

PENN TOWNSHIP PLANNING COMMISSION  
December 1, 2005

Chairman Clayton Black called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on December 1, 2005 at the Penn Township Municipal Building. Also present were Planning Members Ray Van de Castle, Michael Brown, Michael Johnson, Fred Marsh, Wendell Felix and James Butt. Also present were Township Engineer Bortner and Zoning Officer Menges.

The November 3, 2005 Planning Commission minutes were approved as submitted.

Mr. Black thanked Mr. Brown for his service to the Planning Commission for the last two years. Mr. Black noted that Mr. Brown has resigned from the Planning Commission effective December 15, 2005 to pursue a vacancy on the Penn Township Zoning Hearing Board. Mr. Black also wished Mr. Brown good luck on the ZHB if he is appointed.

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

**Z05-34 – ELEANOR DECK, Fair Havens Assisted Living Center, 3101 Grandview Road, Hanover, PA 17331. Applicant requests a special exception to Section 407.2a (Expansion and Alteration) to construct an addition to an assisted living home. The property is located in the R-15 zone.**

**Z05-40-ELEANOR DECK, R.D. #3, Tamarind Drive, Spring Grove, PA 17362. Applicant requests a variance to Section 612 (b) (Expansion of Nonconformity) and to Section 635 (Retirement Village) to construct an addition to an assisted living home that exceeds the maximum area of expansion. The property is located at 3101 Grandview Road in R-15 zone.**

Zoning Officer Menges noted that case Z05-34 was previously heard by the Penn Township Planning Commission and the Penn Township Zoning Hearing Board but the Zoning Hearing Board Solicitor felt that a variance to Section 612 (b) Expansion of Nonconformity and Section 635 Retirement Village was also required for the request and the applicants then filed case Z05-40 and both will be presented simultaneously.

Tom Shultis, attorney, and Eleanor Deck, owner of Fair Havens, represented these cases. Mr. Shultis stated that a personal care facility is not provided for in the Township's Ordinance and Section 201.2 references uses not provided for. The R-15 provides uses by special exception for half way houses and retirement villages. Mr. Shultis believes that a personal care home is not a retirement village but a hybrid of a retirement village and a half way house. The Planning Commission sent a favorable recommendation to the Zoning Hearing Board last month for the special exception request. The request is the same as it was last month. The applicant would like to build an addition to her existing facility.

There was concern if this is a nonconforming use. Mr. Shultis stated that it is not because it was created by a request made to the Zoning Hearing Board in 2002. There are several on the Planning Commission who believe it is a nonconforming use or are not sure.

The Planning Commission still had the same questions that it had at its previous meeting. These included how much land was actually owned by the applicant. The applicant's request would double the size of the housing for seniors. Ms. Deck owns 1.17 acres of land and with the current building the property already exceeds the 35% of lot coverage allowed by a retirement village. There was then some discussion if this could be considered a retirement village as described in the Zoning Ordinance. The current facility was approved in 2002 and was converted from a church. The facility is a personal care home where people could be ambulant but at not too great a distance. Ms. Deck testified that of the current residents only one has a vehicle, which is seldom used. There currently are thirty-six parking spaces on the property with only two or three being used per shift for the staff. There are only two or three visitors at any given time.

Mr. Shultis believes that the personal care is more like the convalescent home outlined in the ordinance of definitions and not a retirement village. He stated that personal care homes provide good care for about half the cost when compared to a traditional retirement home.

The Planners were still concerned about whether it should be considered a nonconformity and referenced Section 407.2 a and b and Expansion and Alteration of a Nonconforming Use and Structures and Dimensional Nonconformities. The Planners also referenced Section 612 Expansion of Nonconformity. The new addition will have an additional sixteen rooms for residents.

The Planners asked for clarification from Zoning Officer John Menges who indicated that the Zoning Hearing Board solicitor stated that it is a retirement village.

Planners Butt/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on cases Z05-34 – Eleanor Deck, requesting a special exception to Section 407.2a (Expansion and Alteration) to construct an addition to an assisted living home, and Z05-40 – Eleanor Deck requesting a variance to Section 612 (b) (Expansion of Nonconformity) and Section to 635 (Retirement Village) to construct an addition to an assisted living home that exceeds the maximum area of expansion as they 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 forth in Section 502.3 a) thru f). Motion failed on 2-5 vote with Planners Black, Van de Castle, Felix, Marsh, and Brown casting the dissenting votes.

Planners Felix/Van de Castle moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on cases Z05-34 – Eleanor Deck, requesting a special exception to Section 407.2a (Expansion and Alteration) to construction an addition to an assisted living home, and Z05-40 – Eleanor Deck requesting a variance to Section 612 (b) (Expansion of Nonconformity) and Section to 635 (Retirement Village) to construct an addition to an assisted living home that exceeds the maximum area of expansion as they do 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 forth in Section 502.3 a) thru f). Motion carried on 5-2 vote with Planners Johnson and Butt casting the dissenting votes.

**Z05-38 – ADAM BIXLER, 310 Manor Street, Hanover, PA 17331. Applicant requests a special exception to Section 202.2 (Uses by Special Exception) to construct a duplex. The property is located at 326 Manor Street in the R-8 Zone.**

Adam Bixler represented this request. He would like to build a duplex at 326 Manor street where there currently sits a mobile home. He is requesting that the allowable setbacks on each side be nine feet. Current zoning requires the setbacks to be 12 feet. He provided a plot plan and a 1971 subdivision plan showing the division of the lot. The properties on either side of this one have a mobile home and a modular home sitting on them. Mr. Bixler described the area stating that some of the homes currently sit on the property line while some are only ten feet from the property line. The 1971 subdivision showed an 8-foot side setback. This property is located near the Park Hills Elementary School and he is calculating that families with children would be interested in these homes. The existing modular home is about nine feet from the property line so there would be about eighteen feet between the two dwellings.

There was some concern expressed by the Township Zoning Officer and the Township Engineer about the possibility of drainage culverts traversing this property. Mr. Bixler stated he did not see any but had placed a phone call to the former property owner. It was noted that the drainage from a duplex unit on Beck Mill Road comes out on Meade Avenue and the inlets are located on Hammond Avenue. It is believed that the pipe is located on this property somewhere. There was concern expressed by the Township Engineer about building over the drainage culvert and even if he moves it to the side it could cause problems. The building of the duplex will require the approval of a land development plan were these issues would be addressed.

There was some concern by the Planning Commission because a variance was not submitted for the reduction in the side setbacks. There is also no definition in the Township Ordinance of Definitions for a duplex. The definition is for dwelling, two-family detached (duplex).

There was concern that a variance was not asked for and Zoning Officer Menges stated that on occasion the Zoning Hearing Board Solicitor allows those types of request to be included with the special exception.

Planners Brown/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-38- Adam Bixler, requesting a special exception to Section 202.2 (Uses by Special Exception) to construct a duplex, as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 5-2 vote with Planners Black and Felix casting the dissenting votes.

**Z05-39 – JILL R. WILLIAMS, 330 Jasmine Drive, Hanover, PA 17331. Applicant requests a special exception to Section 203.2 (Uses by Special Exception) to operate a Family Day Care Home. The property is located in the R-15 zone.**

Jill R. Williams represented this request. Ms. Williams would like to operate a small family day care home at her house on Jasmine Drive. She would keep six children in addition to her own child. She does not yet have her license but provided copies of the letter from the Township Fire Chief regarding the fire inspection held on November 9, 2005; letters and certificates from the Department of Welfare; and her Child Abuse and Criminal Record Checks. She is certified in C.P.R. but will need to take a class in First Aid. Zoning Officer Menges stated that she would need to have a four-foot high fence and sixty-five square feet of play space per child. Ms. Williams stated her business would be opened Monday thru Friday from 7 a.m. to 5 p.m. She will have no other employees. She stated that she has side parking for two cars.

Planners Felix/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z05-39 – Jill Williams, requesting a special exception to Section 203.2 (Uses by Special Exception) to operate a family day care home, pending certification by Department of Welfare and all pickups and drop offs of children be done from the driveway, as it meets the requirements for a special exception as set forth in Section 503.3 a) thru f). Motion carried on a 7-0 vote.

The Planners received the following waiver or exoneration requests:

A waiver of the land development plan requirements for an addition and renovation to the 5 Paradise Court, Paradise Congregation of Jehovah's Witnesses Corporation.

Nathan Dougherty represented the request. The Congregation would like to construct an 18' x 40' addition for a new furnace and offices. There would only be a .6% loss of impervious surface (271 sf/39,202 sf), and the total additional building coverage will be .5%. The addition will be over an area that currently has shrubs and part of the parking lot. The furnace is malfunctioning and the type of unit they want to replace it with requires additional room. The church was built in 1986 and the requestors have submitted a site plan showing where the addition will be. They have not previously asked for a waiver but were given a variance twelve to thirteen years ago to build a stairwell and enclose an overhang. The Church owns almost three acres of land.

Planners Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. 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, 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.**

Pat Buhl, Worley Surveying represented this plan. They have supplied an architecture plan of the buildings as requested previously by the Planning Commission. They have submitted the flood study to the Township Engineer. The site will have wall-mounted lights. Township Engineer comments have been addressed.

Planners Marsh/Brown moved for a favorable recommendation to the Penn Township Board of Commissioners on P04-08 – Woodland Development, Inc. Motion carried on a 7-0 vote.

**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.

**P04-25 – 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.**

Pat Buhl, Worley Surveying represented this plan. This plan was being presented for input. They are showing two entrances to the property - one from Baltimore Street and the other from Black Rock Road. The entrance onto Black Rock Road will require a PENNDOT permit. Mr. Buhl stated he thought that the buildings will be used for commercial purposes but was not sure. The plan was previously shown as business offices. There are two structures on the plan. The structure facing Baltimore Street will have five tenants and the one to the rear will have one tenant. The property is in the HB zone so that professional services and retail services would be a use by right. The Planners wanted to know what or who is going to occupy the building before making a comment on the design.

**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.**

Joe Holland represented this request. Engineer Bortner's comments have been addressed. The dumpster will remain to the rear of the building but will be enclosed utilizing the rear wall of the building and a fenced in area. There will be one window for drive thru pickup and a sign on the building. Most deliveries will be made before business hours.

Planners Felix/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on P05-11 Unit 14 Grandview Plaza. Motion carried on 7-0 vote.

**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.**

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.**

There was no action taken on this plan.

**P05-22-ABBIE R. BANGE, c/o Rebecca E. Goodermuth, 3121 Grandview Road, Hanover, PA 17331. A final subdivision plan submitted to create three (3) residential building lots. The property is located at 3121/3141 Grandview Road in the R-15 zone.**

Pat Buhl, Worley Surveying, represented this request. This is an initial review of the plan. The plan will create three lots with one new building lot. There is a land swap between the owners of the Bange and Goodermuth properties. The Goodermuth property will be about 3.6 acres after the subdivision. The Bange home will sit on a smaller lot and there will be a new lot created at Brad Drive and Grandview Road. The new lot and Bange house will be sold to cover medical expenses. York County Planning Commission comments have not been received.

**P05-23 – SYLVIA A. GOWER, 311 Martin Drive, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential building lots. The property is located on Martin Drive in the R-15 zone.**

Pat Buhl, Worley Surveying, represented this request. This plan was previously before the Planners as a Zoning Hearing Board case because it does not abut a public street. Ms. Gower does have a right-of-way about fourteen feet wide from her house to Grandview Road for access, which is paved. York County Planning Commission comments have not been received.

**P05-24 – GRANDVIEW PLAZA-UNIT 9, c/o Stone Ridge Development Corp., 330 Dubbs Church Road, Hanover, PA, 17331. A preliminary/final subdivision plan submitted to construct food service/retail shops. The property is located in the Grandview Plaza Shopping Center in the S/C zone.**

Dave Stair, Loss Stair Civil Engineering, represented the plan. The property is located along the existing one-way-in driveway of Grandview Plaza. It is believed that a Starbucks Coffee Shop will be utilizing one of the buildings, which will require a signboard and a drive up and pick up window. They are proposing a paved patio area. They will be submitting a landscape plan. The facility will have forty-two seats with twenty parking spaces for patrons and five parking spaces for employees. The other facility may be a Quiznos Sub Shop and may have to be smaller depending on the parking requirements it will need. York County Planning Commission comments have not been received.

**P05-25 – EL GRECO STREET SUBDIVISION, Michael I. and Christine Small, 820 Hershey Heights Road, Hanover, PA 17331. A preliminary/final subdivision plan submitted to create two (2) single-family residential lots. The property is located at SW end of existing EL Greco Street. Only a small portion is located in Penn Township. The plan is being filed by Berwick Township, Adams County, PA.**

Dave Stair, Loss Stair Civil Engineering, represented the plan. This was the initial review of the plan and most of it is within Berwick Township, Adams County. There was some concern expressed by Township Engineer Bortner that the previous subdivision that was done concerning these properties is shown on the plan. Mr. Stair believes they are included. York County Planning Commission comments have not been received.

Chairman Black thanked Mike Brown again for his service to the Board and wished him good luck if the Commissioners appoint him to the Zoning Hearing Board. Mr. Black also stated that in January the Commission will reorganize and he will not accept the position of Chairman and he will not, for personal reasons, be applying for reappointment when his term on the Commission expires.

The meeting adjourned at 9:04 p.m.

Respectfully submitted,

Kristina Rodgers, Recording Secretary