

PENN TOWNSHIP PLANNING COMMISSION
SEPTEMBER 4, 2008

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on September 4, 2008 at the Penn Township Municipal Building. Present were planning members Ray Van de Castle, Dan Goldsmith, James Butt, Fred Marsh, Stede Mummert and Paul McAndrew. Craig Prieber was absent with notice. Also present were Zoning Officer Menges and Township Engineer Bortner.

The August 7, 2008 Planning Commission minutes were approved as submitted.

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

Z08-17 – MATTHEW S. DIETRICH, 936 York Street, Hanover, PA 17331.
Applicant is requesting a variance to Section 208.2 (Uses by Right) in order to operate a car recycling business. The property is located at 936 York Street rear in the H/B zone.

Matthew S. Dietrich and Attorney Jeremy Frey represented this request. Mr. Dietrich owns MEM Automotive, an auto sales and service station headquartered at 937 York Street. The actual location of the service station is 936 York Street, a property, which he has owned for five years. The property requesting the variance is to the rear of 936 York St. and has been owned by Mr. Dietrich for three years. He purchased the property for storage and customer parking. The property was previously owned by A.D. Frye for their trucking business. About a year and one half ago Mr. Dietrich decided it would be more advantageous to sell parts from certain vehicles for scrap or on ebay. He became aware that this is a violation of the zoning ordinance and applied for a variance. He would like to use the property as a recycling center where he stores vehicles until he ships them somewhere else. In most cases he is hoping to sell the vehicles or parts within thirty days. If Mr. Dietrich is unable to use the property as he intends he will have to vacate the entire site (both properties) and move his business somewhere else. The neighboring properties to the north are zoned Industrial. The ones adjacent to his business on York Street are zoned Highway Business and there are several homes near the property. The proposed use is allowed in the Industrial zone by special exception. The automotive repair use is a permitted use. There is a fence along the alley and if the variance is approved he would install a fence along the entire perimeter of the property. He would be allowed an eight-foot fence. There are several trailers along the fence where parts are stored. Zoning Officer Menges stated that the Zoning Hearing Board could set the parameters for the variance. The property is .66 acres. Once the vehicles became inoperable that is when the violations begins. Also some of these vehicles are auctioned at local auction services depending on the perceived value of the vehicle. There was some discussion on the differences between a Junkyard, Junked Motor Vehicle, and Recycling Yard. Zoning Officer Menges stated this is a hybrid of the three. It was noted under Junkyard that no unlicensed vehicle could sit for more than thirty days.

Mr. Dietrich stated that all the vehicles will have titles but sometimes it takes awhile to get them. There is a private alley between the properties. Mr. Dietrich's properties are separate from each other. Only Mr. Dietrich and his employees will have access to the recycling yard.

Planners Butt/Mummert moved for a favorable recommendation to the Zoning Hearing Board on case Z08-17 – Matthew S. Dietrich, requesting a variance to Section 208.2 (Uses by Right) in order to operate a car recycling business, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on 4-2 vote with Planners Marsh and Goldsmith casting the dissenting votes.

Z08-18 –MARTIN CLARK, 10 Quail Ridge Court, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk) in order to construct a three-season sunroom that encroaches into the rear setbacks. The property is located at 10 Quail Ridge Court in the R-15 zone.

Attorney James Yingst, representing Torrence Construction, represented this request. Mr. Yingst stated that he is requesting to change the application from a variance to a special exception because there is a preexisting deck that is going to be converted to a three-season room. Mr. Yingst stated that the deck was built when the home was constructed in the 1990's and that the Ordinance states that decks must meet current setback requirements. He stated that the three-season room will be smaller than the existing deck and he feels that it is a change of a nonconformity, which would make it a special exception. He stated it does meet the requirements for a variance but he would rather pursue it as a special exception. Mr. Yingst stated that this special exception would change the appearance of the structure. There is one property owner that may be affected by this change. The current deck does encroach into the rear yard setback. The deck is 14' x 16' and the enclosed room will be 14' x 12'. Zoning Officer Menges stated that the rear yard setbacks have not been changed but the encroachment for decks and above ground pools was, at one time, half of the rear yard setback. This provision was only in effect for two or three years. Mr. Yingst stated that because of the change in the Ordinance there is now a nonconforming structure. The contractor for Torrence Construction informed the Planners that a portion of the existing deck would have to be removed because of the way it was constructed. It was noted that the contractor began construction on the project prior to securing a building permit. The zoning officer was informed of the construction and work was stopped while the contractor submitted a building permit application. The pictures presented show the work that has been completed without a permit. There is at least one other three-season room in this area. The Township Code Officer must inspect the structure. The front of this home and roof were previously destroyed by fire and this is the contractor that helped rebuild it. The rear of the home was spared.

Planners Marsh/Mummert moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z08-18–Martin Clark requesting a special exception to Section 203.3 (Area and Bulk) in order to construct a three-season sunroom 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 carried on 6-0 vote.

The Planners received the following waiver or exoneration requests:

The Missionary Bible Baptist Church is requesting exoneration from a land development plan in order to construct a parking pad for church buses. The property is located at 920 Beck Mill Road.

Pastor Mark Rohnke represented this request. He stated that in 2001 the church redid the on-lot sewer system on the property since there is no public sewer available. The sewer lateral is located to the right of where the two buses currently park. There was a shed located on the bus parking area that was moved in 2001 during the construction of the sewer tanks. The front of the church was paved with stamped asphalt and they used crush and run for the base which was stored on the property where the shed used to be. Over time the buses were parked there because they are diesel and electric is there for the sewer system, which can also be used to plug in the busses over the winter. Recently, Mr. Rohnke became aware that the church was in violation of the Township's Subdivision and Land Development Ordinance because there was never a land development plan submitted for this improvement. They are waiting for public sewer to the area, which will be available when the current developments are constructed. They are also preparing a land development plan for the entire property. Eventually the crushed stone area will have to be paved. Chairman Van de Castle noted that a waiver is usually a one-time deal, and that any future requests should be a land development plan showing all future improvements.

Planners Butt/Marsh moved for a favorable recommended to the Penn Township Board of Commissioners on this request. Motion carried on a 6-0 vote.

Michael Cooper owner of South Hanover Automotive, LLC is requesting exoneration from a land development plan in order to make improvements at his commercial property at 848 Baltimore Street.

No one was present to represent this request. Planners Van de Castle/Mummert moved to postpone the request until someone is present to represent the request. Motion carried on a 6-0 vote.

Conewago North Ridge Partners, L.P. developer of Gateway Hanover is requesting waivers to Articles 1 and 3 of the Penn Township Sign Ordinance in regards to signs to be placed at the shopping center located at Carlisle Pike and Eisenhower Drive.

Allen Smith and Gary LeFevre, Conewago Contractors, and Vicki Marbut, Philadelphia Sign Company, represented this request. Zoning Officer Menges explained how sign sizes are calculated based upon the Township Ordinance. He stated he calculates based on the name of the business. Ms. Marbut described the signs they are proposing for the project. They are proposing a pylon sign, which will be thirty feet high and not twenty feet as allowed by the Township Ordinance. They cannot move the sign back from the intersection because of the proposed travel lanes and the elevation grades of the project. There was some discussion on the other pylon signs within the Township and it is believed that the Grandview Plaza pylon is about twenty-five feet in height. The Borough of Hanover has already approved two other pylon signs in the same shopping center, which are thirty feet. The other two signs are located on Eisenhower Drive and the entrance to Wilson Avenue. It was noted that the signs shown on the

exhibits were for illustrative purposes only. Engineer Bortner stated that Hanover Honda pylon sign is about twenty-five feet high.

Planners Mummert/Butt moved for a favorable recommendation to the Penn Township Board of Commissioners on the request that Conewago be allowed to increase the size of the pylon size to thirty feet, which is ten feet above what is allowed by the ordinance. Motion carried on 4-2 vote with Planners Goldsmith and McAndrew casting the dissenting votes.

J.A. Myers Homes, Inc is requesting a waiver to post light requirements in regards to installation of two driveway entrance columns at Lot 102 in the Whispering Run Development.

Jeff Stough, J.A. Myers, represented this request. The home at Lot 102 in Whispering Run is currently under construction and they are requesting to install driveway column lights that will not meet the height requirements of the Township's Lighting Ordinance. Planner Goldsmith expressed concern about the Township's liability when snow is being plowed. The columns and lights could be damaged by snow and ice coming from the plows. He doesn't feel that the Township should bear any repair costs. Zoning Officer Menges stated that there is curb and sidewalk in these areas and there will be no problem with the clear sight triangle. The lights are the exact same lights that are required by the Township's ordinance. They will also be using the same posts only they are two-feet shorter than what is required by the Ordinance. Zoning Officer Menges stated that there is one instance in the Township on Youngs Road where the homeowner does not have another residential light besides the driveway columns. In other instances the homeowners have both the driveway columns and the required residential light. Per the Township Zoning Officer, Hadco Lighting Company established the specifications for the residential lights. Township Engineer Bortner stated that this development would be similar to the Morelock Hills Development.

Planners Van de Castle/McAndrew moved for a favorable recommendation to the Penn Township Board of Commissioners on this request for this house only with a minimum of six feet for the pole to the base of the lamp and a foot for the light. Motion carried on a 5-1 vote with Planner Mummert casting the dissenting vote.

Bon Ton Builders, Inc. is requesting a waiver to post light requirements at the four-unit town homes at 735 Frederick Street.

There was no one present to represent this request so it was tabled.

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 forty-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.

P07-27 – 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.

P08-07 – 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.

Bill Gross, Nutec Design, and Steve Wolf, Shipley, represented this plan. Mr. Gross stated that he has addressed all the York County Planning Commission comments and Township Engineer Bortner’s comments.

Planners Van de Castle/Marsh moved for a favorable recommendation on this plan to the Penn Township Board of Commissioners. Motion carried 6-0.

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.

Bill Gross, Nutec Design, and Steve Wolf, Shipley, represented this request. The plan will create an Arby’s/Tom’s convenience store on the property where the current Tom’s is located along with the two properties located directly to the north. Shipley has moved the driveway entrance along Baltimore Street to the north on the apex of the existing hill. The entrance is right-in and right-out only. They have eliminated two other existing driveways that were along Baltimore Street. The convenience store will provide gas and the restaurant will have a drive thru. The existing driveway on Grandview will remain. The underground tanks will remain in their current location. They then reviewed the parking lot layout. Tom’s has restrictions on when deliveries are made and can control the hours such as not being at five in the morning or five in the evening. The York County Conservation adequacy letter has been received. The Arby’s is the smallest configuration that can be designed. It will have twenty tables.

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

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.

There was no action taken on this plan.

P08-10 – STONE RIDGE DEVELOPMENT CROSSWINDS ASSOCIATES DEVLEOPMENT AND TOWNSHIP OF PENN. Burkentine & Sons, Inc. 330 Dubbs Church Road, Hanover, PA 17331. A final add-on subdivision plan submitted to create seven (7) residential lots. The property is located at Breezewood Drive in the R-15 zone.

There was no action taken on this plan.

P08-12 – AQUAPHOENIX, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted to construct a warehouse addition. The property is located at 9 Barnhart Drive in the Industrial Zone.

Gerry Funke, Group Hanover Inc., and Steve Lecrone represented this plan. This is an initial review of the plan. They are proposing an addition to the existing building and moving the current parking to another area. The building is for warehouse storage. Gerry Funke reviewed the different projects that have been undertaken by Aquaphoenix. The area on which they are requesting to build the addition was just approved last year for a parking lot. Township Engineer Bortner was concerned about the stormwater management and the proposed expansion shown on the plan. He would like the details of that expansion shown.

The meeting adjourned at 9:13 p.m.

Respectfully submitted,
Kristina Rodgers, Recording Secretary