

PENN TOWNSHIP PLANNING COMMISSION
AUGUST 3, 2023

Chairman Zach Smith called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, August 3, 2023. Also present were planning members Ronald Arnold, Pamela Berlingo, Ronnie Bull, Justin Heiland, Michael Hoover, and Jeremy Shry along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney.

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 July 6, 2023, Planning Commission minutes as submitted.

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

ZHB23-14- Brown, Robert & Melinda, 33 Center Street, Hanover, PA 17331. The applicant is requesting a special exception under Section 206.2 (A/O – Apartment and/or Office Zone, Use Regulations) in order to operate a family day care in the home. The property is located at 33 Center Street, Hanover, PA 17331 in the A-O zone.

Ms. Melinda Brown, the property owner, represented this request. She stated that she has been running the day care in her home since May 1, 2023. She has her mother and two daughters helping, all have their certifications from the state. The hours of operation are 5:15 a.m. to 5:30 p.m. The children range in age from eleven months to six years, and have up to fifteen children, not all are full-time. There are three parking spaces in the rear of her property, as well as public parking across the street for drop off and pick up. Her yard is fenced in. Zoning Officer Smith stated that the number of children was not originally disclosed, and Ms. Brown has applied for a family daycare home which permits only four to six children. He stated the state has the same limitation. Ms. Brown stated she thought the limit was per adult supervisor. Her long-term plan is to take the daycare out of her home and rent a facility. Zoning Officer Smith stated that there is a different type of daycare permit she would need to apply for and asked Ms. Brown to contact him, so they can discuss the classification she needs to apply for. Zoning Officer Smith instructed her to send a letter asking for an extension from the Zoning Hearing Board.

Review and make recommendations on waiver and exoneration requests:

Dynamic Engineering Consultants, PC on behalf of Paramount Realty, LLC (proposed Wawa Food Market & Fueling Station), are requesting a design waiver to Section 605 (Landscaping and Bufferyards) of the Penn Township Subdivision and Land Development Ordinance in regard to bufferyard requirements. The property is located at the intersection of Baltimore Street and Clover Lane.

Nate McCormack and Claudia Shank, McNees Wallace & Nurick LLC, Justin Geonnotti, Dynamic Engineering, and Joseph Mizrahi, Paramount Realty were in attendance to represent this request. Mr. Geonnotti stated that the area is roughly two acres, the current location of Pine Creek Structures at the existing shopping center. The proposed plan is for a WAWA, eight fueling pumps,

sixteen positions, the canopy is situated closer to Clover Lane. Sixty-nine parking spaces, all access is through the shopping center. The area for the waiver is along Baltimore Street. The separation along the right of way line and the curb line is only seven feet. They are not able to provide the required bufferyard space. They are proposing that in front of the parking stalls there will be a retaining wall with a forty-two-inch-high decorative black aluminum fence. The retaining wall and fence are a measure of safety, so that no one would fall from the sidewalk. The parking area along Baltimore Street will sit below the sidewalk. They will eliminate three parking stalls along Baltimore Street and replace them with three landscaped islands to enhance the area. Zoning Officer Smith stated that no fence higher than three feet be placed in the front yard. Ms. Shank stated that Zoning Ordinance Section 300.3 states that it specifically excludes a retaining wall as per their interpretation that the fence would not apply along the retaining wall. The Commission interprets the section that it only applies to a retaining wall or wall along a building. Not applying to a fence. The Commission decided to wait for the interpretation of the Zoning Hearing Board solicitor. They are here to address the landscaping/bufferyard. The Township Engineer has reviewed the plan, they have complied with all the township and York County Planning Commission comments, they have their NPDES, stormwater permit. Planner Heiland was in favor of the landscaped islands. Mr. Geonnotti stated that on the Clover Lane side they are not directly meeting the requirements, as the grading is to sustainable for trees, however the plan shows shrubs and vegetation at the top of the hill and will provide substantial screening.

Planners Bull/Hoover moved for a favorable recommendation on the condition the plan is submitted to reflect the removal of three parking spaces and replaced with three separate landscaped islands along Baltimore Street to the Penn Township Board of Commissioners for a waiver of exemption for a Land Development Plan and Stormwater Management Plan. Motion carried on a 4-3 vote, with Planners Arnold, Berlingo and Heiland casting the dissenting votes.

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.

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.**

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.**

SL22-07-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.**

SL22-10- 934 BALTIMORE STREET – CODY BENTZEL, GHI Engineers & Surveyors, 213 Carlisle St, Hanover, PA 17331. A Consolidation/Land Development Plan was submitted in order consolidate two parcels, convert existing buildings and proposed building into a retail space. The property is located at 934 Baltimore Street in the HB Highway Business Zone. **There was no action taken on this plan.**

SL22-11- LIBERTY RESTORATION & CONSTRUCTION LLC, Hanover Land Services, Inc., 585 McAllister Street, Hanover, PA 17331. A Preliminary/Final Reverse Subdivision and Land Development Plan was submitted in order to consolidate two parcels into a sales office space. The property is located at 10 Westminster Avenue in the R-8 Urban Residential Zone. **There was no action taken on this plan.**

SL22-12- HOLLAND CONSTRUCTION -100 BLETTNER AVE, Site Design Concepts, Inc., 127 W. Market Street, Suite 100, York, PA 17401. A Preliminary/Final Land Development Plan was submitted in order to construct a proposed industrial building. The property is located at 100 Blettner Avenue in the A-O Apartment or Office Zone. **There was no action taken on this plan.**

SL22-13- STONEWICKE IV – 1025 BALTIMORE STREET, Stonewicke LP, 107 Little Bridge Road, Hanover, PA 17331. A Final subdivision plan was submitted in order to create twenty-six (26) new residential lots. The property is located at 1025 Baltimore Street in the R-15 zone. **There was no action taken on this plan.**

SL22-15- WAWA FOOD MARKET & FUELING STATION, Dynamic Engineering Consultants, PC/Dynamic Survey LLC, 1007 Baltimore Street, Hanover, PA 17331. A Preliminary Subdivision/Land Development Plan was submitted proposing the construction of a Wawa Food Market & Fueling Station. The property is located at 1007 Baltimore Street in the S/C zone.

In continuation of the discussion of the waiver request, Ms. Shank stated that they are seeking action on approval of the plan. She requested the Commission make a recommendation on the condition upon the recommendation from the Zoning Hearing Board solicitor regarding the interpretation of the proposed fence. Mr. Geonnotti reported that the plan is ADA compliant, the traffic study deemed satisfactory, comments from Penn Township staff and York County Planning Commission have been addressed. There will be signs posted for no trucks, as there is not ample space, and they will have low-flow diesel. They will have twelve proposed electric charging stations if needed in the future. They have their NPDES permit and will need to submit an Operations and Maintenance Agreement. Trone Family Trust will need to sign the plan for the proposed work on their property.

Planners Bull/Hoover moved for a favorable recommendation subject to the interpretation of the fence from the Zoning Hearing Board solicitor to the Penn Township Board of Commissioners. Motion carried 4-3, with Planners Arnold, Berlingo and Heiland casting the dissenting votes.

L23-04- 820 HERSHEY HEIGHTS ROAD – SMALL & RINKER, Hanover Land Services, Inc., 585 McAllister Street, Hanover, PA 17331. A Final Add-On Subdivision Plan was submitted in order to reverse subdivide two parcels. The property is located at 820 Hershey Heights Road in the R/C zone. **There was no action taken on this plan.**

Draft Zoning Ordinance: The York County Planning Commission Comments will be reviewed at the next meeting. After some discussion, the Commission decided to make the following adjustments to the draft Zoning Ordinance:

- Primary commercial use of solar panels in a residential area
Remove SE from the RC-40 and the RC Zone from the Principle Land Use Table and remove RC-40 and RC Zone from Section 687
- Shooting Ranges
Outdoor – remove SE from RC Zone on the Principle Land Use Table and add to SE to Industrial Zone.
Indoor – remove SE from the MU Zone on the Principle Land Use Table. Add SE for Industrial Use on the Principle Land Use Table, and add SE for Industrial Use to Section 683.
- Short-term Rentals
Limit to SE to Mixed Use Zone only on Principle Land Use Table, and Section 686.
- Kennels
Remove SE from RC on the Principle Land Use Table.
- Bed and Breakfast
Change P to SE under Mixed Use on the Principle Land Use Table.
Add Section 686.A under Short Term Rentals to Bed and Breakfast in Section 610, to apply to Bed and Breakfast.

Public Comments: There were none.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Donna M. Sweeney,
Recording Secretary