

PENN TOWNSHIP PLANNING COMMISSION  
JULY 6, 2006

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on July 6, 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.

The June 1, 2006 Planning Commission minutes were approved as submitted.

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

**Z06-16 – TODD & ASTRID LOPEZ GOLDBERG, 46 Prince Street, Apartment #1, Littlestown, PA 17340. Applicant is requesting a special exception to Section 211.2 (Use) to construct an in-law quarters. The property is located at 110 Charleton Court in the R/C zone.**

Todd and Astrid Goldberg represented this request. Planner Butts noted that the agenda was wrong because it stated Charleston Court and the street is Charleton Court. The applicants would like to build within their home, which is currently under construction, a residence for Mrs. Goldberg's mother. The area would include a kitchen, bathroom, and bedrooms. There is no time frame for when the mother-in-law would move in but until she does they would like to use the space for entertaining. They are requesting that they be allowed to build these facilities as part of the current, original construction of the home. Planner Butts stated that the covenants of the home association for Thornhill do not allow in-laws quarters to be built into the home but can instead be built as a detached guest home. He stated that the neighbors are concerned because this will make it a multi-family dwelling. It was noted that the Township will not be concerned with the covenants or regulations of the home association and that it would be up to that organization to follow their provisions and enforcement procedures. Zoning Officer Menges stated that the Zoning Hearing Board would not consider testimony about the provisions of the home association when deciding the case. The home was designed and proposed to be built with the intent that the mother-in-law would move in at some future date. Mrs. Goldberg stated that it would be used for Youth Group events, which would keep them from the main part of the house. The Planners inquired if the applicants were familiar with Section 611, subsection f, of the Penn Township Zoning Ordinance, which states that at such time as the owner is no longer in residence or the approved family member is no longer an occupant of the unit, the owner shall immediately notify the Township and the unit shall be returned to use as part of the normal single family residence. She stated she saw it and is a little confused by it and will have to cross that bridge when they come to it. They stated they have no intention of renting the facility out when the relative no longer lives there. There is an entrance through the garage and through sliding glass doors in addition to entering through the main home. The Ordinance also requires a parking space. The applicants stated they have a copy of Section 611 of the Penn Township Zoning Ordinance. The Planners noted that the proposed in-law quarters is over the 450 square feet allowed by the zoning ordinance. Zoning Officer Menges stated that the 450 square feet needed to be livable area and that conceivably the area could be more that 450 square feet.

Dr. Anthony Pirrello, 110 Madara Drive, expressed concern because the only way he found out about the request was because the property was posted. He was also concerned because he was not able to see a plan prior to the meeting and from what he had heard about the home there would be a separate entrance and garage for the in-law quarters. He stated that the homeowners association does not allow the in-law quarters and he has been part of several such associations during his life. In many instances after the in-law no longer resides there it is forgotten that the facility cannot be rented out. He did note that the covenants of the association do address in-law quarters and they must be separate from the main house otherwise it makes it a multi-unit facility. The development was approved as a single-family community. Zoning Officer Menges explained what notification the Township provides with regards to zoning requests. He also informed Dr. Pirrello that the plans would be available for review in the Township office on Friday. Planner Felix explained that the Planning Commission is an advisory board to the Zoning Hearing Board. The Zoning Hearing Board will have an attorney present at the meeting to address legal questions and concerns about the information that is presented. Zoning Officer Menges explained the zoning in this particular area of the Township. Dr. Pirrello stated that the zoning secretary informed him that there was a requirement for landscaping in the area. Zoning Officer Menges attempted to explain the requirements for the landscaping on that particular project.

Planners Johnson/Felix moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z06-16 – Todd and Astrid Lopez Goldberg requesting a special exception to Section 211.2 (Use) to construct an in-laws quarters, as meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 6-0-1 vote with Planner Butts abstaining.

**Z06-17 FINCH SERVICES, 515 Frederick Street, 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 in the A/O zone.**

A letter was submitted on July 6, 2006 from Brad Finch, Finch Services, Inc., requesting an extension on case number 06-17 and to be rescheduled for Thursday, August 3, 2006.

Planners Mummert/Marsh moved to reschedule the case for August 3, 2006. Motion carried.

The Planners received the following waiver or exoneration requests:

Snyder's of Hanover, Inc. is requesting a waiver on curbing and sidewalk requirements at their new addition at 1250 York Street.

Mike Scarborough, Nutec Facilities Corp., represented this request. He stated that Snyder's wishes to construct an addition to the rear of their existing facility. If they are required to curb and sidewalk along York street it would be necessary for them to get a PENNDOT permit. They will not be increasing the volume of traffic on their existing driveway. There is some internal sidewalk and curbing within the parking lots and along the accesses to the buildings, in addition to some landscaping.

Planner Felix/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners for a temporary waiver of curb and sidewalk. Motion carried on a 6-0-1 vote with Planner Butts abstaining.

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 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 - 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.

**P06-07 – 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 – 09 – SNYDER’S 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.**

Mike Scarborough, Nutec Facilities Corp., represented this plan. York County Planning Commission comments have been received and addressed. Engineer Bortner stated that his comments and York County Planning Commission comments have been addressed to his satisfaction.

Planners Johnson/Mummert moved for a favorable to the Penn Township Board of Commissioners on P06-09 –Snyder’s of Hanover Office Addition. Motion carried on a 6-0-1 vote with Planner Butts abstaining.

**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.**

Doug Stambaugh, Group Hanover, Inc., represented this request. Engineer Bortner stated that for final plan approval he needs house numbers and bonding for the improvements. The plan does contain the land that will be dedicated to the Township for recreation purposes. The parcel is about 9.1 acres. There are two storm water ponds on the plan as previously shown on a revised preliminary plan. The homeowners association will maintain the storm water ponds. There was some concern about the existing driveways onto Grandview Road and their removal. The new plans that were submitted note the driveways will be removed. There are still off site sewer issues that need to be approved before final approval.

Planners Felix/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on P06-10 High Pointe @ Rojen Farms-North pending the delivery of an improvement bond and the address numbering system being approved by the Township along with sufficient sanitary sewer being available. Motion carried on a 7-0 vote.

Planner Johnson excused himself at this time.

**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 Trimmer, Zimmerman Homes, represented this request. York County Planning Commission and Township Engineer Bortner's comments have been addressed. Mr. Trimmer presented a letter from Township Manager Garvick stating that there currently are 20 edu's available on a first come first serve basis but Mr. Trimmer can not apply for them until he has an approved plan. There was some concern because the driveway and parking area encroach into the neighbor's property. This condition existed when a church previously owned the property. There was some concern about correcting the situation if possible but it is not vitle to the plan.

Planners Felix/Butts moved for a favorable recommendation to the Penn Township Board of Commissioners on P06-12 –Fair Havens pending granting of sewer. Motion carried on a 6-0 vote with Planner Johnson absent.

**P06-13 – CD INVESTORS, A PA General Partnership, 211 Carlisle Street, Hanover, PA 17331. A final subdivision plan submitted to create two (2) commercial /residential lots. The property is located east of Broadway and north of Moulstown Road in the S/C and R-8 zone.**

This is a subdivision of the former Devenor Airport and will create two lots, one residential and the other commercial. The residential portion will be built as an age restricted housing development. There was some concern because part of the one parcel will have about 1.1 acres of shopping commercial and the rest of the parcel will be residential. The parcels will be 36 ½ acres (commercial) and 70 ½ acres (residential) in size. There was concern about the division not being on the zoning boundary but the representative stated that a stormwater pond would be constructed on the extra acre. It was indicated that note number 6 on the plan states that housing is restricted but does not designate which lot.

Commissioner Johnson rejoined the meeting at 8:02.

Planners Marsh/Butts moved for a favorable recommendation to the Penn Township Board of Commissioners on P06-13 – CD Investors. Motion carried on a 7-0 vote.

**P06-14 –CHARLES HARRISON, 1368 Brad Drive, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is located at 1368 Brad Drive in the R-15 zone.**

Dave Stair, Loss Stair Civil Engineering, represented this plan. Mr. Harrison would like to subdivide 1368 Brad Drive into two lots. Mr. Harrison intends to live on the first lot while his brother will live on the second lot. Both lots meet the minimum zoning requirements for lot size. They have received comments back from Wastewater Treatment Superintendent Bill Mahone about the sewer hookups. The plan has been amended to reflect two sewer connections. Engineer Bortner just finished his comments and the creation of a lot on a less than fifty-foot public right of way is a problem specifically because of water and sewer issues. There will be several waiver requests for not improving the street (Brad Drive) and creating a lot not abutting a public street. Engineer Bortner stated that there may be other sewer laterals on Brad Drive but he is not sure how many there may be. The proposed laterals for this subdivision are on Mr. Harrison's property. There is a proposed connection to Brad Drive on the Hannon Homes subdivision from the Kraut farm. Some of the plans show a fourteen-foot right of way for Brad Drive and others show it being ten feet. There are several other properties along Brad Drive until it reaches the Kraut Farm. There was some discussion about creating a fifty-foot right of way. Engineer Bortner stated that they will have to start with zoning and once they get their approval then they would have to get additional waivers from the Board of Commissioners.

Under public comment, Russ Brooks, 2149 Youngs Road, and Kelly and Brian Bossom, 103 Crest Avenue, wanted to discuss P03-20 Baxter Investment Wallen Tract because of the proposed improvements to Crest Avenue near Bowman Road and Baer Avenue. It was noted that a Burkentine sign has been placed on the property but the Township has not received revised plans verifying Burkentine's ownership of the property. Engineer Bortner stated that only a portion of Crest is shown being improved for the development. Engineer Bortner explained the proposed provisions of the plan and the impact they will have.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Kristina Rodgers, Recording Secretary