

PENN TOWNSHIP PLANNING COMMISSION
DECEMBER 6, 2007

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on December 6, 2007 at the Penn Township Municipal Building. Present were Planning Members Wendell Felix, Michael Johnson, Stede Mummert and Gary LeFevre. Members James Butt and Fred Marsh were absent with notice. Also present were Township Engineer Bortner and Zoning Officer Menges.

The Planning Commission meeting minutes of November 1, 2007 were approved as submitted.

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

Z07-26 – JOHN T. & PAULA O’NEILL, 10 Valley Run Circle, Hanover PA 17331.
Applicants are requesting a variance to Section 203.3 (Area and Bulk) to construct a sunroom addition. The property is located in the R-15 zone.

John O’Neill represented this request. Mr. O’Neill is proposing to build a 12’x 14’ sunroom that would encroach into the side yard setback. The sunroom would be accessed from the living room and that prevents him from making it shorter than the fourteen feet. The current side yard setback is 12’ but when the house was built it was 10’. It will encroach into the side setback by 5.6 feet and would have encroached by 3.6 feet even on the old setback. Mr. O’Neill has owned the home for ten years. He provided a list of reasons to the Planners for the variance that included his wife has musculoskeletal problems and the sunlight the room generates will help her. Mr. O’Neill would be able to grow plants inside and use the sunroom when it is too cold to be on the porch. The applicant provided photographs that showed the layout of the house and property. Mr. O’Neill stated that the house will be more architecturally pleasing with the 12 foot width on the front of the sunroom addition, because it will balance the front of the house more than a narrower front on this room would, thus enhancing the appearance of the house from the street. He stated the pie-shape lot causes some of the problem because the house was built towards the front of the set back line. The entire room does not infringe on the setback. Mr. O’Neill stated that he has spoken to his neighbor and he does not have a problem with the addition. There would still be 36.7 feet between Mr. O’Neill’s house and his neighbor’s house. It was suggested that the neighbor should write a letter to the Zoning Hearing Board stating that he had no objection to the addition and stating that he was not able to attend the Zoning Hearing Board meeting because of his work schedule. Zoning Officer Menges stated that there are variances in the neighborhood but there are not that many because the development was constructed in the mid 1990’s.

Planners Mummert/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z07-26 – John T. & Paula L. O’Neill requesting a variance to Section 203.3 (Area and Bulk) to construct a sunroom addition, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-0 vote.

Z07-27 – BLACKFORD DEVELOPMENT, LTD., 120 North Pointe Boulevard, Suite 300, Lancaster, PA 17601. Applicant requests a special exception to Section 407.2 (Expansion and Alteration) to propose an alteration of the existing nonconforming use to permit the proposed use of the property as a Giant fueling facility. The property is located at 855 Baltimore Street in the S/C zone.

James Strong, McNees Wallace, and Nurick along with Doug Gosik, Donna Deering Ward and Joseph Lacagnina represented this request. Mr. Strong stated that there is an existing gas station at 855 Baltimore Street, which has seen periodical operation over the past several years. This property is a separately deeded parcel located adjacent to the South Hanover Shopping Center where Giant Food stores is located. Giant would like to utilize the station as a fueling facility for the store. The facility would be renovated for this purpose. The existing nonconforming use would not change and the application is for an alteration of the use. There will be no increase in the existing impervious coverage. The existing dimensional nonconformities will not be increased by the improvements.

The applicants testified that Giant, along with the developer, has plans to renovate the shopping center to make it more viable. It was stated that they would like to offer as many amenities at this Giant store as they do at the current prototype stores which include a fueling center. Fueling centers are considered a department of the store even though it is outside the store. The proposed center would have three double-sided fuel dispensing pumps. Which is a reduction of four pumps from the current Sunoco station. The site itself would include a kiosk for the attendant. The kiosk would be connected electronically to the store by a wireless connection. Zoning Officer Menges stated that Giant has been before the Zoning Hearing Board twice requesting fuel pumps and both times was denied because of the facility being located in the front yard rather than a side or rear yard because it is considered an accessory use to the store. Mr. Menges stated that he has met with Giant and this is the best scenario they could come up with because the fueling center will be it's own parcel with it's own unique parcel identification number and therefore not part of the existing shopping center. If a reverse subdivision would be done then they would be in same situation as they were previously. Mr. Menges stated that he has spoken with Attorney John Baranski, Solicitor for the Township's Zoning Hearing Board, and he advised this would be the best way to accommodate the fueling center. Planner Felix had some concerns about the proposed exit from the fueling facility into the shopping center and what future implications it would have if the property changed hands. It was noted that the redevelopment of the shopping center would have to go through the land development process.

Planner Felix asked if there was any consideration of subdividing any adjacent land along Baltimore Street. The applicant referred to the conceptual drawing of the redevelopment of the center, which showed the Giant moving to the old Ames building. According to the applicant there will be a decrease in the total amount of retail space. The existing building where craft country was located will be removed and rebuilt smaller than the existing building. The stores whose rears face Baltimore Street will have a fake front installed on the back of the building to be more attractive from Baltimore Street. Planner Felix was concerned that one of the exits be a right turn only south of the traffic signal. Zoning Officer Menges stated that when York County Planning Commission reviews the plans they might request a traffic study.

The developer testified that there would be a cross easement agreement to the rear of the fueling facility and the entrance of the shopping center to keep Giant traffic within the center when they are accessing the fueling center.

The Township's Planning Commission expressed a good bit of concern that the accesses be studied and that certain exits be right turns only because of the proposed increase in the amount of traffic that could be accessing Baltimore Street.

Planners Felix/Mummert moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z07-27 – Blackford Development, Ltd requesting a special exception to Section 407.2 (Expansion and Alteration) to propose an alteration of the existing nonconforming use to permit the proposed use of the property as a Giant fueling facility, as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried on a 5-0 vote.

The Planners received the following waiver and/or exoneration requests:

Baummer Sawmill is requesting exoneration from a land development plan to construct a 12' x 14' dustbin. The property is located at 34 Industrial Drive.

Tony Baummer represented this request. He stated that he would be installing a 12' x 14' dustbin for the existing sawmill. He stated that he would be making additional improvement to the property at some future date and would do a land development plan at that time. He cannot financially afford to do the plan now. It was stated that there has been at least one exoneration granted to him in the past. Mr. Baummer pointed out where the future building may be constructed. Several of the buildings on the property existed when the property was purchased. Mr. Baummer testified that the fire company would be able to access the new dustbin facility.

Planners Mummert/Van de Castle moved for an unfavorable recommendation on this request to the Penn Township Board of Commissioners. Motion carried on a 3-2 vote with Planners Johnson and Felix casting the dissenting vote.

ESAB Welding and Cutting Products is requesting exoneration from a land development plan to construct a cement pad addition. The property is located at 801 Wilson Avenue.

Zach Fischer, ESAB Welding, represented this request. They will be adding two new dust collectors to the Hanover Facility. Mr. Fischer stated that the Pennsylvania Department of Environmental Protection has been involved in this process because of the emissions. They will need to install a cement pad to the footprint of the plant for the dust collectors. The cement pad will be 24' x 20' for a total of 480 square feet. The plant was constructed in 1968 but probably without benefit of a land development plan. According to Zoning Officer Menges there would not have been any York County Planning Commission reviews of the plans that were presented to the Board of Commissioners at that time.

Planners Van de Castle/Mummert moved for an unfavorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 5-0 vote.

Giant is requesting a waiver of a land development plan to make alterations to the existing gas station located at 855 Baltimore Street.

James Strong, McNees Wallace, and Nurick represented this request. Mr. Strong would like a waiver of a land development plan to replace the existing structures on the Sunoco property with ones that are more in line with what Giant would like to have. This would include the signage, canopies, the fuel station and the kiosk. There would be no increase in the existing dimensional nonconformities. Since they are replacing existing facilities they feel that a plan would not be beneficial to the Township and would slow down the pace of the installation of the center. The issues of traffic would be addressed when the property is redeveloped. The parcel with the fuel station would be a completely separate parcel from the one with the remainder of the shopping center. They consider the fuel station parcel to be integral in the redevelopment of the shopping center. The amount of lot coverage would not be increased so storm water would remain the same. There is a site concept plan that was submitted with the zoning application. York County Planning Commission would not review the plan for this parcel because they would not be changing the use or development of the parcel.

Zoning Officer Menges noted that the township would be receiving a lot of positives from this plan, including the removal of the canopy out of the state's right-of-way, the movement of the building and a reconfiguring of where the fuel islands are located.

The kiosk has been increased to a depth of 17 feet to accommodate a bathroom since the application to the zoning hearing board was made.

The developers again stated that they do not need a traffic impact study for this parcel because they did not change the use of the property. They will be doing some sort of traffic study for the redevelopment of the shopping center. Engineer Bortner stated that the number of parking spaces normally determines if a traffic study needs completed.

The existing right turn only exit from the shopping center will remain which is adjacent to the fueling center parcel.

The applicant stated they did not want to change the existing accesses to the property because it would involve contacting PennDOT and that would slow down the project.

Planners Mummert/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this request with the condition that when the redevelopment plan is submitted it includes a traffic study for this parcel with regards to access and egress. Motion carried on 4-1 vote with Planner Felix casting the dissenting vote.

The Planners reviewed the following Subdivision/Land Development plans and made the following recommendations:

P01-28 – HIGH POINTE @ ROJEN FARMS (SOUTH), 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.

P02-28 – GATEWAY HANOVER (CARLISE CROSSING), c/o CBL Associates Properties, Inc., 800 South Street, Suite 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.

P03-11 – THORNBURY HUNT, Wolverine Holdings LLC, John Teel, 1060 Baltimore Street, Hanover, PA 17331. 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 - 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.

P03-23 – 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.

P03-30 – 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.

P06-01 – BURKENTINE SOUTH, Hannon Homes c/o John Burkentine, P.O. Box 98, Glenville, PA 17329. A preliminary subdivision plan submitted to create twenty-four (24) single-family residential lots. The property is located on South side of Black Rock Road and West of Grandview Road in the R-15 zone.

There was no action taken on this plan.

P06-20 – PROPOSED RUTTER’S FARM STORE #6, CHR Corporation, Tim Rutter, 2295 Susquehanna Trail, Suite C, York, PA 17403. A final reverse subdivision and land development plan submitted to construct a convenience store dispensing fuel and a car wash. The property is located south of York Street (SR 116) between Blooming Grove Road (SR216) and Hirtland Avenue in the H/B 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.

P07-07 – 150 BROOKSIDE AVENUE FINAL SUBDIVISION, Michael J. and Luann Hufnagle, 1009 York Street, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is located at 150 Brookside Avenue in the R-8 zone.

Dave Stair, Loss Stair Civil Engineering, represented this plan. Mr. Stair stated that the new lot would have full road width and curbing. The Penn Township Public Works Committee also reviewed the road design. Planner Felix asked if they would be willing to include a note on the plan that the Township does not have any EDU’s available at this time. Mr. Stair stated that he is working on an agreement between the Hufnagle’s and the Township and they understand that there would not be an EDU available till PADEP approves them for the Township. Zoning Officer Menges stated that the note and the agreement be included on the plan.

Planners Van de Castle/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan with the stipulation that the note about the EDU’s and the agreement be included on the plan. Motion carried on a 5-0 vote.

P07-10 – 735 FREDERICK STREET LAND DEVELOPMENT PLAN, Bon-Ton Builders, Inc., 1060 Baltimore Street Hanover, PA 17331. A final land development plan submitted to construct a multi-family attached residential dwelling unit. The property is located at 735 Frederick Street in the A/O zone. (Replacement for P03-29).

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.

Reg Baugher, Hanover Land Services, represented this request. Mr. Baugher stated that this plan had previously been before the Planners when it was a zoning case. They are looking for comments so they can proceed with applying to the outside agencies for their reviews (PennDOT, York County Conservation). The Township Engineer and the Fire Chief are satisfied with the internal traffic patterns. The bank that was previously shown has been removed due to time constraints of the Gold's Gym project. There will only be one main entrance for customers to enter.

P07-25 – HAROLD H. & DARTHEA L. DUSMAN, c/o Alan Dusman, 4204 Grandview Road, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is located at 1050 Beck Mill Road in the R-22 zone.

There was no action taken on this plan.

P07-26 – HOSTETTER SUBDIVISION, Group Hanover, 213 Carlisle street, Hanover, PA 17331. A final subdivision plan submitted to create two (2) residential lots. The property is located on Hickory Lane in the R-22 zone.

Gerry Funk, Group Hanover Inc., represented this request. York County Planning comments have been received. The Planners were concerned about sidewalk. Engineer Bortner stated that there is sidewalk on the Hickory Hills subdivision and curb on the Thornhill subdivision that abut this property. Sidewalk installation can be required under the First Class Township code. According to Zoning Officer Menges the house numbers would not be assigned until such time that a plan is submitted showing land development. Engineer Bortner stated they are requesting a waiver of the sewer because the lot is proposed for agricultural uses. There is sewer available to the rear of the property and in the streets of the Thornhill and Hickory Hills subdivisions. The existing house would remain on the current septic system. It was suggested by the Planners that curb and sidewalks be required because the adjoining properties have them.

During the discussion of this subdivision Planner Johnson excused himself at 8:42.

Planners Felix/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan with the stipulation that sidewalk and curbing be installed. Motion carried on a 4-0 vote.

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.

Gerry Funk, Group Hanover Inc., represented this request. Engineer Bortner stated that his concern for the plan is that the original subdivision plan states that no additional subdivision plans would be allowed for building lots. Mr. Funk stated that Ed Mort talked to Jim Yingst the attorney who prepared the deeds from the original subdivision and he stated that there should not be a problem with additional subdivisions. The plan will expire on January 21, 2008. The plan will have to be acted upon by the Penn Township Board of Commissioners on that date. Zoning Officer Menges stated that Andy Brough, the developer, is the one who made the conditions on the plan. He suggested that he attend the meeting and state that he has no opposition to

additional subdivisions. Township Engineer Bortner stated that the individuals who bought the lots off of that subdivision are the ones who purchased the lot with the understanding that the adjacent lots were not going to be subdivided. It was suggested that the current property owners be contacted on their feelings about additional subdivisions.

Planner Johnson rejoined the Planning Commission during this discussion.

P07-29 – NHM CONSTRUCTION, LLC, Samuel Lehigh, 2392 Grandview Road, Hanover, PA 17331. A final subdivision plan submitted to create two (2) agricultural add-on lots. The property is located in the R-15 and R-40 zones.

Reg Baugher, Hanover Land Services, represented this plan. He noted that this plan was previously before the Commission with regards to a zoning case. They are taking land from the existing duplexes along Grandview Road adjacent to 2392 Grandview Road and adding it on to 2392 Grandview (the Lehigh Farm). This would allow the Lehigh's to construct a better intersection with Grandview Road if the need arises. York County Planning Commission comments have not been received. Mr. Baugher stated that Engineer Bortner has requested a note on the plan, which has been added, that states this plan does not supercede the previously approved Geiman duplex plan from 1998. Zoning Officer Menges stated that York County Planning Commission had some concerns about the previously approved lots that were shown on the plan. Engineer Bortner stated he had the same concerns about this plan taking precedence over the old plan and that is why he suggested that the note be added so that it is understood the previous plan must be followed. The Planners reviewed the old plan in conjunction with the new plan.

P07-30 – M & T BANK – 1275 BALTIMORE STREET, Group Hanover, Inc., 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted to construct a financial institution. The property is located at 1275 Baltimore Street in the S/C zone.

Gerry Funke, Group Hanover, Inc., represented this request. Mr. Funke stated that they are proposing an addition to the south side of the M & T bank and reconfiguring the existing drive through windows. There will be additional parking to the lot. There was some concern about the adjacent alley, which is not owned by the bank, because of the traffic entering Baltimore Street. The alley is owned by the owners of the Stonewick development. Engineer Bortner felt that since this was a land development plan showing the alley as an access that the Planners could review all the accesses. Perhaps the Planners may want to require an agreement between M&T Bank and Stonewicke to make the alley right turn only onto and from Baltimore Street. Engineer Bortner stated that there is a curb and sidewalk issue with regards to this plan because M & T Bank does not have either but other properties in this area have been required to install curb. Engineer Bortner stated that landscaping should be considered. Zoning Officer Menges stated that the previous trees that were on the lot were cut down and that they are required to have landscaping. Mr. Funke was informed that he should address landscaping, curb installation and the access to the alley before the plan is reviewed again.

P07-31 – SKF USA, INC., 20 Industrial Drive, Hanover, PA 17331. A final land development plan submitted to construct a building expansion for manufacturing.

Dave Koratich, EIT, LSC Design and Dan Creep, LSC Design, represented this request. The Planners were concerned about the temporary building, which has been on the property since 1994 and which was supposed to be there only two to four years. Mr. Koratich stated that SKF was supposed to submit a permit application for the demolition of that building prior to the approval of this plan. The structure is similar to a permanent tent and it was not supposed to last this long. The expansion is to house an in-ground furnace which will arrive in August of 2008. They have been working with DEP and have submitted their erosion and sediment plan.

The applicants have submitted numerous waiver request that include a waiver of the preliminary plan requirement, waiver of a final plan regarding a drawing scale size of either 1' = 50' or 1" = 100', waiver of the environmental impact study a waiver of the feasibility report on sewer and water, and a waiver of the street curbing. It was noted that since there is no subdivision of land they could proceed to a final plan. Engineer Bortner stated that the scale they have on the plan is adequate enough for review and to see what is on the plan. They are using 80 scale with a blow up scale of 1:30. They would like a waiver of the environmental impact study because they are improving the area to the front of the building and are not disturbing any land that was not previously disturbed. There are no new sewer connections and there will not be an increase in the current water usage at the facility. There will be no new employees and no new processes created with the addition of the furnace. The furnace itself will be a closed coolant loop. York County Planning Commission comments have not been received. With regards to the curbing, Engineer Bortner noted that all the subdivisions that have been submitted for this area have included curbing.

Planners Van de Castle/Mummert moved for a favorable recommendation on the request of a waiver of the preliminary plan. Motion carried on a 5-0 vote.

Planners Van de Castle/Mummert moved for a favorable recommendation on the request of a waiver to the drawing scale size. Motion carried on a 5-0 vote.

Planners Van de Castle/Mummert moved for a favorable recommendation on the request for a waiver of the environmental impact study. Motion carried on a 5-0 vote.

Planners Van de Castle/Felix moved for a favorable recommendation on the request for a waiver of the feasibility report. Motion carried on a 5-0 vote.

Planners Van de Castle/Mummert moved for an unfavorable recommendation on the request for a waiver of the street curbing. Motion carried on a 5-0 vote.

Planner Felix thanked the other planning members and the staff for their work during his years on the Planning Commission.

The meeting adjourned at 9:32 PM

Respectfully submitted,

Kristina Rodgers, Recording Secretary