

**PENN TOWNSHIP PLANNING COMMISSION
SEPTEMBER 7, 2023**

Vice-Chairman Ronnie Bull called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, September 7, 2023. Also present were planning members Ronald Arnold, Pamela Berlingo, Michael Hoover, and Jeremy Shry along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney. Planners Justin Heiland and Zach Smith 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 August 3, 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 group 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, presented this request. Ms. Brown was before the Commission last month with an application for a family day care in the home, considering the number of children she needed to submit a group day care application. She is working with someone from the state and is in the process of obtaining her permit from the state. She will forward a copy of the paperwork to the Zoning Officer. She will have fourteen children. She meets the required parking and exceeds the yard space requirements and is undergoing the required training.

Planners Hoover/Arnold moved for a favorable recommendation as long as Ms. Brown meets the state and township requirements to the Penn Township Zoning Hearing Board in case ZHB23-14-Brown, Robert & Melinda requesting a special exception under Section 206.2 (A/O – Apartment and/or Office Zone, Use Regulations) in order to operate a group day care in the home as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 4-1 vote, with Planner Berlingo casting the dissenting vote.

ZHB23-15- Hanover Land Services (Representing Maitland Investment Corporation), 585 McAllister Street, Hanover, PA 17331. The applicant is requesting a special exception under Section 407.2 a) b) (Expansion and Alteration) in order to alter a golf course to create five lots. The property is located at 630 Westminster Avenue, Hanover, PA 17331 in the R-15 zone.

Mr. Kris Raubenstine, Hanover Land Services, Inc., presented this request. Zoning Officer Smith reported that the actual golf course predates the Penn Township Zoning Ordinance. Mr. Raubenstine reported that the golf course resides on approximately 192 acres, and most of the property is not utilized as a golf course. The property owner is interested modifying the original

parcel and is interested in subdividing for five lots; two residential properties and three non-buildable lots, that can be used for residential in the future.

Planners Hoover/Berlingo moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB23-15-Hanover Land Services (Representing Maitland Investment Corporation) requesting a special exception under Section 407.2 a)b) (Expansion and Alteration) in order to alter a golf course to create five lots as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 5-0 vote.

ZHB23-16- Shaw, Derek & Rebekah, 14 Amanda Avenue, Hanover, PA 17331. The applicant is requesting a variance under Section 300.7 (Decks) in order to construct a deck which does not meet setback requirements. The property is located at 14 Amanda Avenue, Hanover, PA 17331 in the R-15 zone.

Mr. Derek Shaw, the property owner, presented this request. Mr. Shaw reported that most of his neighbors have decks and would be inline or not as intrusive as his neighbors. The rear of his property is on an incline and not fenced. The deck would be twenty feet wide and encroach ten feet from the property line.

Planners Hoover/Berlingo moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB23-16-Shaw, Derek & Rebekah requesting a variance to Section 300.7 (Decks) in order to construct a deck which does not meet setback requirements as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-0 vote.

ZHB23-18- Stultz, Evan, Olympus Machining LLC, 639 Frederick Street, Suite 1, Hanover, PA 17331. The applicant is requesting a special exception under Section 407.3 (Replacement) in order to convert a pretzel manufacturer into a machine shop. The property is located at 639 Frederick Street, Suite 1, Hanover, PA 17331 in the HB zone.

Mr. Evan Stultz, Olympus Machining, and Mr. Nick Zoulias, L.J. Hofine, property owner, presented this request. Mr. Zoulias reported the building was built in the 1970's, housing Yazoo Mills, then a pretzel factory. The building has four loading docks, and the property is surrounded by Industrial Zone. Mr. Stultz is interested in renting space due to an increase in machinery equipment for his business. He is the only employee, and his hours would range from 6-7 a.m. to 5-6 p.m. The office space meets the parking requirements.

Planners Hoover/Shry moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB23-18-Stultz, Evan, Olympus Machining, LLC, requesting a special exception under Section 407.3 (Replacement) in order to convert a pretzel manufacturer into a machine shop as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 5-0 vote.

Review rezoning request:

ZHB23-17- Hanover Land Services (Representing Water Street Four LLC), P.O. Box 471, Hanover, PA 17331. The applicant is requesting a change in zoning from SC Shopping Commercial to R-8 Urban Residential. The property is located on Moulstown Road, Hanover, PA 17331 in the SC zone.

Zoning Officer Smith reported that we have not received York County Planning Commission comments on this request to date. The NPC requires the Township to hear the request within sixty days. The Public Hearing will be scheduled on October 16, 2023, prior to the Board of Commissioners Meeting. Thirty days' notice must be given to the surrounding properties. Planner Hoover requested if the Commission could review comments if received at the October Planning Commission meeting. Mr. Kris Raubenstine, Hanover Land Services, Inc., presented this request. He stated that a small portion of the property is zoned the west shopping/commercial, to the east its zoned R-8, and the proposed use is residential. He stated that the portion is not usable and is requested to rezone to build one to two residential homes, to conform with the rest of the property. Planner Hoover stated that reviewing the Devenor Landing comments from February of 2022, that Zoning Officer Smith stated that lots 57 and 58 are in the shopping commercial zone. Mr. Raubenstine stated that it may be one residential due to stormwater management, but currently the area is not usable. Planner Hoover stated that the owner had purchased the property even though the portion of the was zoned shopping/commercial. He stated that to rezone is in the sole benefit for the financial prosperity of the property owner, and not beneficial to the Township.

Planners Hoover/Berlingo moved for an unfavorable recommendation because it does not conform to the boundaries of the Zoning Ordinance and does not benefit the Community as a whole, and only benefits the property owner. It is inconsistent with the Land Use and Land vision of the Township, to the Penn Township Board of Commissioners on case ZHB23-17- Hanover Land Services (Representing Water Street Four LLC), requesting a change in zoning from SC Shopping Commercial to R-8 Urban Residential. Motion carried on a 5-0 vote.

Review and make recommendations on waiver and exoneration requests:

Hanover Land Services on behalf of Carroll County Christian Center, are requesting a waiver to Section 306.B.4 (Detention and Retention Basin Fencing Requirements) of the Penn Township Stormwater Ordinance. The property is located at 889 Baltimore Street, Hanover, PA 17331.

Mr. Kris Raubenstine, Hanover Land Services, Inc., presented this request. He stated the basin is a small facility to the front of the property. It is approximately fifteen inches deep with outfall pipes three inches off the bottom. At the most there would be three inches of water, if any, within the facility. The Stormwater Ordinance requires a four-foot fence, but the Zoning Ordinance prohibits anything higher than three feet in the front yard. The facility is minor in nature, the plan is to grass and landscaping, they plan to keep dry, no standing water. Zoning Officer Smith stated that the state requires anything over twenty-four-inch depth to have a four-foot fence.

Planners Hoover/Berlingo moved for a favorable recommendation to the Penn Township Board of Commissioners with the condition that if issues should arise that the property owner will address them at the Township's request. Motion carried on a 5-0 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.

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.

Mr. Kris Raubenstine, Hanover Land Services, Inc., represented this plan. Mr. Raubenstine stated that this is a proposed Land Development Plan and Reverse Sub-division Plan, which is a land swap to straighten out access to route 94. There are several tracks involved with this plan. The Youth for Christ is currently operating out of the old building. The plan is to demolish the current building and will be building a new facility. Access to 94 has been approved by PennDOT and all comments have been addressed. The only outstanding issue is the outstanding waiver request regarding the fence.

Planners Hoover/Berlingo moved for a favorable recommendation to the Penn Township Board of Commissioners on SL22-07 Carroll County Christian Center. Motion carried on a 5-0 vote.

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. **There was no action taken on this plan.**

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 Commission decided to make the following adjustments to the draft Zoning Ordinance:

- Golf Courses
Section 612 add RC Zone by Special Exception
- Adult Oriented Business
Section 603 – by Special Exception in the Industrial Zone only
Section 212-Principle Land Use Table by Special Exception in the Industrial Zone only

Public Comments: There were none.

The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Donna M. Sweeney,
Recording Secretary