

PENN TOWNSHIP PLANNING COMMISSION  
APRIL 6, 2006

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on April 6, 2006 at the Penn Township Municipal Building. Also present were Planning Members Ray Van de Castle, Wendell Felix, James Butt, Michael Johnson, Fred Marsh and Stede Mummert. Clayton Black was absent with notice. Also present were Township Engineer Bortner and Zoning Officer Menges.

The March 2, 2006 Planning Commission minutes were approved as submitted.

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

**Z06-06 – ED LOOKENBILL, 1108 Baltimore Street, Hanover, PA 17331.**  
**Applicant requests a variance to Section 202.3 (Area and Bulk) to construct a single family dwelling that encroaches into the setbacks. The property is located at 18 E. Granger Street in the R-8 zone.**

Ed Lookenbill represented this request. Mr. Lookenbill would like to construct a single-family home in the R-8 zone. The side setback requirement is twelve feet but the lot is only thirty-six feet wide, which would only allow him to build a twelve-foot wide house. There is an existing two-car garage on the lot. The existing homes on either side of the lot have side setbacks of four feet. If he receives a side setback variance of five feet on each side he could construct a twenty-six foot wide house. Mr. Lookenbill is requesting that the front setback be the same as the neighboring homes, which is about twelve feet with approximately eight feet to the existing sidewalk. He is proposing a porch on the front of the house. The rear will have a thirty-four foot setback. The neighboring duplex faces McAllister Street. The house will be built closer to the property line of the single family home.

Planner Butts moved for a motion to table to next months meeting until a better drawing of the home was provided. The motion failed for a lack of a second.

Planner Mummert moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z06-06 Ed Lookenbill, with the conditions that the house have a six-foot setback on each side, that it would be no bigger than twenty four feet wide, and that the front of porch of the house would not extend farther than the front of the existing houses, which would provide a greater setback than the existing houses. The motion failed for a lack of a second.

Planners Felix/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z06-06 – Ed Lookenbill, requesting a variance to Section 202.3 (Area and Bulk) to construct a single family dwelling that encroaches into the setbacks with the condition that the side setbacks be eight feet, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-2 vote with Planners Butt and Mummert casting the dissenting votes.

**Z06-07 – ERIC & LAVENDA FISCHBACH, 54 Cardinal Drive, Hanover, PA 17331. Applicant requests a variance to Section 203.3 (Area and Bulk) to construct an addition that encroaches into the back setbacks. The property is located in the R-15 zone.**

Eric and Lavenda Fischbach represented this request. The applicants would like to build an addition to extend the living space of their house. They want to add a garage, a bathroom, and a master bedroom. The home is a single-story rancher and they would like to have a rear setback of twenty-five feet. There is an existing 16' x 16' deck off the kitchen. The house is currently thirty-one feet from the rear property line. The side setback will remain twelve feet. The applicant thought that they would meet the front setback but they did not take into account the right-of-way. The plan they have meets their budget constraints but would encroach into the front setback by about eight feet. The yard is fenced in.

Planners Johnson/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing board on case Z06-07 – Eric and Lavenda Fischbach, requesting a variance to Section 203.3 (Area and Bulk) to construct an addition that encroaches into the back setbacks with the stipulation that the addition be built an additional eight feet in the rear setback giving them a rear setback of seventeen feet, but they must maintain the thirty-five foot front setback. The request meets the standards 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.

**Z06-08 – ROBERT & DARLA RIPLEY, 12 Allen Drive, Hanover, PA 17331. Applicant requests a variance to Section 203.3 (Area and Bulk) to construct a front porch that encroaches into the setbacks. The property is located in the R-15 zone.**

Robert and Darla Ripley represented this request. The applicants would like to put a front porch on their house where the existing stoop is. The stoop is about twelve inches from the ground and their elderly relatives and neighbors cannot step up onto it. The stoop was original with the house. They have owned the home for twelve years. There are several other houses in the area that have porches. The porch will enclose the existing window on the front of their house. The porch will extend to the driveway, where there will be several small steps for people to access the porch.

Planners Butt/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z06-06 – Robert and Darla Ripley, requesting a variance to Section 203.3 (Area and Bulk) to construct a front porch that encroaches in the setbacks, 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.

**Z06-09 – MAITLAND INVESTMENT CORPORATION, 925 Westminster Avenue, Hanover, PA 17331. Applicant requests a special exception to Section 204.2 (Use) and an interpretation of Section 204.2 (Use) to construct a roof over an existing patio area for night social functions. The property is located in the R-22 zone.**

D.J. Hart, of Gutherie, Yingst, Nonemaker, and Hart, represented this request. Maitland Investment Corporation owns the South Hills Golf Club but leases it to a management company. They are requesting to be allowed to install a semi-permanent roof over their existing patio. The structure would be permanent from April through October and removed for cleaning and storage in the winter months. The reason for the request is so that they can host functions such as golf outings, wedding receptions and an outdoor restaurant, in addition to providing a place to socialize in the event of inclement weather. Attorney Hart stated that these types of activities have been occurring at the golf course since the late 1960's and that they are accessory uses to a golf course. He stated that they applied for the special exception because of the accessory use and so that they were on record with the Township as to what was going to be happening. They also wanted an interpretation of an accessory use because they are considering hosting an annual wine festival at this site.

Charles Alter, manager of the golf course, stated that they need the tent in order to secure some of their fundraising functions because most golf courses offer indoor dining. They host the Make-A-Wish outing, the Red Cross outing and this year will host the Fat Chuck golf tournament. They are also hoping to host class reunions. The tent is 40' x 50' canvas and is placed over the existing stone patio deck. The supporting structure will remain in place all year long. The deck with the tent can hold about 200 guests. They will also be regulated by the Pennsylvania Liquor Control Board regarding the hours they can serve liquor. It was noted that the liquor license does not allow them to serve alcohol after 2:00 AM. The golf course has been hosting special events for many years but the leasing company just took over in June. Mr. Hart stated that that the golf course existed prior to the enactment of Township ordinances.

Cindy Kelly, 945 Westminster Road, expressed concern about issues she has had with the golf course over the years. She purchased the house in 1972 and knew that she would be living next to a golf course. She is concerned about the hours of operation and the noise that may be created late at night. Dennis Kelly, 945 Westminster Road, expressed concern about private property and the patrons and the golf course infringing on his rights. The Kelly's also stated that the tent exists and has been up for several weeks.

Lee Harget, restaurant manager, stated that he intends to have food served to about 11:00 each night and can provide a special events calendar to the neighbors. He also stated that with regards to parking they have been allowed to use Patty and John's parking lot and in return have offered them the use of theirs for overflow. The golf course also allows some parking along the driveways approaching the clubhouse.

Planners Butt/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z06-09 Maitland Investment Corporation, requesting a special exception to Section 204.2 (Use) and an interpretation of Section 204.2 (Use) to construct a roof over an existing patio area for night social functions with the conditions that the tent be a 40' x 50' tent with music and dinner that is served under the tent to be concluded by 11:00 p.m., as it meets the conditions for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 6-0 vote.

The Planners received the following waiver or exoneration requests:

Homewood Retirement Centers @ Hanover is requesting exoneration from land development requirements to construct additional parking spaces at their new Community Center.

Conrad Peachy, Vice President of Operations, and Sandy Fair, Executive Director represented this request. They are requesting to be allowed to install forty parking spaces at their community center without submitting a land development plan. The parking spaces will be 10'x20' and there are 240 living units at the retirement center. Some of the residents drive to the community center for functions. Homewood owns about 100 acres of property. When they hold events at the community center the area becomes congested and sometimes there is not enough parking for the residents. If they have events where the public is invited they will shuttle the residents so that those visitors can use the parking lot. They have already proposed an additional eighteen handicapped parking spaces closer to the cottages.

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

Brian and Tamara Eisenhart are requesting exoneration from the sidewalk and pole light ordinances at 3026 Grandview Road.

No one was present to represent this request so the Commission moved and approved to table the request until such time as someone is present.

South Western School District is requesting exoneration from land development plans to construct an addition to the existing storage shed on the Park Hills Elementary athletic field.

Tom Hoover, Director of School Facilities, represented this request. He stated that the Park Hills Athletic Association is willing to donate the labor and material to increase the size of the storage shed at the Park Hills Elementary athletic field for the storage of sports equipment. The shed may also be used as a concession stand. The addition, which is 12'x38' will double the size of the building. The athletic association maintains the building but it is located on school property. District officials will be in charge of getting the appropriate permits.

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

Worley Surveying on behalf of J.A. Myers Building and Development is requesting additional waivers to land development plans for the Stonewicke Subdivision project in regards to Section 505d Dead End Street, Section 505e Cul-de-sac streets, Section 506e distance between intersections and Section 509a Lot layout in development.

Pat Buhl, Worley Surveying, represented this request. On Section 505d dead end streets, they are requesting a waiver to install a temporary cul de sac at the end of South Maple Lane just beyond the intersection with Cantera Way. Mr. Buhl stated that at some future date that road

may be extended but it is currently not owned by Mr. Myers. Mr. Buhl stated they would withdrawal the request for 505e cul de sac streets because they have worked out that problem.

Planner Felix stated that he wanted it on the record that he lives in the western section of Grandview Acres and will not be directly affected by the traffic created by this development but he thought that Meadow lane being a through street from Clover Lane to Grandview Road was not a good idea and that it should be reconfigured. The proposed Meadow Lane would connect to existing Meadow Lane in Grandview Acres and run directly to Baltimore Street at the entrance to Grandview Plaza.

The Planners then turned to discussing the proposed entrance into the development. The plan shows only one entrance off of Clover lane and there is concern that if that entrance is blocked, emergency vehicles could not make it into the development. If there were an emergency then they would have to go to Grandview Road to enter the development. The Committee discussed that one of the streets be connected to the Whispering Run subdivision, which would provide an additional access off of Clover Lane. The Committee suggested that Alabaster Street be connected to Pearl Drive. Mr. Buhl stated that he could not make any commitments on the street connection because even though both tracts were owned by the same property owner there are two different engineering firms submitting the land development plans.

The Committee also questioned the status of lot 1, which is shown as a shopping commercial lot. However, under the current Township ordinance most of it is zoned residential.

There was some concern about the traffic impact on Clover Lane, Baltimore Street and Meadow Lane due to this development and the Wal Mart being constructed in West Manheim Township. Some of the traffic from West Manheim may use these streets to avoid the signalized intersections. Also, this may cause a back up from Baltimore Street to Meadow Lane on Grandview Road.

It was noted that the Township is working on installing a signal at the intersection of Clover Lane and Baltimore Street.

The request for Section 506e, distance between intersections, was of some concern to the Planners because it involved about fourteen intersections in the development. Mr. Buhl stated that he might be able to reconfigure Meadow Lane as previously requested and help eliminate some of those distance problems.

They are requesting a variance to Section 509 lot depth for lots number 126, 125 and 36.

The Planners will make a recommendation on the requests once they receive revised plans.

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.

**P02-22 – 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.**

Ted Decker, Group Hanover, and Paul Minnich, counsel for Joseph A. Myers, represented this plan. As per the earlier discussions, the Planners requested that there be a connection from the Whispering Run subdivision to the Stonewicke subdivision. After some discussion about which connection would be best (Alabaster or Cantera) the Committee recommended that it be at Cantera. Mr. Minnich stated that his client had no problem with the connection as long as only a minimum number of lots are lost, preferably only one. After review, it was believed that the connection could be made through lot number 2.

Engineer Bortner stated that the developer has technically addressed his comments for the plan.

The Planners were concerned about other improvements that will be made as a result of the traffic created by the development. Mr. Minnich stated that Mr. Myers has agreed to contribute to the rebuilding of Bair Road to Clover because of the construction equipment that would be utilizing it.

Planners Felix/Marsh moved for a favorable recommendation on P02-22 – Whispering Run to the Penn Township Board of Commissioners with the condition they address a connection street at Cantera Way with the Stonewicke subdivision and that negotiations between Jeffrey Garvick, Township Manager, on the existing Bair Road and Clover Lane improvements are concluded. Motion carried on a 6-0 vote.

**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.

**P03-11 – 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.

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

There was no action taken on this plan.

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

There was no action taken on this plan.

**P03-30 – MUSTANG POINTE, Mummert Enterprises, 8 Stuart Avenue, Hanover, PA 17331. A preliminary subdivision plan to create 190 new residential building lots. The property is located between Breezewood and Bowman Road in the R-8 zone.**

There was no action taken on this plan.

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

There was no action taken on this plan.

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

There was no action taken on this plan.

**P04-25 – SOUTH HEIGHTS, J. A. Myers Building & Development, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan submitted to create fifty-nine (59) single-family building lots. The property is located within the southeast intersection of Cooper Road and Westminster Avenue, in the R-22 zone.**

Pat Buhl, Worley Surveying, represented this plan. He presented this plan for a review of the lot layouts because it had been previously reviewed and there had been some concern. This property used to be owned by the golf course. The plan connects to the Thornbury Hunt subdivision and their street layout has been taken into consideration.

**P04-26 –STONEWICKE, J.A. Myers Building Development, 160 Ram Drive Hanover, PA 17331. A preliminary subdivision plan submitted to create one hundred ninety-five (195) single-family residential building lots and one (1) shopping/commercial lot. The property is located west of Baltimore Street between Clover Lane and Grandview Road, in the R-15 zone.**

There was no action taken on this plan.

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

There was no action taken on this plan.

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

There was no action taken on this plan.

**P05-09 – BON TON PLAZA, Bon Ton Builders, Inc., 1060 Baltimore Street, Hanover, PA 17331. A final land development plan submitted to construct a retail business plaza. The property is located on Baltimore Street/Black Rock Road in the HB zone.**

There was no action taken on this plan

**P05-12 – BAXTER INVESTMETN GROUP, INC., 398 York Street, Suite 5, Hanover, PA 17331. A final add-on subdivision submitted to create (2) residential building lots. The property is located on Woodridge Drive in the R-C zone.**

There was no action taken on this plan.

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

There was no action taken on this plan.

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

There was no action taken on this plan.

**P05-25 – EL GRECO STREET SUBDIVISION, Michael and Christine Small, 820 Hershey Heights Road, Hanover, PA 17331. A preliminary/final subdivision plan submitted to create two (2) single-family residential lots. The property is located at SW end of existing EL Greco Street. Only a small portion is located in Penn Township. The plan is being filed by Berwick Township, Adams County, PA.**

David Stair, Loss Stair Engineering, represented this plan. The plan has been approved by Berwick Township where most of the property is located.

Planners Felix/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioner on P05-25 –El Greco Subdivision. Motion carried on a 6-0 vote.

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

There was no action taken on this plan.

**P06- 02 – MCCLARIN PLASTICS, 600 Linden Avenue, Hanover, PA 17331. A final land development plan submitted to construct an office/plant addition. The property is located on Industrial Drive in the Industrial zone.**

Gerry Funke, Group Hanover, represented this plan. Mr. Funke reviewed the plan that shows employee parking on the west side of the plant or the Sheridan Press side of the plant. There will be a driveway included around the plant for access by the employees for parking and for truck traffic. The plan shows a three phase office and plant addition.

Engineer Bortner’s comments have been addressed.

Planners Van de Castle/Butt moved for a favorable recommendation to the Penn Township Board of Commissioners on P06-02 – McClarin Plastics. Motion carried on 6-0 vote.

**P06-03-EISENHOWER SHOPPING VILLAGE, c/o Scott Malvone, LLC, 496 Eisenhower Drive, Hanover, PA 17331. A final land development plan submitted to construct retail stores and a financial institution. The property is located at 496 Eisenhower Drive in the S/C zone.**

Gerry Funke, Group Hanover, represented this plan. Mr. Funke noted the changes that had been made based upon York County Planning comments, Engineer Bortner’s comments and the Borough of Hanover comments. The plan now shows an internal T-intersection with a three-way stop. There is a connection from the tract to the A.C. Moore parking lot. There will be plantings and shrubs placed around the parking area to help control the light pollution that is caused by the car lights shining onto the street. There has been a fire lane installed to the rear of the facility for fire equipment as per a discussion between both the Township Fire Chief and the Borough’s Fire Commissioner. This lane will also be used by the businesses for deliveries. The garbage for the facility will be collected in a dumpster to the rear corner of the lot. The discussion was that since the village is taxed in Hanover Borough, it would be subject to their zoning regulations.

Engineer Bortner stated that the technical comments have been addressed.

Planners Felix/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on P06-03 Eisenhower Shopping Village. Motion carried on 6-0 vote.

**P06-04 – MANOR STREET FINAL SUBDIVISION, c/o Adam Bixler, 310 Manor Street, Hanover, PA 17331. A final subdivision and land development plan submitted to create two (2) single-family residential lots. The property is located at 326 Manor Street in the R-8 zone.**

Dave Stair, Loss Stair Civil Engineering, represented this case. This is a lot where the existing mobile home was removed and they would like to build a 23'x58'duplex. The house will be set back to prevent construction over an existing easement.

Planners Mummert/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on P06-04 – Manor Street Final Subdivision. Motion carried on a 6-0 vote.

The meeting adjourned at 9:57 p.m.

Respectfully submitted,

Kristina Rodgers, Recording Secretary