

PENN TOWNSHIP PLANNING COMMISSION
MAY 5, 2022

Vice-Chairman James Lumadue called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, May 5, 2022. Also present were planning members Pamela Berlingo, Justin Heiland, and Zach Smith along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney. Planners David Baker and Adam Selfridge were 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 April 7, 2022 Planning Commission minutes as submitted.

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

ZHB22-09-Art Hanson Jr., 459 Blooming Grove Rd., Hanover, PA 17331. The applicant is requesting a Special Exception under Section 407.3 (Replacement) in order to replace a Hair Salon with a Therapeutic Massage establishment. The property is located at 449 Blooming Grove Road in the R-15 Zone

Mr. Art Hanson, Jr., property owner represented this request. Mr. Hanson stated the building was built in 1954, and has been utilized as commercial space for a hair salon since 1987. The two owners of the salon are now deceased, and the space has been advertised as office space for the past year. Mr. Hanson stated they would like to utilize the space for Therapeutic Massage for one therapist. This will decrease the amount of traffic as well as a reduction of business hours.

Planners Smith/Berlingo moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-09 Art Hanson Jr., requesting a Special Exception under Section 407.3 (Replacement) in order to replace a Hair Salon with a Therapeutic Massage establishment as it meets the requirements for special exception as set forth in Section 503.3 a) thru e). Motion carried on a 4-0 vote.

ZHB22-10-Paramount Realty NJ LLC, 1195 Route 70, Suite 2000, Lakewood, NJ 08701. The applicant is requesting a variance to Section 207.2 to authorize a service station on the property, Section 306.3b) 2) Access Drives within 10 feet of a property line, Section 300.2 accessory structure in the front yard area and Section 638c)1), 2) and 4) general regulations for Service Stations, in order to construct a Convenience Store with gas pumps. The property is located at 1007 Baltimore Street in the Shopping Commercial Zone.

Mr. Peter Wertz, McNeese Wallace & Nurick, LLC, Mr. Joseph Mizrahi, Paramount Realty Services, Inc., and Mr. Justin Geonnotti, Dynamic Engineering

Consultants represented the requests. Mr. Wertz stated that the property is comprised of two outparcels totaling in 2.07 acres, and is the current site of Pine Creek Structures on the corner of Baltimore Street, and Clover Lane. The property is located within the shopping commercial zone. The proposed plan consists of an approximately five thousand five hundred eight five square-foot convenience store with eight gasoline pumps, with a canopy covering the gas pumps. Mr. Wertz stated that the Shopping Commercial Zone permits convenience stores by right. Service Stations which include structures used for the sale of gasoline are not a permitted use. Applicant is requesting a variance to Section 207.2, to authorize a service station on the property. Mr. Wertz reported that the site is ideal for the proposed WAWA with dual frontage provided on Baltimore Street and Clover Lane. This plan will result in the redevelopment and revitalization of the shopping plaza. Mr. Wertz moved on to talk about the variance request to Section 306.3b)2) access drives within ten feet of the side and rear property lines. He stated that the variance is necessary due to the property's placement within the existing Shopping Center complex. Once the property is combined, they are obligated to comply with the setback requirement because the property lines will be within the ten feet of the existing access drives. The plan proposes a driveway off of each of those access drives to provide access to the WAWA. There are no other access drives planned. Mr. Wertz explained the need for a variance to Section 300.2 to authorize the Proposed Canopy in the front yard for the gas pumps. He stated this is a corner lot with dual frontages, the ordinance only permits a permanent-roofed accessory structure, apart from the principal structure in the rear yard. This presents a hardship due to the layout of the property. He reported that there is not sufficient room in the rear of the structure for the gas pumps, and the gas pumps need to be placed in the front yard, as the clerks would need to monitor. Mr. Wertz added that if a variance is granted, it will not alter or impair the use of the adjacent property. He reported the next two variances are requested if deemed necessary by the Planning Commission and Zoning Hearing Board. Variance from Section 306.3b)2), to authorize the proposed driveways to the WAWA to be within ten feet of the property lines. He stated it is unclear whether the proposed driveways constitute as "access drives" under the Ordinance of Definition. The second variance from Sections 638c)1),2) and 4), to authorize the proposed driveways in the locations and with the specifications shown on the site plan. He stated Services Stations are permitted by right in the Industrial Zone, and by special exceptions in the Highway Oriented Business Zone. Section 638 contains specific criteria for service stations when permitted as a special exception. He questioned if the specific criteria are required when there is a use variance in the Shopping Commercial Zone. The specific criteria again pertain to the proposed driveways and the existing access drives. Zoning Officer Smith stated that he previously spoke with Claudia Shank, from McNees Wallace & Nurick regarding Section 303.2.g, and he does not see any plans to satisfy this requirement. He added that a four-foot fence is permitted in the front yard for the screening purpose. Mr. Wertz stated that they did discuss this, and will look into this further. Mr. Justin Geonnotti gave an overview of the proposed plan. Planner Lumadue stated the entrance way off of Baltimore Street is a very congested area. Mr. Geonnotti stated that this will all be studied during the land development plan process. Planner Berlingo asked if the proposed entrance ways will be able to handle the refueling trucks and turns. Mr. Geonnotti, answered that yes, and they have planned the

driveway to be a bit larger than required. It has been designed for easy access for fueling trucks and fire trucks. Mr. Joseph Mizrahi reported that WAWA, has plans to expand in the region, and this is one of the first stores in the area. He added they are proposing space for EV charging stations for future installation. Mr. Mizrahi stated that the station will have regular, and only low flow diesel, to discourage tractor trailers from fueling at the station. Mr. Mizrahi added there will be no cooking onsite, food is only premade and/or heated. Zoning Officer Smith questioned how they are going to keep large trucks out. Mr. Wertz stated that the site is designed that navigation for large trucks would be difficult to fuel. He said they are willing to post "No Truck" signs if needed. Mr. Mizrahi explained that "low flow diesel" discourages truckers due to the large amount of time it would take to fuel their vehicles. Planner Heiland asked about the Sam's Club gas station, and if they had to get a service station variance. Zoning Officer Smith confirmed that they had been approved for the service station.

Planners Smith/Heiland moved for a favorable recommendation with the conditions of the addition of "No Trucks" signs, and no additional access from Baltimore Street, to the Penn Township Zoning Hearing Board in case ZHB22-10-Paramount Realty NJ, LLC, requesting variances to Section 207.2 to authorize a service station on the property, Section 306.3b) 2) Access Drives within 10 feet of a property line, Section 300.2 accessory structure in the front yard area and Section 638c)1), 2) and 4) general regulations for Service Stations, in order to construct a Convenience Store with gas pumps, as it meets the requirements for a variance set forth in Section 502.3 a) thru f). Motion carried 4-0.

ZHB22-11-Gerald D. Funk, c/o GHI Engineers & Surveyors, 201 Carlisle Street, Hanover, Pa 17331. The applicant is requesting a variance to Section 303.1 (Off-Street Parking Requirements) in order to construct a warehouse that does not meet the parking requirements. The property is located at 201 Center Street in the Industrial Zone.

Mr. Gerald Funk, Hanover Land Services, Inc. represented this request. Mr. Funk stated that he began working on this project in 1997, when a similar project was approved, however the company decided to obtain warehousing elsewhere due to immediate need. In 2015 the FEMA Flood Map changed and now the flood plain encroaches more of the property than in the past. He handed out a new proposed plan to construct an eighty-three thousand square foot warehouse, noting the current flood plain area. Mr. Funk stated that are requesting a variance due to the amount of parking that is required. With the existing building along with the proposed addition a total of four hundred twenty spaces are required by ordinance. Currently forty-eight spaces exist with the proposed addition they are planning to remain at forty-eight spaces. With the planned stormwater management and the flood plain area, there is no additional room for the additional parking spaces. He stated that the site will employ approximately forty people split across two shifts. Zoning Officer Smith stated that the plan does meet the requirements for loading dock spaces, but is far short of the parking space requirements. Mr. Funk stated that if the property is sold, the truck parking spaces could be converted into ninety-seven additional parking spaces. Planner

Berlingo questioned if there was any way to reduce the size of the addition to provide any additional parking. Mr. Funk stated that there is no way to get close to the required four hundred twenty. Planner Lumadue stated that if in the future if shifts are added, there would be more employees, and would present a parking issue. Mr. Funk stated that could be made a condition of the variance. He added that if the use was industrial or manufacturing there would be very minimal parking required.

Planners Smith/Heiland moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board in case ZHB22-11-Gerald D. Funk, c/o GHI Engineers & Surveyors, requesting a variance to Section 303.1 (Off-Street Parking Requirements) in order to construct a warehouse that does not meet the parking requirements. Motion carried 3-1 with Planner Lumadue casting the dissenting vote.

Review and make recommendations on waiver and exoneration requests:

There were none.

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.

Mr. Scott Landis, BPR, LLC., represented this plan. He stated that he is looking for approval of this plan. He reported that he received the DEP waiver. Engineer Bortner stated that all comments have been addressed. He added that if approved, Mr. Landis would need to be aware of his time limits, as he would only have ninety days to record once approval is obtained from both Penn and Heidelberg Townships. Landis stated that Heidelberg Township is ready to approve, just waiting on Penn Township.

Planners Smith/Berlingo moved for a favorable recommendation to the Penn Township Board of Commissioners for SL21-09 577, Porter and Warehime Property. Motion carried 4-0.

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.**

SL22-06-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. **There was no action taken on this plan.**

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 8:13 p.m.

Respectfully submitted,

Donna M. Sweeney,
Recording Secretary