

PENN TOWNSHIP PLANNING COMMISSION
JUNE 1, 2006

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on June 1, 2006 at the Penn Township Municipal Building. Present were Planning Members Ray Van de Castle, Wendell Felix, James Butt, Michael Johnson, Fred Marsh, Stede Mummert and Gary LeFevre. Also present were Township Engineer Bortner and Zoning Officer Menges.

Chairman Van de Castle welcomed Gary LeFevre as the newest member to the Planning Commission.

The May 4, 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 –11 GLAXO SMITHKLINE, 26 Barnhart Drive, Hanover, PA 17331.
Applicant is requesting a variance to Section 300.3 (Fences and Walls) to erect a fence that exceeds the maximum height. The property is located at 29 Barnhart Drive in the Industrial Zone.

Dennis Kovacevich, 26 Barnhart Drive, represented this request. He stated that his company conducted a security audit of the facilities at 26 Barnhart Drive, and found that the electrical transformer in front of the building was not sufficiently secure. If the transformer would malfunction it could affect the safety of their product because their production requires exposure to air conditioning. The proposed fence would be a six-foot high chain link fence with 12” of barbed wire around the top. There will be privacy slats through the chain link. The enclosed area would be 10’x10’ or 100 square feet and would allow access for repairs. There would be a locked gate in order to access the transformer. The existing building has a total area of 108,000 square feet. The Industrial zone allows a three-foot fence in the front yard.

Planners Marsh/Butt moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z06-11 Glaxo SmithKline requesting a variance to Section 300.3 (Fences and Walls) to erect a fence that exceeds the maximum height because it meets the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried on a 7-0 vote.

Z06 – 12 GERALD & DIANE WENSEL, 72 Lion Drive, Hanover, PA 17331.
Applicant is requesting a variance to Section 203.3 (Area and Bulk) to construct a deck that encroaches into the back setbacks. The property is located in the R-15 zone.

Gerald Wensel, owner, and Les Heggarty, contractor, represented this request. The applicant would like to replace his existing eight-foot deck with a twelve-foot deck. He would also like to install a wood patio that would be partially level with the existing grade. The patio would allow him to place several benches in his yard for guests. There would be a railing around the patio. The property slopes downward making most of it unusable for the residents. The deck would encroach into the rear yard setback and the patio would not meet the requirements of being flush with the existing grade. As there is not much area for entertaining,

most of the lots in this neighborhood are having similar problems and the contractor provided pictures that showed other decks closer to the property lines. The neighbors to the rear and to the right of them had to get a variance to build the garage closer to the property line. He provided a document with the neighbor's signatures showing that they have no problem with the request. The applicant is not able to get equipment to the property to grade and install a retaining wall and if they went with that option they will have to do the work by hand. There will be steps from the deck to the patio to prevent guest from having to walk on the grass. Zoning Officer Menges provided the references in the Township ordinance for patio and the requirements for such. Runoff will still be able to drain around the property with this type of patio. There was some discussion about what the neighbors have in their yards and if they meet the required setbacks. The contractor referenced a gazebo, which has a four-foot setback, but a patio is different because it has to be flush with the ground and have a three-foot setback. Zoning Officer Menges stated that they would be better off installing a retaining wall and making the patio flush with the ground. Mr. and Mrs. Wensel have lived in the house for over fifteen years and the home was built in 1989 or 1990. There is currently a shed on the property that is 8' x 10'. The rear of the property cannot be seen from the road.

Planners Butt/Mummert moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z06-12 – Gerald and Diane Wensel requesting a variance to Section 206.3 (Area and Bulk) to construct a deck that encroaches into the back setbacks, but they need to rethink the patio design as proposed, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-1 vote with Planner Felix casting the dissenting vote.

Z06-13 – GARLAND W. HALTER, 819-819 ½ York Street, Hanover, PA 17331. Applicant is requesting a variance to Section 206.3 (Area and Bulk) to relocate an existing garage that will not meet the current required setbacks. The relocation of the garage is a result of the future installation of a traffic signal. The property is on the corner of York Street and Center Street in the A/O zone.

D.J. Hart, attorney, John Beil, Burkentine and Sons, and Bill Halter, son of Garland Halter, represented this request. Attorney Hart stated that the reason for the request to relocate the garage is due to the proposed development by Burkentine and Sons and the accompanying traffic study that requires improvements to Center Street, which will include a signalized intersection. The garage will be moved from its current location which does not meet the setback requirements, and sits in the existing right-of-way, to a location directly behind the house about three feet from the side and rear property lines. The requirement of this zone is twenty-five feet rear and fifteen feet side setback. The current location of the garage was grandfathered when the first zoning regulations were instituted. There were several proposals presented to the Penn Township Public Works Committee and this is the proposal they were most comfortable with. There will be a driveway installed off of Center Street that will allow off street parking. There will be a buffer installed around the driveway. The applicant will also be giving up some of his property for a right-of-way for the widening of the street and for the curb and sidewalk. There is not a proposed grade change for Center Street. Burkentine and Sons will be building the new garage to the same size and material as the existing garage.

Planners Butt/Mummert moved for favorable recommendation to the Penn Township Zoning Hearing Board on case Z06-13 – Garland W. Halter, requesting a variance to Section

206.3 (Area and Bulk) to relocate an existing garage that will not meet the current required setbacks as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 7-0 vote.

Z06-14 CAPITAL PROPERTY INVESTMENT, L.P., 298 M Street, Harrisburg, PA 17112. Applicant is requesting a variance to Section 639 C (Shopping Center/Mall/Plaza) and a special exception to Section 639 (Shopping Center/Mall/Plaza) to construct a stand alone commercial building and shopping plaza that encroaches into the building setback. The property is located at the corner of Broadway and Hickory Lane in the Shopping/Commercial zone.

Tim Mellot and Gary Gardner represented this request. They are proposing two buildings, a possible bank, and a shopping plaza at the intersection of Hickory Lane and Broadway. They are proposing two uses on the property and that is why they need a special exception and specifically a shopping plaza, which has more stringent rules than a stand-alone building. The proposed shopping plaza would have a setback from Hickory lane of between 67 and 87 feet. It would have a setback from Broadway of 190 feet. They feel they will have a better traffic flow on the lot with the proposed layout. They are proposing access of off Broadway of a right in or a right out of the site. They will have two accesses of off Hickory Lane for truck traffic and deliveries but neither will line up with the miniature golf course access on to Hickory Lane. The property is 5.01 acres so they meet requirement of five acres for a shopping center/mall. If the building had only one use it would only have to be fifty feet back from the street. Mr. Mellot stated that he feels that the intent of the ordinance was to make sure that the building was set back far enough from the main road, which this building is, but not side roads. The stand-alone building is proposed for a Walgreens or possibly a bank. The building is shown at maximum size (10,000 sq. ft.) but if it is something other than a box store it may be smaller. Public utilities are available and they understand that there currently are sewer issues but they are working to resolve them. A traffic study will have to be completed and they will be coordinating with PENNDOT on that study. There will be landscape buffers along the rear of the property near the residential zone. The buffer will be about twenty feet wide. Broadway does have an existing high traffic count of about 1600 trips per day. The rear access is about 160 feet from the intersection of Broadway. This is proposed for truck traffic only. There was concern that the traffic flow from Hickory Lane traverses right in front of the store and may be a hazard to pedestrians because traffic could still be going faster than they should be for a parking lot. There was concern about the trash collection because the dumpsters will be to the rear of the building. This would be to the rear of the residential homes. The Township Fire Chief stated that they needed full access to the building for equipment. The Planners felt that the proposed building along Hickory Lane could be shifted to accommodate the required setbacks. Mr. Mellot stated that this could present an unacceptable situation because one building could be located behind another. There currently is no agreed upon tenant for the stand-alone building. A signalized intersection at Broadway and Hickory may be warranted. Mr. Mellot felt that a signalized intersection would not be necessary but needs the traffic engineer to make that conclusion. Mr. Mellot stated that they will be taking advantage of drive by traffic and they are not creating any new traffic in the area.

Planners Felix/Johnson moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on Case Z06-14 Capital Property Investment, L.P. requesting a variance to Section 639C (Shopping Center/Mall/Plaza) and a special exception to Section 639 (Shopping

Center/Mall/Plaza) to construct a stand alone commercial building and shopping plaza that encroaches in the building setback as it does not meet the requirements for variance as set forth in Section 502.3 a) thru f) and it does not meet the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on 7-0 vote.

Z06-15 – ERIC L. FISCHBACH, 54 Cardinal Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk) to construct a home addition that encroaches into the building setbacks. The property is located in the R-15 zone.

Eric Fischbach represented this request. The applicant had previously appeared before the Zoning Hearing Board for a similar request, which was denied. Since that time a change has been made to the design. The applicant now presents a plan that shows two additions: one on the left that is 7' x 18' and one on the right that is 18' x 38'. Both are thirty-three feet from the front setback line. This would encroach into the front setback by two feet. The existing house is forty feet from the front setback line. The right addition would be ten feet from the side property line and would encroach into the setback two feet. The rear setback would be twenty-eight feet for the new part and the existing house is thirty-one feet from the rear setback. This would be a two-foot encroachment into the setback. The left side addition would be used for a bathroom off the master bedroom and the right addition would be used for a garage and bedroom. The rear of the Fischbach's home cannot be seen from the road because of the adjoining neighbor's fence and hedges. Ms. Fischbach stated that the extra room is for her older children who visit occasionally.

Planners Johnson/Felix moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z06-15 – Eric Fischbach requesting a variance to Section 203.3 (Area and Bulk) to construct a home addition that encroaches into the building setbacks as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 7-0 vote.

The Planners received the following waiver or exoneration requests:

Kenneth E. Martz, Jr. is requesting exoneration from sidewalks and curbing at 783 Blooming Grove Road.

There was no one present to represent this request, so Planners Van de Caste/Butt moved to table the request to next month's meeting. Motion carried on a 7-0 vote.

Keith Fralic, Worley Surveying, is requesting additional waivers to land development plans for the South Heights Subdivision project in regards to Section 505d Dead End Streets, Section 506e Cul-de-sac streets, and Section 509a Lot Layout on behalf of J.A. Myers Bldg. & Development. They are requesting a waiver from the requirement to install a temporary cul-de-sac at both ends of Bentt Lane, Bentt Court, Bottom Road and Boulder Road. They are proposing the roads to dead end at the adjoining property line. Bentt Court and the northern end of Bentt Lane will not connect to the future Thornbury Hunt plan but the remaining two are proposed for future road extensions. They are also requesting a waiver of the 500' minimum distance requirement between intersections. The following areas do not meet this requirement: Bottom Road - Westminster Avenue and Bright Lane 472.04'; Bottom Road - Bright Lane to Bright Lane 413.96'; Bottom Road - Bright Lane to Boulder Road 389.40'; and

Bentt Lane - Boulder Road to Bentt Court 345.39'. They stated that the configuration shown for the South Heights project is due to the layout of the property and environmental features such as streams, limiting the amount of stream crossing and the future connections to the Thornbury Hunt project. They indicated that layout has been reviewed by both Penn Township staff and the Planning Commission and demonstrates the best configuration of the property. They also are requesting a waiver for the requirement that requires the lot depth to be not less than one or more than two and one half times the average width. Several lots exceed this requirement and these include lot 9, lot 61, lot 62, and lot 63. Engineer Bortner stated that it is beneficial to construct temporary cul de sacs onto the adjoining property whenever possible. He was also concerned that the length of the cul de sac could affect liquid fuels funding. There was some concern about the adjoining neighbors because Mr. Danner has expressed that he is not interested in developing his property and Mr. Schrum, the former Fawcett property owner, has not been to any meeting to express an opinion. It was noted that they should change Bentt Court to something else because it would be confusing to have both a Bentt Court and a Bentt Lane.

Planners Felix/Marsh moved for an unfavorable recommendation to the Penn Township Board of Commissioners for a waiver of Section 505d of the Township's Subdivision and Land Development Ordinance and a favorable recommendation to the Penn Township Board of Commissioners for a waiver of Sections 506e and 509a of the Township's Subdivision Land Development Ordinance. Motion carried on a 7-0 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.

P02-23 – 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.

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.

P05-04 – 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 INVESTMENT 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.

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.

P06-06 – PENN TOWNSHIP LOT #7 – HAWK CREEK LABORATORY, Hawk Creek, Inc., 4741 Hawk Hill Lane, Spruce Creek, PA 16683. A final reverse subdivision/add-on plan submitted to add on to existing lot. The property is located at 9 Barnhart Drive in the Industrial Zone.

Gerry Funke, Group Hanover, represented this request. This is a subdivision plan for lot seven in the Industrial Park that is owned by Penn Township but which is bisected by Industrial Drive. The Township is subdividing the eastern portion of the lot from the road and proposing to sell it to Hawk Creek to be added as an integral part of their existing lot. The lot by itself does not meet current regulations. The western half of the lot has not yet been sold but the Township is preparing to open bids shortly.

Planners Felix/Johnson moved for a favorable recommendation to the Penn Township Board of Commissioners on P06-06 Penn Township Lot #7. Motion carried on a 7-0 vote.

P06-07 – HANOVER PACKAGING CO., 8 Barnhart Drive, Hanover, PA 17331. A final land development plan submitted to create an additional parking area. The property is located at 8 Barnhart Drive in the Industrial Zone.

There was no action taken on this plan.

P06-08 – PENN TOWNSHIP LOT #7 – HANOVER PACKAGING CO., 8 Barnhart Drive, Hanover, PA 17331. A final reverse subdivision/add-on plan submitted to add on to existing lot. The property is located at 8 Barnhart Drive in the Industrial Zone.

Gerry Funke, Group Hanover, represented this request. This is a subdivision of a piece of land from lot #7 that was remaining from the construction of Industrial Drive. The piece of property is located south of Industrial Drive between Industrial Drive and Barnhart Drive and will become and integral part of Hanover Packaging Company's property.

Planners Felix/Johnson moved for a favorable recommendation to the Penn Township Board of Commissioners on P06-08 – Penn Township Lot #7 – Hanover Packaging Company. Motion carried on a 7-0 vote.

P06 – 09 – SNYDERS OF HANOVER OFFICE ADDITION, 1350 York Street, Hanover, PA 17331. A final land development plan submitted to construct an office addition. The property is located at 1350 York Street in the Industrial Zone.

There was no action taken on this plan.

P06-10 – HIGH POINTE @ ROJEN FARMS –NORTH, 4175 Hanover Pike, Manchester, MD 21102. A final subdivision plan to create one hundred single family residential lots. The property is located on the north side of Grandview Road, east of Beck Mill Road in the R-22 zone.

There was no action taken on this plan.

P06-11 – LOTS 222 THRU 226 – HIGH POINT @ ROJEN FARMS – SOUTH SECTION, 4175 Hanover Pike, Manchester, MD 21102. A final subdivision plan submitted to create five (5) lots. The property is located on east end of Grandview Road at Joshua Court in the R-22 zone.

This plan was previously approved under another case number and since then York County Planning Commission comments have been received and addressed. Robert Sharrah and James Piet represented this plan. Comments four and five on the plan have changed since the last review. The sewer line on lot 14 has been moved and installed as part of the West Manheim project. Mr. Piet also presented the covenants for the homeowners association, which were recorded on May 1, 2006 and signed on April 24, 2006.

Planners Van de Castle/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners on P06-11 – Lots 222 thru 226 – High Pointe @ Rojen Farms – North.

P06-12 – FAIR HAVENS, Zimmerman Homes, 5760 York Street, New Oxford, PA 17350.
A final land development plan submitted to construct an addition on an assisted living facility. The property is located on 3101 Grandview Road in the R-15 zone.

Gary Trim, Zimmerman Homes, contractor for the project and Eleanor Deck, Fair Haven, represented this plan. Mr. Trim stated that he was not involved with the process when Ms. Deck applied for the special exception and Ed Mort from Group Hanover could not be present tonight to discuss the plan. Mr. Trim stated that they received Fire Chief Cromer’s comments and will have a no parking area as indicated so that fire apparatus can access the facility. The facility will have sprinklers and the plan has been sent to the fire chief. There will be nine new bathroom facilities in the addition and a letter was sent to the Township requesting the appropriate EDU’s. It was suggested that the new lateral be located along Grandview Road. York County Planning Commission comments have not been received.

The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Kristina Rodgers, Recording Secretary