

PENN TOWNSHIP PLANNING COMMISSION
NOVEMBER 6, 2014

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 PM on Thursday, November 6, 2014 at the Penn Township Municipal Building. Also present were planning members Wendell Felix, Joseph Klunk, and Henry Senatore, along with Township Engineer Eric Bortner and Zoning Officer Swanner. Planners David Quinn and Stephen Roth were absent with notice. Planner David Baker arrived at 7:20 p.m. immediately prior to the vote on Auchey Restorations, LLC.

The planners approved the October 2, 2014 planning commission minutes as submitted.

The planners received the following zoning appeals and made the following recommendations to the zoning hearing board:

Z14-16 - Auchey Restorations, LLC 3617 Camp Woods Road, Glennville, PA 17329. Applicant is requesting a special exception to Section 407.2 (Expansion and Alteration) and/or 407.3 (Replacement) in order to operate a vehicle restoration and sales business. The property is located at 404 Frederick Street in the A/O zone.

Jared Auchey, owner of Auchey Restorations, James Yingst, attorney, and Russ Berwager, property owner, represented this request. Mr. Auchey would like to open a vehicle restoration facility on the property currently owned by Russ Berwager who owns and operates Penn Auto Body Shop. Mr. Auchey would be utilizing half of the existing garage. Mr. Auchey would be restoring cars that he has purchased. He anticipates restoring one to two cars a year. Once a vehicle has been restored it would be sold or stored at his personal residence. Mr. Auchey would be securing an auto dealership license from the state in order to sell the restored vehicles. The dealer's license requires the applicant to list an address where the business operates. There is concern Mr. Auchey would be displaying and selling cars from the property. Mr. Auchey will not be setting any cars out for sale on the property. He will be selling the refurbished cars from his home, if they have not already been sold, through the internet or at a car auction. Mr. Auchey would be the only employee at this time but may hire one to two additional employees at some future time.

Mr. Auchey stated that he may repair some family and friends cars but it would be very few. These types of repairs will be very limited and would not include work covered by insurance. Mr. Auchey would have his car parked on the property and can park about four cars in the garage. He may have one additional car parked outside but it would be for a brief time.

Deliveries will be limited and any large parts are delivered to his home. Penn Auto Body, located at the same address, receives deliveries every day. Mr. Auchey purchases paint directly from the supplier and does not have it delivered. There will be no signs on the street but he will have the hours of operation on the door as required by the dealership license. The structure of the building will not be changed. There is a large sliding door that separates the two sides of the garage. There will be no other cars on the lot being used for spare parts. Mr. Auchey will be renting from Mr. Berwager. Mr. Auchey will be utilizing the paint booth that Mr. Berwager has. Mr. Auchey will not be restoring vehicles for other people. All the vehicles are owned by Mr. Auchey and then sold. This allows him to pick and choose his work.

Mr. Auchey wants the dealership license for the dealership number and the tag to be able purchase and sell vehicles. The rental agreement prevents Mr. Auchey from opening a car lot on the property.

Planners Klunk/Felix moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z14-16 - Auchey Restoration, requesting a special exception to Section 407.2 (Expansion and Alteration) and/or 407.3 (Replacement) in order to operate a vehicle restoration and sales business, as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e), with the stipulation that the Zoning Hearing Board add a condition to the approval that prohibits outside displays of vehicles for sale. Motion carried on a 4-0 vote with Planner Baker abstaining.

Z14-17 - Con Agra Foods, Inc. 680 W. Chestnut Street, Hanover, PA 17331. Applicant is requesting a variance to Section 209.3 (Area and Bulk) in order to construct a canopy over existing bulk unload area that encroaches into the front setback. The property is located at 680 W. Chestnut Street in the Industrial Zone.

Carlos Bastos, professional engineer, along with local and corporate officials represented this request. Mr. Bastos stated that Con Agra would like to construct a canopy over the existing bulk unload area along Blettner Avenue. This is part of the upgrades that Con Agra has made to the facility since DEP had issued a notice of violation for flour that was spilled on pavement during unloading. They have fixed the other areas of the property that were in violation. This will be the final phase of the upgrades. The solution that they are proposing was suggested by the Township Manager during a meeting. Mr. Bastos explained the process of unloading the raw materials being used by Con Agra. The notice of violation was because there is nothing covering the area. There is a creek to the right of the facility. There is concern by Penn Township and Hanover Borough to accept any stormwater from Con Agra into their systems because it would be a violation of their existing permits. The amount of spillage is minimal but clean up is difficult because of the age and wear of the concrete. The canopy they are placing over the facility will be about twelve feet high and twenty eight feet wide. The variance is for a zero foot setback. The canopy will go to the right of way line of the facility. There will be two bays for unloading. The structure will be composed of steel and would be covered.

There was some discussion about the placement of the canopy. Township Engineer Bortner expressed concern about the size of the trucks being used. The trucks have been parked in the Township's right of way on several occasions. Mr. Bastos stated that some of the trucks are not pulling up to the curb stop. Township Engineer Bortner stated that on November 5, 2014 a truck was unloading and was parked on the Township right of way on Blettner Avenue to the yellow center line. The process of unloading the trucks was explained. These issues will be discussed under land development.

Planners Senatore/Baker moved for a favorable recommendation on Z14-17 - Con Agra Foods requesting a variance to Section 209.3 (Area and Bulk) in order to construct a canopy over existing bulk unload area that encroaches into the front setback, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 4-0 with Planner Felix abstaining.

Z14-18 - Silbaugh Investors LP, 1649 Broadway, Hanover, PA 17331. Applicant is requesting a variance to Section 207.2 (Use Regulations) in order to use a portion of the rear existing 60,000 square foot addition for warehousing. The property is located at 1649 Broadway in the s/c zone.

There was no one present to represent this request.

Planners Felix/Klunk moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z14-18 - Silbaugh Investors, requesting a variance to Section 207.2 (Use Regulations) in order to use a portion of the rear exiting 60,000 square foot addition for warehousing as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 5-0. The Committee denied the request because of the applicant is claiming a hardship but the hardship is not on Amish Markets but on Legacy.

The Planners received the following waiver or exoneration requests: **None.**

The Planners reviewed the following Subdivision/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.

P04-26 –STONEWICKE, J.A. Myers Building Development, 160 Ram Drive Hanover, PA 17331. A preliminary subdivision plan submitted to create one hundred ninety-five (195) single-family residential building lots and one (1) shopping/commercial lot. The property is located west of Baltimore Street between Clover Lane and Grandview Road, in the R-15 zone. There was no action taken on this plan.

P06-23 -BROOKSIDE AVENUE TOWNHOUSES, Mummert Enterprises, Inc. 8 Stuart Avenue, Hanover, PA 17331. A preliminary land development plan submitted to construct a seventeen (17) single family attached townhouse unit. The property is located on Brookside Avenue in the R-8 zone. There was no action taken on this plan.

P07-27 – STERLING BROWN, 200 High Rock Road, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is located on Youngs Road in the R/C zone. There was no action taken on this plan.

P08-20 – PARK HILLS MANOR, N.W. corner of Manor Street and Hammond Avenue, Hanover, PA, 17331. A preliminary subdivision/land development for 9 townhouse units in the R-8 zone. There was no action taken on this plan.

P09-10 - AMERICAN HOME CONTRACTORS LLC, Patrick Buhl, P.O. Box #132, Glenville, PA 17329. A final subdivision plan submitted in order to create two (2) residential lots. The property is located at 792-792 Baltimore Street in the Highway/Business Zone. There was no action taken on this plan.

P10 – 12 – YORK VILLAGE APARTMENTS, LCL – York Village Associates, L.P., 199 Baldwin Road, Suite 140, Parsippany, NJ 07054. A preliminary/final reverse subdivision and land development plan submitted in order to construct two (2) multi-family dwellings consisting of 15 units total and office building. The property is located on West Alvin Avenue in the A/O zone. There is no action taken on this plan.

P12-12 – BREEZEWOOD DRIVE, Crosswinds Associates Development Company Inc., 336 West King Street, Lancaster, PA 17603. A final subdivision plan submitted in order to create twelve (12) lots to construct single-family detached dwellings. The property is located on east side of Breezewood Drive approximately .5 mile south of York Street in the R-8 zone. There was no action taken on this plan

P13-09 - AMISH MARKETS AT HANOVER, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted in order to construct an Amish retail sales market. The property is located at 1649 Broadway in the Shopping/Commercial zone. There was no action taken on this plan.

P14-01 - LEGACY BUILDING EXPANSION, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final subdivision and land development plan submitted in order to construct a building expansion for manufacturing and warehouse. The property is located at 300 Fame Avenue in the Industrial zone. There was no action taken on this plan.

P14-02 - MUSTANG HEIGHTS, J.A. Myers Building and Development, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision and land development plan submitted in order to create twenty three (23) lots to construct single family detached dwellings. The property is located at 361-363 Black Rock Road in the R-15 zone. There was no action taken on this plan.

P14-04 - GRANDVIEW PLAZA - UNIT 16, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted in order to construct an office building. The property is located at Grandview Plaza in the S/C zone. There was no action taken on this plan.

P14-08 - BROOKSIDE HEIGHTS - PHASE 2, Brookside LLC (Paul Burkentine, member), 1500 Baltimore Street, Hanover, PA 17331. A final subdivision plan submitted in order to create fifty-six (56) lots to construct single - family attached dwellings. The property is located south of York Street and east of Brookside Avenue in the R-8 zone. There was no action taken on this plan.

P14-11 - 877 YORK STREET, LLC, 311 East Chase Street, Baltimore, MD 21202. A final subdivision plan submitted in order to amend previous plan to combine lots 1A and 1B into a single lot. The property is located at 22 S. Center Street in the R-8 zone.

Reg Baugher, Hanover Land Services, represented this request. Mr. Baugher explained this parcel has existed since the Brookside Heights plan was approved. The parcel can not be sold because York County does not have it as a single lot. This will resolve this issue. Mr. Baugher stated that Township Engineer Bortner's comments have been addressed. The lot does have its own address. The lot is used for commercial purposes. York County Planning Commission comments have been addressed.

Planners Felix/Baker moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 5-0 vote.

P14-12 - WHISPERING RUN PHASE 2C, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final subdivision plan submitted in order to create thirty (30) lots to construct single-family residential building lots. The property is located at the end of Bair Road, south of Clover Lane intersection in the R-22 zone.

Ted Decker, GHI Engineers and Surveyors, represented this plan. The plan had been previously submitted but had been withdrawn. This would be the final phase of Whispering Run. Township Engineer Bortner stated there are minimal concerns with the plan. They reviewed the building set back on one of the corner lots.

Planners Klunk/Baker moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 5-0 vote.

The planners agreed to have the January 2015 meeting on January 8, 2015 since the first Thursday of January is a holiday.

The meeting adjourned at approximately 8:00 PM.

Respectfully submitted,
Kristina Rodgers, Recording Secretary