

PENN TOWNSHIP PLANNING COMMISSION  
AUGUST 4, 2005

Planner Wendell Felix called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on August 4, 2005 at the Penn Township Municipal Building. Also present were Planning Members Fred Marsh, Michael Brown, Michael Johnson and James Butt. Vice-Chairman Ray Van de Castle arrived during roll call and Chairman Clayton Black was absent with notice. Also present was Township Manager Garvick.

The July 7, 2005 Planning Commission minutes were approved as submitted.

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

**Z05-22 – CHAD SACKETT, 1308 Baltimore Street, Hanover, PA 17331. Applicant requests a variance to Section 207.2 (Use) to use an existing house for commercial purposes, which was previously approved as residential use only. The property is located in the S/C zone.**

Dr. Chad Sackett represented this request. Manager Garvick noted that both the Planning Commission and the Zoning Hearing Board had previously tabled action on this case. Dr. Sackett stated that the approved land development plan for the property showed thirteen parking spaces but he had them relined so that there are now eighteen parking spaces for both 1308 and 1310 Baltimore Street. 1308 Baltimore Street is currently empty and considered a residential unit but Dr. Sackett would like to offer the space to a mortgage company that specializes in home refinancing. The new business would have two employees and no customers would come to the facility but there would be deliveries made by UPS, Federal Express and by the facsimile machine. The current parking spaces are 10' x 20' or 9' x 20', Dr. Sackett was not sure about the size. Dr. Sackett was also not sure about how wide the turn around area was. There is an entrance to both 1308 and 1310 by front and back doors. There is a twenty-foot alley located to the rear of the property that is used by some of his patients to avoid the traffic light on Baltimore Street. He would like to have the alley made one-way. Dr. Sackett had appeared before the Zoning Hearing Board in November 2002 for his office and at that time the Zoning Hearing Board stated that if the home's use changed from residential Dr. Sackett would have to request a variance for the use.

Planner Felix noted that once the change is made from residential to commercial use they would be allowed to use property for other commercial uses besides the proposed mortgage company.

Planners Butt/Felix moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z05-22 – Chad Sackett requesting a variance to Section 207.2 (Use) to use an existing house for commercial purposes which was previously approved as residential use only as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-2 vote with Planners Brown and Johnson casting the dissenting votes.

**Z05-26 – CHRISTOPHER L. WEAVER, 543 Baltimore Street, 1<sup>st</sup> Floor, Hanover, PA 17331. Applicant requests a variance to Section 206.3 (Area and Bulk) to construct a two-unit apartment building w/garages that will encroach into side setbacks. The property is located at the rear of 852 York Street in the A/O zone.**

Christopher L. Weaver represented this request. The property is located to the rear of the Alvin Street apartments. Manager Garvick provided pictures of the lot. The applicant needs a variance of five feet on each side. There will be two apartments with the applicant residing in one of them. The Alvin Street apartment complex was offered the chance to buy the property but they were not interested. A land development plan will be required. The garages will be located underneath the apartments. The smaller garage will be for the tenant and the larger garage for Mr. Weaver. Mr. Weaver stated that he has talked to Mr. Boyd about sanitary sewer availability to the property. He will have to install a tank and pump on the property and pump the sewer to a nearby manhole in the Township's system. The sewer system will be private up to the point where it enters the manhole.

Planners Brown/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-26 – Christopher L. Weaver requesting a variance to Section 206.3 (Area and Bulk) to construct a two-unit apartment building with garages that will encroach into side 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.

**Z05-27 – ROBERT MORRIS, 777 Baltimore Street, Hanover, PA 17331. Applicant requests variances to Sections 207.3, 303.1, 303.2(g), 306.3 (b), and 307 to allow reconstruction of a retail furniture store previously destroyed by fire. The property is located at 777 Baltimore Street in the shopping/commercial zone.**

Robert Morris, owner, and David Stair, Loss-Stair Civil Engineering, represented this request. Manager Garvick stated that Mr. Morris was before the Zoning Hearing Board on February 8, 2005 for a variance to replace the existing structure along with a reduction in the number of parking spaces. The parking spaces were reduced from 43 to 38. The furniture store was an existing nonconformity and, since it is more than 75% destroyed, it no longer be considered a nonconformity and must be rebuilt according to the ordinance. A land development plan has been submitted for review. The proposed coverage of the lot is about eighty-percent and if the Zoning Hearing Board requires the South side to be paved they will need a variance because it will exceed the eighty percent coverage allowed by the ordinance by about five percent. The stormwater will be channeled to the street by the use of curbing.

They submitted a new parking plan that requests a reduction from thirty-eight to twenty parking spaces including handicapped spaces. Mr. Morris stated that he has never needed more parking spaces than what is in the front of the building.

There is no loading dock proposed but Mr. Morris will have a roll-up door for unloading the trucks. The number of deliveries varies from zero to five per day with the average being less than one a day. Employee parking will be to the rear of the property and if there is a problem

with unloading the truck they can have the vehicles moved. There is no change in the building as proposed from the last meeting but it is slightly larger than what had existed prior to the fire.

Mr. Morris also needs a setback variance for the side property line for the driveway of at least ten feet because it is almost on the property line and will be the same if the other side is paved.

Manager Garvick stated that he only complaint that he is aware of from the cemetery is the water runoff. Mr. Stair stated that he would work with Engineer Bortner on what they can do to help correct the stormwater runoff problem.

Planners Marsh/Butt moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-27 – Robert Morris, requesting a variance to Section 207.3, 303.1, 303.2(g), 306.3 (b) and 307 to allow reconstruction of a retail furniture store previously destroyed by fire. The South side will need to be paved even though it will exceed the maximum lot coverage allowed. The motion includes that there will be a minimum of twenty parking spaces. The request meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 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.**

There was no action taken on this plan.

**P02-18 – MARTIN’S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

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.

**P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 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 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 - 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.

**P03-21 – COLUMBIA COTTAGE, c/o Horst Senior Care, 320 Granite Run Drive, Lancaster, PA 17604. A final land development plan to construct a 42 unit assisted living facility. The property is located at 2288 Grandview Road in the R-15 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.

**P04-08 – WOODLAND DEVELOPMENT, INC., 130 Carlisle Street, Hanover, PA 17331. A final land development plan to create a mini storage facility. The property is located at Boundary Avenue and Manor Street and is zoned shopping/commercial.**

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.

**P04-20 – SOUTH WESTERN SCHOOL DISTRICT, 225 Bowman Road, Hanover, PA 17331. A reverse subdivision and land development plan submitted to create ball fields. The property is located at the northeast corner of Bowman Road and Black Rock Road, in the R-15 zone.**

There was no action taken on this plan.

**P04-21 – ISAAC’S RESTAURANT, Holland Properties, Inc., 751 Frederick Street, Hanover, PA 17331. A final land development plan submitted to allow construction of a restaurant. The property is located at Grandview Plaza Shopping Center and is zoned shopping/commercial.**

**P04-24 – RONALD A & KATHLEEN A. FOREMAN, 1050 Hoff Road, Hanover, PA 17331. A final add-on subdivision plan submitted to create two (2) residential lots. The property is located at Hoff Road and northeast of intersection of Rt. 216, 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.

**P05-07 – GEORGE H. & ANNA M. SMIH AND KENNETH & JOAN HARTLAUB, 425 Westminster Avenue and 310 Wirt Avenue, Hanover, PA 17331. A final add-on subdivision plan submitted to create two (2) residential building lots. The property is located at 310 Wirt Avenue/400 Wirt Avenue, in the R-8 zone.**

There was no action taken on this plan

**P05-08 – BOB MORRIS FURNITURE, 777 Baltimore Street, Hanover, PA 17331. A preliminary land development plan to construct a furniture store/warehouse. The property is located in the S/C 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.**

Reg Baugher, Worley Surveying, represented this request. They are proposing to combine the three existing lots into one lot and Quiet Title the alley that is not being used. There would be one entrance onto the property from Baltimore Street. They are proposing underground holding tanks to hold the stormwater, pipe it down Baer Avenue and tie it into the existing system. There was concern about the single entrance onto Baltimore Street and why there was not an entrance onto Black Rock Road. They are proposing professional offices.

**P05-10 – HANNON HOMES - KROUT FARM, c/o John Burkentine, P.O. Box 98 Glenville, PA 17329. A sketch of a subdivision plan to construct a twenty-seven (27) lot residential development. The property is located on the south side of Black Rock Road, east side Friar Run in the R-15 zone.**

There was no action taken on this plan.

**P05-11 – UNIT 14 GRANDVIEW PLAZA, Holland Properties, P.O. Box 516, Hanover, PA 17331. A final land development submitted to construct retail shops. The property is located at Grandview Plaza on Baltimore Street in the S/C zone.**

There was no action taken on this plan.

**P05-12 – BAXTER INVESTMETN 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.

**P05-13 – LA CUCINA RESTAURANT, 496 Eisenhower Drive, Hanover, PA 17331. A preliminary land development plan submitted to construct a restaurant/parking lot. The property is located west of intersection of Rt. 194 and Eisenhower Drive in the S/C zone.**

There was no action taken on this plan.

**P05-14 – HANOVER BRANDS, INC., -SLURRY STORAGE TANK FACILITY, Hanover Foods, 1550 York Street, Hanover, PA 17331. A final reverse subdivision and land development plan to construct a slurry storage tank facility. The property is located on northeast side of Wilson Avenue in the Industrial Zone.**

Reg Baugher, Worley Surveying, represented this request. Hanover Brands is rejoining three tracts of land into one tract. They were previously one tract and were subdivided in 1985 to install their own treatment plant. The parcel does go through the Penn Township and Heidelberg line. The land development plan shows a 19' x 101' elevated tank for vegetable waste resulting from the washing of their product. There was a waiver request submitted for stormwater management requirements. The tank is open and the engineering is being done by CET, Inc. out of Harrisburg. Mr. Baugher will obtain additional information on the tank.

York County Planning Commission comments have not been received.

**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.**

David Stair, Loss Stair Civil Engineering, represented this request. There was a plan previously submitted for a subdivision by Elaine Taylor. Since then, Stone Ridge Development has purchased the property and wants to develop the entire tract. As a matter of procedure, the original plan will have to be withdrawn before any action occurs on this plan. The proposed lots are one acre and there are three storm water management basins on three different lots. There is one tract that is eight acres that has steep slopes and backs up to Codorus State Park. Between lots seven and eight there is a fifty-foot right of way strip left for a future road to adjoin to the Martz property and connect to Bankert Road. The existing house and outbuildings on lot four will remain. Comments have not been received from the Township Engineer or York County Planning. The Planners did not like the road that accessed to Route 216 and would like to see it access Bankert Road instead. There was some concern about the grade on Route 216, sight distance, and the speed of the traffic coming over the hill.

Manager Garvick informed the Planners that this property is part of the Blooming Grove water district and there are six payments left on the water tax. The property currently receives only one invoice so the subdivision will affect how the bill is distributed to additional customers.

## **REZONING REQUEST Z05-21**

Manager Garvick reviewed the rezoning request by Donald J. Little, dba Baker's Dozen. The property was owned by Fred and Sandy Harmon and has been sold to Baker's Dozen. The date of the application is May 16, 2005. The parcel is CD/60C, rear Grandview Road and is 3.73 acres in area. The property is undeveloped, relatively open with scattering of plantings. There are no utilities on the property but public sewer and water is in close proximity. There is no street frontage but access is proposed to Grandview Road through a 40' right of way being shown. Current zoning is R-15 and the permitted uses are those allowed in that zone per the zoning ordinance. They are asking to rezone it to Shopping Commercial for self-storage units, although there are other permitted uses in Section 207 of the Township's Zoning Ordinance. The surrounding property uses are commercial, professional, and residential single family. The surrounding zones are R-15 to the north, south, and east, with Shopping Commercial to the west. The future land use map in the Township's comprehensive plan shows the tract being medium density residential. The York County Planning Commission recommended denial of the request because there is adequate shopping commercial area in the Township and because the property is surrounded on three sides by residential.

Lisa Bankert, 3301 Grandview Road, stated that the proposed 40' right-of-way to Grandview Road is part of her property and is her existing driveway. Manager Garvick stated that a title search would need to be done to confirm who owns the property. The land development plan process would need to show who owns what pieces of land along with the access required for the property. Mr. Little stated that the property has been surveyed and two stakes of the right-of-way were placed. According to the tax records the right-of-way is unknown but Mr. Little stated that he has researched the property and knows who owns the right-of-way.

Bakers Dozen is proposing to use the site for storage facilities that will be big enough for motor homes and campers. The sizes of the units will range from 12' x 24 to 13' by 48'. The Little's provided a plan showing how they intend to develop the property and access it. Manager Garvick stated that rezoning the tract will not require the applicant to build the intended storage facilities but would allow them to use the land for whatever use is allowed in the Shopping Commercial zone.

Planning Members Felix and Johnson abstained from voting because they are Board of Commissioner members who will ultimately vote to determine the final outcome of the request.

Planners Butt/Marsh moved for an unfavorable recommendation to the Penn Township Board of Commissioners on case Z05-21 Bakers Dozen requesting a rezoning of parcel CD/60C from R-15 to Shopping Commercial. The motion carried on a 4-0 vote. The public hearing is tentatively scheduled for September 19, 2005.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Kristina Rodgers, Recording Secretary