Officer Smith offered that conditions can be put in place if approved, such as fees, and annual inspections. Planner Heiland asked how this would become a use permitted in a single use family zone. Planner Black compared this to having a hair salon in the home, it permits the single family home for dual use.

Mr. Friert stated that there is plenty of off street parking. There is no HOA in the neighborhood, and neighbors in the cul-de-sac do not object. Zoning Officer Smith sent letters to neighbors, with no response.

Planners Black/Gill moved for a favorable recommendation because there is nothing in the code to the Penn Township Zoning Hearing board on case ZHB19-08 John A. Friert requesting a special exception to Section 322 (Uses Not Provided For) in order to operate a rental on Airbnb. Motion carried on a 4-2 vote with Commissioners Heiland and Klunk casting the dissenting votes.

**ZHB19-09-Troy A. Thomason, 115 Little John Court, Hanover, PA 17331. Applicant is requesting a variance to Section 202.3 (Area and Bulk) in order to place an above ground pool that encroaches into the setbacks. The property is located in the R-8 zone.**

Mr. Troy A. Thomason represented this case. Mr. Thomason is requesting a variance to Section 202.3 (Area and Bulk) in order to place an above ground pool that encroaches into the setbacks. The pool is 15x26 feet with solid walls. He would like to place pool in back of house along tree line. Neighbors have no objections to plans, as the majority already have existing pools.

Planners Fanelli/Gill moved for a favorable recommendation to the Penn Township Zoning Hearing board on case ZHB19-09 Troy A. Thomason requesting a variance to Section 202.3 (Area and Bulk). Motion carried on a 5-1 vote with Commissioner Heiland casting the dissenting vote.

The planners reviewed and made recommendations on the following waiver requests:

**GHI Engineers and Surveyors, as a representative of Schlinder Elevator Corporation, are requesting a waiver to Section 306.4 (Design Standards-Fencing) and to Section 303 (Volume Controls) of the Penn Township Stormwater Management Ordinance in regards to their land development. The property is located at 23 Industrial Drive.**

Mr. Gerry Funke, GHI, represented this request. They are requesting a waiver to Section 306.4 (Design Standards-Fencing) and to Section 303 (Volume Controls) of the Penn Township Stormwater Management Ordinance.

Section 303 (Volume controls)-Mr. Funke stated that the basin has been in place since 2009 and takes up a large portion of the upper corner. Schindler built the building

in 2013. The addition that is currently planned, no change will be made to the basin except modification to the outlet structure and also filling a small portion of the pond that is lower than the outlet structure allowing the water to drain out. Fence is being required due to the Stormwater Ordinance, which was adopted in 2011. Zoning Officer Smith stated that Mark's Auto Body down the road had a Stormwater facility in place, and the Township required them to put a fence around it.

Section 303 (Volume controls)-Mr. Funke stated that the ground in the area does not perk well. They performed a perk test and did not do well, one passed, and planned to test two other areas but had standing water, had to do water quality instead of water infiltration. Planner Black asked if it can't handle increase in volume, how is addressing water quality address the increase of volume requirements. Engineer Bortner offered that the State gives developers an option for areas that don't perk or has Karst geology.

Planners Fanelli/Gill moved for an unfavorable recommendation to the Penn Township Board of Commissioners on request of a waiver to Section 306.4 (Design Standards-Fencing) of the Penn Township Stormwater Management Ordinance. Motion carried on a 6-0 vote.

Planners Fanelli/Gill moved for a favorable recommendation to the Penn Township Board of Commissioners on a request of a waiver to Section 303 (Volume controls) of the Penn Township Stormwater Management Ordinance. Motion carried on a 4-2 vote with Planners Baker and Black casting the dissenting votes.

The planners reviewed and made recommendations on the following pending subdivision/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.

**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.

**SL18-13-LCBC-HANOVER, Lancaster County Bible Church, 2392 Mount Joy Road, Manheim, PA 17545. A land development submitted in order to construct a parking lot expansion. The property is located at 1504 Broadway in the S/C zone.**  
There was no action taken on this plan.

**SL18-18-AMERICAN HOME CONTRACTORS, LLC, 420 Glenville Road, Hanover, PA 17331. A final subdivision plan submitted in order to create two (2) single family attached residential lots. The property is located at 792-794 Baltimore Street in the H/B 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.** There was no action taken on this plan.

**SL 19-04-Schindler Elevator Corporation, 23 Industrial Drive, Hanover, PA 17331. A final land development submitted in order to construct an addition for manufacturing and a separate commercial office. The property is located at 17 & 23 Industrial Drive in the Industrial zone.**

Mr. Gerry Funke, GHI represented this case. Comments have been received back from County. The land development plan has two parts, an addition to the existing manufacturing plant, and the second lot currently vacant which they are planning to put an office building to bring employees to one central location. Between buildings there will be a connecting walkway. Engineer Bortner, received comments addressing staff comments. The only thing outstanding is they will need to obtain a bond.

Planners Fanelli/Gill moved for a favorable recommendation to the Penn Township Board of Commissioners on a request of a land development submitted in order to construct an addition for manufacturing and a separate commercial office with the consideration that all comments have been addressed and accounting for the favorable recommendation of waiver to Section 303 (Volume controls) and an unfavorable recommendation to Section 306.4 (Design Standards-Fencing). Motion carried on a 6-0 vote.

**SL19-05-MAVIS DISCOUNT TIRE, JLM Real Estate Investments, LLC, PO Box 472, Schuylkill Haven, PA 17972. A land development plan submitted to construct a tire sales and installation business. The property is located at 865 Baltimore Street in the S/C zone.**

Mr. Ed Davis, JLM Real Estate, represented this plan. He stated that Penn Township staff comments have been received and addressed. Engineer Bortner stated that comments from York County Planning have not been received and they have thirty days to review.

Planners Klunk/Black recommended to wait for County comments before moving forward.

**Public Comments:** None.

The meeting was adjourned at 8:01p.m.

Respectfully submitted,  
Donna M. Sweeney  
Recording Secretary

