

PENN TOWNSHIP PLANNING COMMISSION
JULY 7, 2005

Chairman Black called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on July 7, 2005 at the Penn Township Municipal Building. Also present were Planning Members Ray Van de Castle, Fred Marsh, Wendell Felix, Michael Brown, Michael Johnson and James Butt. Also present was Zoning Officer John Menges and Engineer Eric Bortner.

The May 5, 2005 and June 2, 2005 Planning Commission minutes were approved as submitted.

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

Z05-22 – CHAD SACKETT, 1308 Baltimore Street, Hanover, PA 17331. Applicant requests a variance to Section 207.2 (Use) to use an existing house for commercial purposes, which was previously approved as residential use only. The property is located in the S/C zone.

Chad Sackett, 1308 Baltimore Street, represented this request. Mr. Sackett stated that he would like to take the house that is currently on his property at 1308 Baltimore Street and change the use from residential to commercial. The property is currently empty. The parking lot is being used for both 1308 and 1310 Baltimore Streets. 1310 is currently being used for Mr. Sackett's chiropractic business. Zoning Officer Menges stated that in 2002 a zoning case was given approval with the stipulation that if the use changed from residential on the house to commercial that Mr. Sackett would have appear before the Zoning Hearing Board for the change. Earlier this year, Mr. Sackett had allowed a mortgage company to utilize the home for their business and Mr. Menges stated that there was a parking problem and Mr. Sackett would need to come back before the zoning hearing board to approve the use. The mortgage company has since left the property. The previously approved land development plan noted that the home would only be used for residential purposes. Discussion ensued regarding what type of recommendation the Planners needed to make.

Mr. Sackett has not yet decided what he intends to do with the property. He stated that some kind of a store was a possibility but he did not want to be a landlord for residents. There are nine parking spaces at 1308 Baltimore Street and two additional parking spaces along 1310 Baltimore Street. Mr. Sackett indicated that has not reviewed the Township's parking requirements to determine what use the property could support.

The Committee suggested that Mr. Sackett develop a plan showing what he intends to do with the property so that the Planners can make a decision about the parking and the other issues associated with a particular use.

Planners Johnson/Van de Castle moved that that this case be tabled to the next Planning Commission meeting. Motion carried on a 7-0 vote.

Z05-23 – MICHAEL & JILL ALTLAND, 65 Lion Drive, Hanover, PA 17331.
Applicant request a variance to Section 203.3 (Area and Bulk) to construct a pool that will encroach into the setbacks. The property is located in the R-15 zone.

Michael and Jill Altland, 65 Lion Drive, represented this request. The applicants would like to construct a 12' x 23' above ground pool that does not meet the rear setback. They are requesting a fifteen-foot variance. They currently have an eight-foot deck off the rear of their house. The applicants purchased the house in 1994 when it was about three years old. There is a problem with the slope of the ground toward the left side of the deck so they are trying to get the pool as close to level as possible. The Planners suggested that the applicants utilize the deck as the poolside to increase the amount of rear setback. There are approximately three other pools in this same area. It was noted that behind the Altland's property is an abandoned alley, which could be quit claimed to pick up about ten feet. The neighbor's fence is on the existing property line.

Planners Johnson/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-23 – Michael and Jill Altland requesting a variance to Section 203.03 (Area and Bulk) to construct a pool that will encroach into the setbacks 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.

Planners Johnson/Marsh amended the motion for a favorable recommended to the Penn Township Zoning Hearing Board that the pool be approved as long as it is built around the existing deck. The amended motion carried on a 5-2 vote with Planners Felix and Black casting the dissenting votes.

Z05-24 – JUDY CHAMBERLAIN, 222 Moore Drive, Hanover, PA 17331.
Applicant requests a special exception to Section 203.2 (Uses by Special Exception) to operate a home occupation. The property is located in the R-15 zone.

Judy Chamberlain, 222 Moore Drive, represented this request. Ms. Chamberlain would like to conduct group exercise classes in her basement. The groups would be made up of 4-6 individuals with no more than six in any given group. The classes would consist of low impact exercises and yoga. She provided pictures of her driveway that shows she can park about five cars. She provided her seven different Pennsylvania certifications for exercise and liability insurance. She has been state certified for ten years. She would operate her business Monday thru Friday about an hour in the morning and an hour in the evening. Ms. Chamberlain has a double car garage. Most of her clients will be previous students and referrals. She will not have any outside signs.

Planners Brown/Felix moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z05-24 – Judy Chamberlain, requesting a special exception to Section 203.2 (Uses by Special Exception) to operate a home occupation, as it does not meet the requirements of for a special exception as set forth in Section 503.3 a) thru e). Motion failed on a 3-4 vote with Planners Brown, Black and Felix casting the favorable votes.

Planners Van de Castle/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-24 - Judy Chamberlain requesting a special exception to Section 203.2 (Uses by Special Exception) to operate a home occupation as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 4-3 vote with Planners Brown, Black and Felix casting the dissenting votes.

Z05-25 – MATTHEW BARNES, 1 Iris Court, Hanover, PA 17331. Applicant requests a variance to Section 203.3 (Area and Bulk) to construct a pool that will encroach into the setbacks. The property is located in the R-15 zone.

Matthew Barnes, 1 Iris Court, represented this request. Mr. Barnes would like to construct an 18-foot above ground circular pool that does not meet the rear setback. He is requesting a ten feet variance for the rear property line. Mr. Barnes purchased the property in August of 2004 and the house is twelve years old but is a corner property. The deck is about three feet off the ground so he will have to have a gated entrance on the deck.

Planners Butt/Brown moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-25 Matthew Barnes, requesting a variance to Section 203.3 (Area and Bulk) to construct a pool that will encroach into the setbacks 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.

The Planners received the following waiver or exoneration requests:

South Westerns School District is requesting exoneration from land development plans for an additional exit drive. The request was withdrawn prior to the meeting and they will be reviewing alternate possibilities.

Group Hanover, Inc., on behalf of Conewago Contractors, Inc., is requesting a waiver from a Traffic Impact Study as recommended on the York County Planning commission comments.

Allen Smith, Conewago Contractors, Inc., represented this request. They would like a waiver of the traffic impact study for their plan at 21 Industrial Drive because they do not yet have a tenant for the two buildings. Given the nature of manufacturing, it could be one of several business uses so it would be hard to predict the traffic patterns that would be generated. He is requesting a waiver until an end user has been identified. He would prefer not want to provide a study that addresses a worse case scenario when that is most likely not what is going to happen. He is marketing the 221,000 square foot building for long-term storage or repackaging similar to Timbar's building on Moulstown Road. The smaller 50,000 square foot building is targeted for manufacturing. They are seeking the approvals now because of the nature of industrial development. Someone who needs a building now is not anxious to wait for approvals to follow. Conewago wants to be able to begin construction as soon as possible after a tenant is identified in order to avoid the problems with a speculative building. There was some concern about what guarantee the Township would have for the waived requirement to be completed

once a tenant was found. Mr. Smith indicated that Conewago would perform the necessary studies once a tenant is identified. He will also have a note put on the plan to that effect.

Planners Felix/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on the traffic study with a note being placed on the plan that if the Township so desires a traffic study once a client is found that the request be initiated before construction begins. Motion carried on a 5-2 vote with Planners Black and Johnson casting the dissenting votes.

McClarín Plastics, Inc. is requesting exoneration from the requirement of land development for additional paving. They want to expand truck access at their facility on 15 Industrial Drive by an additional 1700 square foot area. This request had been previously denied and since then they have resubmitted a sketch for the area.

Dennis Wyatt, Waggnor Construction, Inc., represented this request. He stated that they have removed some of the existing paving to gain truck access to some of the doors. They will be paving 2200 square feet total with about 1100 square feet being new paving and the rest being repaving of the area that was torn out.

There was some discussion about the precedent being set by the Planning Commission to require a land development plan for these requests because of the multiple requests from the same sites. The concern the Planners had was about the numerous requests submitted for a single property. It was noted that in some previously approved land developments there were improvements proposed that were not completed as approved. Without benefit of LD plans, there is no good way to track all the minor improvements. The Planners discussed developing a policy for submittal requests for waivers of land development plans. It was stated that information should be provided that includes the history of the property such as the date of the last approved land development, the age of the buildings on the property and any other data which affects the site. It was suggested that this report be provided to the Planning Commission as part of any request for waiver. It would be up to the applicant to provide this information.

Planners Butt/Felix moved for an unfavorable recommendation to the Penn Township Board of Commissioners on this request. Motion failed on a 3-4 vote with Planners Felix, Butt and Marsh casting the favorable votes.

Planners Van de Castle/Johnson moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 5-2 vote with Planners Felix and Butt casting the dissenting votes.

At this time there was additional discussion regarding the waiver requests. The Planners proposed that the history of the site be presented when a waiver request is initiated that includes when the building was constructed, what improvements have been made to that site, what was approved on the site plan, if there was a site plan, square footage of the existing building, and verification of what has been done. It was requested that staff develop an application or checklist that would be included with the request. The size of the existing buildings along with their construction dates should be included and any previous exoneration that have been

approved. The request should also include an appropriate drawing or map. The Planners expressed frustration over the numerous requests that have been presented and a lack of useful information provided in order to make a recommendation.

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.

There was no action taken on this plan.

P02-18 – MARTIN’S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.

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.

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.

P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 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.

P03-21 – COLUMBIA COTTAGE, c/o Horst Senior Care, 320 Granite Run Drive, Lancaster, PA 17604. A final land development plan to construct a 42 unit assisted living facility. The property is located at 2288 Grandview Road in the R-15 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.

P04-06 – PINE CREEK STRUCTURES, c/o Amos K. Stoltzfus, 34 Quaker Drive, Harris, PA 17938. A preliminary land development plan to create 2 retail business lots. The property is located at Clover Lane and Route 94 and is zoned shopping/commercial.

Reg Baugher, Worley Surveying, represented this plan. Mr. Baugher stated that all the Township Engineer's comments have been addressed. They are proposing to install an office, parking spaces and additional landscaping.

Planners Brown/Butt moved for a favorable recommendation to the Penn Township Board of Commissioners on P04-06 – Pine Creek Structures. Motion carried on a 7-0 vote.

P04-08 – WOODLAND DEVELOPMENT, INC., 130 Carlisle Street, Hanover, PA 17331. A final land development plan to create a mini storage facility. The property is located at Boundary Avenue and Manor Street and is zoned shopping/commercial.

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.

P04-20 – SOUTH WESTERN SCHOOL DISTRICT, 225 Bowman Road, Hanover, PA 17331. A reverse subdivision and land development plan submitted to create ball fields. The property is located at the northeast corner of Bowman Road and Black Rock Road, in the R-15 zone.

There was no action taken on this plan.

P04-21 – ISAAC’S RESTAURANT, Holland Properties, Inc., 751 Frederick Street, Hanover, PA 17331. A final land development plan submitted to allow construction of a restaurant. The property is located at Grandview Plaza Shopping Center and is zoned shopping/commercial.

Doug Littleton, Holland Properties, represented this request. This plan had been previously reviewed and the Planners were waiting on an agreement between Isaac’s and West Manheim Township, which would allow Isaac’s to utilize the Township’s pumping station site for parking. The agreement has now been executed. Isaac’s is allowed to use the lot for parking with the stipulation that Isaac’s would be responsible for the maintenance and any other issues (i.e. curbing and sidewalk) that would arise with the parcel. According to Zoning Officer Menges, the only sign they will be allowed will be on the building. There was some concern about the landscaping. Zoning Officer Menges stated that the original developer of the property was responsible for the landscaping requirements but since then some of the plantings have died and the plan will have to be pulled out and compared to what exists. Some of the plantings had been replanted once. A portion of the plaza is owned by Holland Properties and the remainder owned by Paul Burkentine. Township Engineer Bortner’s comments have been addressed.

Planners Johnson/Brown moved for a favorable recommendation to the Penn Township Board of Commissioners on P04-21 – Isaacs Restaurant. Motion carried on a 7-0 vote

P04-24 – RONALD A & KATHLEEN A. FOREMAN, 1050 Hoff Road, Hanover, PA 17331. A final add-on subdivision plan submitted to create two (2) residential lots. The property is located at Hoff Road and northeast of intersection of Rt. 216, 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.

P05-07 – GEORGE H. & ANNA M. SMIH AND KENNETH & JOAN HARTLAUB, 425 Westminster Avenue and 310 Wirt Avenue, Hanover, PA 17331. A final add-on subdivision plan submitted to create two (2) residential building lots. The property is located at 310 Wirt Avenue/400 Wirt Avenue, in the R-8 zone.

There was no action taken on this plan

P05-08 – BOB MORRIS FURNITURE, 777 Baltimore Street, Hanover, PA 17331. A preliminary land development plan to construct a furniture store/warehouse. The property is located in the S/C zone.

Dave Stair and Dean Hempfing, Loss-Stair Civil Engineering, represented this request. This is the initial review of the plan. There was a recent zoning hearing board decision that allowed the rebuilding of the furniture store that had been destroyed by fire, since the furniture store was a registered non-conformance. At the zoning hearing he requested an expansion of the building within the setback area and a variance to the parking requirements. He testified that if the front parking lot was filled that was a good day for him. The zoning hearing board gave him a favorable approval to reduce the amount of parking to 38 spaces and to rebuild the structure as proposed, including a section which he proposes to square off to make the building even in the rear. There were no additional variances or exceptions given. It was stated that at the previous planning meeting he stated that he was going to leave an area for a truck turn around. There was some confusion about the case that had been presented to the Planning Commission versus what was presented to the Zoning Hearing Board. There were different plans presented at each meeting. The first plan presented at the Planning Commission provided no parking layout but showed the facility, as Mr. Morris wanted to expand it. At the zoning hearing board, Mr. Morris presented a plan that provided 38 parking spaces. In addition the zoning hearing board decision was not clear on the number of parking spaces that were actually approved. There was some concern about stormwater runoff. The applicant is proposing curbing to help alleviate the

problem. Mr. Hempfing conceded that some stormwater management would need to be done. Mr. Stair stated that there is a portion of the property they plan to reseed to offset some of extra building to help alleviate some of the stormwater problems. Currently there is little or no stormwater control. Mr. Hempfing stated that Loss-Stair did not become involved in the project until after it was before the zoning hearing board. There was no defined amount of parking spaces listed in the decision by the zoning hearing board. The ZHB solicitor informed the ZHB that they could include the parking issue with the initial request, as it was read from the transcript of the ZHB meeting.

There was some discussion about the actual use and Mr. Stair stated that some of the building is used for warehouse as described by Mr. Morris. The proposed plan shows nineteen parking spaces. The Zoning Officer stated that, in his opinion, 14 spaces were more than adequate for the store. Zoning Officer Menges stated, however, that warehousing is not a use by right in the S/C zone.

The Planners stated that since the Zoning Hearing Board made no clear decision on the number of parking spaces they should be contacted for a clarification. The letter from the Penn Township Zoning Hearing Board Solicitor to Mr. Morris did not mention the variance to the parking requirements. The transcript for the parking was read and there was still no determination made on the number of parking spaces that the zoning hearing board approved.

The Planners recommended that Planner Johnson and Felix contact the Township Solicitor and then discuss the matter with Zoning Hearing Board Solicitor Baranski. Planner Black was concerned with how many parking spaces are required by the ordinance and not what is requested or needed by the applicant.

York County Planning Commission review comments have not yet been received.

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.

P05-10 – HANNON HOMES - KROUT FARM, c/o John Burkentine, P.O. Box 98 Glenville, PA 17329. A sketch of a subdivision plan to construct a twenty-seven (27) lot residential development. The property is located on the south side of Black Rock Road, east side Friar Run in the R-15 zone.

Reg Baugher, Worley Surveying, represented this request. The plan is a sketch and there is a note on the plan that steep slope disturbance is about twelve to thirteen percent above the five percent listed in the ordinance. The applicants will have to go to the Zoning Hearing Board for a variance but wanted to know the wishes of the Planners before proceeding to the ZHB. There was some concern about the off site improvements on Sonny Street since this will be the main access point. They Planners would like to see improvements within the existing right-of-way. There was some concern about steep slopes on some of the lots and how the Planners

would like to see it addressed. There was concern about the complete removal of all the trees from the site. The Planners wanted to see trees remaining or replanted but did not offer any recommendation as to what the number should be. There was some concern about the layout of the streets. The roads in adjoining developments should be connected but should not be straight through roads, according to the Planners.

Public Comments

James Quinn, 916 Baltimore Street, requested a waiver of the land development requirements for his property. He intends on opening a car lot at the former Henry's Gifts. He is requesting a wavier to pave an additional 2300 square feet for a parking lot. The property has been vacant since the fall of 2003.

Planner Brown/Van de Castle moved for a favorable recommendation to the Penn Township Commissioners on this request. Motion carried on a 6-1 vote.

Zoning Officer Menges stated that York County Planning Commission heard the request for rezoning of a parcel near Baltimore Street by Baker's Dozen. York County recommended denying the request because it is zoned by residential on three sides. The Planning Commission will need to conduct a public hearing on the request and make a recommendation to the Board of Commissioners.

The meeting adjourned at 10:06 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary