

PENN TOWNSHIP PLANNING COMMISSION
JULY 3, 2013

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 PM on Thursday, July 3, 2013 at the Penn Township Municipal Building. Also present were planning members Wendell Felix, Joseph Klunk, David Baker, Stephen Roth, and Henry Senatore, along with Interim Zoning Officer Matthew Swanner and Township Engineer Eric Bortner. Planner David Quinn was absent with notice.

The planners approved the June 6, 2013 planning commission minutes as submitted.

The planners received the following zoning appeals and made the following recommendations to the zoning hearing board:

Z13-11 - ALDUS BREWING COMPANY, 101 Little Bridge Road, Hanover, PA 17331. Applicant is requesting a special exception to Section 407.3 (Replacement) and Section 634 (Replacement of Nonconformity by Another Nonconformity) in order to operate a brewery. The property is located at 555 Centennial Avenue in the R-15 zone.

Attorney James Yingst and Jason Mininger, business owner, represented this request. The applicant is requesting to operate a brewery at the former Snyder's of Hanover manufacturing building on Centennial Avenue. They are making the request because the current use is a non-conforming use and they would be replacing it with another non-conforming use. Mr. Mininger stated that the current owner, Mr. Higgs, purchased the property from Snyder's and they continued the use of manufacturing. They provided an aerial view of the property and indentified where the brewery would be located within the building. Mr. Mininger said there would be beer manufacturing as well as the current manufacturing of filters. Mr. Mininger provided a floor plan of the proposed facility showing the set up of the brewery and location of the refrigerator. The brewery will be about 3,000 square feet and be on the Granger Street side of the facility. There will be storing of some product. There is a loading dock on the opposite side of the building on High Street. They indicated there would not be an increase in traffic, although there could be up to two tractor-trailer deliveries per month at the site. There will still be light vehicle traffic because the ingredients they will be using can be held for months if properly stored. There will be no significant changes to the interior or exterior building, with the exception of an interior wall separating the two manufacturing operations. There will be a sign on the Granger Street side of the building. He is anticipating about two or three employees at the facility. Distributors may pick up the product but there will be no individual retail customers. There will be a low pressure boiler at the brewery operated by natural gas. There will be no external noise but there will be some internally when the process occurs. The steam will be vented from the top of the building. He is anticipating brewing at least once a month and, when business picks up, once a week. The brewery will be manufacturing kegs of beer and bottles of beer. The spent grain he will try to sell to local farmers for feed. He is anticipating using only between five to six thousand gallons of water the first year so there will be minimal wastewater. He will have to meet requirements of the PA Department of Health and the PA Liquor Control Board. It was noted that there have been several new homes built in the area since Snyder's sold the property. The business will operate during daylight hours when deliveries will be made. He is anticipating producing about 148 barrels of beer the first year. There were some safety concerns about the refrigeration unit.

Planners Baker/Senatore moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z13-11 Aldus Brewing Co. requesting a special exception to Section 407.3

(Replacement) and Section 634 (Replacement of Nonconformity by Another Nonconformity) in order to operate a brewery as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried 5-1 with Planner Felix casting the dissenting vote.

Z13-12 - BYRON BANKERT, 111 Hirtland Avenue, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk) in order to construct a utility shed that does not meet the rear setback requirements. The property is located at 111 Hirtland Avenue in the R-15 zone.

Byron Bankert, property owner, represented the request. Mr. Bankert is requesting to construct a utility shed that encroaches into the rear setback. If he builds a shed that meets the setback requirements the shed will only be eighteen feet from the rear of the house. The proposed shed is 16' x 24'. He would be unable to store a boat in the shed if he meets the required set back because he will not have space to maneuver it into the shed. He will be keeping the current shed. There was some discussion about the number of sheds allowed on a property, which is one. It was noted that the proposed building is larger than what is defined as a "shed" in the zoning ordinance, which is a less than one hundred forty-four square feet. The ordinance requires an eighteen-foot wide access to the garage but it does not require the access to be paved. According to Interim Zoning Officer Swanner the ordinance only requires that parking areas be paved. Mr. Swanner stated that he denied the building permit because the structure could be constructed to comply with the Township Ordinance. It was noted that there is not a hardship with this lot because he could meet the setback requirements. Planner Klunk reviewed the requirements for variance. There was some discussion about relocating the proposed "shed". There was some discussion about whether the access has to be paved to the proposed "shed". The boat is about sixteen feet long and the trailer is longer than that.

Planners Klunk/Baker moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z13-12 – Byron Bankert requesting a variance to Section 203.3 (Area and Bulk) in order to construct a utility shed that does not meet the rear set back requirements as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

Z13-13 - SNYDER'S - LANCE, 1401 York Street, Hanover, PA 17331. Applicant is requesting a variance to Section 209.2 (Use Regulations) in order to herd sheep on solar field property. The property is located at 1401 York Street in the Industrial Zone.

Jason Duvall, Snyder's-Lance, represented the request. Snyder's-Lance is requesting to house sheep on their solar farm but Mr. Duvall stated that the property would have needed to be zoned agricultural to have farm animals on it. The property is zoned residential and industrial. The animals would be used to control the mowing on the property and treating of the weeds. They are proposing 12 sheep for the twenty-four acre property. The sheep would be there from March to October. The farmer would bring them out and Snyder's-Lance would feed them for about seven months and then the farmer would take them back in October and new ones would be brought in the next spring. There may be a shelter for the sheep and Snyder's-Lance would provide water. There was concern about the manure and the stream located along the property. The fence does not go the stream and the solar panels do not go to the fence. The land development plan was reviewed. There is a growth regulator product placed on the solar field, which allows Snyder's Lance to only have to mow the property twice a year. They would not put the sheep on the facility this year since the property has already been sprayed. They would eliminate the spraying in the fall if they get approval for the sheep. Mr. Duvall was not sure if they would have to

construct a facility for the sheep because they could lay under the solar panels. There was some discussion about the drainage problems on the property.

Planners Baker/Senatore moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z13 – 13 – Snyder’s – Lance requesting a variance to Section 209.2 (Use Regulations) in order to herd sheep on solar field property as it meets the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried on 4-2 with Planners Felix and Roth casting the dissenting vote.

The Planners received the following waiver or exoneration requests:

Group Hanover, Inc., on behalf of Silbaugh Investments LP, is requesting a waiver to Section 605 (Landscaping and Bufferyards) of the Penn Township Subdivision and Land Development Ordinance in regards to their Amish Markets at Hanover land development plan.

Gerry Funke, GHI, and Joe Silbaugh and Jim Baumgardner, owners of the property, represented this request. Mr. Funke noted the waiver request is for a partial waiver of the landscaping requirements along Broadway. This would allow better visibility for the public to see the facility. They provided an artist’s rendering of the completed facility. The other three sides would meet the landscaping requirements of the Ordinance. The front of the facility would have about half of the landscaping required by the Ordinance. Mr. Funke stated that his request is similar to what was proposed for Snyder’-Lance and Yazoo Mills. The planners reviewed the landscaping plan that showed the other three sides meeting the requirements of the Ordinance.

Planners Baker/Senatore moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on 6-0 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.

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.

P04-25 – 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.

P08-20 – 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 – 12 – YORK VILLAGE APARTMENTS, LCL – York Village Associates, L.P., 199 Baldwin Road, Suite 140, Parsippany, NJ 07054. A preliminary/final reverse subdivision and land development plan submitted in order to construct two (2) multi-family dwellings consisting of 15 units total and office building. The property is located on West Alvin Avenue in the A/O zone. There is no action taken on this plan.

P12-12 – BREEZEWOOD DRIVE, Crosswinds Associates Development Company Inc., 336 West King Street, Hanover, PA 17331. A final subdivision plan submitted in order to create twelve (12) lots to construct single-family detached dwellings. The property is located on east side of Breezewood Drive approximately .5 mile south of York Street in the R-8 zone.

Kent Raffensburger, Johnston and Associates, represented this request. The preliminary plan was approved about a year ago. There are twelve residential lots proposed for the east side of Breezewood Drive. They have worked with Township Engineer Bortner to make sure they can construct Breezewood Drive. They are proposing seventeen feet from centerline for Breezewood Drive on their side of the road and eleven feet from centerline for Breezewood Drive on the other side of Breezewood Drive. They have adjusted the alignment to be able to tie into the two existing driveways on the opposite side of the road. Engineer Bortner noted there were some issues getting rights-of-way from the existing property owners for the proposed improvements so the plan was changed to impact the new development rather than the existing property owners. The construction will be away from the existing property owners like the Township did for the improvements to Beck Mill Road. The sidewalk is in the right-of-way except for lots eight and nine. They will be going around one utility pole. The curb will be on the development side and there will be none on the existing side. The trees to the rear of the property will remain. The road will be constructed to the township specifications. It was noted that the developer intends on starting on August 1, pending approvals, to prevent detours of the school buses when school is in session.

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

P13-02 – GLADE VILLAGE, Trone Rental Properties, Chris Trone, 350 Third Street, Hanover, PA 17331. A final subdivision, land development and consolidation plan submitted in order to construct residential apartments with thirty-one (31) units. The property is located on Bowman Road in the R-8 zone. There was no action taken on this plan.

P13-03 – BROOKSIDE HEIGHTS – PHASE I, Paul Burkentine, Brookside LLC, 1500 Baltimore Street, Hanover, PA 17331. A final subdivision plan submitted in order to create fifty-six (56) lots to construct single-family attached dwellings. The property is located south of York Street and east of Brookside Avenue in the R-8 zone. There was no action taken on this plan.

P13-05 – AQUAPHOENIX SCIENTIFIC, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted in order to construct a manufacturing and warehouse building. The property is located at 12 Industrial Drive in the Industrial Zone. There was no action taken on this plan.

P13-09 - AMISH MARKETS AT HANOVER, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted in order to construct an Amish retail sales market. The property is located at 1649 Broadway in the Shopping/Commercial zone.

Gerry Funke, GHI, represented this request. York County Planning Commission comments have not been received. Mr. Funke explained the phasing of the project. They are getting approval for the back part of the facility. Mr. Funke stated that they met with Darryl Boyd, Eric Bortner, and Jeff Garvick about the project. They had enough parking to complete the front part of the project. They are currently getting building permits for the project and anticipate being open at the end of September. Mr. Funke stated that he meet with Fire Chief Cromer about the project and made some revisions to be able to get the fire equipment around the facility. Mr. Funke stated that there would be no outside sales. Mr. Silbaugh stated that the existing monument business will remain and they will be located outside like they currently are. The planners were concerned because they have seen advertisements for outside space. Mr. Silbaugh stated that there is outside space available at Shrewsbury but nothing at this facility will be located outside except the existing monuments. The facility will be constructed on the inside similar to a Sam's Club. They will be selling furniture on the inside and will have some furniture on the outside porch. There will be an Amish buggy on display. The planners were concerned about the possibility of sales occurring in the rear of the property. Mr. Silbaugh wants to make the property better than it was when all tractor-trailer deliveries were being made to the facility. He stated that they are expanding the Shrewsbury facility for an additional six acres of development and that may be where the confusion is on outside sales. They will allow the Boy Scouts or the Lions Club to use their facility for fundraisers but would request permission from the Township prior to allowing the events.

The meeting adjourned at approximately 8:30 PM.

Respectfully submitted,
Kristina Rodgers, Recording Secretary