

PENN TOWNSHIP PLANNING COMMISSION
JANUARY 6, 2005

Vice Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on January 6, 2005 at the Penn Township Municipal Building. Also present were Planning Members Fred Marsh, Michael Johnson, Wendell Felix, Clayton Black and Michael Brown. Donna Scott was absent with notice. Also present were Township Manager Jeffrey Garvick and Township Engineer Eric Bortner.

The Planning Commission took action to reorganize. Planners Marsh/Johnson moved to nominate Clayton Black as Chairperson of the Commission. The motion carried unanimously.

Planners Marsh/Felix moved to nominate Ray Van de Castle as Vice Chairperson. The motion carried unanimously.

The December 2, 2004 Planning Commission minutes were approved as submitted.

Planner Marsh welcomed Wendell Felix back to the Planning Commission.

The Planning Commission received the following zoning appeals and will make recommendations to the Zoning Hearing Board:

Z04-40 – PATRICIA JOHNSON, 537 S. High Street, Hanover, PA 17331.
Applicant requests a variance to Section 202.3 (Area & Bulk) to approve an existing deck that encroaches into the side setbacks. The property is located in the R-15 zone.

Manager Garvick stated that this request was on last month's agenda with a letter from Bon Ton Builders stating that they would correct the situation by the end of the year. The deck, as of January 6, 2005, had not been corrected. The Township received a letter from Tony Forbes, Bon Ton Builders, requesting an extension with the intent of correcting the problem in the future. Mr. Garvick stated that the MPC states that the zoning hearing board or officer must hear the case within sixty days. He suggested they make a recommendation to the Zoning Hearing Board since they have not yet heard the case.

There was no one present to represent this request.

Planner Felix, former chairman of the Zoning Hearing Board, had requested that the Zoning Solicitor contact the Township that it was putting the Zoning Hearing Board and the Planning Commission in harms way to look at something after it is already complete. They felt that some of the responsibility lies with the Township and the builder. The Zoning Hearing Board approved the other three zoning cases that appeared before them but future requests may be denied.

Planners Felix/Brown moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z04 – 40 Patricia Johnson requesting a variance to Section 202.3 (Area & Bulk) to approve an existing deck that encroaches in the side setbacks as it does not

meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

Z05-01 – REGIONAL HOMES, LLC ERIC LEVITT, 8 Green Springs Valley Road, Suite 200, Owings Mills, MD 21117. Applicant requests a special exception to Section 202.2 (Uses) to allow construction of age restricted multi-family dwellings. The property is located at Moulstown Road in the R-8 zone.

Manager Garvick stated there is currently a rezoning request before the Board of Commissioners with the public hearing scheduled for January 17, 2005 at 6:30 p.m. The parcel is currently zoned shopping commercial, industrial, and R-22 Residential. The applicant is seeking a conditional special exception recommendation.

Attorney Chuck Zaleski represented this request. This project has been under consideration for a year and the developers understand that everything is contingent on the Commissioners rezoning the property. They would like to expedite the process because they have received calls from individuals that would be interested in purchasing the units and because of the cost of delay due to contractors not holding bid prices for very long.

He stated there are some minor changes in the application that was presented. The first is in Section 627, the total land area that is being requested for the project is seventy acres and not eighty acres, the paved area in the application notes a minimum of 30% and should be a maximum of 30% which will not be exceeded, the paved area will comply with the ordinance and the maximum density should be 5.17 units not 4.5 as submitted. The changes will be presented in writing to the Zoning Hearing Board.

He stated the project complies with sections 503 and 627 of the Zoning Ordinance at pertains to special exceptions and multi-family dwellings. The intended use is not a retirement village, but an age restricted community. The requirement of dwelling occupants to meet these age restrictions will be enforced through deed restrictions. There is an pending agreement between the Township and the landowner that would allow the Township to enforce the age requirements. The agreement has been submitted to the Township Commissioners but they have not taken any action on it.

Mickey Cornelius, traffic engineer, stated that no additional traffic studies have been done for the traffic that would be created by the development. There was no intersection development analysis done. The only traffic study performed stated the potential differences between the allowed uses and the proposed use.

Manager Garvick indicated this plan would fall under the constraints of the sewer moratorium until the sewer issues are resolved. They provided pictures of the type of units that the developer is proposing to build in this area.

Planners Johnson/Brown moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z05-01 - Regional Home, LLC, Eric Levitt, requesting a special exception to Section 202.2 (Uses) to allow construction of age restricted multi-family

dwellings, as it does not meet the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on 6-0 vote.

Z05-02 – DENNIS GROVE, 431 Park Heights Boulevard, Hanover, PA 17331.
Applicant requests a special exception to Section 203.2 (Use) to allow construction of a beauty salon/Florida room. The property is located in the R-15 zone.

Dennis Grove represented this case. Mr. Grove's fiancé currently has a beauty salon in New Oxford that she would like to move to Mr. Grove's home when they marry this year. They would like to build a 22' x 26' Florida/beauty room. The only employee would be Mrs. Grove. Mr. Grove has owned the home for about eleven years. He has talked to several of the neighbors to see if they have any concerns, and there are none. The parking area is about 16' x 30' and is adjacent to the current driveway. The cars can park without impeding other traffic from the building. The business is done by appointment only. The applicant has an additional garage at the front of the house. The hours of operation will be M-F from about 7 AM to 3 or 4 PM with no hours of operation Saturdays and Sundays.

Planners Marsh/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing on Z05-02 –Dennis Grove requesting a special exception to Section 203.2 (Use) to allow construction of beauty/salon Florida room, as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 6-0 vote.

Z05-03 – JAMES A. MILLER, III, 760 Black Rock Road, Hanover, PA 17331.
Applicant requests a variance to Section 203.3 (Area & Bulk), to enlarge a front porch that will encroach into the front setbacks.

James A. Miller, III represented this request. There was some concern about the utilities. The owner has public water but on-site sewer which means he would have to meet the requirement of a fifty-foot setback. If a public sewer were installed than the setback would change to thirty-five feet. There is an existing porch that encroaches into the front setback. The new porch would encroach about eight feet into the setback. The porch would be an open porch with a roof. Mr. Miller has owned the property for about eight years.

Planners Marsh/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-03 – James A. Miller, III, requesting a variance to Section 203.3 (Area & Bulk), to enlarge a front porch that will encroach into the front setback as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on 6-0 vote.

Z05-04 – JEFF STERN, 63 Red Run Church Road, East Berlin, PA 17316.
Applicant requests a variance to Section 303.1 (Off-Street Parking), to allow construction of additional indoor batting cages with inadequate off-street parking spaces. The property is located at 110 Hickory Lane, in the R-C zone.

There is currently a land development plan before the planning commission with regards to this request represented by Jack Powell, Engineer. When the plan was before the planning

commission it was determined that it did not provide enough parking spaces for the proposed use. The site was built with four additional parking spaces than what was required. After speaking with the Zoning Officer, the applicants were able to increase the number of parking spaces from seventy-four to seventy-eight. The additional building will house three batting cages and it was decided that two spaces were needed for each cage. Manager Garvick stated that the facility was built under the 1995 ordinance, which requires one parking space per 100 feet of gross area, and the 2003 ordinance requires one parking space for fifty feet of gross area. This is why they need the additional parking spaces. The proposed use will not allow a large number of individuals to utilize the facility at one time. Jeff Stern, owner, stated that since he opened the most he has seen the parking lot utilized is seventy-five percent. The only time it was full was the first weekend they were opened. Stormwater was designed for thirty percent impervious area.

Manager Garvick stated he has a concern about the number of improvements that have been made to this site over the years since the initial plan was approved. Without benefit of land development, it's difficult to keep track of these improvements since building permits are not recorded.

Planners Brown/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-04 – Jeff Stern requesting a variance to Section 303.1 (Off-Street Parking), to allow construction of additional indoor batting cages with inadequate off-street parking spaces, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion was tied 3-3 with Planners Felix, Johnson, and Van de Castle casting the dissenting votes on a roll call vote.

The Planners received the following waiver or exoneration requests:

New Horizons Partnership, LLC (old Pillowtex building) requests a waiver to their parking area on the approved plan. They would like to amend their original request for a parking area and walkway on the west side of the building and the amended request is at the northeast corner of the building. The Pillowtex building is being leased and the renters are requesting these changes. Engineer Bortner is not sure why more parking spaces were not required when this plan was approved. The stormwater management requirements should not be affected by this change.

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

Frederick E. Fowler, Jr. requests a variance to the Township's sidewalk construction requirements as shown on the Brookside Heights development on the part of his property located on Charles Avenue.

Carl and Ruth Hanky also requests the same exoneration to the requirements for their property located on the opposite side of Charles Avenue.

Manager Garvick stated that Charles Avenue is currently a paper street. The new street will be going through to the new Brookside development. There is a fifty-foot right-of-way and the radiuses will not work without some modification to the sidewalk. The sidewalk would be regulation width but would not have the grass strip. There were pictures provided that show the existing sidewalk on the other streets. The grass plot would be on the inside side of the sidewalk and will be maintained by the property owners. Mr. Fowler has been maintaining the alley in its current condition as a grass plot.

Planners Johnson/Van de Castle moved for a favorable recommendation to the Penn Township Board 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.

There was no action taken on this plan.

P02-18 – MARTIN’S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.

There was no action taken on this plan.

P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.

There was no action taken on this plan.

P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.

There was no action taken on this plan.

P02-28 – CARLISE CROSSING, c/o CBL Associates Properties, Inc., 800 South Street, Ste. 395, Waltham, MA 02453. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.

There was no action taken on this plan.

P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.

There was no action taken on this plan.

P03-05 – BREEZEWOOD DRIVE PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.

There was no action taken on this plan.

P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.

There was no action taken on this plan.

P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.

There was no action taken on this plan.

P03-11 – THORNBURY HUNT, Robert Holweck, 118 Teila Drive, Dallastown, PA 17313. A preliminary subdivision plan to construct a fifty-three (53) lot residential development. The property is located on the west side of Beck Mill Road, just north of Grandview Road in the R-22 zone.

Joel Snyder, RJS Associates and Robert Holweck represented this plan. This plan is located along Beck Mill Road and is adjacent to the South Hills plan. It has been on hold due to the sewer problems. They are asking for direction on the road network that will be proposed for this development and the adjoining property. They presented four different road layouts for consideration by the Township. They received the road alignment as proposed by South Hills. Mr. Snyder stated that one of the options shows a cul de sac at St. Joseph's property but they have not approached the church officials about the idea. They are looking for feedback from the Planners. There was some discussion about moving the new street where it intersects with Beck Mill because the clear sight triangle regulation would be difficult to meet. There was discussion regarding relocating some of the lots on both plans to make a four-way intersection onto Beck Mill Road. The other subdivision may also have problems meeting the required site distance. There was concern about having as many as three intersections that do not meet the requirements of the Township Ordinance or several cul-de-sacs streets. Engineer Bortner stated they wanted confirmation moving the extension to the Danner Farm and moving the one road over. There is still some concern about how to build the development and satisfy Mr. Danner. The developer will prepare a plan showing the items discussed.

P03-15 – PINE BROOK DEVELOPMENT, Paul Burkentine, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary land development plan to construct a fort-seven (47) unit subdivision, consisting of 10 duplex, 17 single family attached and 20 multi-family dwellings along Breezewood Drive and Ruel Avenue. The property is located in the R-8 zone.

There was no action taken on this plan.

P03-19 – BAXTER INVESTMENT/GOEHRIG & LAIRD SUBDIVISION c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final subdivision plan to add two (2) small tracts of land, one to Baxter Investment and one to Goehrig & Laird existing properties. The property is located on the corner of Baer Avenue and Bowman Road in the R-8 zone.

John Ling represented this request. The plan shows a subdivision to cut a tract of land and add it to the Baxter Investment piece of property. The second thing this does is provide a six foot land swap because the surveying showed that six feet of the adjoining property owners property is owned by Baxter Investment. Engineer Bortner stated that he has no problems with the plan and sewer is not a problem because it is an existing duplex.

Planners Johnson/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners. Motion carried on a 6-0 vote.

P03-20 - BAXTER INVESTMENT/WALLEN TRACT, c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan to create a forty-eight (48) unit, multi-family complex on the corner of Baer Avenue and Bowman Road. The property is located in the R-8 zone.

There was no action taken on this plan.

P03-21 – COLUMBIA COTTAGE, c/o Horst Senior Care, 320 Granite Run Drive, Lancaster, PA 17604. A final land development plan to construct a 42 unit assisted living facility. The property is located at 2288 Grandview Road in the R-15 zone.

There was no action taken on this plan.

P03-23 – JOHN & MARTHA HALTER, Fairview & Westminster Road, Hanover, PA 17331. A final subdivision to create four residential building lots. Only a small portion lies in Penn Township. The plan was filed by West Manheim Township.

There was no action taken on this plan.

P03-29 – BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to allow construction of a multi-family unit on the corner of Frederick Street and Orchard Lane. The property is located in the A/O Zone.

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.

P04-01 – GINGER TREE, C.D. Investors, 211 Carlisle Street, Hanover, PA 17331. A preliminary plan to create 12 new residential lots. The property is located on Moulstown Road in the R-22 zone.

There was no action taken on this plan.

P04-04 – DAVE HUMBERT & JACK COOK, 680 Chestnut Street, Hanover, PA 17331. A final subdivision plan to create 2 commercial/industrial lots. The property is located on Blettner Avenue. It lies in Conewago Township with a small portion in Penn Township.

There was no action taken on this plan.

P04-06 – PINE CREEK STRUCTURES, c/o Amos K. Stoltzfus, 34 Quaker Drive, Harris, PA 17938. A preliminary land development plan to create 2 retail business lots. The property is located at Clover Lane and Route 94 and is zoned shopping/commercial.

There was no action taken on this plan.

P04-08 – WOODLAND DEVELOPMENT, INC., 130 Carlisle Street, Hanover, PA 17331. A final land development plan to create a mini storage facility. The property is located at Boundary Avenue and Manor Street and is zoned shopping/commercial.

There was no action taken on this plan.

P04-13 BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to allow construction of single-family semi-detached dwelling at 103 Beck Mill Road. The property is located in the R-15 zone.

There was no action taken on this plan.

P04-15 – FREDERICK & JOYCE STORM, Stone Ridge Development, 330 Dubs Church Road, Hanover, PA 17331. A final subdivision plan to allow construction of single-family semi-detached dwelling at 162 Bowman Road. The property is located in the R-8 zone.

There was no action taken on this plan.

P04-18 – PIGEON HILL PARK, Joan B. McAnall, P.O. Box 234, Hanover, PA 17331. A sketch of a subdivision plan to construct a thirty-six (36) lot residential development. The property is located on Pigeon Hill Park Road to High Rock Road, in the R-40 zone.

There was no action taken on this plan.

P04-19 – BOB EVANS FARMS, INC., 3776 South High Street, Columbus, OH 43207. A final subdivision plan to create an add on lot for commercial use. The property is located at 496 Eisenhower Drive and is zoned shopping/commercial.

There was no action taken on this plan.

P04-20 – SOUTH WESTERN SCHOOL DISTRICT, 225 Bowman Road, Hanover, PA 17331. A reverse subdivision and land development plan submitted to create ball fields. The property is located at the northeast corner of Bowman Road and Black Rock Road, in the R-15 zone.

Engineer Bortner acknowledged a change to the plan that had been previously reviewed. The new plan includes the land across Breezewood Drive because the current deed already includes the property. Jim Thiel, Civil Environmental Design Group, represented this request. Zoning Hearing approval has been given for the special exception and variance requests and staff and comments have been addressed. There are seven land development waiver requests that were submitted with the plan. The first six are for providing survey information outside the limits of the ball fields themselves and the seventh is for the access width for the new parking lot. Mr. Thiel stated that Zoning Officer Menges was reviewing the parking requirements and there were none in the Zoning Ordinance that pertained to this particular use. There are seventy new parking spaces being proposed as well as additional parking spaces that were there previously.

The first six waiver requests are for Section 402n, contours; 402p locations and dimensions of any streets or easements shown thereon which abut the land to be developed, 402q existing features, 402r depiction of utilities, buildings and other man made features, 409s depiction of all existing streets within 400 feet of the property, and 409t all existing easements and right-of-ways. The seventh is for a twenty-four feet width driveway entrance.

Planners Brown/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on these requests with the request six being corrected to read outside the proposed development of the plan. Motion carried on a 6-0 vote.

Planners Van de Castle/Marsh moved for a favorable recommendation to the Penn Board of Commissioners on P04-20 South Western School District. Motion carried 6-0.

P04-21 – ISSACS RESTAURANT, Holland Properties, Inc., 751 Frederick Street, Hanover, PA 17331. A final land development plan submitted to allow construction of a restaurant. The property is located at Grandview Plaza Shopping Center and is zoned shopping/commercial.

There was no action taken on this plan.

P04-22 – HICKORY FALLS FAMILY ENTERTAINMENT CENTER, Jeff Stern, 63 Red Run Church Road, East Berlin, PA 17316. A final land development plan submitted for building additions. The property is located at 110 Hickory Lane, in the R-40 zone.

There was no action taken on this plan.

P04-23 – MARY OASTER, 1290 Westminster Avenue, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential building lots. The property is located at 1290 Westminster Avenue and is zoned R-22.

There was no action taken on this plan.

P04-24 – RONALD A & KATHLEEN A. FOREMAN, 1050 Hoff Road, Hanover, PA 17331. A final add-on subdivision plan submitted to create two (2) residential lots. The property is located at Hoff Road and northeast of intersection of Rt. 216, in the R-40 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.

The meeting adjourned at 9:26 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary