

PENN TOWNSHIP PLANNING COMMISSION
OCTOBER 6, 2005

Vice-Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on October 6, 2005 at the Penn Township Municipal Building. Present were Planning Members Ray Van de Castle, Wendell Felix, Fred Marsh, Michael Brown, Michael Johnson and James Butt. Planner Clayton Black was absent with notice. Also present were Township Engineer Bortner and Zoning Officer Menges.

The September 1, 2005 Planning Commission minutes were approved as submitted.

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

Z05-31 – DONALD E. BANKERT, 571 Blooming Grove Road, Hanover, PA 17331. Applicant requests a variance to Section 311 (Street Access), a special exception to Section 311 (Street Access), and an interpretation to Section 311 (Street Access) due to the determination of Zoning Officer that Applicant cannot secure a building permit without obtaining a variance and/or special exception from the Zoning Hearing Board. The property is located on Slaughter House Road in the R-40 zone.

Zoning Officer Menges reported that this case was previously heard in April 2005. Slaughter House road is located off Blooming Grove Road adjacent to the late Miriam Runkle's property.

Attorney Jim Yingst and Donald Bankert represented this case. Attorney Yingst indicated that Randy Hilker also presented information previously to the Planners in April. Mr. Yingst stated that the previous decision by the Zoning Hearing Board is being appealed but before pursuing the appeal they would try the request again. The property is comprised of 2.34 acres and the condition of the property is the same as it was in 1957. Mr. Bankert purchased the property from his parents, who purchased the property from his grandparents.

Mr. Yingst presented other subdivision plans that had been approved abutting Slaughter House road. These plans included the Mark Eaton Subdivision, which was approved in 2003, and the Elaine Taylor Subdivision. The homes that were constructed from these subdivisions use Slaughter House road for access and do not abut a dedicated Township Road. Slaughter House road is not a dedicated Township Road and the clear owner is not apparent from the deeds of the adjoining property owners.

Mr. Yingst argued that Section 311 of the Penn Township Zoning Ordinance, which states that any dwelling hereafter erected shall abut a public street unless otherwise authorized by Special exception, is for any new lots created subsequent to the ordinance but does not apply to nonconforming lots that were present prior to the ordinance. He stated that this comment refers to dwelling units but that any other use would also not have to meet this requirement, including a church.

The Planners were concerned about access because they did not want the Township held liable if a building permit is issued to build a house and access is denied. Mr. Yingst stated that Mr. Bankert has an easement to the property that if challenged in court could be won because he has used and maintained the easement for more than twenty-one years. Mr. Yingst feels that this is an issue among the property owners and not a matter for the Township to be concerned about. Mr. Yingst stated that access issues are usually addressed by lenders and that would be something Mr. Bankert or any future property owner would have to be concerned about.

Zoning Officer Menges stated neither Mr. Eaton nor Mr. Yingst could locate the owner of the property. Mr. Yingst stated that the deeds read “property fronts on a private road or lane”. The road was a farm road that connected several farms and terminated on Cannery Road. Mr. Bankert is near the end of the road. Mr. Zumbrum, Mr. Bankert’s neighbor, has been living in his home for about thirty years and has only one acre of land.

The Planners expressed concern about the ability of fire equipment to access the unpaved road. Mark Eaton appealed to the State to have the road widened as much as permitted when his plan was approved but could only get about 20 feet. All the approved subdivision plans included notes that when all the property owners reached agreement, the land would be used to widen the road. Mark Eaton would pay for the upgrade of the road at Slaughter House road and Blooming Grove Road. Mr. Yingst stated that Mr. Bankert would have no problem with upgrading the road in front of his property. The road is blocked before it reaches Cannery Road by the last property owner along the road.

Planners Marsh/Felix moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-31 – Donald Bankert requesting a variance to Section 311 (Street Access) and a special exception to Section 311 (Street Access) as it meets the requirements for a variance as set forth in Section 502.3 a) thru f) and the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on 6-0 vote.

Z05-32 – WORTHINGTON INVESTMENTS, LLP, 8 Greenspring Valley Road, Suite 200, Owings Mills, MD 21117. Applicant requests a variance to Section 202.3 (Area and Bulk) to construct multi-family condominium structures that will exceed the maximum building height. The property is located on north side of Moulstown Road, west of Gitts Run Road in the R-8 zone.

Steve Rosen, a partner in Worthington Investments, LLP; Jim Varnes, Holley Associates; and Pat Fienney and Mike Irons of K. Hovnanian Homes represented this case. K. Hovnanian Homes is the proposed designer and builder of the homes in the age restricted community. The applicants are requesting a building height variance from thirty-five feet to fifty feet. The height variance is for appearance only. The developer wants to supply a higher peaked roof instead of a flat roof, which would be less esthetically pleasing. The remainder of the development will stay as originally presented. Fire Chief Cromer provided comments on the accessibility to the structures with the proposed height. The Township has fire equipment capable of responding to the additional roof height. Artist renditions of the proposed buildings were also displayed to the Planners. The prior zoning of the property was Industrial, which allowed a maximum height of fifty feet.

Mr. Varnes, landscape architect and vice-president of Holley Associates, stated the request is a dimensional variance and not a use variance and is the minimum they could ask for. A three-story unit could be built with a flat roof and not exceed the height requirement however, to conform to the character of the adjacent single-family development, they have designed the facility with a peaked roof. The homes would be those closest to Broadway and the remaining commercial zone. The hardship, according to Mr. Varnes, is the fact that the property borders homes with peaked roofs. The multi-family with flat roofs would look like institutional buildings. There would be no living space in this additional area but would include such things as ductwork.

Mike Irons stated that the building would be fifty foot high and seventy feet long. There will be ten units per building with ten integral garages. There will be eighteen of these units as shown on the original plan.

K. Hovnanian Homes was chosen as the builder of the units because of their experience in constructing several other age-restricted communities. They provided a slide presentation and a video outlining their other communities. There was some discussion about a possible community center and a walking trail on the property. The duplex units will be slightly bigger than the multifamily units but both will contain garages.

Planners Butt/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-32 Worthington Investments, LLP, requesting a variance to Section 202.3 (Area and Bulk) to construct multi-family condominium structures that will exceed the maximum building height, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-2 vote with Planners Van de Castle and Felix casting the dissenting votes.

The Planners received the following waiver or exoneration requests:

G.S.B. Asphalt is requesting a waiver to storm water management requirements for additional paving work at the property of Geiman Motors, 937 York Street. No one was present to represent the request.

There was concern expressed by the Planners that there are already water and snow removal concerns on the property that have not been addressed so they would like the applicant present to discuss the request. Planners Van de Castle/Marsh moved that the request be tabled until next month. Motion carried.

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.

P04-24 – 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.

P05-09 – 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.

There was no action taken on this plan.

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.

P05-15 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 – 16 – VAN BUREN SUBDIVISION, Barbara Van Buren, 535 Bankert Road, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential building lots. The property is located on Bankert Road in the R-40 zone.

Gerry Funke, Group Hanover, represented this request. This was previously reviewed by the Planning Commission as a zoning request. It is a two-lot subdivision where the applicant requested to sell some of her land. There was discussion about the availability of sanitary sewer because of the existing moratorium.

Planners Brown/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on P05-16 – Van Buren Subdivision. Motion carried.

P05 – 17 – MCCLARIN PLASTICES, 600 Linden Avenue, Hanover, PA 17331. A final land development plan submitted to construct an office addition. The property is located on Industrial Drive in the Industrial Zone.

Gerry Funke, Group Hanover, represented this plan for an office addition. York County Planning comments have been received and addressed. The existing storm water pond is large enough to handle the increased run-off that will be created. The runoff from the roof will go underground to the stormwater basin. The driveway is currently blocked off. They are planning to move their main entrance to the new office building, as they are consolidating offices. Township Engineer Comments have been addressed.

Planners Van de Castle/Brown moved for a favorable recommendation to the Penn Township Board of Commissioners on P05-17 –McClarin Plastics plan. Motion carried.

P05 – 18 – DONNA SCOTT, 29 Hill Street, Hanover, PA 17331. A final reverse subdivision plan submitted to create one (1) residential lot. The property is located in the R-15 zone.

John Menges, on behalf of Donna Scott, represented this plan. This is an add-on to an existing lot.

Planners Johnson/Butt moved for a favorable recommendation to the Penn Township Board of Commissioners on P05-18 Donna Scott. Motion carried on a 6-0 vote.

05 – 19 SNYDER’S OF HANOVER, P.O. Box 6917, Hanover, PA 17331. A final land development plan submitted to construct additional paved areas. The property is located at 1350 York Street in the Industrial Zone.

Frederick H. Altland represented this plan. A previously approved plan showed the scale house at Snyder's being moved, but it has not yet been moved. Mr. Altland stated that he is not sure if they will be moving it at all. York County Planning declined to review the plan since it was just for a paving project. Mr. Altland stated there is not enough parking for shift changes and that is why they want to increase parking by an additional fifty spaces.

Planners Felix/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on 05-19 Snyder's of Hanover. Motion carried on a 6-0 vote.

P05-20 – GREEN GLEN PRODUCE, c/o Fame Avenue Partnership, P.O. Box 601, Hanover, PA 17331. A final land development plan submitted to construct a seasonal food processing facility. The property is located at 26 Industrial Drive in the Industrial Zone.

Jim Long, First Capital Engineering, and Warren Debnam, Green Glen Produce, represented this plan. The plan shows a seasonal food processing facility, which will only be used three months during the summer months. There will be crushed stone around the building. The original plan had a zoning variance for the paving, which allowed them to have crushed stone for a period of five years. Mr. Menges stated that they would not need any additional waivers. There will be a sewer connection needed. The plan cannot be forwarded until a sewer connection can be secured. Green Glen must submit a written request for a sewer connection for the facility. Mr. Debnam stated that he spoke with Bill Mahone and Jeffrey Garvick about he sewer moratorium. The facility will be similar to the other building but the process that is used will only be utilized in July, August, and September. There was no recommendation forthcoming from the Planners.

LOT 9 GRANDVIEW PLAZA

Dave Stair, Loss Stair Civil Engineering, and Jamie Sipling, Burkentine and Sons, presented a sketch plan for Lot 9 at Grandview Plaza between McDonalds and the Grandview Car Wash. During this discussion it was noted that the Penn Township Public Works Committee reviewed the Avion Subdivision and suggested a different road configuration than what had been initially presented. The property in Grandview Plaza would be controlled by a one-way drive. They are proposing one building with two uses. One of the buildings will be 1850 square feet and the other will be about 1400 square feet. They are anticipating that at least one will be food service and the other could also be food service. The client is not yet sure what is going to be on the property. There is a fifty-foot landscape buffer shown. There is access off an internal access drive between the soccer fields and Burkentine's Car Wash. There is two-way in and out of the one-way access drive. They are speaking with the condo association to see what they would prefer to have. There was a letter sent to the Township Manager stating that 3 EDU's are requested for the facility. The letter they received back from the Township Manager stated EDU's were on a first come, first served basis and when a permit is applied for they would be issued, if available. The only access will be off the internal access drive. The proposed building is set up for forty-two seats. There is enough parking on site for that but the client has also purchased lot 8, which they could also use for future parking. There is some concern that the only entrance and exit is from the internal access drive. Mr. Stair stated that they are ready to move into design phase for the project. There is some concern about using another lot to meet

the parking requirements of this lot. Mr. Stair stated that they might be willing to discount the parking on lot 8 from any other use that may be proposed for that lot. The parking on lot 8 would be totally dedicated to lot 9. There were some concerns about the proposed drive up and the possible stacking problems that may be created. The Planners suggested that they might want to consider changing the drive up location. According to Mr. Stair, there is a specific tenant in mind for one of the properties and they may not want the location changed.

It was decided by the Planners that they would be keeping their meetings on the first Thursday of every month at 7:00 PM in 2006.

Commissioner Felix announced that there would be an opening on the Zoning Hearing Board at the beginning of the year if anyone is interested.

The meeting adjourned at 8:43 p.m.

Respectfully submitted,

Kristina Rodgers, Recording Secretary