

**PENN TOWNSHIP PLANNING COMMISSION
NOVEMBER 2, 2023**

Vice-Chairman Ronnie Bull called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, November 2, 2023. Also present were planning members Ronald Arnold, Pamela Berlingo, Justin Heiland, Michael Hoover, and Jeremy Shry along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney. Planner Zach Smith was 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 October 5, 2023, Planning Commission minutes as submitted.

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

ZHB23-19- Brenneman, Brian & Sandy, 15 Ann Street, Hanover, PA 17331. The applicant is requesting a special exception under Section 407.2 (Expansion and alteration) and a variance to Section 612 G (Dimensional Nonconformities) in order to build an addition to an existing garage which does not meet the side setback requirements. The property is located at 15 Ann Street, Hanover, PA 17331 in the R-8 zone.

Mr. Brian Brenneman, the property owner, and Mr. Rich Fogle of Fogle Pole Buildings presented this request. Zoning Officer Smith reported that in 2009, a variance was granted for an addition to the existing home. The Zoning Hearing Board solicitor will need to determine whether the variance was granted solely for the addition or for the entire length of the property line. He noted that the existing garage at the rear of the property is nonconforming as it is situated within the rear setbacks, and a special exception is required to construct the proposed addition. Mr. Brenneman could meet the requirements by requesting an eight-foot addition; however, he is seeking a twelve-foot addition to align with the current house. Mr. Fogle reviewed the plan and reported that the parcels in the neighborhood are narrow, and many of the houses are only two to three feet off the side property lines. The proposed addition is consistent with the neighborhood. Mr. Brenneman has been unable to contact the owner of the neighboring house, as it is a rental property. There is fencing and a row of trees along the side of the property line. The existing shed will be removed. Zoning Officer Smith stated that he would like to see the property pins exposed.

Planners Hoover/Shry moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB23-19-Brenneman, Brain & Sandy requesting a special exception under Section 407.2 (Expansion and alteration) and a variance to Sections 612 G (Dimensional Nonconformities) as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e) and the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

Review and make recommendations on waiver and exoneration requests:

Daniel Westbrook, 30 Winifred Drive, is requesting a waiver to Section 513a (Other Utilities-Easements, Width and Location) of the Penn Township Subdivision and Land Development Ordinance in order to construct a fence within an easement. The property is located at 30 Winifred Drive.

Mr. Daniel Westbrook, property owner of 30 Winifred Drive was not in attendance to represent this request. Township Engineer, Bortner, introduced a letter dated October 25, 2023, from Daniel Westbrook of 30 Winifred Drive, seeking permission to install a fence within the storm sewer easement. Zoning Officer Smith noted that the storm drains run along the right property line. Engineer Bortner stated that it is his understanding that the intention is to place the fence on the property line, the requirement is ten feet from the easement. Zoning Officer Smith emphasized that, during his tenure as Zoning Officer, the Board of Commissioners has never approved a waiver for any structure within a utility easement. Motion carried 4-1 with Planner Hoover casting the dissenting vote.

Planner Hoover motioned to table the request until the applicant is present. Lacking a second, the motion failed.

Planners Arnold/Heiland moved for an unfavorable recommendation to the Penn Township Board of Commissioners for a waiver to Sections 513a (Other Utilities Easements, Width and Location) of the Penn Township Subdivision and Land Development Ordinance in regard to Daniel Westbrook, 30 Winifred Drive due to no structure should be constructed within an easement. Motion carried 4-1 with Planner Hoover casting the dissenting 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. **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.**

SL22-15- 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.**

SL23-04- 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.**

SL23-05- MAITLAND INVESTMENT CORPORATION- 630 WESTMINSTER AVENUE, Hanover Land Services, Inc. PO Box 471, Hanover, PA 17331. A Preliminary/Final Subdivision Plan was submitted in order to subdivide to create five new lots off of the existing parcel. The property is located at 630 Westminster Avenue in the R-15 and R-22 zones. **There was no action taken on this plan.**

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

- Mobile Home
Section 212 – Keep by Special Exception in the Mixed-Use Zone and remove from the R-10 zone.
Section 664 – Keep by Special Exception in the Mixed-Use Zone.
- Fuel Station Wholesale
Section 212 – Remove by Special Exception in the Mixed-Use, Corridor Business, and the Shipping/Commercial Zones, add by Permitted Use in the Industrial Zone.

- Section 643 – Remains the same, Permitted Use in the Industrial Zone.
- Halfway Houses
Section 212 – Keep by Special Exception in the R-10 Zone, remove from the R-15, and Mixed-Use Zones.
Section 627 – Keep by Special Exception in the R-10 Zone, in addition to the existing criteria add: Not to be located within 1,000 feet of a childcare facility, place of worship, community center, library, museum, park/playground and schools.

Planners Arnold/Bull moved to request a reevaluation the Planning Commission’s previous unfavorable recommendation of the rezoning request in 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, and it is prompted by the recent receipt of comments from the York County Planning Commission. Motion carried with a 4-0 vote, with Planners Berlingo and Heiland abstaining.

Public Comments: There were none.

The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Donna M. Sweeney,
Recording Secretary