

PENN TOWNSHIP PLANNING COMMISSION
JULY 1, 2010

Vice Chairman Paul McAndrew called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on July 1, 2010 at the Penn Township Municipal Building. Also present were planning members David Quinn, Fred Marsh Wendell Felix, Stede Mummert, and Daniel Goldsmith. Ray Van de Castle was absent with notice. Also present were Township Engineer Eric Bortner and Zoning Officer John Menges.

The June 3, 2010 Planning Commission minutes were approved as submitted.

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

Z10-06 – JAMES JASON DEAL, 2061 Grandview Road, Hanover, PA 17331. Applicant is requesting a variance to Section 611D (Conversion of Dwelling for Additional Family Members) in order to construct an additional dwelling unit for family members that exceeds the maximum square footage. The property is located at 2061 Grandview Road in the R-15 zone.

James Deal and Tim Fuhrman represented this request. Mr. Deal would like to build in-law quarters for his mother-in-law. They are requesting a variance of thirty square feet over the maximum allowed by the ordinance. He is requesting a 20' by 24' addition to the home, which makes the addition 480 square feet instead of the 450 square feet allowed by the ordinance. They will install a handicapped walkway adjacent to the house. There will be a separate entrance into the addition, which will be located on the right hand side of the house. They are not encroaching into any of the setbacks. They are building the addition so that it is handicapped accessible and that is why they need the additional square footage. The applicant needs to certify each year that the mother-in-law or some family member is living in the unit. If the home were no longer be used as an in-laws quarters it would need to be converted back into a single-family dwelling unit. Mr. Fuhrman stated that the addition is being designed so that the new kitchen can be easily converted, along with the existing kitchen, back to one kitchen facility.

Planners Mummert/Marsh moved to for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z10 -06- James Jason Deal, requesting a variance to Section 611D (Conversion of Dwelling for Additional Family Members) in order to construct an additional dwelling unit for family members that exceeds the maximum square footage, as it meets the requirements for a variance as forth in Section 502.3 a) thru f). Motion carried on 6-0 vote.

Z10-07 - MICHEAL S. AND CHRISTINE L. COOPER, 848 Baltimore Street, Hanover, PA 17331. Applicant is requesting a special exception to Section 407.3 (b) (Replacement) and Section 634 (Replacement of Nonconformity by another Nonconformity) in order to replace an existing shed with an addition that encroaches into rear setbacks. The property is located at 848 Baltimore Street in the H/B zone.

Attorney Scott Strausbaugh, Becker and Strausbaugh, represented Mr. and Mrs. Cooper on this request. This request had been before the Commission previously but was denied by the Penn Township Zoning Hearing Board. They are proposing to remove an existing 150 square foot metal shed and an 870 square foot shed and replacing them with a shed that is 960 square feet that will be located 17' from the rear property line. They are decreasing the dimensional nonconformity but it will still be a

nonconforming structure. They are also reducing the amount of building square footage on the property. There will be no additional signage or lighting on the property. It will be a new building with fresh paint, which will improve the appearance of the property. They are increasing the space where Mr. Cooper does his work. Some of the vehicles have to be worked on outside of the building and with the addition he will be able to work on larger sized vehicles in an enclosed area. This will help reduce the noise being created on the property and there will be no additional traffic created by this project. There will be additional landscaping on the property with the shed addition. There is a side setback that is not met and they will be extending that side setback but increasing the rear setback. Mr. Strausbaugh stated that the neighbor to the rear does not have a problem with it and also encourages the removal of the shed.

The previous case was heard in December 2009 and Zoning Officer Menges read the denial letter from the Zoning Hearing Board case. Zoning Officer Menges stated that he was contacted by Mr. Strausbaugh and directed him to contact the Zoning Hearing Board solicitor. As a result, correspondence was sent back and forth between the applicant and the Solicitor, and it was decided by the Zoning Board Solicitor that the change in the application to a special exception was enough for the request to be sent back to the Zoning Hearing Board.

Attorney Strausbaugh stated that has he reviewed the case and has determined that the request should have been applied for as special exception rather than a variance. It is not the use but the buildings that are not conforming. This is a permitted use allowed in the zone in which they are located. They are expanding a dimensional nonconformity and not a nonconforming use. The new lot coverage will be 79.6% and the maximum lot coverage allowed is 80%. The existing impervious area is 91%. Macadam would be removed towards Baltimore Street to decrease the amount of impervious area.

Planners Mummert/McAndrew moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z10-07 Michael S. and Christine L. Cooper requesting a special exception to Section 407.3 b (Replacement) and Section 634 (Replacement of Nonconformity by Another Nonconformity) in order to replace an existing shed with an addition that encroaches into the rear setbacks as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion was denied on a 3-3 vote with Planners Felix, Goldsmith, and Quinn casting the dissenting votes.

Z10-08 – SNYDER’S OF HANOVER, INC. 1250 York Street, Hanover, PA 17331.
Applicant is requesting a variance to Section 203.2 (Use Regulations) and a special exception to Section 322 (Uses Not Provided For) and Section 630 (Power Generation Facilities/Gas Fired Generators) in order to construct a solar energy system. The property is located on York Street across from main office in the Industrial and R-15 zones.

James Butt, Snyder’s of Hanover, along with Jeff Rhoads and Bob Kline from RMK, represented this request. Mr. Butt informed the Planners that the philosophy of Snyder’s of Hanover is to reduce the company’s carbon footprint. They are proposing to locate a solar farm on property across SR 116 from their headquarters. The installation is to be completed within five months of final approval. The solar panel array will generate about 4,269,000 kilowatt hours per year, which will result in a reduction of about 27% of the electricity used by Snyder’s. The solar panels will be located on six and one half acres of land. This solar energy will enable Snyder’s to reduce carbon dioxide emissions over the next twenty-five years. This will help them comply with any legislation that is adopted by the state or federal government if they pass the cap and trade bill. This will be the largest on-ground solar farm in the state. Some of the project falls in the R-15 zone, which requires a variance along with a special exception for

the industrial zone. If it is not approved this could be a hardship for the company because the further away the solar farm is from the intended area the less efficient is the energy production.

They Planners were provided a plan and photo of the panel arrays and some of the landscaping on the current properties. The latitude of the property will determine the angle of the array. The panels are durable and weatherproof. They will make a request to the utility to use the existing wires and, if approved, an underground routing system would not be necessary. There was concern about bufferyards for the project and the protection of the neighboring properties along Grandview Road. The land development plan will require additional landscaping. The engineers also noted that they could change the panel configuration if it appears to impact the adjoining properties. This is a preliminary layout of the request. The engineers explained how the system would work and provided an explanation as to how much energy this would be equivalent to.

Planners Quinn/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z10-08 – Snyder’s of Hanover, Inc. requesting a variance to Section 203.2 (Use Regulations) and a special exception to Section 322 (Uses Not Provided For) and Section 630 (Power Generation Facilities/Gas Fired Generators) in order to construct a solar energy system, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f) and the requirements for special exception as set forth in Section 503.3 a) thru e). Motion carried on a 6-0 request.

Z10-09 – JESSICA FRIEDLAND, 2400 Grandview Road, Hanover, PA 17331. Applicant is requesting a variance to Section 207.2 (Uses by Right) in order to operate an animal hospital. The property is located at 1055 Baltimore Street in the S/C zone.

Jessica Friedland represented this request. Zoning Officer Menges stated that this is a variance request because of a previous zoning case wherein the request is being proposed in a shopping commercial zone and the animal hospital is being viewed the same as a medical clinic. There will be very limited overnight stays for the animals. There was discussion regarding the hours of operation. She will be housing animals for medical procedures and if an overnight stay were required they would be minimal. There was some discussion about what type of facility this is compared to the other animal hospital located at Grandview Plaza. The concern was about how the previous zoning case was handled and why it was sent back from the Zoning Hearing Board to the Planning Commission. Zoning Officer Menges will review the case.

Planner Mummert/Quinn moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z10-09 Jessica Friedland requesting a variance to Section 207.2 (Uses by Right) in order to operate and animal hospital as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on 6-0 vote.

The Planners received the following waiver or exoneration requests: None.

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.

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.

P03-30 – 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.

P06-23 -BROOKSIDE AVENUE TOWNSHOUSES, 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.

P07-27 – 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.

P08-14 – NATIONAL BARN COMPANY, 316 Juniper Lane, Hanover, PA 17331. A final land development plan submitted to construct an office building. The property is located at the northwest corner of Industrial Drive and Gitts Run Road in the Industrial Zone. There was no action taken on this plan.

P08-20 – PARK HILLS MANOR, N.W. corner of Manor Street and Hammond Avenue, Hanover, PA, 17331. A preliminary subdivision/land development for 9 townhouse units in the R-8 zone. There was no action taken on this plan.

P09-10 - AMERICAN HOME CONTRACTORS LLC, Patrick Buhl, P.O. Box #132, Glenville, PA 17329. A final subdivision plan submitted in order to create two (2) residential lots. The property

is located at 792-792 Baltimore Street in the Highway/Business Zone. There was no action taken on this plan.

P10-04 – ALAN & LONA I. BRIDENBAUGH, 51 Brewster Street, Hanover, PA 17331. A final add-on subdivision submitted in order to create residential lots. The property is located at 51 Brewster Street in the R-8 zone.

Reg Baugher, Hanover Land Services, represented the plan. York County Planning Commission comments have been received and addressed. Township Engineer comments have been addressed. They included some zoning comments along with adjusting the flood plain on one of the lots. Mr. Baugher reviewed what the purpose use is. There is a utility right-of-way on the property that is no longer required by the Township. The procedure for returning this ROW to the property owners is being researched.

Planners Felix/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners. Motion carried 6-0.

P10-05-PARADISE CONGREGATION OF JEHOVAH'S WITNESS, c/o Rainee Ruhlman, 5 Paradise Court, Hanover PA 17331. A final add-on subdivision submitted to be used as a place of worship. The property is located at 5 Paradise Court in the R-15 zone.

Reg Baugher, Hanover Land Services, represented the plan. York County Planning Commission comments have been received and no revisions were needed. Mr. Baugher explained the reason for the planned add-on.

Planners Felix/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 6-0 vote.

P10-06 – REVISED FINAL SUBDIVISION & LAND DEVELOPMENT PLAN FOR LOT -1 GATEWAY HANOVER, Conewago Contractors, Inc., 610 Edgegrove Road, P.O. Box 688, Hanover, PA 17331. A final subdivision and land development plan submitted in order to develop Lot 1. The property is located north of Wilson Avenue, East of Route 94 in the shopping/commercial zone.

Alan Smith, Conewago Contractors, represented this plan. They need to add additional parking for two restaurants that are being proposed on the parcel. Lot "C" on the property will no longer be a convenience store but possibly a bank. The anchor store had a problem with the gas pumps being proposed. The access drive will remain the same along with the intersection although the Township suggested some revisions. They will be providing a revised plan.

The meeting adjourned at 8:14 PM.

Respectfully submitted,

Kristina Rodgers, Recording Secretary