

PENN TOWNSHIP PLANNING COMMISSION
APRIL 8, 2009

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on April 8, 2009 at the Penn Township Municipal Building. The regular meeting scheduled for April 2, 2009 was postponed due to a lack of a quorum. Present this evening were planning members Ray Van de Castle, Wendell Felix, Stede Mummert, Paul McAndrew and Fred Marsh. Planners James Butt and Daniel Goldsmith were absent with notice. Also present were Township Engineer Bortner and Zoning Officer John Menges.

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

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

Z09-03 – STEVEN A. SABAKA, 939 Maple Lane, Hanover, PA 17731. Applicant is requesting a variance to Section 203.3 (Area and Bulk) in order to construct an addition to a garage that encroaches into the setbacks. The property is located at 939 Maple Lane in the R-15 zone.

Steven Sabaka represented this request. He would like to construct a 24' x 4' addition to a garage. He provided a plan showing the existing structure plus the addition. The addition will be placed within a foot and a half of the property line in the side setback because of the irregular way the lot is shaped. The encroachment would be at the front corner of the property. There is no encroachment to the rear property line. The garage would be converted from a one-car to a two-car. The Lehigh house (the property closest to the encroachment) sits away from the side property line. Mr. Sabaka spoke with Mr. Lehigh and he appears not to have a problem with the request. The applicant has resided at this property since 1972.

Planners Mummert/McAndrew moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z09-03 Steven Sabaka requesting a variance to Section 203.3 (Area and Bulk) in order to construct an addition to a garage 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 5-0 vote.

Z09 – 04 CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, 4642 Jonestown Road, Suite 200, Harrisburg, PA 17109. Applicant is requesting a variance to Sections 608 (e) (3b) and 608 (e) (5) (Communication, Transmitting and Receiving Facilities) and 204.2 (Use Regulations) and a special exception to Section 310 (Number of Principal Uses on a Lot) in order to construct a communications antenna and equipment building on property located at 550 Beck Mill Road. The property is located in the R-22 zone.

McNees and Wallace attorney Jamie Strong, representing Verizon Wireless, presented this case. Verizon is requesting to utilize the existing silo on the property at 550 Beck Mill Road by attaching antennas to the silo, which will not extend above the top of the existing silo. Access to the facility will be between the buildings where there is an existing access drive. The antennas will be attached to the outer circumference of the silo. The equipment shelter would be tucked in next to the existing farm building. They are trying to utilize the structures that are

there without building new ones. This installation will provide enhanced wireless communication within the Township. Although they are able to use an existing structure, the location of the silo does require a variance of Section 204.2 (Use Regulations) to be allowed to have two uses on the property. The ordinance also requires them to look within a radius of two miles for other places to attach or construct a tower. Section 608 (e) (3b) also requires screening with evergreen trees. Verizon is requesting to provide screening on two sides of the facility since the buildings screen the silo on the other two sides. Section (e) (5) requires that two parking spaces be located within the fenced area. The Verizon technician visits the site about once or twice a month and they are requesting the parking areas be located outside the fence. Section 310 requires a special exception for the number of principal uses on the property. Verizon is requesting an additional use because the property is already used for agricultural utilization and in this zone there is only one principal use allowed. They are specifically asking for the use of a communication facility.

Paul Dugan, independent consulting engineer, testified that the operating range of cell phones varies. In this area it is about one to two miles. In the city, it is about a quarter of a mile. In more rural areas fewer facilities can service a larger area. There are currently no Verizon Wireless base stations in Penn Township. This installation will provide new coverage for areas that are not well served. The existing service within Penn Township is coming from the tower located in Hanover Borough.

David Danner, 666 Cooper Road, testified that part of the revenue he received from Verizon would be used to help maintain the farm. There was some concern about the potential sale of the property to another individual. The lease is for the ground and the silo, which would allow Mr. Danner to continue using the silo. There was discussion about the residential development of portions of the property and if the silo would meet the setbacks. The setback is not currently met because of the way the property was subdivided last year. The silo would have to be maintained until the lease expires. A structural evaluation on the tower has already been done.

Mr. Dugan stated that he is often requested to conduct interference tests. He testified that these are noninterference systems and will not conflict with any existing communications systems. They operate on their own existing frequency and will not interfere with any EMS communications or household appliances.

Rob Fox, consulting engineer, stated that the access drive would be stone. They will have to install a new drive into the parking spaces. The small red building located to the south side of the house is owned by the adjoining property. There will be a utility easement to access the new facility. The utility services will be thirty-six inches deep.

Mr. Dugan reported that they canvassed the area for existing tall structures to install the antennas on. The proposed location is the desired geographic center as indicated on a map he presented. This tower is intended to serve the southwestern section of Penn Township. It will provide coverage to Route 194 and Westminster Avenue. The silo is sixty feet in height. The ground elevation at the site is relatively high. The Hanover tower is located within the two-mile radius of the proposed site location. The bulk of Hanover Borough is covered by the existing facility. The ground elevation of this site is a hundred feet greater than the other site being proposed in the Township. This is the most well suited location to address Verizon's

needs within the Township. The site must work in conjunction with the existing towers in the Verizon Company. They always look for existing structures for co-location. They look for the least obtrusive and most efficient locations.

Mr. Danner testified that this is his father's property and his brother owns the adjacent property. They would like to add property to the commercial section of his property and access the property near Cooper Road. Mr. Danner would have the option of purchasing the property in the event of the death of one of his parents. He does not intend on developing the property on the east side of Beck Mill Road. If any property were developed it would be on the west side. Mr. Danner stated they have thought about putting the property in preservation trust but the church has asked them not to do it. If the property is developed, according to Zoning Officer Menges, the Township would review the silo area and the subdivision and land development plan would need to meet the requirements of the zoning ordinance.

Planners McAndrew/Marsh moved for a favorable recommendation to the Penn Township Board Zoning Board on case Z09-04 Cellco Partnership d/b/a Verizon Wireless requesting a variance to Section 608 (e) (3b) and 608 (e) (5) (Communications, Transmitting, and Receiving Facilities) and 204.2 (Use Regulations) and a special exception to Section 310 (Number of Principal Uses on a Lot) in order to construct communications antennas and equipment building on property located at 550 Beck Mill Road with the stipulation that there is written confirmation that there is no interference, as it meets the requirements for 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 5-0 vote.

Z09 – 05 CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, 4642 Jonestown Road, Suite 200, Harrisburg, PA 17109. Applicant is requesting a variance to Sections 608 (a) and 608 (e) (8) (Communication, Transmitting and Receiving Facilities) and a special exception to Section 209.2 (Use Regulations) in order to construct a communications transmitting and receiving facility on property located at 17 Industrial Drive. The property is located in the Industrial Zone.

Jamie Strong, McNees and Wallace, representing Verizon Wireless, presented this case. This is the second application from Verizon Wireless. They are proposing a new structure, which would be allowed by a special exception. There are no existing structures to utilize on Industrial Drive. They are requesting two minor variances, which include a waiver of the hilltop requirement, which is Section 608 (a) of the Township's zoning ordinance. This area is flat and there are no hilltops in the area. Mr. Strong stated that this is an older provision that does not take into account recent technology. The second variance is for the color of the tower to be painted, which is from Section 608 (e) (8) of the zoning ordinance. The ordinance requires it to be painted to match the environment. If the variance is not granted they will paint the tower. The tower is galvanized and it would be less of a maintenance issue if they were not painted. Section 608 e requires that towers would have lights as required by the jurisdiction. Typically if the FAA does not require the tower to be lit, then Verizon does not light it. The Township's ordinance states that there will be lighting acceptable to the Township if lighting were not required by other agencies. They cannot provide anything other than the normal type of lighting allowed by the FAA. There was some concern about local flights such as the medical helicopters landing in the industrial park. Mr. Strong stated that in a previous case in Cumberland County they contacted Life Lion and they told him they received updates about new towers and they

were not concerned about lighting and they did not care either way. Verizon can do volunteer lighting. It was suggested that Fire Chief Cromer be contacted about the need for a light on the tower for emergency services. A tower is determined to require lights by the FAA if it is over two hundred feet and it is in proximity to an airport. Neither requirement applies to this tower. The property is not currently developed but a plan has been approved for the property. The tower plan has been overlaid on the plan that was presented for access to the property at 17 Industrial Drive. It has been designed to fit in with the property. The antennas will be located on a tower and it will meet the required setbacks. There is landscaping and screening provided.

The plan, if constructed, will decrease the detention pond and there would be no impact on it from the tower site. There will be underground utilities and they have an agreement with the property owner that if they change utilities they will not disturb service. The noninterference studies were also conducted.

There was some additional discussion on the material and maintenance of the towers.

Planners Marsh/Mummert moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z09-05 Cellco Partnership d/b/a Verizon Wireless, requesting a variance to Sections 608 (a) and 608 (e) (8) Communication, Transmitting, and Receiving Facilities) and a special exception to Section 209.2 (Use Regulations) in order to construct a communications transmitting and receiving facility on property located at 17 Industrial Drive, as it meets the requirements for 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), with the stipulation that a non interference certificate is provided. Motion carried on a 5-0 vote.

The Planners received the following waiver or exoneration requests:

Daniel Mathias is requesting exoneration from a land development plan in order to construct and operate a retail garden center at 923 York Street.

Daniel and Kelly Mathias represented this request. They would like to operate a retail garden center at their home. The home was purchased as a “fixer-upper” but they have decided to keep the house and use it for the garden center. Pictures of the home were provided. Mr. Mathias is a self-employed landscaper. He would like to sell bagged material (mulch, stone, etc.) and shade trees along with flowers and shrubs. They need to continue to keep the property somewhat residential for their children. Currently they have a 10’ x 14’ shed but he does not want to add any other buildings. He would like to add some parking and a fence. The access to the property would be from the alley in the rear. Mr. Mathias has maintained the alley since he has purchased the home. They do have a right of way that would allow customers to exit the property on to York Street. The paper delivery person uses the right-of-way. Mr. Mathias will pave as required. The amount of square footage being used for the business will determine the number of parking spaces. The property is located in the highway business zone surrounded by homes. Mr. Mathias stated they removed some of the existing buildings on the property because of safety issues. The business would be located to the rear of the property.

Planners Felix/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on Daniel Matthias requesting exoneration from a land

development plan in order to operate a retail garden center at 923 York Street. Motion carried on a 5-0 vote.

KPI Technology, on behalf of Marks' Auto Body Specialist, LLC, is requesting a waiver to the Landscaping and Bufferyards requirements as listed in the Subdivision and Land Development Ordinance. The property is located at Barnhart Drive.

Jeff Ziegler, KPI Technology, representing Marks' Auto Body, represented the request. The plan was recommended for approval at last month's meeting. A landscaping waiver was previously granted to Flat Works Concrete under a former plan. The new plan included the previously approved waiver of landscaping and bufferyards that was granted to Flat Works Concrete. It was noted that the buffer yards are spotty at best in this area of the Township. Some businesses have them and some do not. There is an outside storage area that is fenced-in which will be turned into a building for storage. The cars for repair will be stored while they are waiting for repair. David Marks, owner of the facility, also represented this request. There is a parking area for completed vehicles and for vehicles waiting to be repaired along with some employee parking. Mr. Marks stated that his business is sporadic with some days the lot being completely full and others it being completely empty except for employees.

Planners McAndrew/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion passed on a 4-1 vote with Planner Felix casting the dissenting 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.

P03-20 - 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.

P07-27 – 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.

P08-14 – 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.

P09-03 – 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.

There was no action taken on this plan.

P09-04 – THORNBURY HUNT – FINAL S/D PLAN LOTS 18 & 19, Wolverine Holdings LLC c/o Tony Forbes, 1060 Baltimore Street, Hanover, PA 17331. A final subdivision plan submitted to create two (2) single-family residential lots in the R-22 zone.

There was no action taken on this plan.

P09- 05 -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.

Jeff Zeigler, KPI Technology, represented this plan. The proposed addition will be used for office space. York County Planning Commission comments have been received. There were some comments with regards to parking for the facility. The employee calculation would require ten parking spaces and the square footage of the building would require six spaces. The most current plan provides ten spaces for the employees. The second comment addresses the number of loading spaces needed for the project. They are providing three spaces. Two years ago when the plan was brought in they were required to do the road improvements along Industrial Drive. They are widening the driveway to twenty-four feet. York County Planning Commission comments and Township Engineer Bortner comments have been addressed.

Planners McAndrew/Marsh moved for a favorable recommendation on this plan to the Penn Township Board of Commissioners. Motion carried on 5-0 vote.

Comments

Gerry Funke addressed the Planners representing Victory Free Will Church. They had a land development plan approved last year but have since decided to change the building configuration. A new plan has been proposed. They have moved the sanctuary to be more in the center of the parking lot. Mr. Funke came to the Township in November about changing the configuration. There were no objections at that time about changing the configuration from the Township. The size of the structure has not changed. They moved the garage on the approved plan, which changed the layout of the approved plan. Zoning Officer Menges felt that it could be submitted as an as-built plan but requested a recommendation from the Planners as to whether or not they wanted to see a new plan. There was some discussion about problems with the storm water detention pond. The building permit application submitted was different from what was on the approved land development plan.

After some discussion about the review between the Zoning Officer and Mr. Funke, the Planning Commission recommended that a new plan be submitted so that all the changes could be reviewed.

The meeting adjourned at 8:54 p.m.

Respectfully submitted,

Kristina Rodgers, Recording Secretary