

PENN TOWNSHIP PLANNING COMMISSION  
SEPTEMBER 3, 2009

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on September 3, 2009 at the Penn Township Municipal Building. Also present were planning members Wendell Felix, Dan Goldsmith, Paul McAndrew, Stede Mummert and Fred Marsh. Planner David Quinn arrived at 7:07 p.m. Also present were Township Engineer Bortner and Zoning Officer Menges.

The August 6, 2009 Planning Commission minutes were approved as submitted.

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

**Z09-14 – DAVID E. WALDRUP, 39 Center Street, Hanover, PA 17331. Applicant is requesting a variance to Section 202.3 (Area and Bulk) in order to construct a pool house/outside dining area that encroaches into the setbacks. The property is located at 39 Center Street in the R-8 zone.**

David Waldrup represented this request. Mr. Waldrup explained that there is an existing deck bolted to his garage, abutting an alley, and that he built a two-story pool house on top of the deck. Due to the way the addition was constructed, it flexes with the wind. To help alleviate the flexing he installed several posts to help support the structure. Although the building itself meets the required setbacks the supports are located within the setback area. The property pins were not in place nor was the property surveyed when Mr. Waldrup purchased the property. Mr. Waldrup stated that his property is subject to a lot of winds and he is trying to make the structure secure. The structure is 12' x 16' and two stories high. He would like to put pool furniture on the second floor. Mr. Waldrup has owned the property for ten years. The planners suggested that the building be moved to the other side of the garage. This would block access to an existing drive. He chose to use the deck because it already existed. Mr. Waldrup's statements gave the impression that the existing deck was not sound but, upon further testimony, it was determined that the original deck is sound. It is the new structure that is moving with the wind. Mr. Waldrup provided pictures of other properties with structures in the vicinity of the same alley. He is planning on leaving the trees where they are located near the alley. The eucalyptus tree will be trimmed to improve site around the area.

Planners Felix/Mummert moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z09-14- David E. Waldrup, requesting a variance to Section 202.3 (Area and Bulk) in order to construct a pool house/outside dining area that encroaches into the setbacks as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 7-0 vote.

**Z09-15 – DAVID HUNT, 600 Spring Avenue, Hanover, PA 17731. Applicant is requesting a variance to Section 202.3 (Area and Bulk) in order to allow an existing swimming pool that encroaches into the rear setbacks. The property is located at 600 Spring Avenue in the R-8 zone.**

David Hunt represented this request. Mr. Hunt installed an inflatable temporary pool without a permit. He stated that he was not aware he needed a permit because he had purchased inflatable pools before and wasn't aware that he needed one. This pool holds about four feet of water, although it is not always full. This one is a deeper pool than previous pools he had purchased. Mr. Hunt did not realize that once a certain depth of water is reached that a permit is required. The rear setback needs to be 30 feet and with the current pool location it is only 13 feet. This pool is not permanent and will be taken down within a few weeks. Mr. Hunt testified that locating the pool at the required thirty feet would obstruct the use of his shed because of the way the door opens. There is only 17 feet between the deck and the shed. The property is on the corner of Spring Avenue and Springbrook Court. Springbrook Court is a private street for the Springbrook Condominiums. There is a six-foot privacy fence on one side of his property. The property abuts the condominiums, which are elevated and constructed on slab. The pool will sit about 43 feet from the condos. There is a fence around the property with a gate that locks automatically and is padlocked. To meet the setback he would need to remove about two feet from the deck. Because it is a corner duplex lot, it has two front setbacks and a rear setback but no side setback. Mr. Hunt stated this is about the fourth pool like this he has purchased. Zoning Officer Menges stated that the best thing would be to move the pool closer to the house. The neighbor has a similar pool but it is smaller and does not require a permit. Mr. Hunt noted that the setback used to be fifteen feet. There was some discussion about where to locate the pool. Zoning Officer Menges noted that the Uniform Construction Code controls pools that are over twenty-four inches in depth.

Planners Mummert/McAndrew moved for a favorable recommendation to the Zoning Hearing Board on case Z09-15 – David Hunt requesting a variance to Section 202.3 (Area and Bulk) in order to allow an existing swimming pool that encroaches into the rear setback, with the stipulation that pool is 20 feet from the rear set back and 35 feet from Springbrook Court, as it meets the requirement of a variance as set forth in Section 502.3 a) thru f). Motion carried on 6-1 vote with Planner Felix casting the dissenting vote.

The Planners received the following waiver or exoneration requests:

**High Pointe LLC is requesting exoneration from the Subdivision and Land Development Ordinance requirement Article V, Section 509a (Lot Layout) in regards to double frontage at Lot No. 108 in the High Pointe at Rojen Farms North Section Plan.**

Jim Piet represented this request. He stated that they would like to change the location of the access drives of the existing Holland home on Grandview Road. The two access drives will be relocated from the center of the property to the property lines of the adjacent properties accessing from Grandview Road. This will help maintain the value of the property. There was some discussion about the completion of the improvements on Grandview Road. They are planning to start curb and gutter by the end of next week. They are planning to be done with the improvements by mid-October. The Township was previously told that they would be completed in nineteen weeks. There is some concern about the utility poles in the middle of the street. It was noted that the utility companies do work on their schedule rather than anyone

else's. The driveway waiver will be noted on the amended plan with the change of some of the existing lots.

Planners Quinn/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on 6-1 vote with Planner Van de Castle casting the dissenting 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.

**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.

**P03-20 - 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.

**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.

**P07-27 – 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 HILL 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.

**P09-14-670 BAER AVENUE TOWNHOUSES, Promise Land Investments, LLC, 340 Fleshman Mill Road, New Oxford, PA 17350. A final land development plan submitted to create four (4) single family attached dwellings. The property is located at 670 Baer Avenue in the R-8 zone.**

Robert Sharrah, Sharrah Design Group, represented this request. There was some concern about York County Planning Commission comments and the categorizing the units under Section 628 of the Township's zoning ordinance versus Section 640. A letter was sent to the Township Zoning Hearing Board Solicitor to address this comment. Mr. Baranski, Penn Township Zoning Hearing Board Solicitor, responded by a letter dated August 11, 2009 stating that he is of the opinion that the approval on January 13, 2009 for case number Z08-30 can operate as an approval under Section 628 without requiring the applicant to return to the zoning hearing board simply to present the exact same information. There was concern about lighting, which alternates front and back. Lots 1 and 3 will have lights out front and lots two and four will have lights in the back. There is a fire hydrant within one hundred feet of the property but because of the scale of the plan it is not shown. There are pine trees added for the buffer yard. There is a small stone berm that will help with the stormwater infiltration. Township Engineer comments have been addressed.

Planners McAndrew/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners on P09-14 – 670 Baer Avenue Townhouses. Motion carried on 7-0 vote.

**P09-15 – HIGH POINTE AT ROJEN FARMS – NORTH, High Pointe, LLC, 4175 Hanover Pike, Manchester, MD 21102. An amended final subdivision plan submitted to create one hundred (100) single-family residential lots. The property is located on the north side of Grandview Road, east of Beck Mill Road in the R-22 zone.**

There was no action taken on this plan.

**P09-16 – VERIZON WIRELESS – BLOOMING GROVE ROAD, Cellco Partnership d/b/a Verizon Wireless, 4642 Jonestown Road, Harrisburg, PA 17109. A final land development plan submitted in order to construct a telecommunications antennae and equipment shelter. The property is located at 500 Beck Mill Road in the R-22 zone.**

Dave Morgan, McNeese, Wallace, and Nurick represented this request. Verizon had previously requested a waiver of SD/LD requirements for this plan but were denied. They show improvements along with screenings and parking spots. York County Planning Commission

comments were received and addressed. There were no Township comments presented. There was concern from the York County Planning Commission about comment #6 and the access drive. The access drive is existing and not new. They are just supplying an overlay. Verizon would visit the site about once a month with a utility truck. The signatures will need to be obtained before it goes before the Commissioners.

Planners McAndrew/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners. Motion carried on 7-0 vote.

**P09-17 SOUTH WESTERN SCHOOL DISTRICT MAINTENANCE BUILDING; GHI Engineers and Surveyors, 213 Carlisle Street, Hanover, PA. A final land development plan submitted in order to construct a maintenance building. The property is located at 50 Spring Garden Street in the Industrial Zone.**

Jerry Funke, Group Hanover Inc., represented this request. This is the initial review of the plan. This is for a maintenance building and more parking spaces for buses. They would like room for a growing fleet and for maintenance. The school board would prefer blacktop as opposed to porous paving. The storm water distribution will remain the same. York County Planning Commission comments have not been received.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Kristina Rodgers, Recording Secretary