

PENN TOWNSHIP PLANNING COMMISSION
APRIL 3, 2014

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 PM on Thursday, April 3, 2014 at the Penn Township Municipal Building. Also present were planning members Wendell Felix, Joseph Klunk, Henry Senatore, David Baker, Stephen Roth, and David Quinn along with Zoning Officer Matt Swanner and Township Engineer Eric Bortner.

The planners approved the March 6, 2014 planning commission minutes as submitted.

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

Z14-03 - CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, 4642 Jonestown Road, Suite 200, Harrisburg, PA 17109. Applicant is requesting a variance to Sections 202 (Use Regulations), 608 (a), 608 (e)(8), 608 (e)(10)(a) (Communication, Transmitting and Receiving Facilities) and 306.3 (b)(2) (Non-Residential Access Driveways) and a special exception to Section 310 (Number of Principal Uses on a Lot) in order to construct a commercial communications transmitting and receiving facility. The property is located 590 McAllister Street in the R-8 zone.

James Strong, an attorney with McNess, Wallace and Nurick, represented the request along with representatives from Verizon Wireless and the Hanover School District. Verizon Wireless is proposing to construct a communications tower facility on the football stadium owned by the Hanover School District located on McAllister Street. Attorney Strong provided a plan showing the access drive from McAllister Street to the facility along with the improvements that Verizon is proposing. Verizon would be leasing an area from the School District, which would include a fenced-in compound containing the tower, the equipment shelter, and two parking spaces. He provided the tower elevations for the monopole. The property is located in the R-8 zone. Attorney Strong reviewed the variance requests and the first is to allow the use. The next is the ordinance requiring that the communications facilities be located on hilltops and not authorized in severe slope areas. There are no hilltops in the area that would allow Verizon to meet its objectives. The third variance is for the color of the antenna. They want to leave the gray galvanized pole the way it is because they feel it blends in better and there is no maintenance. They are requesting a variance for the access drive because it does not meet the ten-foot setback from the property line in many places. The access drive will only be used about twice a month for maintenance. The applicant is requesting a variance from Section 608 (e) (10) to allow the Board of Commissioners to waive the land development requirements if they so choose. They are also asking for a special exception to change the number of principal uses on the lot.

Attorney Strong referenced the minutes from the zoning hearing board case from 2011 that stated that the facility would only be used for school related events confined to football, soccer, band and track. He felt that the condition was for the stadium facility and not for the entire property. He is asking the zoning hearing board for clarification; if it were their intent for the entire facility they would like a waiver from the requirement. Planner Felix stated the recommendation from the planning commission was to limit the entire facility within the outside fence. Troy Wentz, business manager Hanover School District, was present to answer questions. He stated that the facility is used for youth football and the YMCA uses the facility for flag football.

The plan shows a proposed equipment shelter with a generator. There was concern about the generator being used in a residential area and where horses are located. Attorney Strong stated that the

generator is exercised once a week and it is about as loud as a washing machine. He stated that there is a noise muffling system on it. Attorney Strong stated that Verizon Wireless had contacted the Hanover Shoe Farms and they made the recommendation to contact the school district. The pole will consist of three pieces. These will be similar to poles already in the township. There will not be a light in the pole. Verizon has not received official notification that a light will not be required but have been told verbally that it would not be needed. Once the pole is required to be lit it will have to always be lit. Attorney Strong stated that he has spoken to Life Line which has a book on all the structures and it is updated every time a new structure is constructed. Attorney Strong provided an inventory of Verizon towers currently in the area. There are three towers, two in the township and one in the Borough. The facilities map showed the areas that each tower covered with some overlap. The new tower will help relieve the capacity issue of the tower located in the Borough. Verizon thinks it will reach capacity in 2015. The request for the new tower is for Verizon but it is possible that another carrier may share the tower. Depending on the carrier they may also require a shelter for their equipment. Verizon stated that they are building all of their towers with generators because of the recent natural disasters. Verizon stated that this would improve 911 communications for residents because if the system starts to degrade it could prevent the calls from going through. The highest demand for wireless services is coming from residential areas. They stated that thirty percent of the population does not have a landline. The need for capacity is increasing as the numbers of devices individuals are using and the services they are requesting are increasing. Individuals are using mobile devices for streaming and other data applications. Verizon explained how the phone works when connecting to a tower. The closer the phone is to the tower the lower the power it outputs to connect.

There were some questions about the placement of the tower and how it would affect the adjacent property owners. Attorney Strong stated they have proposed the tower according to the township's ordinance. Verizon explained how the foundation would be installed. Verizon explained how the elevations affect the placement of the tower and the elevations of the area in question. They also explained how the current technology compares with the old technology regarding mobile phone service. This results in the need for more cellular sites. It was also noted that in several years every appliance would have a chip in it to communicate with mobile devices. Verizon reviewed the frequencies that they transmit.

Planner Klunk stated that three of the four zoning hearing board members are still on the zoning hearing board that approved the 2011 zoning request with the stipulations. He stated that he had made the motion and that the intent was for the inner fence, which the request is located within. He explained why that motion was made. The access drive will only be used for the maintenance of the Verizon facility. There will be no parking on the drive.

Planners Quinn/Baker moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z14-03 Cellco Partnership d/b/a Verizon Wireless requesting a variance to Section 202.2 Use Regulations as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on 4-3 vote with Planners Felix, Klunk and Roth casting the dissenting votes.

Planners Quinn/Felix moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z14-03 Cellco Partnership d/b/a Verizon Wireless requesting a variance to Section 608 (a) communication towers and equipment buildings shall only be on hilltops and are not authorized in severe slope areas, as it does not meet the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried on a 7-0 vote.

Planners Quinn/Baker moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z14-03 Cellco Partnership d/b/a Verizon Wireless requesting a variance to Section 608 (e)(8) antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise required by the Federal Aviation Administration, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-3 vote with Planners Felix, Klunk, and Roth casting the dissenting votes.

Planners Quinn and Baker moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z14-03 Cellco Partnership d/b/a Verizon Wireless requesting a variance to Section 608 (e) (10) (a) applicants must receive approval of a land development plan from the Penn Township Board of Commissioners, as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 7-0 vote.

Planners Quinn/Baker moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z14-03 Cello Partnership d/b/a Verizon Wireless requesting a variance to Section 306.3 (b)(2) Non residential access driveways, as it does not meet the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried 7-0 vote.

Planners Quinn/Baker moved for an unfavorable recommendation to the Penn Township a Zoning Hearing Board on case Z14-03 Cellco Partnership requesting a special exception to Section 310 number of principal uses on a lot, as it does not meet the requirements of a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 7-0 vote.

Z14-04 - CHRISTOPHER & DONNA FREEZE, 49 Little Knoll Drive, Hanover, PA 17331. Applicant is requesting a special exception to Section 618 (Home Occupation in order to operate a salon in their dwelling unit. The property is located at 49 Little Knoll Drive in the R-15 zone.

David Baker recused himself from discussion and voting as he his a neighbor of the applicants.

Christopher and Donna Freeze represented this case. They are the original owners of the home. They had the house built in 1990 on the left setback line so they could construct an addition later on if they wanted to. They would like to construct an addition to operate a hair styling salon. If they are not approved they will not construct an addition. Mrs. Freeze wants to operate a two-chair salon with her and one employee. The salon would also have a wash station and a hair dryer. They stated that four cars could be parked in their driveway. Mrs. Freeze stated that some of her neighbors stated they did not have a problem with the request. Planner Klunk informed them that the neighbors would need to be present at the zoning hearing board meeting. Mrs. Freeze stated that they received approval for a home business fourteen years ago. There was concern about the size of the addition. The zoning ordinance only allows for 400 square feet for a home occupation.

Planners Quinn/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z14-04 Christopher and Donna Freeze requesting a special exception to Section 618 (Home Occupation) in order to operate a salon in their dwelling unit, with the stipulation that the addition is not over four hundred square feet, as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 5-1 vote with Planner Klunk casting the dissenting vote and Planner Baker abstaining.

Planner Quinn left the meeting at 8:20 p.m.

The Planners received the following waiver or exoneration requests:

Jack N. Powell, PE, Inc., on behalf of Carroll County Christian Center, Inc. (Mason Dixon Youth for Christ) is requesting a waiver from the Penn Township Land Development process in order to relocate their support staff from the current location on Spring Garden Street to the 889 Baltimore Pike property.

Jack M. Powell, P.E. represented the request. The property located along Baltimore Street is about six and half acres. There is a covered pavilion and a small parking area on the property. They are requesting to install a twenty-two-space parking lot for their staff and functions between the pavilion and parking lot. Mr. Powell has designed a stormwater system for this lot. Township Engineer Bortner stated it meets the Township's requirements. Mr. Powell met with the engineer and zoning officer about this project. The stormwater will not be discharged until it reaches a twenty-five, fifty, or a hundred year storm. The water will drain towards Baltimore Street. The release will be less than what the current flow is. This request is just for the parking lot because a decision has not been made with regards to the rest of the lot. The entire staff from Spring Garden will be moved to this facility. There will be youth activities conducted at this facility. The office staff will be in the basement. The kids are dropped off by their parents or picked up by a van and brought to the facility for events.

Planners Felix/Baker moved for a favorable recommendation to the Penn Township Boards of Commissioners on this request. Motion carried on a 6-0 vote.

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

P13-05 – AQUAPHOENIX SCIENTIFIC, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted in order to construct a manufacturing and warehouse building. The property is located at 12 Industrial Drive in the Industrial 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.

Planner Klunk informed the Commission that a joint comprehensive plan meeting is tentatively scheduled for May 14, 2014. He stated that the joint comprehensive plan steering committee has reviewed the first draft and changes are being made. A final date will be confirmed following the meeting by the steering committee on April 22.

The meeting adjourned at approximately 8:35 PM.

Respectfully submitted,
Kristina Rodgers, Recording Secretary