

PENN TOWNSHIP PLANNING COMMISSION
MARCH 3, 2005

Chairman Clayton Black called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on March 3, 2005 at the Penn Township Municipal Building. Also present were Planning Members Ray Van de Castle, Fred Marsh, Wendell Felix, Michael Brown and Michael Johnson. Donna Scott was absent with notice. Also present were Township Zoning Officer Menges and Township Engineer Eric Bortner.

The February 3, 2005 Planning Commission minutes were approved as submitted.

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

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.

James Holly, Holly Associates, and Steve Rosen, Regional Homes, represented this request. Mr. Holly reviewed both the general and specific standards for a special exception. The first, under Section 503.3 of the Penn Township Zoning Ordinance is the location of the use with respect to the existing or future streets, providing access to it. He explained there would not be a through street from the adjacent Hickory Heights housing development. There will be two entrances onto Moulstown road and a dead end street that will terminate at the shopping commercial area. The second item is that the nature and intensity of the operations involved are in harmony with the orderly and appropriate development of the zone in which the use is to be located. He stated that an R-8 zone allows up to ten units per acre but this development only has 5.17 units per acre. There is a section of the property that was previously zoned R-22 that will contain the stormwater management facilities and green space. The third item Mr. Holley addressed was that the grant of the special exception should not materially increase traffic congestion in the roads and highways; neither will it encourage commercial or industrial traffic to use residential streets. He stated that Moulstown Road currently has traffic problems and the traffic study will determine the improvements that will have to be made by the developer. He stated that developing this site residentially would create less traffic than the previously zoned areas. The fourth item he addressed was that the applicant must meet all general and specific requirements as defined in this Article. He further went on to review Section B of the general criteria which states that the proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and shall not be detrimental to the health, safety or welfare of the neighborhood. He stated that the neighbors presented a petition at the public hearing indicating they would prefer this use over the previously zoned use. Mr. Holly stated this use would have less impact on the surrounding area. Mr. Holly proceeded then to reinforce that the proposed use shall not injure or detract from the use or enjoyment or character of adjoining or nearby properties or cause land deterioration or potential decrease of value of surrounding properties. Mr. Holley stated this would upgrade the property more than the industrial use would have and will result in an increase in the adjacent property values.

He went on to address the next issue, which is that adequate public facilities are available and existing to serve the proposed use (school, fire, police, and ambulance protection, sewer, water, and other utilities, parks, vehicular access, recreation, and etc.). He stated all the facilities are in existence and that they are aware of the current sewer moratorium. He stated there is sewer capacity at the wastewater treatment plant so that once the moratorium is lifted they can proceed. This project will not have an impact on the school district because children under eighteen years of age will not be allowed to reside there for more than sixty days. There has to be one person over fifty-five residing in the unit. There must be a procedure set up to confirm the age of the residents when properties are bought and sold. There is agreement between the Township and the developer, Regional Homes, and C. D. Investors, about the age requirement on each property that was approved by all the parties and was recorded and will be included on each deed.

Mr. Holley further read from the Township's Zoning Ordinance, which states that the proposed use will not impair the integrity of the Township's Comprehensive Plan. The Township will have to revise their Comprehensive Plan in order that the rezoning is compatible with the plan.

Mr. Holly addressed the requirement that the proposed use should not be incompatible with the existing traffic conditions and adjacent uses. One of the outcomes of this project will be a center turning lane on Moulstown Road to access this development.

The next item in the ordinance is the requirement that the use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use. The Federal Fair Housing Code permits the proposed use of aged restricted housing. Age restriction on housing is the only variable that can be used to discriminate for housing. The developers will monitor this while they are involved in the project but then it will become the homeowner's association responsibility to make sure that the age restriction is met.

The final general criteria in the code is that operations in connection with a use shall not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, smoke, or other potential nuisance or safety hazard than would be the operations of the permitted use. He stated that a residential use would not create any objectionable nuisances for the neighbors. This will be more compatible with the surrounding area than the previously zoned uses.

Planner Felix stated that the only thing the Commission is concerned with this evening is the special exception for the use of the multi-family dwellings. This section goes from Moulstown road to the Hickory Heights subdivision.

Mr. Holley stated that the homeowners will not be allowed to have open fires, or burn trash in their backyards, they will have trash collection, and the streets will be private and maintained by the home association. The streets will be built to Township specifications. There are ten apartment units in each of the eighteen buildings with a total of one hundred and eighty units. There will be one hundred and eighty-two duplex units.

Mr. Holley then moved on to review the Specific Criteria for special exception, which provides that the parking, traffic and pedestrian access shall be in conformance with those criteria specified in Article III and elsewhere in the Zoning Ordinance. He stated that during the land development process they would all be complied with. The next item in the ordinance is that screening and landscaping and slope of the proposed use from adjacent uses be sufficient to prevent deleterious impact of the proposed use upon another and to comply with Section 307 of this ordinance. He noted that the plan showed plenty of landscaping and green areas to comply with this section.

Mr. Holley then reviewed the additional conditions they will meet which include planting, fencing, or screening, access drive, drainage, site distances, landscaping and buffer yards, loading space requirements, off street parking, and other items as required by the ordinance. The off street parking will be enclosed in the structures. All these details will be addressed during the land development process.

Mr. Holley then addressed the specific requirements under the standards for a multi-family dwelling. The parcel is seventy acres with the portion with the multi-family being about twelve acres. The lot width along Moulstown Road is three thousand feet. The setbacks are fifteen feet. The maximum paved area allowed is thirty percent and the plan is close but under the thirty percent requirement. The density of the residential units for the entire plan is 5.17 units. The ordinance states that the number of dwelling units per gross acre of land permitted for this use is ten.

The Planners questioned why the developer chooses to have the road extend into the shopping area rather than into another residential area. Mr. Holley stated that would allow the residents access to the shopping area without having to access Moulstown Road.

Planner Felix stated that the proposed area may be too dense because the developers are taking into account the entire project when figuring the units. Mr. Holley stated that the interpretation he received from the Township office was that the whole gross area of the project would be used in determining the density of the project. Zoning Officer Menges concurred with the interpretation.

Georgia Simpson, 51 High Rock Road, wrote a letter to the Commission outlining her concerns if the project proceeds. The major concerns addressed in her letter were traffic flow on Moulstown Road, if the bridges will be widened, current sewer problems in the area, how stormwater drainage will be handled, the maintenance of stormwater facilities, the ability of the Township to enforce the age restrictions, and how the Township plans to handle future water shortages. She noted that this use was better than the previous industrial use. She wanted to know why the developer could not just build all duplexes instead of the multifamily units. She wanted to know the total number of individuals that the developers thought would be living there. She was concerned about the two entrances on Moulstown Road and what affect they would have on the already congested traffic problems. She was also concerned about the flooding that occurs now on the road. She stated that the residents that were in favor of the rezoning do not use Moulstown Road to travel on. She was concerned about the enforcement of

the age restriction after the developers returned to Maryland. She was concerned about the layout of the properties and if they would have elevators.

Planner Black stated some of the issues will be addressed during the land development process and the age-restricted requirement has been decided by the Board of Commissioners. The homes will have elevators and a traffic study will be completed that will include all areas impacted by the development. There are no political boundaries when the traffic study is conducted so it may require improvements in the Borough. Engineer Bortner stated that PENNDOT would be involved because Moulstown is a state road. The Planning Commission has brought up the drainage issue. Chairman Black stated that the Planners address all the issues that Ms. Simpson brought up for every subdivision plan, not just this particular one.

Mr. Rosen explained the procedure that the homeowners association will use to enforce the fifty-five year age requirement.

Anna Mae Shaffer, adjoining property owner, expressed concern about the need for increased fire and police protection because of the homes. She is also concerned that lighting will be kept on the property and will not create additional light pollution. She wanted the developer to contact the Codorus Creek Watershed Association and plant native plants and shrubs.

Planner Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-01 Regional Homes, LLC requesting a special exception to Section 202.2 (Uses) to allow construction of age restricted multi-family dwellings as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e).

The motion failed for a lack of a second.

Planners Johnson/Van de Castle moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z05-01 Regional Homes, LLC requesting a special exception to Section 202.2 (Uses) to allow construction of age restricted multi-family dwelling as it does not meet the requirement for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 4-2 vote with Planners Black and Marsh casting the dissenting votes.

Z05-06 – TRONE & SEIFERT, L.L.C., 398 York Street, Suite 5, Hanover, PA 17331. Applicant requests a variance to Section 207.2 (Use Regulations) and Section 407.5 (Abandonment) to operate an existing abandoned motel. The property is located at 1016 Baltimore Street in the SC zone.

Chris Trone, managing partner for Trone & Seifert, L.L.C., with the office located at 398 York Street, Suite 5, Hanover, PA, represented this case. Mr. Trone stated that the property is located at 1016 Baltimore Street and was previously zoned highway business. The motel on the property had terminated business several years ago and the property was rezoned to shopping commercial, which does not allow motels as a use. This is the reason Mr. Trone is requesting a variance. The intent is to reopen the hotel as it was prior to its abandonment. The configuration of the lot is such that once they meet the setback requirements and the land development

requirements the land would be nonusable. The partnership feels that a variance would allow the best use of the land as well as a use that has been associated with the property. The use is a pre-existing non-conformance not created by the current owners and would not be a detriment to the surrounding property owners. There were no traffic problems when this was an operating motel. They are asking since the zoning change and the configuration of the lot they would like a variance to continue the use as a motel. They purchased the property about thirty to sixty days ago and the zoning had already been changed.

There are twelve motel rooms and a manager's suite. This will not be run as a franchise. When the property was purchased they had intended to use the facility for a Laundromat but after reviewing the zoning requirements they felt this would not be feasible. The structure can be rehabbed to be usable. The property was purchased with both uses of the Laundromat and the motel in mind. Mr. Trone did not know the zoning when he purchased the property and it was only in passing conversation with Manager Garvick that he learned he could not open the motel without a variance. Mr. Trone stated that they have begun cleaning up the property by removing some of the old furniture.

Planners Brown/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-06 –Trone & Seifert L.L.C requesting a variance to Section 207.2 (Use Regulations) and Section 407.5 (Abandonment) to operate an existing abandoned motel, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-1 vote with Planner Felix casting the dissenting vote.

The Planners received the following waiver or exoneration requests:

J.F. Rohrbaugh Co., Inc. requests an exoneration from land development plan requirements to construct a 2400 square foot concrete pad on which to place a sterilization machine.

Bill Markel, administrative manager for Rohrbaugh & Co., Inc., represented this request. Mr. Markel stated that about three years ago the International Plant Protection Convention required the treatment of all wood pallets and other wood packaging materials used in exports. This requires the pallets or wood packaging to be heated at a temperature of 130 degrees for 30 minutes to prevent the exportation of pests. This applies to exportation of wood to all countries. They would like to begin as soon as possible. This is the second request in two years for a waiver of a land development plan.

Not every pallet would be going through this process. Some of their customers never export materials out of the country and some only rarely but they want to be protected in case they need to.

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

John K. Zepher requests exoneration from public sidewalks at 947 Centennial Avenue.

This request was not heard because no one was present to represent it.

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.

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 - 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.

P04-18 – 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.

P04-20 – 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.

There was no action taken on this plan.

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.

P04-23 – 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.

P05-01 – ADAMS COUNTY NATIONAL BANK, Gerald Funke c/o Group Hanover, Inc., 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted to allow construction of a financial institution. The property is located at 865 Baltimore Street, in the S/C zone.

Gerry Funke, Group Hanover, Inc., represented this request. This is a land development plan for the former Golden Corral restaurant property. They provided an existing plan of the facilities. The contractor wants to remove the existing building and construct a full service Adams County National Bank. There will be drive-thru service with an ATM. The Planners were concerned about the configuration of the drive-thru's and the flow of traffic. There was some discussion about the current configuration of other drive up facilities. There was some discussion about how to reconfigure the property to make the drive-thru flow better including changing the direction of the building and eliminating one of the thru lanes.

Mr. Funke stated that there is a problem with meeting the requirements for a clear sight triangle as set in the ordinance because of the placement of the sign. The Planners felt that the new sign should not be any different that what was previously at the location.

The Committee reviewed the proposed landscaping plan for the area and it was noted that plantings cannot be constructed on the Robert's Restaurant side because the building is almost on the property line.

Engineer Bortner expressed some concern about storm water, particularly that it does not flow across the driveway. The contractor is going to reduce some of the area of blacktop. Engineer Bortner and Mr. Funke will continue to explore the storm water management options.

The meeting adjourned at 8:36 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary