

PENN TOWNSHIP PLANNING COMMISSION  
MAY 1, 2008

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on May 1, 2008 at the Penn Township Municipal Building. Present were planning members Ray Van de Castle, Dan Goldsmith, Craig Prieber, Fred Marsh and Stede Mummert. Planner James Butt was absent with notice. Also present were Township Engineer Bortner and Zoning Officer Menges.

The April 3, 2008 Planning Commission minutes were corrected on page four on case P03-11 Thornbury Hunt, the motion was made by Planners Butt/Mummert. The minutes were also corrected on page six on case P08-04 Donald B. Smith, the motion was made by Planners Butt/Mummert. The minutes were approved as corrected.

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

**Z08-08 – BARBARA HARTLAUB, 227 Baltimore Pike, Hanover, PA 17331.**  
**Applicant is requesting a variance to Section 202.3 (Area and Bulk) in order to replace an existing mobile home with another mobile home that does not meet the setbacks. The property is located at 112 Fair Avenue in the R-8 zone.**

Barbara Hartlaub and Harry Harrington, contractor, represented this request. Ms. Hartlaub wants to replace the existing mobile home with a newer model mobile home. The current home is 10 feet by 25 feet and the new one could be 14 feet x 70 feet, which would encroach into the side setbacks. The lot is very deep so there is not a problem with the rear setback. The smallest mobile homes that are manufactured now are fourteen feet wide. Most of the lots on this street are between thirty and fifty feet wide. The lot in question is thirty feet wide in the front and thirty-five feet wide to the rear. Zoning Officer Menges stated that on prior replacements of trailers they have tried to keep the front setback were it is currently located. This allows for continuity with the rest of the homes. The side setback on the one side is seven feet from the property line. This side setback will be maintained. The trailer that currently is in place has a cement slab with a roof that is not attached to the ground. The new mobile home will be placed in the same footprint as the existing mobile home. An awning can be placed on the new mobile home as long as it is attached to the mobile home like a canopy. The new mobile home could be between fifty feet and seventy feet long.

Planners Mummert/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z08-08 – Barbara Hartlaub, requesting a variance to Section 202.3 (Area and Bulk) in order to replace an existing mobile home with another mobile home that does not meet the setbacks as it meets the requirements for a variance as set forth in Section 502.3 a) thru f), with the stipulation that the seven foot side setback on the right side be maintained along with the thirty foot front setback. Motion carried on a 5-0 vote.

**Z08-09 – ELLISE AND DENNIS MOYNAHAN, 27 Pigeon Hill Park Road,**  
**Hanover, PA 17331. Applicant is requesting a variance to Section 611a and d (Conversion of Dwelling for Additional Family Members) and a special exception to Section 211.2 (Uses)**

**in order to construct a father living quarters. The property is located at 27 Pigeon Hill Park Road in the R/C zone.**

Ellise and Dennis Moynahan represented this request. Mrs. Moynahan stated that they have built a house and garage on the property. The house is a solar home, which is five feet below grade. The garage is built above grade, which makes it much higher than the house. They want to pour two connecting walls from the side door of the house to the garage. They want to build an in-laws quarters above the garage. The connection from the garage to the house would allow the father to get from his apartment to the home. The garage is not complete constructed yet. The variance is needed because the garage is considered a separate building and a variance to section 611d should not exceed 450 square feet. The in-laws quarters will be 600 square feet. There will be no traditional kitchen in the addition. There will be a living room area, hallway, full bath, and a small kitchen area but no stove. Zoning Officer Menges stated that once the father leaves it cannot be rented out and that each year they must certify with the Township that the father is still living there. The applicants stated that it would be converted to an art studio when her father no longer lives there. The applicants own four and half acres of property that was part of the Elwood Hoffman farm. The new addition will utilize some of the solar power generated by the existing home.

Planners Marsh/Mummert moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z08-09 – Ellise and Dennis Moynahan requesting a variance to Section 611a and d (Conversion of Dwelling for Additional Family Members) and a special exception to Section 211.2 (Uses) in order to construct a father living quarters, 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 a 5-0 vote.

**Z08-10 – RICHARD AND LISA KOONS, 5 Garden Lane, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk) in order to construct a sunroom/patio that encroaches into the rear setback. The property is located at 5 Garden Lane in the R-15 zone.**

Richard and Lisa Koons represented this request. Zoning Officer Menges stated that this house had damage from a tornado several years ago. Zoning Officer Menges then pointed out the homes that also had damage from the same tornado. He then indicated the properties that had previously been to the Zoning Hearing Board with regards to encroachments in the rear setback. One of the properties on Cardinal Drive placed an addition on their home within the last two years. The Koons's stated that they would like to construct a sunroom/patio. The outdoor patio would not have a roof. The rear corner of the sun room would be five feet into the setback but it will gradually decrease to the front of the room where it will only two feet. The neighbor's fence is currently down but there are plans to replace it. There was some discussion about some of the neighbor's deck encroaching into the rear setback. Zoning Officer Menges stated that at one time the Zoning Ordinance allowed for a deck or an above ground swimming pool to be placed in half the rear yard setback. This was changed in the 1990's. The property owners had the house built in 1989. The development was built with the thirty-foot rear setback.

Planners Mummert/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z08-10 – Richard and Lisa Koons requesting a variance to Section 203.3 (Area and Bulk) in order to construct a sunroom/patio that encroaches into the rear

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.

The Planners received the following waiver or exoneration requests:

Hanover Land Services, Inc., on behalf of J.A. Myers Building and Development is requesting a waiver from Article V, Section 505.k (Curbs) of the Penn Township Subdivision and Land Development Ordinance in regards to the South Heights Subdivision. The property is located at Westminster Avenue and Cooper Road.

Reg Baugher, Hanover Land Services, represented this request. Township Engineer Bortner stated that as he understands it PennDOT has sent a memo to the local districts that the department is no longer allowed to spend money on the maintenance of storm sewer. The department is asking the municipalities to do the maintenance. As part of the permitting process PennDOT is having the municipalities sign off so they are aware that they will be asked to maintain these improvements. Mr. Baugher stated that he has a meeting with PennDOT regarding this issue and will be meeting with the Township Engineer in the future to see if there can be some kind of understanding. The Planners indicated they are not making a recommendation on the request at this time.

The Fraternal Order of Eagles #1406 is requesting a waiver from land development plans in order to construct an addition to their clubhouse. The property is located at 105 Park Street.

Nevin Baumgardner, chairman of the Eagles Board of Trustees, represented this request. The purpose of this addition is to expand their kitchen and storage area. They would like to move their three-compartment sink to the outside wall and use the rest of the addition for storage. They are amending their original letter to make the addition ten feet by forty -eight feet rather than eight feet by forty-eight feet. They would like to reduce some of their expense by not having to do a land development plan. Proceeds from the club go to several different charitable organizations, including the Penn Township Police Department's Child Abuse fund and, nationally, to a cancer fund, a heart fund and an Alzheimer's fund. They are a non-profit organization. The storm water runoff from the roof goes into an infiltration stone bed to the rear of the property. The last time a land development plan was submitted was in the late 1980's. The developer of the adjoining lot would have to provide a buffer from their property and this property. Seick Florist previously owned the property. The Eagles no longer own the ball field, as it was sold to the South Hanover Little League.

Planners Mummert/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this request with the stipulation that any future requests would require a land development plan. Motion carried on a 5-0 vote.

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

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

There was no action taken on this plan.

**P02-28 – GATEWAY HANOVER, (formerly Carlisle Crossing) c/o CBL Realty Associates 800 South Street, Ste. 395, Waltham, MA 02453. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.**

There was no action taken on this plan.

**P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.**

There was no action taken on this plan.

**P03-05 – BREEZEWOOD DRIVE PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.**

There was no action taken on this plan.

**P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.**

There was no action taken on this plan.

**P03-11 – THORNBURY HUNT, c/o Wolverine Holdings LLC, John Teel, 1060 Baltimore Street. A preliminary subdivision plan to construct a thirty-eight (38) 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 forty-seven (47) unit subdivision, consisting of 10 duplex, 17 single family attached and 20 multi-family dwellings along Breezewood Drive and Ruel Avenue. The property is located in the R-8 zone.**

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.

**P06-20 – PROPOSED RUTTER’S FARM STORE #6, CHR Corporation, Tim Rutter, 2295 Susquehanna Trail, Suite C, York, PA 17403. A final reverse subdivision and land development plan submitted to construct a convenience store dispensing fuel and a car wash. The property is located south of York Street (SR 116) between Blooming Grove Road (SR216) and Hirtland Avenue in the H/B zone.**

There was no action taken on this plan.

**P06-23 -BROOKSIDE AVENUE TOWNHOUSES, Mummert Enterprises, Inc. 8 Stuart Avenue, Hanover, PA 17331. A preliminary land development plan submitted to construct a seventeen (17) single family attached townhouse unit. The property is located on Brookside Avenue in the R-8 zone.**

There was no action taken on this plan.

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

There was no action taken on this plan.

**P07-25 – HAROLD H. & DARTHEA L. DUSMAN, c/o Alan Dusman, 4204 Grandview Road, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is located at 1050 Beck Mill Road in the R-22 zone.**

Reg Baugher, Hanover Land Services, represented this plan, which was previously before the Planners as a Zoning Case to create a two lots each with one home. Currently there are two homes existing on one lot. York County Planning Commission comments and Township Engineer comments have been addressed. The applicant has been trying to work out the connections for public sewer. They believe they have an agreement with the developers of Martins Ridge to connect to their sewer line, which has not yet been dedicated to the Township. The Township had a situation similar to this in Melbourne Manor where some of the Bankert Road residents wanted to subdivide but did not have access to public sewer but worked with the developer to obtain access. The sewer and water laterals have been installed but not connected.

Planners Van de Castle/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan, on the condition an acceptable sewer agreement is reached for the property. Motion carried on a 5-0 vote.

**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.

**P08-04 – DONALD B. SMITH, INC., Gerald Funke c/o Group Hanover, Inc., 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted to construct a business. The property is located at 450 West Chestnut Street in the Industrial Zone.**

There was no action taken on this plan.

**P08-05 – HANOVER FOODS CORPORATION, 1550 York Road, Hanover, PA 17331. A final land development plan submitted to construct a slurry tank facility. The property is located at York Road, north of Cannery Road in the Industrial Zone.**

Reg Baugher, Hanover Land Services, represented this plan. York County Planning Commission, Penn Township Engineer and Heidelberg Township comments have all been addressed. The property is located in both Penn Township and Heidelberg Township. The storm water pond is constructed so that not only will it hold the storm water it will hold the entire contents of the tank if it would fail. The tank is for the temporary storage of food wastes. The waste will only be held for a maximum period of five months (December through April). Doug Kohlmer, Hanover Land Services, is an environmental engineer and was present to answer

questions. The tank does have a lid on it and the property will be graded so that in case of a failure the material will flow right to the pond. Mr. Baugher stated they are trying to save the pine trees that are in the area. The property is located on York Road near Oil Creek. The owner is concerned about covering the site from public view. The product will be generated by the property owner and will not be from outside sources. The current facility has never been filled to capacity. CET Engineering is handling compliance with the Department of Environment Protection regulations.

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

**P08-06- SWSD SCHOOL BUS DEPOT, Gerald Funke, c/o Group Hanover, Inc., 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted to construct a bus depot expansion. The property is located at 50 Spring Garden Street in the Industrial Zone.**

There was no action taken on this plan.

The meeting adjourned at 8:09 p.m.

Respectfully submitted,  
Kristina Rodgers, Recording Secretary