

PENN TOWNSHIP PLANNING COMMISSION
JULY 5, 2007

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on July 5, 2007 at the Penn Township Municipal Building. Also present were Planning Members Wendell Felix, Michael Johnson, Stede Mummert and Fred Marsh. Gary LeFevre was absent with notice. Also present were Township Engineer Bortner and Zoning Officer John Menges.

The Planning Commission meeting minutes of June 7, 2007 were approved as submitted.

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

Z07-12 – BYRON BANKERT, 111 Hirtland Avenue, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk) to construct a front porch and roof that encroaches into the front setbacks. The property is located in the R-15 zone.

Byron Bankert, 111 Hirtland Avenue, represented this request. The applicant is requesting to extend the existing porch into the front setback. The existing porch is 9 feet by 5 and ½ feet and he is proposing to add an additional twenty-three feet. The porch will have a roof over it. He is requesting to do it now because he is putting a new roof on his house and felt that it would be easier to do it now than in the future. The applicant has lived there for nineteen years and is planning to spend the rest of his life there. The home has two entrances, the front porch and a deck to the rear of the property. There is no entrance from the garage. The deck entrance is hazardous to use when it is raining or snowing. Mr. Bankert provided pictures of a neighbor's house on Hirtland Drive that has a porch similar to the one he is proposing. Mr. Bankert is requesting a front setback variance of two feet which is what the current porch encroaches. The adjoining neighbors' porches are encroaching into the setbacks but were there before the existing ordinance. The house is located where it gets a lot of afternoon sun and this would help alleviate some of the fading they have on the interior of their home.

Planners Butt/Marsh moved for a favorable recommendation on Z07-12 Byron Bankert, requesting a variance to Section 203.3 (Area and Bulk) to construct a front porch and roof that encroaches into the front setbacks, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

Z07-13 – BIAGIO SCAMARDELLA, 186 Panther Drive, Hanover, PA 17331. Applicant is requesting a special exception to Section 407.3a (Replacement) to construct a front porch and roof that encroaches into the front setbacks. The property is located in the R-15 zone.

Attorney Matthew Guthrie, Rock Realtor Ryan Myers, and Biagio Scamardella represented this request. Zoning Officer Menges stated that he is not sure where the address of 199 Center Street came from but it is the property located at Center and York Street that was the former Getty Station. They are requesting to replace one existing nonconformity with another

nonconformity. Mr. Scamardella owns the Brothers Pizza restaurant in McSherrystown. Mr. Guthrie believes that they meet all the requirements for replacing an existing nonconformity. The signs will meet the Township's sign ordinance and there will be exterior lighting on the building. The structure will remain the same on the outside but renovations will occur on the inside. Mr. Guthrie stated that the applicant is proposing to reduce the number of entrances from two onto York and Center Streets to one on each street. He felt that the traffic flow would be less than when it was a convenience store. The restaurant will be open from 11 a.m. to 10 p.m. Monday thru Thursday and 11 a.m. to 11 p.m. on Friday and Saturday. The parking plan on the sketch plan shows nineteen parking spots, which is more than when it was a convenience store. They are not going to have adverse smells and noises but will have an external air conditioner. There is an air compressor on the property that will be removed. There will be no change to the existing storm water. There will be a stove within the restaurant but it will not be a fire hazard. The applicant is proposing a seating capacity of 40 patrons. Restrooms will have to be up to code which means they will have to be handicapped accessible. The building area is 2000 square feet. The proposed parking shows four employee parking spaces to the rear of the property along with the trash dumpster. The restaurant will be carry out plus seating but no delivery. The applicant states that he will have two full time employees and one part time employee. Zoning Officer Menges stated that according to the testimony given by the applicant he would need twenty-two parking spaces. Engineer Bortner stated that all the issues for that property for the Center Street and York Street improvement project have been addressed. There is concern about the tractor-trailers turning from York Street to Center Street riding the curb. There will be small delivery trucks delivering supplies to the business but there will be no tractor-trailers. The applicant will not be applying for a liquor license. The building will have to be brought up to UC Code. Zoning Officer Menges stated that if a favorable motion is made it should include a recommendation for a building layout and a parking layout prior to the request going to the Zoning Hearing Board. Mr. Guthrie stated that they would comply with the Township's zoning ordinance requirements for parking.

Planners Butt/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z07-13 Biagio Scamardella requesting a special exception to Section 407.3a (Replacement) to construct a restaurant, as it meet the requirements for a special exception as set forth in Section 503.3 a) thru e), subject to the request meeting Section 300 subsection 303.1 of the Zoning Ordinance prior to the Zoning Hearing Board hearing the request. Motion carried on a 4-2 vote with Planners Johnson and Felix casting the dissenting vote.

The Planners received the following waiver and/or exoneration requests:

Bently's at the Barn is requesting an exoneration from a land development plan to expand their parking lot. The property is located at 1161 Westminster Avenue.

Matt Cashman, manager of Bently's at the Barn, represented this request. Mr. Cashman stated that they want to add several more parking spaces for the family style restaurant, which they intend to open on Wednesday. They are planning to add a grate in the new parking area to funnel the water to the golf course. Planner Felix noted that the Planning Commission gave a favorable recommendation to the Penn Township Board of Commissioners for a waiver of a plan for an addition onto the building in December. Chairman Van de Castle noted that it is the

Commission's practice to give only one waiver per plan and now they are asking for a second one in less than six months. The Planners are also concerned about the additional water being pushed onto the golf course. Engineer Bortner stated that there was a land development plan done in the 1990's showing the storm water management and he feels that the plan should be modified if changes are going to be made. Zoning Officer Menges informed Mr. Cashman that they would let them know who did the plan if they want to contact them about having it amended.

Planners Van de Castle/Butt moved for an unfavorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 6-0 vote.

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

P01-28 – HIGH POINTE @ ROJEN FARMS (SOUTH), 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.

P02-28 – GATEWAY HANOVER (CARLISE CROSSING), c/o CBL Associates Properties, Inc., 800 South Street, Suite 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, Wolverine Holdings LLC, John Teel, 1060 Baltimore Street, Hanover, PA 17331. 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 - 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.

P03-23 – 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.

P03-30 – 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.

P05-04 – 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.

P05-15 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.

P06-15 – WHISPERING RUN, Joseph A. Myers, 160 Ram Drive, Hanover, PA 17331. A final subdivision plan submitted to create one hundred twenty-five (125) residential lots. The property is located on the east side of Beck Mill Road, north of Grandview Road in the R-22 zone.

Doug Stambaugh, Group Hanover, represented this plan. The plan was previously approved but the developer would like to do it in phases with this being the approval of phase one. Public sewer has been installed and the phased plan has been reviewed by York County Planning Commission and approved. York County comments were received in September 2006. In October 2006 the originally approval was given for this plan. According to Engineer Bortner

the plan is the same except for the phasing, which is being done for the bonding of the improvements and will follow the phasing. The DEP planning module has been approved for this development. The final sewer will need to be inspected by DEP. Lot 126 will be owned by the Homeowners Association.

Planners Felix/Butt moved for a favorable recommendation to the Penn Township Board of Commissioners on P06-15 – Whispering Run with construction pending final sewer approval. Motion carried on a 5-1 vote with Planner Van de Castle casting the dissenting vote.

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.

P06-26 – MARTINS RIDGE SUBDIVISION, Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final subdivision plan submitted to create twenty-three (23) single-family residential lots. The property is located on Beck Mill Road in the R-22 zone.

Reg Baugher, Hanover Land Services, represented this plan. Mr. Baugher stated that they have received DEP planning module approval and felt that Engineer Bortner’s comments have been addressed. Engineer Bortner stated that Doug Gent, attorney for the developer, attended the Public Works Committee meeting about certain outstanding issues with the plan. He stated that there was concern about the status of lot 22 and the maintenance of the storm water retention pond on the property. Mr. Bortner stated that a conference call was going to be held between Mr. Gent, the Township Solicitor, and the Township Manager. Engineer Bortner explained that the Solicitor is concerned about one owner being able to maintain the storm water management pond. Commissioner Felix further tried to explain the position of the Solicitor and the Township on this pond and the widening of Beck Mill Road. DEP has approved the planning module for this plan. Mr. Baugher stated that he is looking for conditional approval. Engineer Bortner stated that his comments have been addressed. A discussion ensued about the maintenance of the storm water pond on lot 22 and who would maintain it if it is not sold. It was noted that in some developments (Hall Estates) the storm water retention ponds are maintained by the Home Owners Association.

Planners Butt/Felix moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan subject to the approval by the Township Manager and Township

Solicitor on the outstanding issues including the maintenance of the storm water pond on lot 22. Motion was denied on a 2-4 vote with Planners Johnson, Marsh, Van de Castle, and Mummert casting the dissenting votes.

P07-07 – 150 BROOKSIDE AVENUE FINAL SUBDIVISION, Michael J. and Luann Hufnagle, 1009 York Street, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is located at 150 Brookside Avenue in the R-8 zone.

There was no action taken on this plan.

P07-10 – 735 FREDERICK STREET LAND DEVELOPMENT PLAN, Bon-Ton Builders, Inc., 1060 Baltimore Street Hanover, PA 17331. A final land development plan submitted to construct a multi-family attached residential dwelling unit. The property is located at 735 Frederick Street in the A/O zone. (Replacement for P03-29).

There was no action taken on this plan.

P07-11 – SOUTH HEIGHTS MANOR, L.P., 107 Little Bridge Road, Hanover, PA 17331. A final add-on subdivision plan submitted to create three (3) single-family residential lots. The property is located on the southeast corner of Cooper Road and Westminster Avenue in the R-22 zone.

There was no action taken on this plan.

P07-12 – AVION – PHASE 1, Burkentine and Sons Contractors, Inc., 1564 Baltimore Street, Hanover, PA 17331. A final subdivision plan submitted to create two (2) single-family residential lots. The property is located on the southeast corner of Blooming Grove Road in the R-40 zone.

There was no action taken on this plan.

P07-13 – 601 WEST CHESTNUT STREET, SLW Limited Partnership, 601 W. Chestnut Street, Hanover, PA 17331. A final land development plan submitted to construct a paved parking area. The property is located in the Industrial Zone.

There was no action taken on this plan.

P07-16 – FINAL SUBDIVISION PLAN ROMAINE GARDNER, 1205 Grandview Road, Hanover, PA 17331. A final subdivision plan submitted to create two (2) industrial lots. The property is located at Industrial Drive and Gitts Run Road in the Industrial and R-40 zone.

Doug Stambaugh, Group Hanover, represented this plan. This is a resubdivision of a 2001 subdivision. The property is located along Industrial Drive and Gitts Run Road. They are proposing to subdivide the property along Gitts Run road which will create lot 1 which is

Industrial and the remaining portion of the property will be joined with lot 4 which is Agricultural. York County Planning Commission comments were received on June 5, 2007 and Township Engineer Bortner's comments have been addressed.

Planners Mummert/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on P07-16. Motion carried on a 6-0 vote.

P07-18 – 877 YORK STREET, LLC, c/o W. Claymore Sieck, 311 East Chase Street, Baltimore, MD 21202. A final add-on subdivision plan submitted to create three (3) residential lots. The property is located at 877 York Street in the R-8 zone.

Reg Baugher, Hanover Land Services, represented this request. York County Planning Comments have not been received. This is located along the Brookside Heights development, and was previously subdivided. They are requesting to add the parcel that was subdivided back to the parcel where the old Hanover Klondike building is located. There will be a small parcel of land owned by Zumbrum, which is a separate parcel improved with a one-car garage.

Planners Johnson/Van de Castle moved to hold off on a recommendation until York County Planning Commission comments are received. Motion carried on a 5-1 vote.

P07-19-VICTORY FREEWILL BAPTIST CHURCH, 25 Breezewood Drive, Hanover, PA 17331. A final land development plan submitted to construct an addition. The property is located in the R-8 zone.

There was no action taken on this plan.

The meeting adjourned at 8:15 PM

Respectfully submitted,

Kristina Rodgers, Recording Secretary