

PENN TOWNSHIP PLANNING COMMISSION

May 1, 2014

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 PM on Thursday, May 1, 2014 at the Penn Township Municipal Building. Also present were planning members Wendell Felix, Joseph Klunk, Henry Senatore, and Stephen Roth along with Zoning Officer Matt Swanner and Township Engineer Eric Bortner. Planners David Quinn and David Baker were absent with notice.

The planners approved the April 3, 2014 planning commission minutes as submitted.

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

**Z14-05 - ALDUS BREWING CO., 101 Little Bridge Road, Hanover, PA 17331. Applicant is requesting a special exception to Section 310 (Number of Principal Uses on a lot) and special exception to Section 634 (Replacement of Nonconformity by Another Nonconformity) in order to operate a brewpub. The property is located at 555 Centennial Avenue in the R-15 zone.**

Attorney James Yingst and Jason Mininger, business owner, represented this request. Attorney Yingst stated that the applicant had previously been before the planning commission in July 2013 for a replacement of a nonconforming use with a brewery. The zoning hearing board approved this. Mr. Mininger would like to change the brewery to a brewpub under PA Liquor Control Board regulations. This would include the manufacturing of the beer on site along with a tap or tasting room, which requires that food be served. It would be a nonconforming use and is a slight deviation from what was previously proposed. The customers would be able to purchase Aldus Brewing Company Beer at the facility for consumption on site or to carry out. Attorney Yingst stated that the zoning ordinance does allow for the replacement of a nonconforming use with another nonconforming use by special exception. He reviewed Section 634 of the zoning ordinance which states that the Zoning Hearing Board must determine that the proposed nonconformity will have no more adverse effect upon adjacent property than the existing nonconformity. The items the zoning hearing board would need to specifically address are signs, lighting, extent and appearances of structures, traffic generation and movement, parking and loading, emission of noise, odors, fumes, glare, vibration, smoke, vapors, gases, wastes or storm water runoff, and fire explosion or other hazards. Attorney Yingst felt that there would be no more adverse impact on the neighborhood by allowing the brewpub.

Mr. Mininger explained the process of going from a brewery to a brewpub. The brewery license would allow him to sell his product to vendors for off site consumption. The building has been brought up to code, which allows him to be able to have customers at this location. The building is accessible for everyone, which allows him to have on site sales. The sales would be by the pint in the taproom. There would also be a sampling of beers for a limited time. He is anticipating being open two or three days a week for several hours. He does not want to compete with his customers, which are the local restaurants and bars. He can provide samples under the brewery license but with the brewpub license he needs to have a facility separate from the brewery. There will be a taproom with retail sales, which would meet the requirements of the Liquor Control Board. Mr. Mininger is anticipating having between thirty and forty seats at his brewpub. He will be consulting the fire chief on the maximum allowed. Mr. Mininger feels that there is enough parking for the customers and the employees because the property owner Derrick Higgs, who was present, has agreed to allow customer parking. The facility will require about twenty to twenty five parking spaces. Mr. Mininger stated that Liquor Control Board requires that hot

food be available to serve to thirty individuals. He does not want to be a restaurant but he is utilizing this to supplement the revenue stream for his business. He will have two small tabletop convection ovens and serve frozen snacks to his customers. The hours of operation for the brewpub are intended to be Thursday and Friday 3 PM to 8 PM and Saturday from noon to 8 PM. The retail sales will occur from the brewery Monday, Wednesday and Friday. The brewpub will be able to sell up to two six packs for carryout. There will be no music or dancing, as it will just be a taproom. They will only be selling the alcoholic product they produce on site. Under the brewpub license they are able to sell PA wines but will not do so. They wish to add a parking sign to the property. The appearance of the building will remain basically the same. Mr. Mininger stated that he intends to start out once a month brewing but eventually would like to brew once a week. He stated anything over that would require him to move to a larger facility. He stated they intend on repairing the sidewalk.

The brewpub is not considered a restaurant but Mr. Mininger anticipates that the health department would visit him since they are required to serve food. The building is not sprinkled. The parking lot will need to be striped. There was some discussion about the shared access of the tenants. The parking lot would be designed to not hinder access of the tenants to their facilities. Mr. Higgs stated that there are three loading docks that are used by the tenants. Mr. Mininger will attempt to direct parking to the lot and try to keep it off the street. The facility will be no smoking. Mr. Higgs stated that the whole facility is non-smoking because of his insurance requirements.

Mr. Yingst explained the replacement of the one nonconforming use with another. They are proposing changing uses from a brewery to a brewpub. Mr. Yingst stated that the request for special exception to Section 310 did not come from the applicant it must have come from staff. The applicant has requested a special exception to 407.3 and 634, replacement of one nonconformity with another nonconformity.

Mr. Mininger stated that he couldn't have a brewpub without a brewery. Mr. Mininger reviewed where the entrance to his facility will be and how patrons would access the brewpub. There was some discussion about parking on the lot and parking on the street. Mr. Mininger is not currently brewing but has made improvements to the building since he received his approval. He has a preauthorization to brew and will receive his license after final inspection by the PA Liquor Control Board.

Zoning Officer Swanner noted that the motion would need to reference the original application request for Sections 407.3 and 634, and not the amended application.

Planners Senatore/Roth moved for a favorable to the Penn Township Zoning Hearing Board on case Z14-05 - Aldus Brewing Co. requesting a special exception to Sections 407.3 and 634 (Replacement of a Nonconformity by Another Nonconformity) in order to operate a brewpub, as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e), with the condition the hours remain as stipulated. Motion carried on a 3-2 vote with Planners Klunk and Felix casting the dissenting votes.

Planner Stephen Roth left the meeting at 7:35 following the vote on the Aldus Brewing zoning case.

The Planners received the following waiver or exoneration requests:

On behalf of Joseph A. Myers, Herbert, Rowland & Grubic, Inc. is requesting a waiver of from Section 506(e) (Distance between intersections) of the Penn Township Subdivision and Land Development Ordinance and a waiver from Section 306 (B) (3) (Side Slope for Detention and Retention Basins) of the Penn Township Stormwater Management Ordinance in regards to their Mustang Heights Plan.

Brian Reisinger, HRG, and Jeff Stough, J.A. Myers, represented the request. The applicant is requesting a waiver of the minimum distance between intersections for Sonny Street between Brad Drive and Nancy Street (481 feet) and Sonny Street between Brad Drive and Friar Run (261 feet). Brad Drive is not a current dedicated street but there is a private right-of-way with the adjoining property owner. They are also requesting a waiver of the 4:1 slope requirements, which can be granted if a planting schedule, prepared by a professional landscaper, is included to stabilize the banks, which they have included. They are requesting a 3:1 slope. The homeowner's association will maintain the retention pond.

Brad Drive currently exits on Grandview Road near the area of Melodie Lane. This entrance will be used if and when it is proposed for development. The road is not constructed to Township specifications.

There was some discussion about the maintenance of the pond along with the construction of the roads.

Planners Klunk/Van de Castle moved for a favorable recommendation to the Penn Township board of Commissioners on this request. Motion carried 4-0 vote.

On behalf of APIO, Inc. (formally Greenline Foods), First Capital Engineering is requesting a waiver from formal land development submission in order to construct a parking lot expansion. The property is located at 26 Industrial Drive.

William Gralski, First Capital Engineering, and Jason Frost, APIO, represented this request. APIO is proposing a parking lot expansion and will be installing a French drain for stormwater management. They have provided a storm water management report to the Township for review. There is no building expansion. The plan does not show the sewer right-of-way because Mr. Gralski was not aware of it until after the submission for the waiver. Planner Felix read from the minutes of Public Works committee in June 2008 when a prior submission was made. APIO has no problem adding the right of way to the plan. Mr. Frost stated that capital was frozen in 2008, which prevented Green Line Foods from completing a similarly proposed project at that time. Mr. Gralski stated that Green Line was also not financially prepared to address the stormwater issues at that time.

Mr. Gralski stated that the Township Manager has provided the sewer right-of-way description to APIO so that it can be dedicated to the Township. Engineer Bortner stated that the stormwater issue from the 2008 plan has been resolved but the sanitary sewer portion of the plan has not been resolved. Engineer Bortner reviewed the numerous plans that have been approved for the property along with the waivers given.

The applicant withdrew the request until the sewer right-of-way is addressed.

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.**

Jeff Stough, J. A. Myers and Brian Reisinger, represented this plan. York County Planning Commission comments have been received but not yet addressed. Most of staff comments have been received and forwarded. Engineer Bortner has not finished his review of the plan.

Engineer Bortner noted that in 2006 this lot had a different layout. It was changed to get Sonny Street through the least impacted part of the property. This has resulted in some strangely configured lots with regards to lot depth and width. The plan is trying to tie into three existing roads along with two environmental areas and the steep slope zone.

Engineer Bortner would prefer that the plan come back before the planning commission after they make changes as a result of the comments. Engineer Bortner is concerned about the grading on lot eighteen. He feels that a different house on the lot would be better.

**P14-03 - ST. JOSEPH'S CATHOLIC CHURCH CEMETERY, GHI Engineers and Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final reverse subdivision plan submitted in order to consolidate parcels for the cemetery. The property is located on South High Street adjacent to Mt. Olivet Cemetery in the R-15 zone.**

Ted Decker, Group Hanover Inc., represented this plan. York County Planning Commission comments have been received. The cemetery lots belong to St. Joseph's Catholic Church but York

County records have them all belonging to Mt. Olivet cemetery. The church has the deeds for the property so they are going to combine them and subdivide them off the remainder of the Mt. Olivet property. This will allow York County to show it as its own parcel on the tax maps. Engineer Bortner was concerned about the encroachments but Mr. Decker is not concerned because the church will be notifying those property owners that are encroaching on their property.

Planners Felix/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried 4-0.

**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.**

Gerry Funke, Group Hanover Inc., represented this request. York County Planning Commission comments have not been received. The planners questioned as to how trash would be collected from the facility. Mr. Funke was not sure how it would be collected because it was not discussed. Zoning Officer Swanner questioned what was going on with the culvert. Mr. Funke stated that the head wall had collapsed on the culvert.

The planners received the following DEP Sewage Planning Module:

Aquaphoenix Scientific land development plan

Planners Klunk/Van de Castle moved for approval of the planning module. Motion carried 4-0.

The Committee was reminded that the joint Planning Commission meeting with Hanover Borough would be held on Wednesday, May 14, 2014 at 7:00 p.m. at the Guthrie Memorial Library to discuss the Joint Comprehensive Plan.

The meeting adjourned at approximately 8:50 PM.

Respectfully submitted,  
Kristina Rodgers, Recording Secretary