

PENN TOWNSHIP PLANNING COMMISSION

March 5, 2009

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on March 5, 2009 at the Penn Township Municipal Building. Present were planning members Wendell Felix, Stede Mummert, Paul McAndrew, Daniel Goldsmith and Fred Marsh. Planner James Butt was absent without notice. Also present were Township Engineer Bortner and Zoning Officer John Menges.

The February 5, 2009 Planning Commission minutes were approved as submitted.

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

ZO9-01- AMERICAN HOME CONTRACTORS, LLC, c/o Ronald Carter, 420 Glenville Road, Hanover, PA 17331. Applicant is requesting a variance to Section 208.3 (Area and Bulk) in order to subdivide the property. The property is located at 792 and 794 Baltimore Street in the Highway/Business zone.

Ronald Carter represented this request. The home is an existing two-unit family residence that the applicant would like to subdivide. If the houses were subdivided, the properties would not meet the front or side setbacks or the lot width. The applicant provided a sketch of the property. There is a dividing wall in the basement and attic. Mr. Carter stated that there is a separate water service for each unit but he is not sure about the sewer. If there were not two laterals he would have an additional line installed. The applicant does receive two separate sewer bills. There is a strange division of the home around the dormers. One unit has the front dormer and the other has the rear dormer. There are several homes on Baltimore Street and Mount Royal that are divided in the same manner. Both 792 and 794 Baltimore Street have the basement divided front to back but the attic is divided side to side. Zoning Officer Menges stated this is not unusual. Each unit has separate gas lines and other utilities. There was some concern if a sewer EDU would be required. The variance is for lot width and front and side setbacks.

Planners McAndrew/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZO9-01- American Home Contractors, LLC requesting a variance to Section 208.3 (Area and Bulk) in order to subdivide the property located at 792 and 794 Baltimore Street as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

ZO9-02 – CONNIE LONG, 11 Heights Avenue, Hanover, PA 17331. Applicant is requesting a variance to Section 202.3 (Area and Bulk) in order to construct a garage that encroaches into the setbacks. The property is located at 11 Heights Avenue in the R-8 zone.

Connie Long represented this request. Ms. Long provided pictures of the alley and her existing shed, which is in need of repair. The shed will be replaced with the proposed garage. She believes the shed was a chicken coop at one time. The home was built in the 1950's. There are two houses and several garages that are on, or are almost on, the existing alley. National

Barn will be installing the garage and Ms. Long provided plans showing the garage, which will be accessed from the alley. The garage is proposed to be 20' x 24'. The rear setback is thirty feet. The area is staked off for the construction of the garage, which is proposed to be seven feet from the rear setback where the current shed sits. She stated the directional signs on the plan are backwards. The applicant has a pond in her backyard. If the garage would be placed where it meets the thirty-foot setback requirements it would be on her patio. The alley is supposed to be twenty feet wide but the applicant is not sure where the property pins are located. The applicant attempted to locate the pins but her neighbor removed one. Engineer Bortner believes there is a plan for the adjacent properties that will show where the pins may be located. Ms. Long stated that she does not feel that access to the garage from the alley would be a daily occurrence. She stated that parking on the street is tight and when they have visitors they do have to park along Peter Street.

Planners Mummert/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z09-02 – Connie Long requesting a variance to Section 202.3 (Area and Bulk) in order to construct a garage that encroaches into the setbacks, as meets the requirements for a variance as set forth in Section 502.3 a) thru f) as long as the garage is built in line with the existing structures. Motion carried on a 6-0 vote.

The Planners received the following waiver or exoneration requests:

ESAB Welding and Cutting Products requests exoneration from a land development plan for a separate concrete pad not part of a completed land development plan.

Zachary Fisher represented this request. They would like to install an 11' x 11' concrete pad on the northeast side of the plant to support a dust collector. Mr. Fisher stated that they did a land development plan last year about this time and would like to be exonerated from another. Engineer Bortner provided copies of the last exoneration approved by the Board of Commissioners for a concrete pad in the fall.

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

Sharrah Design Group, Inc., on behalf of Wolverine Holdings, LLC requests a waiver of the requirement of Section 307 (Approval of Plans) of the Subdivision and Land Development Ordinance regarding the Thornbury Hunt for Lots 18 and 19 of the development.

Robert Sharrah represented this request. Mr. Sharrah stated that he was here last month with a request to develop two lots of the Thornbury Hunt subdivision plan. The Township ordinance requires that twenty five percent of the plan be constructed if it is phased. This would be about eight to ten lots. One lot is located along a street that is almost completed but not finished. The street, sewer, and water were completed as part of the Martins Ridge Project. There is a cul de sac at the end of one lot, which would need to be moved. The developer of Martin's Ridge is a part holder in Wolverine Holdings Inc. The street is stoned and not paved. The Planners expressed concern about constructing houses in phases that did not meet the minimum ordinance requirement. They were also concerned that a favorable recommendation would generate many more similar requests. There was also concern about other improvements that are required by the plan including Beck Mill Road. Mr. Sharrah stated that these lots could

be sold if available. There was some discussion about the dedication of streets and the maintenance on that portion of Brian Lane that is not dedicated.

Planners Felix/McAndrew moved for an unfavorable recommendation to the Penn Township Board of Commissioners on Sharrah Design Group, LLC requesting a waiver of the requirements of Section 307 of the Subdivision and Land Development Ordinance. Motion carried on a 6-0 vote.

Eagles of Hanover, 105 Park Street, requests exoneration from a land development plan for a proposed 40' x 30' patio.

Barry Stremmel, Hanover Eagles, represented this request. The Eagles would like to install a 40' x 30' roofless patio. This would be a walk-on patio with no steps. The closest property line is to the rear about 100 feet. Zoning Officer Menges stated that there is at least fifteen to twenty feet to the side property line. The setback will be met if they choose to enclose the patio at some future time. This will be used for members who wish to smoke in the summertime. There will be no outside entertainment on the patio. There has been discussion for several years about having an outside area for members. There is an exit door to the area. The Planners expressed concern since a waiver of a land development plan was given within the last year for the renovations to the kitchen. The patio will be constructed with footers for future expansion. Zoning Officer Menges suggested to the Planners about making a motion that would allow the Eagles to construct something that would not require a land development plan. There is no intention of putting a roof on the structure. Engineer Bortner reported that he is trying to make sure that all exoneration waivers are available for the meetings. Zoning Officer Menges noted that if the Board of Commissioners denies the request Mr. Stremmel should ask if a commercial patio could be installed without a land development plan.

Planners Van de Castle/McAndrew moved for an unfavorable recommendation to the Penn Township Board of Commissioners on a waiver of the patio with the stipulation they can construct something less permanent with pavers. Motion carried on a 6-0 vote.

The Planners reviewed the following Subdivision/Land Development plans and made the following recommendations:

P01-28 – HIGH POINTE @ ROJEN FARMS, 751 Frederick Street, Hanover, PA 17331. A preliminary two hundred twenty-seven (227) lot subdivision located on Grandview Road in the R-22 and R-40 zones. (SOUTH)

There was no action taken on this plan.

P02-28 – GATEWAY HANOVER, (formerly Carlisle Crossing) c/o CBL Realty Associates 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.

P03-15 – PINE BROOK DEVELOPMENT, Paul Burkentine, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary land development plan to construct a forty-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.

John Beil, Burkentine and Sons, presented the plan. The plan has been on review for several years. There was a land swap between several property owners that helped balance this plan to meet the requirements of the ordinance. There was an amendment made to the FEMA floodplain map so there are no homes now located in the floodplain. The Planners reviewed the adjusted map amendment. Engineer Bortner stated that there was significant fill brought in for the area. Engineer Bortner stated that the Planners should review sheet 16, which shows the realignment of Breezewood Drive. The realignment required some of the land the Township owned along Breezewood Drive. The realignment starts at Hufnagle Drive to the end of the Burkentine Development. A future proposed development adjacent to Pine Brook would require the developer to make similar improvements. There is access to the alley but it is posted with an "Emergency and Authorized Vehicles Only" sign. There will be a chain gate. Page 4 of the plan shows the emergency access for the alley, as well as the chain gate. There are three stormwater basins for the development. There is a condo association for two ponds and a property owner will own the third pond. The ponds will have fences around them and their requirements are on pages 7, 8, and 9 of the plan. There was some discussion about retention ponds owned by individual property owners and what is involved with maintaining them. The height of the pond that was denied has been corrected. The Planners discussed the township solicitor's opinion about how the ponds are to be owned. Lot 14 could be a stand-alone lot without the pond. The Townhome section of the development will be a homeowners association, which will take care of two of the ponds along with other common areas. It was suggested that perhaps the homeowners association should maintain all three ponds. There was some concern about drivers cutting through the alley. Mr. Beil will also meet with Bill Mahone about the collection of trash in the common areas of the town homes. There was discussion on the stormwater ponds located

throughout the Township and the problems that some residents are having maintaining them. There was also discussion regarding the ponds that the Township owns and maintains.

Planners Felix/Marsh moved for favorable recommendation to the Penn Township Board of Commissioners. Motion tied 3-3. Planners Van de Castle, McAndrew, and Goldsmith casting the dissenting votes.

Mr. Beil believes the plan meets Township specifications and that they have worked closely with the Township to resolve issues so the plan should have been approved. If the homeowners association maintains all three ponds then eventually the association will realize that the water from their development does not go into the third pond. They will then look to the Township for relief. There was some discussion about how to proceed and to review the Solicitors opinion on ownership of stormwater ponds. The pond owned by one homeowner does meet planning requirements.

Planners Felix/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 4-2 vote with Planners Van de Castle and Goldsmith casting the dissenting votes.

After the vote there was more discussion on problems with construction of ponds and who should maintain the stormwater ponds when they are constructed by a developer.

P03-20 - WALLEN TRACT APARTMENTS/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.

P03-30 – 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.

P04-18 – 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.

P05-15 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.

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.

P07-24 – R & R FITNESS REAL ESTATE LLC, 60 Southside Drive, Newville, PA 17241. A final land development plan submitted to construct a health club and bank. The property is located on the corner of Broadway and Hickory Lane in the S/C 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.

P08-08 – ARBY’S AND TOM’S CONVENIENCE STORE, Shipley Fuels LTD, 415 Norway Street, York, PA 1405. A final land development plan submitted to construct a fast food restaurant. The property is located at 1340 Baltimore Street in the Shopping/Commercial zone.

There was no action taken on this plan.

P08-14 – NATIONAL BARN COMPANY, 316 Juniper Lane, Hanover, PA 17331. A final land development plan submitted to construct an office building. The property is located at the northwest corner of Industrial Drive and Gitts Run Road in the Industrial Zone.

There was no action taken on this plan.

P08-20 – PARK HILL 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.

P09-01 – STONE RIDGE/HALTER/PENN TOWNSHIP/BROOKSIDE HEIGHTS – 819, 819 ½, 823 York Street, Hanover, PA 17331. A final subdivision add on in the A-O zone.

John Beil, Burkentine and Sons, represented this plan. This plan was before the Planners in November prior to it being sent to the Zoning Hearing Board for several variances, which were approved for the future installation of a traffic signal at the intersection of Center Street and York Street. Township Engineer Bortner's comments have been addressed. A note was added that referenced the zoning hearing board approvals. The Garland Halter note was added that property coverage is 54% with 70% allowed by the code. York County Planning Commission comments have been addressed. The approval of this plan is needed to apply for the PennDOT Highway Occupancy Permit. The plan does not show the improvements to the streets, just to the adjacent properties.

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

P09-02-MIKE HARMAN – Intersection of Frederick Street and S. Blettner Avenue, Hanover, PA 17331. A final land development plan for proposed automotive sales and services in the HB zone.

Gerry Funke, Group Hanover, Inc., represented this plan. York County Planning Commission comments have been addressed. Mr. Funke noted that the comments from the Planning Commission on the approved waiver requests have been incorporated into the plan. There is a metal chain included rather than a plastic chain. There is an additional 5' of sight distance because of PennDOT requirements that a 30' right-of-way be included rather than a 25'.

Planners McAndrew/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 6-0 vote.

P09-03 – MARK'S AUTO BODY – 35 Barnhart Drive, Hanover, PA 17331. A final subdivision land development plan submitted for construction of a garage (body shop) in the Industrial Zone.

Brandon Guiher, KPI Technology, represented the plan. They are proposing a fifty square foot addition to the existing auto body shop. York County Planning Commission comments have been received. Engineer Bortner stated that he had some concern about comments 10 and 11 from York County that addressed additional parking for the site. Zoning Officer Menges stated that the addition was for a storage area, not a production area. This is to store cars in that are in for repairs so they are not out in the elements. Township Engineer Bortner stated that the rest of the comments were house-cleaning issues that could be addressed prior to the Board of Commissioners meeting.

Planners McAndrew/Marsh moved for a favorable recommendation on this plan to the Penn Township Board of Commissioners as long as York County Planning Commission comments were address prior to their meeting. Motion carried on a 6-0 vote.

P09-04 – THORNBURY HUNT – FINAL SUBDIVISION PLAN FOR LOTS 18 AND 19, Wolverine Holdings LLC c/o Tony Forbes, 160 Baltimore Street, Hanover, PA 17331. A final land development plan submitted to create two (2) single-family residential lots in the R-22 zone.

Robert Sharrah, Sharrah Design Group, represented this request. This is the final plan that was submitted because of the waiver request of the twenty-five percent phasing requirements. Engineer Bortner has concerns about the temporary cul de sac shown on the plan and the proposed easements for lot eighteen. If the waiver request is approved he has no problems with lot 19. There could be problems with elevations and future improvements if the improvements are not completed past lot 18 when they are approved. York County Planning Commission comments have not been received. This plan hinges on the waiver request submitted to the Penn Township Board of Commissioners.

P09-05 – L.T. TIMBER – 2009 EXPANSION PROJECT, L.T. Timber, 25 Industrial Drive, Hanover, PA 17331. A final land development plan submitted for a proposed building addition in the Industrial Zone.

Brandon Guiher, KPI Technology, represented this request. York County Planning Commission comments have not been received. This is for an expansion to the existing facilities at 25 Industrial Drive. Township Engineer Bortner stated that some of his concerns were about the fence requirements for the storm water pond because normally in the Industrial Zone fences are not required. There is not a fence proposed and the pond will be less than two feet. There were requirements that one of the churches maintain their fence because it was near a residential area. There should be minimal non-business traffic on this property and the Planners agreed that a fence would not be needed.

The meeting adjourned at 9:06 p.m.

Respectfully submitted,

Kristina Rodgers, Recording Secretary