

PENN TOWNSHIP PLANNING COMMISSION
JULY 3, 2008

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on July 3, 2008 at the Penn Township Municipal Building. Present were planning members Ray Van de Castle, Dan Goldsmith, Craig Prieber, Fred Marsh, and Stede Mummert. Planner Paul McAndrew was absent with notice. Planer James Butt was absent without notice. Also present was Zoning Officer Menges.

The June 5, 2008 Planning Commission minutes were approved as submitted.

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

Z08-13 – GORDON WAREHIME, JR., 560 Blooming Grove Road, Hanover, PA 17331. Applicant is requesting a variance to Section 205.3 (Area and Bulk) in order to construct a garage that encroaches into the side setbacks. The property is located at 560 Blooming Grove Road in the R-40 zone.

Gordon Warehime, Jr. represented this request. He would like to build a garage at the end of his existing driveway but will not meet the side setback by 11 ½ feet. If he relocates the garage any further away from the property line it will be over his septic area. Mr. Menges described the layout of the property, where the septic and drain field are located, and the minimum space he would need to access the area to make repairs. Menges noted that there is a sight distance problem at his driveway when Mr. Warehime pulls onto Blooming Grove Road. It is difficult to see in a southerly direction unless the vehicle practically pulls out onto the street. Mr. Menges stated it did not matter what type of vehicle one drove, the sight distance was still a problem. This means that vehicles cannot back out onto Blooming Grove Road but must pull out on to the street. The garage will be eighty feet from Blooming Grove Road and about fifty-one feet from the house. There is a fence around the property. The garage will be 32'x 24'. The existing driveway has enough room to park three cars.

Planners Mummert/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z08-13 Gordon Warehime, Jr., requesting a variance to Section 205.3 (Area and Bulk) in order to construct a garage that encroaches into the side setback, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-0 vote.

Z08-14 – DAVID W. BARNHOUSE, 564 Blooming Grove Road, Hanover, PA 17331. Applicant is requesting a variance to Section 205.3 (Area and Bulk) in order to construct a garage that encroaches into the setbacks. The property is located at 564 Blooming Grove Road in the R-40 zone.

David Barnhouse represented this request. He would like to build a garage to the rear of his property which measures 24'x 24'. His rear and side setbacks would only be 12 feet and not the 30 and 25 feet respectively that are required by the Ordinance. Mr. Barnhouse accesses his property from a driveway located off of Slaughter House Road. He stated that he could come forward with the garage about six feet but because of the location of the drain field he cannot

come any farther forward. There is also a shed on the property. Zoning Officer Menges recommended an 18-foot rear setback as opposed to a 12-foot rear setback. This would allow Mr. Barnhouse 10 feet in which to access his drain fields.

Planners Mummert/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z08-14 – David Barnhouse, requesting a variance to section 205.3 (Area and Bulk) in order to construct a garage that encroaches into the setbacks, with the stipulation that the rear setback be eighteen feet and not twelve, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-0 vote.

The Planners received the following waiver or exoneration requests:

Vincent P. Pisula, III is requesting exoneration from development of South Franklin Street as a proposed public street and requests a private access or private street owned by a homeowners association. The property is located at the rear of 955 Baltimore Street.

Paul Pisula and Attorney Matthew Guthrie represented this request for the undeveloped property located to the rear of Parkville Fire Company on Baltimore Street. There is a street between the parcel and the fire hall that already has some of the radiuses needed for improvement. There is a potential for five lots with four being on the undeveloped side of the existing street and the other being on the same side as the fire hall. The property, if subdivided, would go straight to a final land development plan. There is sufficient area to construct a dedicated street until the end of the property is reached. There was some discussion about an alley that used to be there but is no longer being used. The existing street through the property was Quit Claimed by the fire department by two different actions. There is a portion of the “street” that is not a dedicated public street and whose ownership is in question. The portion owned by the fire company is what Mr. Pisula would like to make a private street owned by a homeowners association. There is a property that has access from Clover by two alleys that enter onto Centennial Avenue and Clover Lane. Mr. Pisula stated that if he would be required to install a road that meets township specifications the proposed development would be cost prohibitive. The Planners were concerned about fire equipment being able to access the new development because the current access from Baltimore Street may become private when the firehouse is sold. The Planners suggested that the street be constructed to Township specifications but requested additional information about the small portion of the alley that does not belong to the fire company.

Planners Van de Castle/Mummert moved to table this request. Motion carried on a 5-0 vote.

J. Michael Brill and Associates, Inc., on behalf of South Hanover Partners LP is requesting waivers from the following: Article IX-13 (Existing Impervious Surfaces) of the Stormwater Management Ordinance and Article IV Section 402, 403, 404, and 405 of the Penn Township Subdivision and Land Development Ordinance on their Land Development Plan for Redevelopment of South Hanover Shopping Center.

Doug Gossick, J. Michael Brill and Associates represented this request. They are first requesting a waiver regarding the existing impervious surfaces of the Township’s storm water management ordinance. They stated the site is already developed and has existing storm water

management facilities. They are proposing modifications to the existing storm water management basin along with a reduction of impervious area on the site, which will result in reduced post development flows. They are proposing to remove all the old buildings except for the current Giant Foods facility. The new Giant Foods building will be an 87,000 sq. ft. two-story facility with room for expansion. The existing 60,000 square foot strip will be replaced with a 30,000 square foot facility with the possible expansion of 4,800 square feet. The existing 13,000 square foot building will be replaced with a bank pad and restaurant that will be a maximum 7,000 square foot building. The net loss will be between 5,200 and 7,000 square feet of building depending upon the size of restaurant pad. It is intended to reduce the impervious coverage on the lot by 2.7%. They will be increasing the number of parking spaces by four. There is parking proposed to the rear of the new Giant Foods and between the two new buildings but it is less parking than what is currently there. Mr. Gossick stated that the original plan showed five additional parking spaces but, in response to comments from the Fire Chief, they eliminated one of those spaces. They are increasing the total parking from one parking space for every 240 square feet of floor area to one parking space for every 229 to 232 square feet of floor area.

Mr. Gossick stated they are also requesting a waiver of Article IV, 403 Feasibility Report on Sewer and Water Facilities of the Subdivision and Land Development Ordinance. The lot is currently developed and is serviced by both public water and public sewer.

The third request is for a waiver of Article IV, 404 Environmental Impact Studies of the Subdivision and Land Development Ordinance. The site is an existing shopping center. There are numerous studies in this section they would like to be exonerated from. They are providing a traffic study as a result of a commitment made during the approval process for the fuel island. A Sensitive Natural Resources map has been submitted as part of the soil erosion and sediment pollution control application to the York County Conservation District. The redevelopment of the shopping center remains fairly consistent with existing conditions, slightly relocating out parcel tenant buildings within the parking field. Mr. Gossick covered the numerous studies that are in the section. They will be going through PHMC as part of their NPDES permit application process. Mr. Gossick reviewed the five drainage areas that are currently on the parcel. Four of the sites are direct discharge sites and do not have storm water management as the site exists. With the regrading of the site and the reconfiguration of the storm water management system, all four sites will either maintain the same or see substantial reductions in runoff. The more critical area is the Baltimore Street area, which is going to be reduced because of the increase of green space. There was some concern about where the run-off water to rear of the facility goes. They are increasing the basin in this area. They provided a grading utility plan that showed the increases in the basin areas and other improvements to the retention areas. Zoning Officer Menges noted that there is a drainage flow problem from this site down Baltimore Street to Baer Avenue across Bowman Road. The improvements being shown will reduce the water flow down the inlet by forty percent. Zoning Officer Menges stated there have been no complaints about the rear storm water basin.

The final request is for the final plan requirements and the sheet size. They are requesting to submit the plan on sheet size 30" x 42" which will provide more clarity when reviewing the plan. They are using a fifty-scale plan. Zoning Officer Menges stated that he does not like larger plans but does like being able to see the plan without a large number of match lines.

There was some discussion about the Giant Foods gas station that has been opened and how the vehicles are accessing the property.

Planners Mummert/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on the requests made by J. Michael Brill Associates, Inc. Motion carried on a 5-0 vote.

Baummer Sawmill is requesting exoneration from a land development in order to construct a stamped concrete area. The property is located at 34 Industrial Drive.

Tony Baummer represented this request. Mr. Baummer would like to install a stamped concrete area that is currently partly impervious. He has spoken to Loss Stair Civil Engineering about a land development plan but it will take a while to develop the plan. He has constructed a new shop area where this pad is located. Zoning Officer Menges stated that the land development plan must be completed and presented to the Township before any other work is completed. Some of the out buildings were removed and replaced with newer buildings. Mr. Baummer does not live in the house. The area of the property is about five and one half acres. Zoning Officer Menges stated that the addition would not create any storm water problems. Zoning Officer Menges stated there is a wetland area where the storm water runoff terminates.

Planners Van de Castle/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this request with the condition that no additional improvements are constructed without a land development plan. Motion carried on a 5-0 vote.

Nutec Design Associates, Inc., on behalf of Shipley Fuels, LTD and Shipley Family Limited Partnership is requesting waivers from Article IV-Section 402 (Preliminary Plans), Section 505K-1 (Sidewalks) and Section 605 (Landscaping) of the Penn Township Subdivision and Land Development Plan for Arby's and Tom's Convenience Store.

Joe Lichtenger represented this request. He stated they would like to withdrawal the request for a waiver of the sidewalk. The project is located at the northeast corner of the intersection of Grandview Road and Baltimore Street. It currently is a Tom's convenience store. They will be demolishing two single-family residences and the existing store. They will construct a new Arby's restaurant and Tom's convenience store with fuel pumps. They are requesting a waiver of the preliminary plan and landscape buffer requirements. Sixty percent of their buffer is able to meet the requirements of the ordinance but about forty percent will not because they only have an eight-foot buffer. They have a retaining wall with a six-foot fence on top of that and a six-foot strip of plantings. Baltimore Street is zoned Shopping Commercial while the property adjacent to this one along Grandview Road is zoned Residential R-15. Zoning Officer Menges stated that the plan has been revised to help the traffic situation. He stated that the police department does have a problem with the proposed plan regarding traffic flow along Grandview Road but the plan helps the traffic movement along Baltimore Street. The adjacent alley is not long enough to move the traffic farther down on Grandview. They are reducing the number of access drives along Baltimore Street. They have designed the driveway to be thirty-five feet farther from the intersection of Baltimore and Grandview and have raised it by two feet. There will be one-way traffic around the area of the drive through. Zoning Officer Menges stated that the proposed buffer is much better than what is along the eastern portion of

the lot. There is only a six-foot wooden fence there now. They will need to get a Highway Occupancy Permit from PennDOT for the change of entrance. Township Engineer Bortner has not reviewed the plan.

Planners Van de Castle/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners on these requests pending review of the Township Engineer's comments and approval. Motion carried on a 5-0 vote.

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

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

There was no action taken on this plan.

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

There was no action taken on this plan.

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

There was no action taken on this plan.

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

There was no action taken on this plan.

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

There was no action taken on this plan.

P03-15 – 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 - WALLEN TRACT APARTMENTS/SOUTH WEST CROSSING, c/o Paul Burkentine, 330 Dubs Church Road, Hanover, PA 17331. A final land development plan to create a forty-eight (48) unit, multi-family complex on the corner of Baer Avenue and Bowman Road. The property is located in the R-8 zone.

There was no action taken on this plan.

P03-30 – MUSTANG POINTE, Mummert Enterprises, 8 Stuart Avenue, Hanover, PA 17331. A preliminary subdivision plan to create 190 new residential building lots. The property is located between Breezewood and Bowman Road in the R-8 zone.

There was no action taken on this plan.

P04-18 – PIGEON HILL PARK, Joan B. McAnall, P.O. Box 234, Hanover, PA 17331. A sketch of a subdivision plan to construct a thirty-six (36) lot residential development. The property is located on Pigeon Hill Park Road to High Rock Road, in the R-40 zone.

There was no action taken on this plan.

P04-25 – SOUTH HEIGHTS, J. A. Myers Building & Development, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan submitted to create fifty-nine (59) single-family building lots. The property is located within the southeast intersection of Cooper Road and Westminster Avenue, in the R-22 zone.

There was no action taken on this plan.

P04-26 –STONEWICKE, J.A. Myers Building Development, 160 Ram Drive Hanover, PA 17331. A preliminary subdivision plan submitted to create one hundred ninety-five (195) single-family residential building lots and one (1) shopping/commercial lot. The property is located west of Baltimore Street between Clover Lane and Grandview Road, in the R-15 zone.

There was no action taken on this plan.

P05-15 AVION, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan submitted to create nineteen (19) single-family residential building lots. The property is located on the corner of Bankert Road and Blooming Grove Road in the R-40 zone.

There was no action taken on this plan.

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

There was no action taken on this plan.

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

There was no action taken on this plan.

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

There was no action taken on this plan

P07-27 – STERLING BROWN, 200 High Rock Road, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is located on Youngs Road in the R/C zone.

There was no action taken on this plan.

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

There was no action taken on this plan.

P08-07 – ARBY'S AND TOM'S CONVENIENCE STORE, Shipley Fuels LTD, 415 Norway Street, York, PA 17405. A final subdivision plan submitted to construct a fast food restaurant. The property is located at 1340 Baltimore Street in the Shopping/Commercial zone.

There was no action taken on this plan.

P08-08 – ARBY'S AND TOM'S CONVENIENCE STORE, Shipley Fuels LTD, 415 Norway Street, York, PA 1405. A final land development plan submitted to construct a fast food restaurant. The property is located at 1340 Baltimore Street in the Shopping/Commercial zone.

There was no action taken on this plan.

P08-09 – REDEVELOPMENT OF SOUTH HANOVER SHOPPING CENTER, South Hanover Partners, LP, 120 North Pointe Boulevard, Suite 201, Lancaster, PA 17601. A final land development plan submitted for redevelopment of existing shopping center. The property is located at 743-845 Baltimore Street in the Shopping/Commercial zone.

Doug Gossick, J Michael Brill Associates, represented this plan. They reviewed the items covered with the waiver requests. He also reviewed the change in accesses within the development and to Baltimore Street. The main access drive is signalized and they have

increased the access drive to two hundred feet before there is an internal intersection. This segregates the entrance from internal parking areas. The driveway will maintain the current width and they will stripe the lanes for turning. There will be one-way traffic around the proposed restaurant pad. The layout will allow a right hand or left hand turn for truck deliveries rather than the current figuration. There will only be access points to the restaurant and bank from the secondary access drives. John Sites, TRG, was present to discuss the traffic patterns. He recommends keeping the current access points. He conducted the traffic study based upon the square footage of the current buildings and the proposed clients coming to the site. The study supported maintaining the four access points and reconfiguring the traffic signal timing based upon use. The safety at the intersection has been very good, overall. They reviewed the intersections that are used to access the gas station and there has not been an accident at those intersections. He stated that the current configuration of the gasoline station area for access should be maintained because it is working. If they reconfigure the accesses they feel the safety of the site will be compromised. Mr. Sites provided a plan showing proposed changes in the accesses, which would compromise the flexibility of the traffic through the site. By restricting lanes it creates choke points in the site. Zoning Officer Menges stated he saw no reason to change the access points at the gas station.

There was some discussion that any excavation of the area may result in artifacts from Forest Park being found.

It was noted that York County Planning Commission would not review the plan because it is a demolition and rebuild.

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

The meeting adjourned at 8:51 p.m.

Respectfully submitted,
Kristina Rodgers, Recording Secretary