

PENN TOWNSHIP PLANNING COMMISSION
JULY 1, 2021

Vice-Chairman James Lumadue called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, July 1, 2021. Also present were planning members Clayton Black, Mark Elksnis, and Zach Smith, along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney. Planners Thomas Allison, David Baker and Adam Selfridge were absent with notice.

The planners approved the June 3, 2021 Planning Commission minutes as submitted.

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

ZHB21-011 Douglas B. Klunk, 45 Northview Drive, Hanover, PA 1731. Applicant is requesting a variance to Section 300.9 (Utility sheds/gazebos) in order to put a second utility shed on the rear of the property. The property is located at 45 Northview Drive in the R-15 zone.

Mr. Douglas Klunk represented this request. Mr. Klunk is requesting to install a second, eight by twelve-foot utility shed along a fence that is thirteen and a half feet from the rear, and nine feet from the side property lines. The shed will be placed adjacent to an existing shed, on an existing concrete slab and will be similar in color, shape and size. Mr. Klunk stated that a variance is needed to add the second utility shed in lieu of a larger shed, which then would be defined as an accessory structure, requiring a thirty-foot rear and twelve-foot side setback, limiting the use of his back yard. Mr. Klunk added that allowing the placement as requested it would enhance the visual harmony of the rear landscape along with the existing trees and shed.

Planners Black/Smith moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB21-011 Douglas B. Klunk requesting a variance to Section 300.09 (Utility sheds/gazebos) in order to put a second utility shed on the rear of the property as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

ZHB21-012 John T. & Darlene L. Ruhlman, 8017 Gnatstown Road, Hanover, PA 17331. Applicant is requesting a variance to Section 202.3 (Area and Bulk Regulations), 303.1 (Off Street Parking), Section 303.2 (Parking Space Dimensions) in order to create Residential lots that do not comply with the current standards set forth in these sections of the zoning ordinance. The property is located at 1593 Baer Avenue in the R-8 zone. **The applicant requested an extension.**

ZHB21-14-Paul & Megan Blevins, 220 Oak Hill Circle, Hanover, PA 17331. Applicant is requesting a Special Exception under Section 623 (Livestock kept for personal use) and a variance to Section 623(e) (Livestock and Poultry kept for personal use) in order

to have livestock on lot area that does not meet the lot area requirements of five (5) acres minimum. The property is located at 220 Oak Hill Circle in the R/C zone.

Mr. Paul Blevins represented this request. Mr. Blevins stated that they have an odd shaped lot backing up to a wooded area. His family are members of the Maryland 4H Club, and currently keeping a small amount of chickens and three sheep. He reported three of his four daughters will be of 4H age, and added that they moved to Penn Township because two of his children have autism, and the animals have become therapy animals. Planner Smith inquired if the animals were registered as therapy animals. Mr. Blevins stated they are not, he was not aware of the process and will be looking into it. He reported the animals are kept for 4H show purposes for four to five months a year, then sold at a 4H fair. There is a temporary barn to the rear of the property. Mr. Blevins submitted letters of support from a few of his neighbors, he also addressed the letter from a neighbor that Zoning Officer Smith received regarding his dogs. He said that his dogs sometime get out of the house and that it is sometimes unavoidable, and having these animals teaches the children responsibility and control. Planner Elksnis stated that the township has had several complaints in regards to their dogs getting lose and pinning neighbors on their porch and chasing smaller dogs, this issue needs to be addressed. Planner Elksnis asked if a permit was obtained for the chickens and if he was aware that rosters are not permitted. Mr. Blevins stated he was not aware and his wife had filled out the paperwork. Planner Elksnis informed Mr. Blevins he needs a permit for the chicken coop as well. Planner Elksnis asked about the disposal of the chicken waste. Mr. Blevins reported that they clean the coop every couple of days, and donate the waste to his father in law for his garden. Planner Elksnis asked if a permit was obtained for the barn used for the sheep, Mr. Blevins replied no, that he is from Carroll County where you can do anything you want in your back yard, and was unaware of the regulations in Penn Township. Zoning Officer Smith asked if he could meet the requirements of keeping the structures 200 feet from the property line, and Mr. Blevins replied he could not, Zoning Officer Smith advised him a variance would also be needed for a barn structure and the manure storage as it would not meet the required setbacks. Planner Elksnis stated he has no problems with the chickens and the coop as long as the proper permits are obtained.

Planners Elksnis/Smith moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case ZHB21-14-Paul & Megan Blevins requesting a Special Exception under Section 623 (Livestock kept for personal use) and a variance to Section 623(e) (Livestock and Poultry kept for personal use) in order to have livestock on lot area that does not meet the lot area requirements of five (5) acres minimum as it does not meet the requirements for a special exception as set forth in Section 503.3 a) thru e) and a variance as set forth in Section 502.3 a) thru f). Unfavorable motion carried on a 4-0 vote.

ZHB21-15-Tom Reeves, 1066 Beck Mill Road, Hanover, PA 17331. Applicant is requesting a variance to Section 310 (Number of Principal uses on a Lot) in order to construct a new manufactured home that exceeds the number of Principal Uses on a lot. The property is located at 1066 Beck Mill Road in the R-22 zone.

Mr. Tom Reeves represented this request. Zoning Officer Smith stated that the ordinance requires that in-law quarters must be attached to the existing home. Mr. Reeves is requesting to place a twenty-eight by forty-eight manufactured home to the rear of his property for an In-Law quarters. The home would tie into the existing city water and sewer line on the property. Mr. Reeves stated that this is intended to be temporary as his in-laws are aging and the people he would purchase the home from intend to buy it back. Planner Smith asked if the property could be subdivided, Zoning Officer Smith stated that is an option. The commission was concerned with the long-term impacts of having two homes on the property.

Planners Black/Lumadue moved for an unfavorable recommendation to the Penn Township Zoning hearing board on case ZHB21-15-Tom Reeves requesting a variance to Section 310 (Number of Principal uses on a Lot) in order to construct a new manufactured home that exceeds the number of Principal Uses as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Unfavorable motion carried on a 4-0 vote.

ZHB21-16-Rene Rodgers, 54 Red Rock Run, Hanover, PA 17331. Applicant is requesting a variance to Section 204.3 (Area and Bulk Regulations) in order to construct a pool that encroaches into the rear setback requirements and Section 300.9 (d) (Utility Sheds and Gazebos) in order to construct a second shed on the rear property that exceeds the number of utility sheds permitted. The property is located at 54 Red Rock Run in the R-22 zone.

Ms. Rene Rodgers represented this case. Ms. Rodgers stated that prior to the construction of her home the land was flat, then after the home was built there was a hill to the rear of her property. The property is fully fenced and she is requesting to place an above ground pool into the hill ten feet from the rear property line due to the narrowness of the parcel. She is also requesting to install a second twelve by twelve utility shed beside an existing shed for additional storage. Zoning Officer Smith reported that she can meet the required setback for the additional shed.

Planners Black/Elksnis moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB21-16-Rene Rodgers requesting a variance to section 204.3 (Area and Bulk Regulations) in order to construct a pool that encroaches into the rear setback requirements and section 300.9(d)(Utility Sheds and Gazebos) in order to construct a second shed on the rear property that exceeds the number of utility sheds permitted as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

ZHB21-17-Cody Bentzel, 1045 Bair Road, Hanover, PA 17331. Applicant is requesting a Special Exception to Section 407.2 (Expansion and Alteration) in order to expand existing nonconforming building. The property is located at 934 Baltimore Street in the HB zone.

Mr. Cody Bentzel and Mr. Jeff Homan, Architect represented this request. Zoning Officer Smith stated this is the old Gulf Station located on the corner of Black Rock Road and Baltimore Street. Mr. Bentzel plans to expand the existing building and add a second story. This is two separate parcels and will have to go through reverse subdivision. He plans to open a retail store for every day household items. Zoning Officer Smith stated that once the plan goes for commercial review the foundation and walls will have to be certified. Planner Elksnis asked if the gas tanks have been removed. Mr. Bentzel stated that they were, Zoning Officer Smith requested a copy of the report to be forwarded to his office. Zoning Officer Smith stated the special exception is needed because structure cannot meet the required lot set backs of fifty feet off of Black Rock Road and fifty feet off Baltimore Street.

Planners Elksnis/Smith moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB21-17-Cody Bentzel requesting a special exception to section 407.2 (Expansion and Alteration) in order to expand and existing nonconforming building as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 4-0 vote.

Review and make recommendations on waiver and exoneration requests:

Entech Engineering on behalf of Campbell Snack's, is requesting a waiver to Section 405 (Sheet Size) of the Subdivision and Land Development Ordinance and Section 303.B (Volume Controls) of the Stormwater Management Ordinance in regards to the Hanover Plant Locker Room Addition. This property is located at 1250 York Street.

Mr. Kerry Good, Enteck Engineering represented this request. Engineer Bortner stated that Engineering Department does not have flat files large enough for storage of plans this size. Engineer Bortner reported Campbell Snack's was previously before the Planning Commission with a plan for a flour-room addition and had requested waivers to the Stormwater Management Ordinance, and there is concern with several ongoing projects and the Stormwater waiver requests keeps compounding.

Planners Black/Smith moved for an unfavorable recommendation to the Penn Township Board of Commissioners on this waiver request. Motion carried on a 4-0 vote.

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.**

SL20-10-AQUAPHOENIX SCIENTIFIC BUILDING ADDITION, Aquaphoenix Scientific, c/o Frank Lecrone, 860 Gitts Run Road, Hanover, PA 17331. A land development plan submitted in order to construct a building addition. The property is located at 860 Gitts Run Road in the Industrial zone. **There was no action taken on this plan.**

SL21-01-CLOVER LAND 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.**

SL21-04-JENNIFER SWARTZ & RUSS RILL, 4655 Grandview Rd, Hanover, PA 17331. A subdivision plan was submitted in order to construct a minor add-on subdivision in the R-22 zone. The property is located at 4655 Grandview Rd, Hanover, PA 17331.

Ms. Jennifer Swartz represented this plan. Ms. Swartz stated her property is oddly shaped. When she moved in two years ago, the Neiderer's that live directly behind her expressed interest in purchasing a portion of her property that is directly behind their property.

Planners Black/Elksnis moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 4-0 vote.

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.**

SL21-06-HIGH POINTE LLC, 4175 Hanover Pike, Manchester, MD 21102. A final subdivision plan was submitted in order to create 31 new residential building lots and 1 Utility lot. The property is located between Beck Mill Road & Grandview Road in the R/C zone.

Engineer Bortner stated that this is for Phase South S2, Hight Pointe at Rojen Farms. Mr. Robert Sharrah, Sharrah Design Group, Inc. represented this plan. Mr. Sharrah stated that this project started in 2002, the Planning commission recommended preliminary approval on 2005, in 2016 the Board of Commissioners granted preliminary approval for the plan south of Grandview Road. Mr. Sharrah spoke about the Zoning Ordinance of a four-foot fence in the front yard. He referenced the landscaping plan of

the two small basins on the corner of Cornell Drive and Beck Mill Road, they are utilized at retention facilities. There is a grade issue with the existing contour going down in the corner, they are obligated to level with the existing corner on the other side of the intersection. In order to manage the water at the low point, there is a raingarden in place. The Stormwater Ordinance requires a four-foot fence around the area. In late 2015, early 2016 they proposed an alternate fence style, split rail with wire backing. On a letter dated August 16, 2016, the Board of Commissioners denied the request, and required the installation of a four-foot chain-link fence. Mr. Sharrah quoted section 306.B.4(a, of the Stormwater Ordinance, "the facility must be completely surrounded by a chain line fence of not less than four (4) feet in height. Alternative fences and barriers may be permitted upon request to and approval by the Township". He is requesting for a three-foot chain-link fence in lieu of four to get around the Zoning Ordinance issue and keeps him away from requesting a variance from the Zoning Hearing Board. He is stuck between the conflicting requirements between the Stormwater Ordinance and the Zoning Ordinance. Planner Elksnis asked what the reason was for the denial of the split rail fence, Zoning Officer Smith stated the reason is because of the depth of the water, anytime you have two feet of water, the state requires the four-foot fence, even if the water level will go up and down. Planner Elksnis asked why not the split rail fence, Engineer Bortner replied that it is the Township policy for the chain-link fence, requests for other styles have always been denied. Planner Elksnis stated that being a corner of a street, the chain-link is not very appealing. Engineer Bortner stated the only instance he can recall is that the previous ordinance did not require fencing in a shopping zone, so the township could not require the type of fence that was installed. He stated that a chain link fence has been required in residential zones. Mr. Sharrah stated this is a corner lot, therefore considered two front yards, so his question is does he ask to wave the Stormwater Management requirement, or does the Zoning Hearing Board waive the restriction of a four-foot fence. Engineer Bortner used the example of the shopping area at Wilson Avenue there was a four-foot fence erected on top of the retention pond, and the fence had to moved, it was still a four-foot fence, but was lowered to three feet to avoid obstructing the visibility of traffic. Planner Black stated that assuming that the Zoning Hearing Board denies the four-foot fence in the front yard, then he would have to go before the Board of Commissioners on the Stormwater Ordinance. Mr. Sharrah stated that could take months going back and forth between the two boards on the conflicting requirements. Mr. Sharrah would rather ask for the relief to go to the three-foot chain-link fence. Engineer Bortner stated that since the area is not buildable area, what is the definition of a front yard. Zoning Officer Smith stated that there is a lot on the area of the plan. Mr. Sharrah stated that the set backs are placed before that easement area. Planner Smith stated he has problems going against the Stormwater Ordinance requiring the four-foot fence. Planner Elksnis added it would be nice to have something more appealing that a chain link fence. Planner Black stated he struggles with recommending going against the four-foot Stormwater Ordinance requirement. Planner Smith agreed.

SL21-07-STONEWICKE -PHASE III, Stonewicke, LP, 107 Little Bridge Road, Hanover, PA 17331. Final subdivision plan submitted to create Eighty-five (85) new single-family residential building lots. The property is located between Clover Lane & Grandview Road in the R-15 zone. **There was no action taken on this plan.**

SL21-08-CAMPBELL SNACKS HANOVER PLANT-LOCKER ROOM EXPANSION, Campbell Snacks, 1250 York Street, Hanover, PA 17331. A land development plan submitted in order to construct a new addition for locker room facilities. The property is located at 1250 York Street in the I-Industrial zone. **There was no action taken on the plan.**

Public Comments: There were none.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Donna M. Sweeney,
Recording Secretary