

PENN TOWNSHIP PLANNING COMMISSION  
MARCH 7, 2013

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 PM on Thursday, March 7, 2013 at the Penn Township Municipal Building. Also present were planning members Joseph Klunk, Wendell Felix, David Baker, David Quinn, Henry Senatore along with Interim Zoning Officer Matthew Swanner, and Township Engineer Eric Bortner. Member Stephen Roth was absent with notice.

The planners approved the February 7, 2013 planning commission minutes as submitted.

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

**Z13-01 - BRUCE MARTIN, JR. 824 McAllister Street, Hanover, PA 17331. Applicant is requesting a variance to Section 618 (Home Occupation) and a special exception to Section 618 (Home Occupation) and Section 407.3 (Nonconforming Uses-Replacement) in order to operate a wood shop. The property is located at 551 Baltimore Street in the R-8 zone.**

Bruce Martin, Jr. represented this case and stated the business has been in existence for seven years on McAllister Street. Mr. Martin operates a wood shop that produces and sells unfinished furniture. He stated that the current property on McAllister Street is in the R-8 zone but the new property is on Baltimore Street in the R-15. He stated that he has abided by all the conditions he received for the last variance when operating his business. He stated that he has never had any complaints and there was a neighbor present to state that fact. The noisiest piece of machinery he has is the plainer. He does not have any equipment larger than what the average person has in their home. He has no industrial machinery. The current building is a wooden structure and the plainer is located 38' from the rear of the adjacent homes. The applicant provided pictures of the new facility, which is solid masonry. There is a garage at the back of the new facility. The building was formerly Worley Surveying and Blouse Awning. He stated that the plainer would be located in the center of the building about 60' from the rear of the adjacent homes. He provided a list of businesses already on Baltimore Street that are home occupied within two blocks of the property. He stated he would have less of an impact on the area than the businesses currently operating along Baltimore Street. He stated that he picks up his own lumber supplies using his own truck. There would be about four pickups or deliveries per week and would be nothing greater than an UPS truck. The two wholesalers that purchase from him use a pickup truck and cargo trailer to pick up the products. The business hours would be the same as they currently are which were established in 2007 with a zoning variance. Mr. Martin would own and live at the property. This building would be larger than the current building and allow him to stock some of the more popular pieces. Some of his work will be displayed throughout the home but there would be no retail sales. There is about fifty feet for parking. There is a two-car garage and a carport to the rear of the property. There are no employees. The sawdust and shavings are disposed of off site and used by a farmer for bedding for his animals. The scrap is burned in a wood stove. He stated that he does not finish any of his products.

Planners Quinn/Baker moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z13-01 Bruce Martin, Jr. requesting a variance to Section 618 (Home Occupation) a special exception to Section 618 (Home Occupation) and Section 407.3 (Nonconforming Uses- Replacement) in order to operate a wood shop, as it meets the requirements of a variance as set forth in

Section 502.3 a) thru f) and the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 6-0 vote.

**Z13-02 - HICKORY FALLS FAMILY ENTERTAINMENT CENTER, 110 Hickory Lane, Hanover, PA 17331. Applicant is requesting a special exception to Section 407.2 (Expansion and Alteration) and Section 612 (Expansion of Nonconformity) in order to construct a building addition that is not in conformance with the ordinance. The property is located at 110 Hickory Lane in the R-C zone.**

Attorney D.J. Hart, Guthrie, Nonemaker, Yingst & Hart, Jack Powell, P.E., and Jeff Stern, owner Hickory Falls Entertainment Center represented this request. Mr. Hart stated that when the property was purchased by the current owner indoor/outdoor recreation was allowed but since then the zoning on the property has changed. Any additions or improvements to the facility became non-conforming uses and require ZHB approval. Hickory Falls Entertainment is requesting an expansion of the facility for a use that was allowed when they purchased the property. They are requesting to modify an electric go kart track and construct an addition to the building for children's party rooms. The applicant provided pictures of the proposed changes. The addition to the building will allow it to look more like one comprehensive building rather than two pole buildings. Along the side of the building they will be adding a covered walkway, entrance way and a storage area. They will be adding a partial outdoor electric go kart slick track. The track will come out of the building on to the existing asphalt on the Broadway side of the building. The owners have had the property since 2001. Mr. Hart stated that there was not one person at the meeting from the neighborhood that was against the project. Mr. Hart stated that the Thornhill homeowners association conducts their meetings at the facility.

Jack Powell, project engineer, explained that the front addition will be a two story expansion that will house the electric go karts and have a handicapped accessible party room on the first floor. There will be additional party room spaces on the second floor. The front will be made into a single façade. The split rail fence will be extended around the front of the facility. They are proposing an enclosed walkway addition to the side of the building for access and maintenance. At the rear of the building they are providing a maintenance shed for the go karts. This is a two-story facility and the second floor will be used for storage of parts. The ground floor will be the main area for the maintenance of the go karts. There are three existing parking spaces that will have a carport extended over to provide covered parking for employees. They are proposing porous concrete for the parking, which will take water for the one hundred storm. They will be getting the material from Conewago Contractors and had a representative present to answer questions about the material. Attorney Hart stated that there are numerous places in town that utilize the material. The maintenance area will be private. The additional parking area is no farther from the entrance than the parking located along Hickory Lane. There will be no compact car parking spaces. The indoor track will be in the first floor area of the proposed expansion and in the location of the batting cages and bumper cars.

Jeff Stern, owner stated that the batting cages and bumper cars will be removed with this expansion. There will be an indoor and outdoor track. Mr. Stern stated that if the weather is good there will be an indoor/outdoor track but if the weather is bad there will only be an indoor track. Rick Martz, part owner of Hickory Falls Entertainment Center, testified to the electric go kart. He provided a hand out explaining the go karts. This type of go kart uses the same motor as an electric golf cart. The go kart will make the same humming sound as a golf cart, which can be heard from a distance of about 100'. The go kart courses will be on the side opposite the miniature golf course and away from the existing

development and will front the Broadway side of the facility. Mr. Hart explained there are existing buffers that already prevent the noise from reaching the developments. It was suggested that vegetative screening be installed to protect the go kart area from the traffic on Broadway. Mr. Hart stated that the applicants would be open to considering the idea. The lighting will be similar to the lighting used on the miniature golf course. Mr. Martz stated that the go kart operates on a series of batteries similar to what is in a golf cart. Mr. Martz stated that they went with the electric cart for the DUI Experience because several Hickory Falls Entertainment employees have lost family members to drunk drivers. They wanted to give back to the community by making people aware of the drunk driving problem. Mr. Martz stated that they had a meeting with the Penn Township Police Department and they are excited about the program. Mr. Martz explained how the DUI Experience works. Hickory Falls Entertainment Center is also looking at the texting while driving program for school students. They will be purchasing the programs to use as a learning tool. Mr. Martz stated that any proceeds raised from the programs would go back to the Penn Township Police Department.

Jeff Stern, owner, explained the additions that have been made to the facility, which included the addition of bumper cars, batting cages and indoor laser tag. The new feature will replace two of the existing features. The go karts can reach a top speed of thirty five miles an hour. Mr. Stern stated that the electric cars could be controlled remotely when there are problems with patrons that do not follow the rules. The old go karts could not be monitored in that matter. Mr. Stern stated that the go karts can be programmed any time they are used depending on the participant using the vehicle. The go karts will be following the regular hours of operation. The track is about three hundred feet outdoors and the indoor oval track will be about two hundred and forty feet. The indoor track will be banked. The track will be fenced to prevent the carts from leaving the course. Mr. Stern stated that facility does not have a fire sprinkler system.

Joanne Bartsch, 24 Alexander Drive, a concerned resident, asked if there will be helmets required. There is a lap belt in the car but they will not be required to wear helmets. The car will hold an adult and a small child but not two adults. The manufacturer recommends that a child be over forty-four inches tall to operate without an adult. There was concern about the safety of the facility for children. Mr. Stern stated that the patrons would have to sign a release.

Planners Klunk/Baker moved for a favorable recommendation Z13-02 Hickory Falls Family Entertainment Center requesting a special exception to Section 407.2 (Expansion and Alteration) and Section 612 (Expansion of Nonconformity) in order to construct a building addition that is not in conformance with the ordinance, as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried 6-0.

**Z13-03 - NVR, INC. d/b/a RYAN HOMES, 11403 Cronridge Drive, Suite 200, Owings Mills, MD 21117. Applicant is requesting a variance to Section 306.2 (f) (3) (Driveway Location) and Section 202.3 (Building Height) in order to construct single family attached townhouses that do not meet driveway location requirements and building height requirements. The property is located on the east side of the Brookside Avenue in the R-8 zone.**

Paul Minnich, attorney for Ryan Homes, Brian Rodriguez, representative of Ryan Homes, and Ted Decker, Group Hanover, represented this request. Mr. Minnich stated that the applicant is present to request a variance for the location of the driveways and a variance for the building height requirements. Mr. Minnich stated the driveway variance is for the interior lots only. Ted Decker stated that the

driveways need to line up with the garages as they are proposed. Attorney Minnich stated that this is a common variance request. He provided pictures of the properties along Grace Avenue that have a layout similar to what they are proposing. The exterior lots are not affected by this request. Attorney Minnich stated that they are requesting a dimensional variance and not a use variance. Mr. Rodriguez stated the homes have three bedrooms and the bathrooms range from one half to three full bathrooms. The square footage of the homes will range from 1549 to 1832 square feet. There are sixty-one proposed units that are 20' wide. The driveways will be offset on the left and right sides. The units in this development will only have one car garage option. The design will allow parking of three vehicles on the individual property. The Township's ordinance requirement is two parking spaces. Scott Barnhart, Burkentine and Sons stated the preliminary plan has been approved but the final plan has not. He stated that additional off street parking will occur between the buildings. Mr. Barnhart also stated that since the preliminary plan was approved years ago, they have done the calculations for the sewer interceptor and they have their sewer permit to cross York Street. The builder has made a sizeable contribution to the Township for the sewer interceptor project. The interceptor has been sized for all the proposed developments in the area. Mr. Barnhart explained how the traffic will be accessing Center Street and stated Burkentine and Sons will be helping to install a signal at the intersection of York and Center Street. There are several paper alleys that will be constructed during the process. Scott Barnhart will review the plans under the land development review process. Mr. Minnich stated that they have tried to meet the parking lot requirements and build in extra parking not required by the ordinance.

Mr. Minnich stated that the second request is for a variance for a height of 35' for their homes and is similar to what is allowed in other zoning districts. The R-8 and A/O zones are the only zones that restricts a structure to a 30' height. R-15 and R-22 zones allow for 35' high structures. They are requesting a variance for 35', which is less than what was requested on the application because this will accommodate the three-story structure proposed. They provided the planners with documents showing the heights of the buildings and dimensions of the proposed structures. Mr. Rodriguez stated that they need to have garages and driveways for their properties. They are offering a 9' first floor product. They are installing a lower roof pitch than they normally install. The homes are panelized construction built in Thurmont, MD and delivered to the site. The home is pre-constructed and they do not provide a product smaller than 35' in height. Mr. Minnich stated that a two-story unit is not able to be sold in this area. Mr. Rodriguez stated that they assume 10' per floor. He stated that in the deeper products there is the ability to finish a small room. The product has a four hour engineered firewall. It runs from the foundation to the peak of the roof.

Mr. Minnich stated that he is amending the application to 35 feet from the 36.2 feet that was noted on the zoning application.

Planners Quinn/Senatore moved for a favorable recommendation on Z13-03- NVR, Inc. d/b/a Ryan Homes requesting a variance to Section 306.2 (f) (3) (Driveway Location) in order to construct single family attached townhouses that do not meet driveway location requirements as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on 4-2 vote with planners Felix and Van de Castle casting the dissenting votes.

Planners Quinn/Senatore moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case 13-03 – NVR d/b/a Ryan Homes requesting a variance to Section 202.3 (Building Height) in order to construct single family attached townhouses that do not meet building height requirements as it meets the requirements for a variance as set forth in Section 502.3 a) thru f) with the

stipulation that the maximum height is 35'. Motion failed on a 2-4 vote with planners Felix, Klunk, Baker and Van de Castle casting the dissenting votes.

At this time the Planning Commission took a ten minute recess. Upon the reconvening of the meeting, Chairman Van de Castle explained how the process would work for public comment.

**Z13-04 - HIGH POINTE, LLC, ON BEHALF OF HANOVER AREA YMCA, 500 North George Street, Hanover, PA 17331. Applicant is requesting a variance to Section 205.2 (Use) and a special exception to Section 201.2 (Uses Not Provided For) and Section 310 (Number of Principal Uses on a Lot) in order to construct a traditional YMCA Facility that does not fall within the ordinance use definitions. The property is located at the SE corner of Beck Mill Road and Grandview Road in the R-40 zone.**

Attorney Jeremy Frey, Barley Snyder, and vice president of the YMCA Board of Directors, represented this request. Attorney Frey stated that the YMCA is intending to relocate their facility located along Baltimore Street in Penn Township to the corner of Grandview Road and Beck Mill Road. They provided a plan for the facility. Billy Wineholt from the YMCA was also present to provide testimony. Mr. Frey noted that the YMCA has a Letter of Intent to purchase about nineteen acres of land and build on about twelve acres. The other six acres would remain undeveloped at this time. The YMCA is proposing a traditional YMCA facility that provides public recreation and childcare services. There will be a fitness center, which will include equipment for teenagers; day care facility for both before and after school; day programs; and open space for outdoor athletic fields, including differing sized soccer fields. The principal change is a proposal to build indoor turf athletic fields, since this has been recognized as a need in the Hanover Area. Residents in the area have to go to Westminster, York or Lancaster to participate in indoor activities in winter months. Mr. Frey stated that the YMCA has looked at several locations before choosing this location. At other locations the YMCA would be boxed in and would not be able to expand. This property came up as the ideal site because of the open land and the ability to expand and provide adequate parking. Also, the Penn Township Community Park is located across the street from this property. The property has been approved as a residential subdivision. The proposed use will replace about sixteen residential lots. The YMCA approached the Township about purchasing some of the Township land for this facility. However, the Township was not interested in partnering with the YMCA.

The YMCA had previously met with Zoning Officer Menges and there was no definition within the Township's ordinance for the YMCA as proposed. Mr. Frey stated that Chris Schwab, TRG Assoc., is conducting the traffic study and will be available to testify at the zoning hearing board. If the use is approved they would have to submit a land development plan for approval and during that process the traffic concerns would be addressed through a traffic impact study. Mr. Frey stated that if improvements are shown on that traffic study they would have to be completed during construction. Mr. Frey stated that the parking meets the requirements of the Zoning Ordinance. Mr. Frey read letters from the residents in the Hanover Borough who live near the YMCA on George Street. Jim Piat, High Pointe, LLC, stated that this use will enhance the community and property values for the area. Mr. Piat stated they considered the YMCA as a community center for the residents of High Point. He stated he has been in the business for 35 years and in those developments that have community centers the property values have increased and High Point will still have lots adjacent to the property to sell.

Mr. Frye stated that they have applied for a special exception and if the Township does not approve the request as such, they have also submitted a variance request as an alternative to the special exception. Mr. Frey stated that a pool is not proposed for this facility at this time. Mr. Wineholt pointed out the locations of the locker rooms and other amenities. The proposed building will be 52,000 square feet. The facility on George Street is 102,000 feet. Liam Brehrens, CEO of the YMCA was not able to be present but will testify at the Zoning Hearing Board meeting on the operations of the YMCA. The turf fields will be used primarily in the afternoon and the rest of the facility will be used all day. The YMCA does not open until noon on Sundays and it is the day the facility is lease utilized. Mr. Frey stated that the YMCA likes to partner with local school districts to make the facility available for the school district's use. The YMCA also partners with non-profit organizations to use the facilities. The YMCA will have their own teams and organized sports. There are 204 parking spaces proposed on the plan. The ordinance requires two hundred spaces. The YMCA teams and members will be coming from other areas outside of Hanover. There will be no lights on the field.

Planner Felix expressed concerns about future buildings, the width of the street, the possibility of signal lights, and overflow parking at the Community Park. Mr. Frey stated that the YMCA discourages its users parking off the site by trying to make sure there would be adequate parking. Mr. Felix felt that the street width should be the maximum required in order for emergency equipment to access the facility. Mr. Felix felt that signal lights might be needed at Grandview and Beck Mill road and Clove Lane and Beck Mill Road. Mr. Frey stated that the traffic engineer would be able to address these issues at the Zoning Hearing Board meeting. Planner Klunk stated that the Community Park was purchased in 1990 and constructed in 1994 and the residents that purchased around the park knew the facility was there but they did not know the YMCA was coming. Planner Klunk stated that there are areas that are more appropriately zoned for this facility. The YMCA did present a different plan that what was submitted with the zoning application. The YMCA has the option of purchasing about nineteen acres of land. It was noted that there are additional plans that have been filed that will have to be addressed with traffic concerns if this request is approved.

There were many people present to comment on the proposed variance and special exception. Those present were:

|   |                            |                     |
|---|----------------------------|---------------------|
| Michael Lang 25 Alexander Drive             | Stephen P. Vaughan         | 27 Alexander Drive  |
| Lori Swartz 11 Boulder Road                 | Bern & Elaine Ohlers       | 16 Cornell Drive    |
| Mitzi & Josh Clapper 7 Rebecca Lane         | Kaaren Rinner              | 25 Cornell Drive    |
| Karen Shipley 45 Cornell Drive              | Andrea Penn                | 30 Alexander Drive  |
| Patricia Garcia 14 Tyler Drive              | Karl & Joan Bartsch        | 24 Alexander Drive  |
| Kermit Berger 5 Andrew Court                | David Teruizzi             | 7 Andrew Court      |
| Leslie Henry 15 Boulder Road                | Carol Lee                  | 23 Boulder Road     |
| Daniel Clapper 7 Rebecca Lane               | Kathleen & Robert Borne    | 3 Andrew Court      |
| Keith Ericksen 68 Kaitlyn Drive             | James & Diane Burns        | 18 Boulder Road     |
| Donald & Lou Ann Hetrick 17 Tyler Drive     | Sam & Jenn Seabhole        | 1361 Beck Mill Road |
| Vicki & Phil George 8 Rebecca Lane          | Deborah & Stephen Mooradin | 34 Cornell Drive    |
| Colleen & John Gindlesberger 1321 Beck Mill | Chad & Frances Miller      | 21 Boulder Road     |
| Kylene Briggs 25 Boulder Road               | Craig Powell               | 8 Boulder           |
| Matthew Thomas 26 Alexander Drive           | Carl Leonard               | 63 Kaitlyn Drive    |

Dan Lauer, 4625 Grandview Road, living next to the Penn Township Community Park and directly across from the old horse barns, stated that he is concerned about the exit from the facility that is located directly across from his driveway. He was also concerned about the grade increase from the intersection of Grandview Road and Beck Mill Road to the Penn Township Community Park. He stated that he has problems getting out of his driveway onto Grandview Road because of the speed of traffic.

Michael Lang, 25 Alexander Drive, stated that he purchased his home because it was a residential area. He feels that the addition of the YMCA will present a safety concern. He feels that the YMCA is a detriment to the area and will lower the property values of the homes in the area. He is concerned about the safety of the children that reside in the area along with those that utilize the Penn Township Community Park. He stated that his children currently walk to the park but with the YMCA in the area he may have to escort his children to the park because of the traffic. He was concerned because the homeowners association did not make them aware of the property use being changed from residential homes that they were told were going to be there when they purchased the property.

Deb Mooradian, 34 Cornell Drive, was against the YMCA request because she felt that the use as described was not allowed by either the zoning ordinance or the comprehensive plan. She also felt that the YMCA did not meet the procedure requirements because they did not submit an elevation and a ground floor plan of the proposed building. She stated that none of the special exception requests are similar or compatible with what is allowed in the R-40 zone. She stated that one of the conditions is that it should not affect existing traffic conditions and we already know that it is going to affect traffic. She stated that this does not fit well in a rural residential zone and is not consistent with the purpose and intent of the zoning ordinance.

Craig Powell, 8 Boulder Road, was concerned about his property values. He also wanted the planners to know that he is not against the YMCA and appreciates the efforts of the YMCA. He stated that the concern is with what the YMCA will do the family friendly developments. He is concerned about the 204 parking spaces because of the lights that are required with that type of parking. He stated that this site is approved for sixteen homes that would bring sixteen families to the area along with sixteen tax receipts for the Township as opposed to a non profit agency. He stated a lot of individuals for most of the neighborhoods are present to oppose the YMCA for this intersection.

Joan Bartsch, 24 Alexander Drive, felt she has been taken advantage of. She previously built in the Colonial Hills Area and moved a mile down the road to get out of the congestion that has occurred in that area. She purchased the home believing that the neighborhood would be all residential units and would not contain a commercial establishment. She has been in her home almost two years but would not have moved if she knew that the YMCA was going to be built. She was also concerned about what may be constructed in the future if this is approved. She was concerned that the legal ad was small and was noticed by only one resident. There were also concerns about how the property was posted.

Planner Felix stated that legal notice advertised was the notice required by law. It was questioned why it was not on the website. The legal notice for the Zoning Hearing Board meeting was placed on the web site. Attorney Frey noted that the YMCA sent letters to all adjoining the property owners to talk to the CEO of YMCA about the proposed project.

Mr. Lang expressed concern that he did not receive information from his homeowners association (High Pointe LLC) about possibly changing the development. There was some concern about making the neighbors aware of the meeting on Tuesday.

Stephen Mooradian, 34 Cornell Drive, stated that he is a member of the YMCA but this is not the right place for it to be located. He felt that they did not have a finished presentation and that there is very little R-40 area and this is not a good place for the YMCA. He is concerned about his property values because no one presented hard data about property values being increased by the presence of a YMCA. He was also concerned about the addition of a parking lot since there are a large number of parking lots in Hanover.

Leslie Henry, 15 Boulder Road, asked if the request is approved what prevents other commercial establishments from requesting a variance.

Planner Felix stated that the Penn Township Zoning Hearing Board would meet at 7:00 p.m. on Tuesday, March 12, 2013. It is up to the zoners to decide whether or not to consider any of the recommendations made by the Penn Township Planning Commission. They will have an attorney present and the meeting will be more formal than this meeting. The Zoning Hearing Board will make the final decision on the request.

Sam Seabole, 1361 Beck Mill Road, asked what happens if the variance is granted. Can the property be sold to someone other than the YMCA? Attorney Frey stated that once the special exception is there the property could be sold to someone other the YMCA, although the zoning hearing board could attach conditions to the special exception and variance decisions.

Page Wingert, 605 Dubs Church Road, current member of the South Hanover YMCA search committee, stated that the contributions of the YMCA are being called into question by the residents of the area. He stated that the Hanover Area YMCA has been an integral part of the Hanover Community for decades. He felt that the good of the YMCA is being overlooked. He felt that the rural area of the community disappeared when all the hundreds of homes were built. He felt that that the area has not been rural for fifteen years. He stated that recreation for the youth, young adults, and families is what the YMCA provides and that people that cannot afford it can still belong because the YMCA provides scholarship to needy people. He stated that Hanover is too big for one YMCA and the current facility is land locked and cannot expand. He stated that the Y's search committee did look at land at Grandview Plaza but the area was not big enough. He stated that they have looked at dozens of sites in Penn Township and West Manheim Township. He stated that they have been up and down the Baltimore Pike looking for suitable sites. The search committee felt that this site meets the following criteria: it is on the South end of town, it's adequate in size, the concerns that are being addressed are not earth shattering concern, and they have not been able to find a better site. He stated that the YMCA is not out of character with what is already in the area.

Melissa Clapper, 7 Rebecca Lane, stated that she is the daughter of Roger Holland, the land owner of the property for twenty years prior to High Point LLC purchasing the property. She stated that her house at 7 Rebecca Lane burned down in 2006. At that point in time she had a decision to make because she knew the houses were going to go up in the adjoining properties. She chose to stay because she liked the area and her neighbors. She stated that comparing the Penn Township Community Park to the proposed YMCA is not a fair comparison. The Park has trees and benches and not a 52,000 square foot

building. She stated that when her father sold the property he intended it to remain residential and that is what the residents here were expecting when they purchased their homes. There was some discussion about the proposed “nursing home facility” that Mr. Holland has proposed.

Stephen Mooradian, 34 Cornell Drive, stated that the YMCA is a non-profit organization and just because the YMCA wants it does not make it good for the community.

Kaaren Riner, 25 Cornell Drive, stated that there is a lot of property for sale on Dubs Church Road and maybe they can move the YMCA out there. She also expressed concern about the traffic when church lets out and individuals cut through the Country Side Estates development to avoid the four way stop sign.

Mr. Frey stated even though the property is tax exempt they will need less services than a residential property. The YMCA will be taking care of its internal streets.

Planners Quinn/Baker moved for an unfavorable recommendation to the Penn Township Zoning Hearing board on case Z13-04 – High Pointe, LLC, on behalf of the Hanover Area YMCA, requesting a special exception to Section 201.2 (Uses not provided for) and Section 310 (Number of Principal Uses on a Lot) in order to construct a traditional YMCA Facility that does not fall within the ordinance use definitions and does not meet the requirements for special exception as set forth in Section 503.3 a) thru e. Motion carried on 6-0 vote. Planner Klunk stated that this is not about the YMCA but about the fact that the people who purchased their houses knew that the property was going to be residential. He feels that this is not appropriate use of the land.

Planners Quinn/Baker moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z13-04 – High Point, LLC on behalf of the Hanover YMCA, requesting a variance to Section 205.2 (Use) in order to construct a traditional YMCA Facility that does not fall within the ordinance use definitions as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on 5-1 vote with Planner Felix casting the dissenting vote.

**Z13-05 - DAVID B. HICKS, 412 Wirt Avenue, Hanover, PA 17331. Applicant is requesting a variance to Section 202.3 (Area and Bulk) in order to construct a garage that does not meet the front setback requirements. The property is located at 412 Wirt Avenue in the R-8 zone.**

Jerry Richardson, contractor, Ted Decker, Group Hanover and David Hicks represented this request. The permit was issued to build a garage but then a “stop work” order was issued by the zoning officer. The property is a corner lot and has two front yards. According to Ted Decker, there is no physical way the property can be developed in strict conformance to the Ordinance. The property owner bought the property in its current condition. The house is in violation of the setbacks. The variance will not alter the characteristic of the neighborhood as other homes have garages similar to what is proposed. This is the minimum variance they could ask for. The garage is will have 25’ of setback rather than the required 35’. Mr. Decker referred to Section 400 of the Ordinance referencing existing buildings lessening the minimum setback. There are other homes along Baer Avenue that have garages that do not meet the setback requirements. They are requesting a 10’ variance. The current garage will be used for storage. He wanted an additional garage for other vehicles that he may purchase. He stated he would use the garage in the back during winter months because of vehicles sliding around the corner of Baer Avenue and Wirt Avenue, which prevents on street parking during that time. The site will have to be moved

from where the stake out was approved. It was noted that the previous zoning officer was not aware that this property was a corner lot and once he was aware of that fact he issued the “stop work” order.

Planners Klunk/Baker moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case David B. Hicks, requesting a variance to Section 202.3 (Area and Bulk) in order to construct a garage that does not meet the front setback requirements, 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.

The Planners received the following waiver or exoneration requests:

Hanover Land Services, Inc., on behalf of J. A. Myers Building and Development is requesting the following waivers to the Penn Township Subdivision and Land Development Ordinance; Section 505.a (Minimum street widths), Section 505.k (Sidewalks) in regards to their South Heights subdivision plan.

Interim Zoning Officer Matt Swanner informed the planners that the applicant requested to hold off on the request until next month.

Group Hanover, Inc. on behalf of Barrick & Associates, Inc. is requesting a waiver to Section 605 (Landscaping and Buffer yards) of the Penn Township Subdivision and Land Development Ordinance and a waiver of installing sidewalk along Grandview Road. This request is in regards to the proposed Barrick Insurance land development plan located at 1401 Baltimore Street.

Gerry Funke, Group Hanover, Inc. and Steve Barrick represented this request. They are requesting a partial waiver of the landscaping on the commercial sides of the property. They provided a plan showing the landscaping on the residential sides of the property. They will be installing a 6’ high fence along with the landscaping. There was concern about the fence being in the front yard, since the Ordinance only allows a 3’ fence. There is a Penn DOT plan showing additional right-of-way being need for improvements to the intersection of Grandview and Baltimore Street and that is why he is requesting a waiver of the sidewalk requirements. The waiver of the sidewalk requirements would be a temporary waiver.

Planners Quinn/Baker moved for a favorable recommendation to the Penn Township Board of Commissioners on the request to a waiver of the landscaping and buffer yards contingent upon the fence being 45 feet back from Grandview Road on the residential side of the property. Motion carried on a 6-0.

Planners Quinn/Baker moved for a favorable recommendation to the Penn Board of Commissioners on the request for a waiver to the sidewalk requirements along Grandview Road due to future road widening. 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.

**P03-30 – MUSTANG POINTE, Mummert Enterprises, 8 Stuart Avenue, Hanover, PA 17331. A preliminary subdivision plan to create 190 new residential building lots. The property is located between Breezewood and Bowman Road in the R-8 zone.** There was no action taken on this plan.

**P04-25 – SOUTH HEIGHTS, J. A. Myers Building & Development, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan submitted to create fifty-nine (59) single-family building lots. The property is located within the southeast intersection of Cooper Road and Westminster Avenue, in the R-22 zone.** There was no action taken on this plan.

**P04-26 –STONEWICKE, J.A. Myers Building Development, 160 Ram Drive Hanover, PA 17331. A preliminary subdivision plan submitted to create one hundred ninety-five (195) single-family residential building lots and one (1) shopping/commercial lot. The property is located west of Baltimore Street between Clover Lane and Grandview Road, in the R-15 zone.** There was no action taken on this plan.

**P06-23 -BROOKSIDE AVENUE TOWNHOUSES, Mummert Enterprises, Inc. 8 Stuart Avenue, Hanover, PA 17331. A preliminary land development plan submitted to construct a seventeen (17) single family attached townhouse unit. The property is located on Brookside Avenue in the R-8 zone.** There was no action taken on this plan.

**P07-27 – STERLING BROWN, 200 High Rock Road, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is located on Youngs Road in the R/C zone.** There was no action taken on this plan.

**P08-20 – PARK HILLS MANOR, N.W. corner of Manor Street and Hammond Avenue, Hanover, PA, 17331. A preliminary subdivision/land development for 9 townhouse units in the R-8 zone.** There was no action taken on this plan.

**P09-10 - AMERICAN HOME CONTRACTORS LLC, Patrick Buhl, P.O. Box #132, Glenville, PA 17329. A final subdivision plan submitted in order to create two (2) residential lots. The property is located at 792-792 Baltimore Street in the Highway/Business Zone.** There was no action taken on this plan.

**P10 – 12 – YORK VILLAGE APARTMENTS, LCL – York Village Associates, L.P., 199 Baldwin Road, Suite 140, Parsippany, NJ 07054. A preliminary/final reverse subdivision and land development plan submitted in order to construct two (2) multi-family dwellings consisting of 15 units total and office building. The property is located on West Alvin Avenue in the A/O zone.** There is no action taken on this plan.

**P12-12 – BREEZEWOOD DRIVE, Crosswinds Associates Development Company Inc., 336 West King Street, Hanover, PA 17331. A final subdivision plan submitted in order to create twelve (12) lots to construct a single-family detached dwellings. The property is located on east side of Breezewood Drive approximately .5 mile south of York Street in the R-8 zone.** There was no action taken on this plan.

**P13-01 – BARESVILLE ELEMENTARY SCHOOL ADDITIONS & RENOVATIONS, South Western School District, 225 Bowman Road, Hanover, PA 17331. A final land development plan**

**submitted in order to construct a library and class room addition to the existing school. The property is located at 135 Stanford Avenue in the R-8 zone.** There was no action taken on this plan.

**P13-02 – GLADE VILLAGE, Trone Rental Properties, Chris Trone, 350 Third Street, Hanover, PA 17331. A final subdivision, land development and consolidation plan submitted in order to construct residential apartments with thirty-one (31) units. The property is located on Bowman Road in the R-8 zone.** There was no action taken on this plan.

**P13-03 – BROOKSIDE HEIGHTS – PHASE I, Paul Burkentine, Brookside LLC, 1500 Baltimore Street, Hanover, PA 17331. A final subdivision plan submitted in order to create fifty-six (56) lots to construct single-family attached dwellings. The property is located south of York Street and east of Brookside Avenue in the R-8 zone.**

Ted Decker, Group Hanover, and Scott Barnhart, Burkentine and Sons represented this case. York County Planning Commission comments have been addressed. They have the signal permit and they are revising the NPDES permit to satisfy the York County Conservation District. They may be requesting a waiver of the residential street lighting requirements so that only every other unit is required to have a residential light. They have added a fire hydrant per the fire chief's comments. They have added finishing some of the streets to phase one so there were no streets that had to be torn up to complete the project. They have been working with the gas company to locate the lines in the area.

Engineer Bortner expressed concern about the proposed driveways and the inability to get landscaping in if there are only one or two feet around the driveway.

The planners did not make a recommendation depending upon the zoning request and the waiver request for the residential lights.

**P13-04 – BARRICK INSURANCE -1401 BALTIMORE STREET, Gerald Funke, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted in order to construct an insurance office. The property is located at the intersection of Baltimore Street and Grandview Drive, southwest corner in the Shopping/Commercial zone.**

The Commission reviewed the plan during the waiver request. York County Planning Commission comments have been addressed.

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

**P13-05 – AQUAPHOENIX SCIENTIFIC, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted in order to construct a manufacturing and warehouse building. The property is located at 12 Industrial Drive in the Industrial Zone.** There was no action taken on this plan.

**P13-06 – HICKORY FALLS FAMILY ENTERTAINMENT CENTER, Jeff Stern, 110 Hickory Lane, Hanover, PA 17331. A final land development plan submitted in order to construct building additions. The property is located at 110 Hickory Lane in the R/C zone.** There was no action taken on this plan.

The meeting adjourned at approximately 10:42 PM.

Respectfully submitted,  
Kristina Rodgers, Recording Secretary