

PENN TOWNSHIP PLANNING COMMISSION
OCTOBER 2, 2008

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on October 2, 2008 at the Penn Township Municipal Building. Present were planning members Ray Van de Castle, Dan Goldsmith, Craig Prieber, Fred Marsh, Stede Mummert and Paul McAndrew. James Butt was absent with notice. Also present were Township Manager Garvick and Township Engineer Bortner.

The September 4, 2008 Planning Commission minutes were approved as submitted.

Manager Garvick discussed a packet of information that was mailed on September 18, 2008 to each of the planners regarding a request to rezone the properties from 1403 to 1453 Baltimore Street from R-15 Suburban Residential to Shopping/Commercial. He stated that the township has received rezoning applications from ten of the twelve property owners. The two properties that have not made application for rezoning are 1419 and 1453 Baltimore Street. The Township Solicitor has suggested that the Township consider those two properties along with the other ten. Manager Garvick stated that the request was forwarded to the York County Planning Commission on September 10, 2008 but they will not address the request until their October 7, 2008 meeting. Their comments will be sent to the Township following that meeting. The Penn Township Board of Commissioners has scheduled a public hearing for the request on November 17, 2008 at 7:00 PM. The Penn Township Planners should make a recommendation on the request at their meeting in November. Manager Garvick is available to discuss any concerns or questions that the Planners might have about the request. There is no traffic study currently being planned for the request but there were studies done when the shopping center was planned. Also, traffic studies would be required for the commercial development of the sites should the rezoning be approved. The properties on the four corners of Grandview and Baltimore Street are currently zoned Shopping Commercial. Most of the properties that are requesting the change are relatively small with residential homes that abut another residential development to the west. York County Planning Commission comments will be forwarded to the Penn Township Planners as soon as they are available. There was some discussion about the existing "retirement facility" located along Baltimore Street but they are only one of the property owners making the request. It is unclear as to why the owners of 1419 and 1453 Baltimore Street did not make application for the change along with the rest. Manager Garvick thanked the Planners for their time and will be present at their November meeting if additional questions and concerns arise.

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

Z08-19 – MARTIN J. CLARK, 10 Quail Ridge Court, Hanover, PA 17331.
Applicant is requesting a variance to Section 203.3 (Area and Bulk) and a special exception to Section 407.2 (Expansion and Alteration) and Section 407.3 (Replacement) in order to enclose an existing deck. The property is located at 10 Quail Ridge Court in the R-15 zone.

Acting Zoning Officer Rodgers noted that this was the same case that had been presented at the September meeting and was under the impression that the Zoning Hearing Board Solicitor

requested that the request be heard as a variance and that is why they are applying for both a variance and a special exception. Attorney James Yingst represented this case and stated that last month Mr. Clark had applied for a variance but the application was amended during the meeting to a special exception at the request of Mr. Yingst and the applicant. He believes that the request should be a special exception because of the provision in the ordinance that allows an existing nonconformity to be expanded, altered, or replaced by another nonconformity. The owner had a deck that did not meet the rear setback that he wants to convert to a three-season room. The Planners, at last month's meeting, made a favorable recommendation for a special exception. Mr. Yingst and the applicant presented the same change at the Zoning Hearing Board. Mr. Yingst stated that the Zoning Hearing Board Solicitor noted that since it was a lesser relief he did not have a problem with the change. Mr. Yingst stated that the Zoning Hearing Board, however, would not hear the case since it was not advertised as a special exception. Mr. Yingst stated he caucused with his client and asked that the Zoning Hearing Board table the request and they would refile an application asking for a variance and special exception. Mr. Yingst asked that the Planners reaffirm what they favorably recommended at the previous meeting as far as a special exception because Mr. Yingst felt that a variance was not needed. Acting Zoning Officer Rodgers noted at last month's meeting the motion approved by the Planning Commission was for a special exception. Ms. Rodgers stated that the Planners would need to act on both the variance and special exception requests. Mr. Yingst insisted that the Planners only act on the Special Exception request because that was all that was needed. Ms. Rodgers stated that if only the special exception is acted upon the Zoning Hearing Board might choose not to hear the case as a variance because there was no recommendation made by the Planning Commission. Ms. Rodgers stated that the Township Zoning Officer, John Menges, informed her that a recommendation would need to be made on both the variance and the special exception. It was noted that some of the deck has been replaced in order to accommodate the enclosure. Mr. Yingst stated that the room would be smaller than what was applied for on the building permit application for the deck.

Planners McAndrew/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z08-19 – Martin Clark, requesting a variance to Section 203.3 (Area and Bulk) and a special exception to Section 407.2 (Expansion and Alteration) and Section 407.3 (Replacement) in order to enclose an existing deck, 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 a 5-0 vote with Planner Prieber abstained because he was not present at the September meeting.

Z08-20 – HANOVER ORTHOPEDIC ASSOCIATES, INC., 207 Blooming Grove Road, Hanover, PA 17331. Applicant is requesting a special exception to Section 203.2 (Uses by Special Exception) in order to construct a medical facility addition. The property is located at 207 Blooming Grove Road in the R-15 zone.

Gerry Funke, Group Hanover Inc., and Dr. James Ellison represented this request. They are requesting an expansion of the existing facility along Blooming Grove Road to add an additional physician. Mr. Funke stated that they are within the coverage requirements for the property. It will require some engineering because of the addition of parking over an existing storm water management area. There will also be additional landscaping to buffer the

surrounding homes from the facility. Ms. Rodgers noted that the existing facility was constructed under a special exception. The walking track was removed during the previous renovation project.

Planners Marsh/Mummert moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z08-20 Hanover Orthopedic Associates requesting a special exception to Section 203.2 (Uses by Special Exception) in order to construct a medical facility addition as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 6-0 vote.

The Planners received the following waiver/exoneration requests:

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

Bob Sharrah represented this request on behalf of Bon Ton. He noted that several months ago the land development plan was approved for the 735 Frederick Street with four townhouse units parallel to Orchard Street. He stated that there are wall-mounted lights at the front doors of each unit. They would like to reduce the number of walkway post lights because they feel that there would be excessive light that will spill over onto the neighboring property. Mr. Sharrah noted that there are no post lights in the Plum Creek condominiums. Township Engineer Bortner stated that he is not familiar with pole lights in Plum Creek. He noted that there are some instances in the Township including along John Street where this has occurred. Manager Garvick noted that the four town homes at Granger/Beck Mill have lights put in at each unit that, in his opinion, has resulted in too much light. Engineer Bortner noted that if they alternate the posts the light is owned by the person whose property it is situated on. The Planners discussed several alternatives.

Planners Van de Castle/McAndrew moved for an unfavorable recommendation on this request to the Penn Township Board of Commissioners. 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.

Michael Cooper represented this request. He presented his views on what he wants to do to the existing property at 848 Baltimore Street. He noted some buildings have already been removed. He would like to remove others and add on to some of the existing buildings. He will be removing more square footage that he is adding and will be removing the building situated along the alley. He would be adding flower gardens or stone parking in some areas. He stated that the property has been a car dealership since 1947 and has switched hands several times. He noted that almost the entire property has had stone and or concrete on it at some time. There was only a small strip of property that was not paved or concrete. Mr. Cooper also owns 852 Baltimore Street, which is a house. Mr. Cooper stated that he is interested in putting in drain fields to control storm water. He has already made improvements to the alley to help alleviate some of the water problems.

Planners Van de Castle/Mummert moved for an unfavorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 6-0 vote.

ESAB Welding & Cutting Products is requesting exoneration from land development in order to construct a new concrete pad to support a dust collector. The property is located at 801 Wilson Avenue.

Zak Fisher represented this request. He noted that ESAB just recently had a land development plan approved and would like to add an additional 22' x 15' concrete pad that was not on the plan. It was noted that they had requested a waiver from the previous land development plan and were denied.

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

P03-06 – 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.

P08-08 – 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.

There was no action taken on this plan.

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 DEVELOPMENT 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., represented this plan. There are showing both a warehouse addition and a future addition. The warehouse addition they want to see now. The future addition may require them to hire additional employees. Mr. Funke indicated that he put the future expansion on a separate sheet with a note that they will not begin construction on the future addition until such time as sanitary sewer becomes available. It was Mr. Funke's position that the warehouse addition will not increase sanitary sewer flow at all. The facility produces water-testing kits. Township Engineer Bortner's comments and York County Planning Commission comments have been addressed.

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

The meeting adjourned at 8:07 p.m.

Respectfully submitted,
Kristina Rodgers, Recording Secretary