

PENN TOWNSHIP PLANNING COMMISSION
SEPTEMBER 6, 2007

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on September 6, 2007 at the Penn Township Municipal Building. Present were Planning Members James Butt, Wendell Felix, Michael Johnson, Stede Mummert, Fred Marsh, and Gary LeFevre. Also present were Township Engineer Bortner and Zoning Officer Menges.

The Planning Commission meeting minutes of August 2, 2007 were approved as submitted.

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

Z07-16 – DOLORES CARROZZA, 963 York Street, Hanover, PA 17331. Applicant is requesting a variance to Section 208.3 (Area and Bulk) in order to install a pool that encroaches into the side setbacks. The property is located in the H/B zone.

Dolores Carrozza and Brian Ruppert represented this request. They would like approval to have an above ground blow-up pool installed year round. The property is about forty-two feet wide. The pool is 48 inches deep and there is a removable ladder that is taken down each night. This house is located near the former Bank of Hanover property between York St. and Ruel Avenue. The lot has a twenty-foot side setback. The properties that surround it are residential. The pool is eighteen feet in diameter and is located about a foot from the neighbor's fence, which is on the property line. There is a sidewalk traversing the property from the house to the garage that prevents the pool from being placed closer to the center of the property. There is a larger yard area on the right hand side of the sidewalk than on the left to the rear of the existing deck.

Planners Butt/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z07-16 –Dolores Carrozza requesting a variance to Section 208.3 (Area and Bulk) in order to install a pool that encroaches into the side setbacks as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-2 vote with Planners Van de Castle and Felix casting the dissenting votes.

Z07-18 – HAROLD & DARTHEA DUSMAN, 1050 Beck Mill Road, Hanover, PA 17331. Applicant is requesting a variance to Section 204.3 (Area and Bulk) to subdivide an existing property with two residential dwellings and out buildings. The property is located at 1050 Beck Mill Road in the R-22 zone.

Attorney D. J. Hart and Alan Dusman, Power of Attorney for Harold and Darthea Dusman, represented this request. The Dusman's are not able to attend due to health reasons. Mr. Hart stated that this property has two homes on it. One home was built in 1940 and the Dusman's built the other home when the first became too small sometime between 1959 and 1961 prior to the adoption of the zoning ordinance. The Dusman's still live in the second house. The other house is currently being rented out and was previously occupied by Mr. and Mrs.

Dusman's parents. They would like to subdivide the property so that each home is individually deeded. This would help make the lot conform to existing ordinances. The one lot will meet current township ordinances but the smaller lot will require a variance because it will not meet the bulk area requirements. The smaller lot will only be 10,000 square feet and the Township's ordinance requires 22,000 square feet. The house is a smaller house and there would be no changes in the current uses of the property. Onsite water and sewer, which can still be used, currently serve the properties but provisions have been made to hook up to public water and sewer when they are available to this property. The front setback is less than the required thirty-five feet. The garage in the right hand corner will encroach the side and rear setback. The individuals purchasing the lot will be aware that the garage is five feet from the property lines. The road frontage is a shade less than one hundred feet and there are two separate driveways for access. The property is located along Beck Mill Road a short distance from the intersection of Grandview Road and Beck Mill Road. The laterals have been installed for when the sewer is available. At the time of construction of the second home there were no ordinances for Zoning or Subdivision and Land Development. There is no proposal to build any new homes on the properties. The Planners noted that there is a sidewalk located from the rear of the small home to the other house that would need to be removed.

Planners Marsh/Mummert moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z07-18 –Harold and Darthea Dusman, requesting a variance to Section 204.3 (Area and Bulk) to subdivide existing property with two residential dwellings and out buildings as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 7-0 vote.

Z07-19 – SOUTH HANOVER YMCA, 1013 Baltimore Street, Hanover, PA 17331. Applicant is request a special exception to Section 207.2 (Use Regulations) and a variance to Section 606 (d) (Child Care Center) to operate a childcare center at 1013 Baltimore Street; the property is located in the Shopping Commercial Zone.

Bill Wineholt, property manager for the South Hanover YMCA, represented this case. They are requesting a special exception to operate a kinder care class, which would be operated for children who attend morning kindergarten. They need a variance because they do not have an outside play area for the children. Department of Public Welfare (DPW) will allow them a license if they have an inside play area. Mr. Wineholt stated they would be utilizing an unused room at the YMCA for a play area and would have their own smaller room for a classroom. The children will be there from 10:30 AM until 5:00 or 6:00 PM when their parents would pick them up. The children will also be transported by bus to the main branch of the YMCA on George Street for swimming and gymnastics. There will be about twenty children attending the facility. Planner Johnson noted that there is no way that the Township can enforce the variance and special exception once it is approved because at some future date the YMCA may decide to use the classroom for classes. Mr. Wineholt stated that DPW is ready to approve the site with the indoor play area. Zoning Officer Menges stated that he called DPW and they are willing to license the site without an outdoor play area.

Planners Butt/Mummert moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z07-19 – South Hanover YMCA requesting a special exception to

Section 207.2 (Use Regulations) and a variance to Section 606(d) (Child Care Center) to operate a child care center at 1013 Baltimore Street, as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e) and the requirements for a variance as set for in Section 502.3 a) thru f). Motion failed on a 3-4 vote with Planners Van de Castle, Felix, Johnson, and LeFevre casting the dissenting votes.

Planners Van de Castle/Johnson moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on Z07-19 – South Hanover YMCA requesting a special exception to Section 207.2 (Use Regulations) and a variance to Section 606(d) (Child Care Center) to operate a child care center at 1013 Baltimore Street, as it does not meet the requirements for a special exception as set forth in Section 503.3 a) thru e) and the requirements for a variance as set for in Section 502.3 a) thru f). Motion carried on a 4-3 vote with Planners Butt, Mummert, and Marsh casting the dissenting votes.

Z07-20 – CHERYL MARTINETTI, 219 Moore Drive, Hanover, PA 17331.
Applicant is requesting a special exception to Section 203.2 (Use Regulations) and a variance to Section 611 (d) (Conversion of Dwelling for Additional Family Members) to allow construction of an addition for family members, which will be larger than the allowed maximum. The property is located at 219 Moore Drive in the R-15 zone.

Cheryl Martinetti and Ken Martz, KEM Construction, represented this request. They are requesting a special exception to build an in-law quarters that will be 720 square feet, which is larger than the 450 square feet allowed by the ordinance. Ms. Martinetti has a letter from a physician stating that Ms. Martinetti's in-laws, specifically her father-in-law, needs a handicapped accessible area for wheel chair, walker, etc. They currently have 2450 square feet of living space in their home so they fall within the thirty percent of habitable area. There was some concern about the steepness of the rear property area. Currently there is a fishpond to the rear of the property. According to Zoning Officer Menges, steep slope applies to driveways and not to the rear of the property. The unit would be one step above the current garage area and there would be a basement. The addition is proposed to be 30' x 24' with a 10' x 16' deck. There will be one additional parking spot created. There will be a bedroom, bathroom, kitchen, a powder room, and a living area. There will be 4' ramp to the end of the garage with an additional 4' new deck to the rear of the existing garage. The addition will have to be converted back to living space for the original house once the family members no longer live there. The mother-in-law is still mobile and will utilize the facility more actively than the father-in-law.

Planners Johnson/Mummert moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z07-20 Cheryl Martinetti, requesting a special exception to Section 203.2 (Use Regulations) and a variance to Section 611 (d) (Conversion of Dwelling for Additional Family Members) to allow construction of an addition for family members, which will be larger than the allowed maximum, as it meets the he requirements for a special exception as set forth in Section 503.3 a) thru e) and the requirements for a variance as set for in Section 502.3 a) thru f). Motion carried on 7-0 vote.

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

Hanover Land Services, Inc. on behalf of J. A. Myers Building and Development is requesting a waiver to Penn Township Subdivision and Land Development Ordinance Section 505 k.1 (Sidewalks) on the property fronting Westminster and Cooper Roads.

Keith Traibic, Hanover Land Services, represented this request. They are requesting a waiver of the sidewalks on Cooper Road and Westminster road because there currently are no sidewalks there. They are preparing to grade out the typical road section and install the curbing but not the sidewalk. The homes along Westminster will not front Westminster road but the four lots along Cooper road will front Cooper Road. There was some concern about the safety of the children who will have to walk to and from the school bus stop. There are no driveways onto Westminster Road.

Planners Mummert/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this request for Westminster Road and an unfavorable recommendation for Cooper Road if South Western School District will not pick up children on the road. Motion failed on a 3-4 vote with Planners Van de Castle, Butt, Johnson, and Felix casting the dissenting votes.

Planners Van de Castle moved for an unfavorable recommendation for Cooper Road and a favorable recommendation for Westminster Road. The motion did not receive a second.

Planners Butt/Felix moved for an unfavorable recommendation to the request for both Westminster and Cooper Roads to the Penn Township Board of Commissioners. Motion carried on a 5-2 vote with Planners Marsh and Mummert casting the dissenting votes.

Bon Ton Builders, Inc. is requesting exoneration from installing public sidewalks at Lot 50, 130 Sherman Street.

Tony Forbes, Bon Ton Builders, represented this request. Mr. Forbes stated that there are no sidewalks on the left side of Sherman Street and this would be a single-family home.

Planners Van de Castle/LeFevre moved for an unfavorable recommendation to the Penn Township Board of Commissioners on this request because there are other sidewalks in the area. Motion carried on a 7-0 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.

Bob Sharrah, Sharrah Design Group, represented this plan. Mr. Sharrah stated that they have reduced the plan from forty-one lots to thirty-eight lots since he has received the plan. The lots were lost because of environmental concerns and restructuring. The original plan filed by a previous landowner showed fifty-three lots. This subdivision connects with J. A. Myers' Whispering Run and South Heights Subdivisions. All the lots are 22,000 square feet or larger. The storm water ponds are going to be deeded to individual property owners. The plan tries to avoid any stream crossings and runs with the contour of the land. There is one crossing which connects it to the Martins Ridge Subdivision. Engineer Bortner stated that with regards to Public Works it is much better than it was. There was previously a cul de sac that was removed. The roads do not connect as a straight shot to Westminster Road. It was noted that most of the street names start with B. Engineer Bortner stated that he is about half way through his technical review. There was some concern about lot thirty-eight and how much room there is to build on it. It was noted that this is one of the smaller lots on the plan. A normal lot is 65' x 65' and this lot is probably 45' x 60'. The road design ties into the storm drainage.

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.

P05-15 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.

Andy Brough, Conewago Enterprises, represented this plan. He stated that the primary change is to the storm water management system on page four of the plan. Due to new requirements they will have an infiltration basin. There will be porous paving for all the paving on the plan. The building size is the same and the gas line has been relocated. They are showing a reverse subdivision. There is a special exception that was granted in 2005. The delay was for the sewer module and the resolution will be adopted at the Penn Township Board of Commissioners meeting on September 17, 2007. This has been resubmitted to York County Conservation and York County Planning Comments have been addressed. They will be looking for approval at next months meeting. This is an expansion of medical offices and may be used by the hospital, Golden Visions, and possibly Dr. May. The plan does have a place for ground water recharge. The storm water eventually ends up in Oil Creek. Engineer Bortner stated that he met with the developer to address concerns and problems with the 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.

There was no action taken on this plan.

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 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.

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.

There was no action taken on this plan.

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).

Dave Stair, Loss-Stair Civil Engineering, represented this plan. Several months ago the Zoning Hearing Board decided that this plan would be considered under the old Township Zoning Ordinance. They proceeded with designing the plan under that ordinance and they have reviewed the plan with Township Engineer Bortner. They do not have their PENNDOT permit. Mr. Stair stated that previous permits that were submitted required Township approval before they would consider the permit. These units will be owned by a landlord. There was some concern about access by fire equipment in case of emergency. There is a dumpster pad shown on the plan. Environmental Director Hejmanowski had previously stated he had no preference as to how the trash and recyclables were collected. There were four existing sewer connections to this property.

Planners Felix/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 4-3 vote with Planners Johnson, LeFevre, and Marsh casting the dissenting votes.

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.

Dave Stair, Loss Stair Civil Engineering, represented this request. This plan shows the subdivision of the former Runkle home from the rest of the property. The lot will consist of the home and all existing outbuildings. There is existing sewer and the driveway exists so a Penn Dot permit will not be required. The lot size will be about five acres. There is an existing nineteen-lot subdivision plan for new residential lots. Sanitary sewer easements will be contained on this lot. There was some discussion as to how this subdivision will affect the other subdivision and proposed lots. Zoning Officer Menges informed Mr. Stair that this will be considered the parent property and all other subdivisions will require recreation fees.

Planners Felix /Butt moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 7-0 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.

Zak Fry, Group Hanover, Inc, represented this plan. York County Planning Commission comments have been addressed. They have moved the parking lot out of the flood plain. They relocated the storm water pond. They have met with Engineer Bortner and Zoning Officer Menges and addressed their concerns. According to the applicant a fire hydrant was added at the request of the Township Fire Chief. They are not going to pursue day care business but will use it for day care for their members during services. They will have to meet requirements of the state building code when applying for permits. The fence has been changed from eight feet to six feet.

Planners Butt/LeFevre moved for a favorable recommendation on this plan to the Penn Township Board of Commissioners. Motion carried on a 7-0 vote.

Planner Johnson left the meeting at this time (9:02) and returned at 9:15.

P07-21 – WILLIAM TRUMP SUBDIVISION, 225 George Street, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is located at 542 and 542 ½ South Franklin Street in the R-15 zone.

Zak Fry, Group Hanover, represented this plan. The plan is to divide an existing home into two separately deed properties. York County Planning Commission comments have been received with a note that any rights-of-way associated with the overhead utility lines be shown on the plan and that the zoning hearing board case number should be included on the cover sheet.

There was some discussion about the current sewer in the property and how it would have to be divided.

Planners Mummert//Marsh moved for a favorable recommendation to the Penn Township Board of Commission on this plan. Motion carried on a 6-0-1 vote with Planner Johnson abstaining.

P07-22 – J.F ROHRBAUGH & CO., 1030 Wilson Avenue, Hanover, PA 17331. A final land development plan submitted to construct an asphalt paving area for storage of pallets. The property is located at 1030 Wilson Avenue in the Industrial Zone.

Andy Brough, Conewago Enterprises represented this plan. This plan shows additional paving and all the other improvements that have been made over the years that were not part of previous land development plans. York County Planning Commission indicated they will not review the plan. After the paving is completed they will be at eighty percent of lot coverage, which is the maximum allowed by the Township's ordinance.

Planners Van de Castle/Butt moved for a favorable recommendation on this plan to the Penn Township Board of Commissioners. Motion carried on a 6-0-1 vote with Planner Johnson abstaining.

Rezoning of parcel 44-06-43B located along Manor Street from Shopping Commercial to R-8.

The Planners reviewed the recommendations from York County Planning for a rezoning of parcel 44-06-43 from Shopping Commercial to R-8 at the request of the property owners. Zoning Officer Menges stated that this parcel of land has been before the zoning hearing board several times for variances and special exceptions and has failed every time. The owner is asking for a rezoning so that they can build townhouses. The property is located behind Park Hills Elementary School. The developer will help alleviate some of the storm water management issues along Hammond Avenue when he develops this property. The property is 1.63 acres and Zoning Officer Menges felt that the maximum number of townhouses could not be built but probably about 12-14 can be built.

Planners Van de Castle/Mummert moved for a favorable recommendation on the request to rezone parcel 44-06-43b to R-8 to the Penn Township Board of Commissioners. Motion carried on a 7-0 vote.

The meeting adjourned at 9:26 PM

Respectfully submitted,

Kristina Rodgers, Recording Secretary