

PENN TOWNSHIP PLANNING COMMISSION
JANUARY 4, 2007

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on January 4, 2007 at the Penn Township Municipal Building. Also present were Planning Members Wendell Felix, Michael Johnson, James Butt, Stede Mummert, Fred Marsh and Gary LeFevre. Also present were Township Engineer Bortner and Zoning Officer Menges.

The Planning Commission took action to reorganize. Planners Felix/Marsh moved to nominate Ray Van de Castle as Chairperson and James Butt as Vice President of the Planning Commission. The motion carried unanimously.

The December 7, 2006 Planning Commission minutes were approved as submitted.

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

Z07-01 – BRIAN E. JENKINS & JODI K. STOLZ-JENKINS, 132 Pheasant Run Lane, Hanover, PA 17331. Applicant is requesting a variance to Section 207.2 (Use by Right) to operate a veterinary clinic. The property is located at 1446 Baltimore Street, Unit G in the S/C zone.

Dr. Brian E. Jenkins represented this request. They are requesting a variance to operate a veterinary clinic at Grandview Plaza. John Beil, Burkentine and Sons, was present to represent the builder of the facility. Dr. Jenkins stated that he and his wife, Dr. Stolz-Jenkins, came to Hanover in 1990 to work for Dr. Fawcett at the Conewago Veterinary Clinic. They remained there for thirteen and half years even after Dr. Fawcett sold the practice. They left Conewago and have been working for a 24-hour emergency animal hospital in Westminster, MD. After they left Conewago they continued do relief work in the Hanover area. They have come to a point in their career where they are able to have their own practice. They have been searching for a year and half for a location in the South Hanover Area for their business. They are residents of Penn Township and have been for over thirteen years. There is currently only one veterinary hospital in Penn Township. There is no use by right anywhere in the Township's zoning ordinance for a veterinary hospital but it is allowed by special exception in the Highway Business and the Rural Residential zones. Veterinary hospitals are becoming more popular in strip malls and that is why they would like to open one in Grandview Plaza.

Dr. Jenkins stated that there is no difference between a clinic and hospital in the Pennsylvania regulations. There will be no outside kenneling of (animal) patients. Most patients will have outpatient surgery and will be returned to the owner the same day. On the rare occasion that an overnight stay is required they will have cameras set up and they will monitor the facility from their home computer. In case of an emergency another doctor will be contacted or they will return themselves because they are within ten minutes of the facility. Mr. Beil stated that the shopping center's newest commercial building is expected to start receiving businesses in late spring or early summer. There will be no biological hazardous waste and all medical waste will follow OSHA and other federal requirements for disposal. The building will be set up so that each unit will have it's own HVAC unit and each unit will have a sound barrier and fire

barrier and utilities will be metered individually. Dr. Jenkins stated that cats will be required to be brought in caged and dogs will need to be leashed or in cages also. There will be an area to the rear of the building for animals that need to access the outside world along with a room in the facility for nature calls. Dr. Jenkins stated that every individual who schedules an appointment would be told that the animal will need to be caged or leashed and the facility will be posted. Mr. Beil stated that a permitted use in the shopping center is a pet store where animals would remain over night. A dog grooming business is also allowed. This would be a more controlled entity than a pet shop. All controlled drugs would be double locked based on federal guidelines and noncontrolled drugs would be locked in the pharmacy. The pets would be limited to dogs and cats. Dr. Jenkins stated that he has friends that have hospitals in the strip malls and they have not had problems with there being no grass available. He stated that their business is paramount on keeping sanitation under control. Many of his friends have practices in strip malls and have not had problems with sanitation or their patients.

Planners Butt/Felix moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z01-01 – Brian E. Jenkins and Jodi K. Stolz-Jenkins requesting a variance to Section 207.2 (Use by Right) to operate a veterinary clinic as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried

Z07-02 – BON TON BUILDERS, INC., 1060 Baltimore Street, Hanover, PA 17331.
Applicant is requesting a variance to Section 208-208.3 (Area and Bulk) to construct a multi-family dwelling. The property is located at 735 Frederick Street in the H/B zone.

Dave Stair, Loss Stair Civil Engineering, and Doug Gent, attorney, represented this case. Mr. Stair stated that this is a small piece of property located in front of the Plum Creek Townhouses. There was a single-family home that was previously converted to a four-unit home but it burned down in 2003. The property is zoned Highway Business. There is an alley that runs parallel to the property and some of the surrounding properties around it are zoned Apartment/Office and they are requesting a variance to build a townhouse on the property that would be allowed in the A/O zone. The structure would have four residential units and a parking area on the Frederick Street side of the property. A few years ago Worley Surveying submitted a land development plan which showed the access from the property onto Orchard Lane but the developer could not get an access to the private drive. Loss Stair is proposing to widen the existing driveway onto Frederick Street. The lot width is about fifty-three and a half feet. They have reviewed other allowed uses for the property and feel that nothing that is allowed can be built on the property. The land development plan was filed in 2003 but was never approved by the Township. There was discussion that the previous plan was filed under the old zoning ordinance and it was questioned if this plan should be reviewed under the old ordinance zoning ordinance instead of the new one. The previous plan is P03-29 and at the time the property was zoned Apartment/Office and this would be an allowed use under the old ordinance. Zoning Office Menges stated that the change of the access from Orchard Lane to Frederick Street could be enough to cause a refilling of the plan. Zoning Officer Menges stated that he is trying to get the plan through with out any ambiguity and that changing of the access egress from what was given to us and what was filed could be a major change that is going to affect the plan we currently have. Engineer Bortner stated that there was a zoning issue with the previous plan with regards to lot width. If they want to pursue this plan they may want to withdrawal the previous plan. Mr. Stair stated that he would speak to Bon Ton Builders about the other plan. The previous house was built on a slab and there is no floodplain mapped on this property. On the

old plan they were proposing to set the first floor elevation the same as the surrounding properties to help alleviate any potential flooding.

Planners Butt/Felix moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z07-02 – Bon Ton Builders, requesting a variance to Section 208-208.3 (Area and Bulk) to construct a multi-family dwelling, as it meets the requirements for a variance set forth in Section 502.3 a) thru f), with the stipulation that the driveway be twenty four foot wide and subject to withdrawal of the previous plan or a resubmission of an amended plan, and the first floor elevation should be as high as those properties surrounding it. Motion failed on a 3-4 vote with Planners Johnson, Marsh, LeFevre, and Mummert casting the dissenting votes.

Planners Mummert/Marsh moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z07-02 Bon Ton Builders, requesting a variance to Section 208-208.3 (Area and Bulk) to construct a multi-family dwelling, as it does not meet 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, Van de Castle, and Butt casting the dissenting votes.

The Planners received the following waiver or exoneration requests:

Bon Ton Builders is requesting exoneration from land development plan requirements to construct an addition to Bentley's at the Barn (Patty and John's Restaurant) located at 1161 Westminster Avenue.

Planner Van de Castle/Johnson moved that in the event they (Bon Ton Builders) appear, the Commission would consider their request at that time. Motion carried on a 7-0 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.

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.

Mark Campbell, HRG, Bob Monahan, developer, and Allen Smith, Conewago Contractors, represented this plan. The old Carlisle Crossing is now being renamed Gateway Hanover. The previous plan was entirely in Penn Township but since it has been taken over by Conewago Contractors and now includes the adjoining tract, owned by Bob Monahan, the project now spans three municipalities in two counties. The main improvement is the extending of Eichelberger Street and Wilson Avenue, which could help alleviate some of the traffic problems at Carlisle and Eisenhower. The project is set up for about 800,000 square feet of retail space with about half of it in Penn Township. There are several access points from both

Carlisle Street and Eisenhower Drive with internal roads to help the flow of traffic. There are several green areas that were previously shown for development near the creek. The buildings that were on the previous plan have been flipped so that parking is now located to the north of the property. The area near and around Slagle Run will remain green. They will be submitting a modification of the previous submitted plan. Mr. Campbell stated that the developing partners have been working on the layout and plan for about a year. There will be a signalized intersection at the crest of the hill at the existing home with about five lanes of traffic. Wilson Avenue will become a dedicated Township street. There was concern about affecting the Hanover Borough's water supply with development near the creek. Mr. Campbell stated that previous plan showed the intersection was nearer to the creek than what it is currently proposed which will provide time for the treatment of the water before it gets to the creek. The gas kiosk was also proposed for this area on the previous plan and it has been moved closer to the intersection at Carlisle and Wilson. There will be no development in the green areas. They are working on the traffic impact study, which will be submitted to PENNDOT within several weeks. The proposed traffic patterns will have to be approved by the State. There is an entrance that is shown that will be a right-in and a right-out only from Carlisle Street. There was some concern about the intersection of Carlisle Street and Wilson Avenue and the new traffic that will be created on Eisenhower Drive. There was some concern about future access from the north onto Wilson Avenue. Mr. Smith stated that he is not aware of any future access because the Shank's have suggested that they want to keep and maintain their property for farmland. There is a five-foot strip of ground on the north side of the right of way for a five-foot high retaining wall to lower the street down because of the maximum height of the parking lots. Parcel E would own the extra five feet with the retaining wall on it. They would like to eventually connect the property to the movie theater but there is a wetland issue. There was concern about the amount of traffic that is going to be traveling on Eisenhower Drive and Mr. Smith stated that the traffic impact study will address several intersections and will not be limited to those on Eisenhower Drive. It was noted that the Carlisle Crossing plan will have to be revised and a change of ownership will have to be noted. This plan was for review and comment and not the final version of what will be submitted. The Planners were concerned about another outlet other than onto Eisenhower Drive such as Flickinger Road. There was another crossing to the creek that may be grandfathered but has not been pursued by the developers. Engineer Bortner stated that the developer should be concerned about drifting snow onto Wilson from the north.

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.

P03-11 – 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.

There was no action taken on this plan.

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.

P03-20 - SOUTH WEST CROSSING, c/o Paul Burkentine, 330 Dubs Church Road, 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.

P03-23 – 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.

P04-04 – 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.

P04-18 – 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.

P04-25 – 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.

P05-04 – 21 INDUSTRIAL DRIVE, Group Hanover, 213 Carlisle Street, Hanover, PA 17331. A final subdivision and land development plan submitted to allow construction of an office and warehouse. The property is located at 21 Industrial Drive.

There was no action taken on this plan.

P05-05 – DONALD B. SMITH ROOFING, Gerald Funke, c/o Group Hanover, Inc. 213 Carlisle Street, Hanover, PA 17331. A land development plan submitted to allow an extension of West Chestnut Street. The property is located on West Chestnut Street, in the Industrial Zone.

There was no action taken on this plan.

P05-15 AVION, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan submitted to create nineteen (19) single-family residential building lots. The property is located on the corner of Bankert Road and Blooming Grove Road in the R-40 zone.

There was no action taken on this plan.

P05-21 – HILLSIDE MEDICAL CENTER, c/o MMS Management, LLC, 731 Fame Avenue, Hanover, PA 17331. A preliminary re-subdivision and land development plan submitted to construct an addition of medical offices. The property is located on Fame Avenue in the Industrial Zone.

There was no action taken on this plan.

P06-01 – BURKENTINE SOUTH, Hannon Homes c/o John Burkentine, P.O. Box 98, Glenville, PA 17329. A preliminary subdivision plan submitted to create twenty-four (24) single-family residential lots. The property is located on South side of Black Rock Road and West of Grandview Road in the R-15 zone.

There was no action taken on this plan.

P06-10 – HIGH POINTE @ ROJEN FARMS –NORTH, 4175 Hanover Pike, Manchester, MD 21102. A final subdivision plan to create one hundred single family residential lots. The property is located on the north side of Grandview Road, east of Beck Mill Road in the R-22 zone.

There was no action taken on this plan.

P06-15 – WHISPERING RUN, Joseph A. Myers, 160 Ram Drive, Hanover, PA 17331. A final subdivision plan submitted to create one hundred twenty-five (125) residential lots. The property is located on the east side of Beck Mill Road, north of Grandview Road in the R-22 zone.

There was no action taken on this plan.

P06-19 – BOYD W. ARNOLD, (Deceased) & ROLDA E. ARNOLD aka ROLDA E. BECKER, 996 Hill Top Drive, Spring Grove, PA 17362. A final subdivision plan to create two (2) residential lots. The property is located on Earl Street in the R-15 zone.

There was no action taken on this plan.

P06-20 – PROPOSED RUTTER’S FARM STORE #6, CHR Corporation, Tim Rutter, 2295 Susquehanna Trail, Suite C, York, PA 17403. A final reverse subdivision and land development plan submitted to construct a convenience store dispensing fuel and a car wash. The property is located south of York Street (SR 116) between Blooming Grove Road (SR216) and Hirtland Avenue in the H/B 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.

P06-24 – HOMEWOOD RETIREMENT CTR AT PLUM CREEK – PHASE D, P. O. Box 250 Westminster, MD 21795. A final land development plan submitted to construct cottages in a retirement village. The property is located at 425 Westminster Avenue in the R-15 zone.

There was no action taken on this plan.

P06-25 – PETER & PENNY FILUS, 6815 Laurel Summit Drive, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is also located in Heidelberg Township and is zoned conservation.

There was no action taken on this plan.

P06-26 – MARTINS RIDGE SUBDIVISION, Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final subdivision plan submitted to create twenty-three (23) single-family residential lots. The property is located on Beck Mill Road in the R-22 zone.

There was no action taken on this plan.

P07-07 – MCLARIN PLASTICS, Waggoner Construction, 135 Bentz Mill Road, East Berlin, PA 17316. A final land development plan submitted to construct a building addition. The property is located at 211 Blettner Avenue and primarily is located in Conewago Township in Adams County.

Brian Bingeman, K & W Engineers, represented the plan. The County line bisects the plan but all the development is in Conewago Township away from the Township line. They are proposing a building addition with a break room and a training facility. There will be no new employees added but it is a quality of services improvement for the existing employees. Engineer Bortner was concerned about determining the location of the County line. Mr. Bingeman stated it came off a previous land development plan.

Planners Butt/Johnson moved for a favorable recommendation to the Penn Township Board of Commission on this plan. Motion carried on a 7-0 vote.

P07-02- HANOVER COLD STORAGE, Conewago Contractors, 610 Edgegrove Road, PO box 688, Hanover, PA 17331. A final subdivision plan submitted to create two (2) lots. The property is located on Carlisle Street, north of Eisenhower Drive in the S/C and H/B zone.

Allen Smith, Conewago Contractors, represented this plan. They are requesting to subdivide the parcels that are owned by Hanover Cold Storage into two parcels by the centerline of Route 194. Currently they are subdivided but are not divided by the centerline of the road. Conewago Contractors will purchase the property in the Shopping Commercial Zone and the other parcel will remain with Hanover Cold Storage. York County Planning Commission comments have not been received.

Planners Van de Castle/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on P07-02 pending the review of York County Planning Commission comments. Motion carried on a 5-2 vote with Planners Felix and Johnson casting the dissenting votes.

The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Kristina Rodgers, Recording Secretary