

PENN TOWNSHIP PLANNING COMMISSION  
FEBRUARY 2, 2017

Chairman David Baker called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on Thursday, February 2, 2017 at the Penn Township Municipal Building. Also present were planning members Clayton Black, Justin Heiland, Joseph Klunk, Barbara Mahan, and Henry Senatore along with Township Engineer Bortner, Zoning Officer Swanner, and Assistant to the Engineer Garrett. Planner Ray Van de Castle arrived at 7:03 P.M.

The planners approved the January 5, 2017 Planning Commission minutes as submitted.

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

**ZHB16-335 – Aldus Brewing Co.**, 101 Little Bridge Road, Hanover, PA 17331. Applicant is requesting a special exception to Section 407.2 (Expansion and Alteration) and Section 612 (Expansion of Nonconformity) in order to expand operating hours of brew pub. The property is located at 555 Centennial Avenue in the R-15 zone.

Jim Yingst, attorney with Guthrie, Nonemaker, Yingst, & Hart, LLP, represented this case along with Jason Mininger, Aldus Brewing Co. Mr. Yingst said this is the fourth time Aldus Brewing has come before the Penn Township Planning Commission. The first request was in July 2013 to open the brewery and it was approved at that time. Significant public interest caused them to return in April 2014 for approval to open the brew pub. The facility now has a brew pub, beer manufacturing, retail sale of growlers, and they are now hoping to get into wholesale as well. The business has continued to evolve and grow. In April 2015 they requested to expand the hours due to significant demand. The original hours were from 3 p.m.-8 p.m. Wednesday through Friday and 12 p.m.-8 p.m. on Saturday. In April 2015, after approval, they expanded their hours until 9 p.m. They are here tonight to request another expansion of hours until 11 p.m.

Mr. Mininger said their general demographic is adults over thirty years of age. He explained people with kids can't get out until 8 or 8:30 and they arrive just in time for last call. Several customers who have been coming in for the past two and a half years have asked for extended hours so they don't have to rush out after work. He said customer request is the only reason for the extended hours, it doesn't pay them to stay open later if the customers aren't there. Mr. Mininger said he's a new business owner and he's learning as he goes. He opened the first brew pub in town and he didn't really know what hours would be needed. Now there is another brew pub and they have tried to expand their hours in accordance with the other pub and with customer demand.

Mr. Yingst said nothing is changing except the business hours of the brew pub. When the Ordinance addresses expansion it's referring to physical changes and there are none so there is no technical expansion of this non-conforming use. There is no change to the physical facility. Because hours were a condition of the original approval, they believed this was the right way to go about it. Mr. Yingst asked Mr. Mininger if

there have been any complaints from the neighbors and he said there have not and several neighbors are customers. He sees no impact on the surrounding properties due to the change in hours. He said the hours will give people more time to spread out so there may be fewer customers at one time. There are also no safety issues. The brew pub staff are all Responsible Alcohol Management Program (RAMP) certified and they are they are very careful to make sure they serve within legal limits. The last thing they want is someone getting hurt in the neighborhood. Mr. Yingst asked Mr. Mininger about the parking lot and neighbor complaints concerning street parking. Mr. Mininger said they have ample parking but some people do park on the street. One neighbor had complained about the street parking but Mr. Mininger believes he no longer owns the property.

Planner Baker asked if they plan to be open the same days of the week and they do. It will be open Wednesday – Saturday. They have discussed being open on Monday and Tuesday but aren't planning it at this time. Commissioner Klunk asked if all the customers are gone by 9 p.m. or is that last call. Mr. Mininger said last call is at 8:30 or 8:45 and the pub is empty by 9. They'll have last call at 10:30 p.m. if the hours are expanded. Planner Heiland asked if they ever have live music and they do not.

Commissioner Van de Castle asked how the new liquor laws have affected his business. Mr. Mininger said the law allows him to sell liquor but he has no desire to do that. A lot more distributors are willing to take his beer now because they can break the case down to a bottle and sell it. It's also allowed him to get into the wholesale market. Commissioner Van de Castle asked how much beer they are making. Mr. Mininger said they made three hundred fifty barrels in 2016 which is about fifteen thousand gallons. They made between five and six thousand gallons their first year. Commissioner Van de Castle asked if it will be open until 11:00 each night. Mr. Mininger said they will start out that way but may drop it back if things don't work out.

Planners Senatore/Mahan moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB16-335 – Aldus Brewing Co requesting a special exception to Sections 407.2 (Expansion and Alteration) and 612 (Expansion of nonconformity) in order to expand operation hours of a brew pub as it meets the requirements for a special exception set forth in Section 503.3 a.) thru e.). Motion carried on a 7-0 vote.

**ZHB16-336 – Janice N. & Ricky L. Bortner**, 5084 Manheim Road, Glenville, PA 17329. Applicant is requesting a variance to Section 203.2 (Use Regulations) in order to operate a childcare center. The property is located at 701 Black Rock Road in the R-15 zone.

Janice and Ricky Bortner, applicants, along with Doug Gent, attorney at law, represented this case. Mr. Gent said the Bortners are interested in purchasing property at 701 Black Rock Road that is currently owned by the Hanover Wesleyan Church. Mrs. Bortner said their intentions haven't changed since they spoke at the January Planning Commission meeting. They would like to open a childcare facility to serve children aged six weeks through sixth grade. They plan to use the existing large pole building on the property and divide the inside into classrooms. In the future they hope

to add another large building. The smaller building that is currently on the property wouldn't be approved by the State of Pennsylvania for a childcare facility and they will likely demolish it. The initial building will be big enough for ninety kids. She said they are aware of all the requirements for state licensure. She is currently the Office Manager for Shepherd's Fold Daycare and had to turn away six children this week alone. She believes there will be a need for more than ninety kids in the new facility and hopes to get approval for one hundred thirty-five.

Mr. Gent said the property was originally a church summer campground and several years ago the Hanover Wesleyan Church winterized the large building and began to hold services there. About three quarters of the inside is still set up like a gymnasium which fits well with the Bortners plans. The church purchased property on the north side of Hanover and can't begin building until this property is sold. Mr. Gent said if this request were made on behalf of a church-based daycare it would be a special exception rather than a variance. This is essentially the same thing with less impact because there will be no church services and the Bortners meet the requirements for a special exception. There will be no outward change for the neighborhood unless they construct an additional building in the future.

Mrs. Bortner said they also plan to offer before and after school care. She said the YMCA is the only facility currently offering this in Hanover. They'd like to stay close to South Western School District so they can service the families with children in half-day Kindergarten. Commissioner Klunk asked what the hours of operation will be. Mrs. Bortner said she'd like to be open 6 a.m. to 6 p.m. Planner Baker said the YMCA after school program runs until 6 p.m. Mr. Gent pointed out that the property is currently tax exempt but will become taxable with the new business.

Planner Senatore asked about transporting the kids and how many busses might be used. Mrs. Bortner said they will probably open with forty to forty-five kids and possibly two busses. She said the before and after school care won't be their main focus, the daycare will be. Planner Senatore expressed concern about the noise level affecting the neighbors. He said the playground area backs up to two homes and the kids playing outside could affect their quality of life. Mrs. Bortner said they limit the kids time outside to two hours a day during the summer and they will never have all of the kids out at the same time. Mr. Gent pointed out that there is an existing tree buffer between the property and the neighboring homes. He said the Shepherd's Fold runs out of the Calvary Baptist Church which has houses abutting the property line and they haven't had complaints. Zoning Officer Swanner said there is a childcare facility in a residential area on Grandview Road called Little People's and he doesn't believe there have been noise complaints.

Planner Baker asked why they want to go through the sixth grade when elementary school ends at the fifth grade. Mrs. Bortner said some parents aren't comfortable leaving their twelve year olds alone and they don't want to turn them away. Commissioner Van de Castle asked if the Calvary Baptist Church will continue to run a daycare and Mrs. Bortner believes they will. Commissioner Van de Castle asked if some of the families will enroll at the new daycare and Mrs. Bortner believes they will. Commissioner Van de Castle asked who will apply for the licensing and it will be Janice and Ricky Bortner. Mrs. Bortner explained that the Director has to have a degree in education so they are bringing the current Director of Shepherd's Fold into the business.

Commissioner Van de Castle asked if the education degree is required to apply for licensing. The Bortners can apply for the license as the business owners but part of the licensing process stipulates the Director has to hold a degree in education.

Commissioner Klunk said the Zoning Hearing Board will make licensing a stipulation of their approval and so will the Planning Commission.

Zoning Officer Swanner said variances are good for six months and asked when they'd be ready to open. Mrs. Bortner would like to be open by August 2017. Zoning Officer Swanner said they can apply for a maximum of two extension for six months each if they need more time. Mr. Gent said they are looking to close on the property in late June but a number of things will have to take place before that. The State won't grant licensing until the property has been inspected and approved. They will lose a lot of business if they aren't open in August.

Commissioner Van de Castle asked where the church will meet while their new building is being constructed. Mr. Gent believes they've made arrangements to use other buildings on a temporary basis.

Planners Black/Van de Castle moved for a favorable recommendation to the Zoning Hearing Board on case ZHB16-336 – Janice N. & Ricky L. Bortner requesting a variance to Section 203.2 (Use Regulations) in order to operate a childcare center as it meets the requirements for a variance set forth in Section 502.3 a.) thru f.), subject to approval being granted by the Department of Public Welfare and Department of Labor & Industry. Motion carried on a 7-0 vote.

The planners reviewed the following waiver or exoneration requests: None.

The planners reviewed the following Subdivision and Land Development plans and made the following recommendations:

**P01-28 – HIGH POINTE @ ROJEN FARMS, 751 Frederick Street, Hanover, PA 17331. A preliminary two hundred twenty-seven (227) lot subdivision located on Grandview Road in the R-22 and R-40 zones. (SOUTH).** There was no action taken on this plan.

**P03-30 – MUSTANG POINTE, Mummert Enterprises, 8 Stuart Avenue, Hanover, PA 17331. A preliminary subdivision plan to create 190 new residential building lots. The property is located between Breezewood and Bowman Road in the R-8 zone.** There was no action taken on this plan.

**P04-25 – SOUTH HEIGHTS, J. A. Myers Building & Development, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan submitted to create fifty-nine (59) single-family building lots. The property is located within the southeast intersection of Cooper Road and Westminster Avenue, in the R-22 zone.** There was no action taken on this plan.

**P15-14 – HANOVER STORAGE, LLC, Hanover Storage, LLC, 330 Dubs Church Road, Hanover, PA 17331. A final land development plan submitted in order to**

**construct mini-storage warehouses. The property is located at 900 Old Ridge Rod in the Industrial Zone.** There was no action taken on this plan.

**P16-06 – BROOKSIDE HEIGHTS – PHASE 3, Brookside LLC (Paul Burkentine, member), 1500 Baltimore Street, Hanover, PA 17331. A final subdivision plan to create eighty-five (85) residential lots to construct single family attached and multifamily dwellings. The property is located east of South Center Street and west of Meadowbrook Drive in the R-8 zone.** There was no action taken on this plan.

**P16-07 – PROPOSED MEDICAL OFFICE FACILITY, Wellspan Properties, Inc., 2545 South George Street, Suite 1, York, PA 17405. A preliminary/final land development plan submitted in order to construct a medical office facility. The property is located adjacent to 1275 Baltimore Street (M&T Bank) located to the north and west in the S/C zone.** There was no action taken on this plan.

**P16-12 – MEADOW SPRINGS, LLC, 1500 Baltimore Street, Hanover, PA 17331. A final reverse subdivision and land development plan submitted in order to construct seventeen (17) multi-family units. The property is located at Brookside Avenue in the R08 zone.** There was no action taken on this plan.

**P16-13 – TRUENORTH WELLNESS SERVICES, 625 West Elm Avenue, Hanover, PA 17331. A land development plan submitted in order to construct a medical clinic and facility. The property is located at 1161-1181 Westminster Avenue in the R-22 zone.** There was no action taken on this plan.