

PENN TOWNSHIP PLANNING COMMISSION  
DECEMBER 4, 2008

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on December 4, 2008 at the Penn Township Municipal Building. Also present were planning members Dan Goldsmith, Fred Marsh, Stede Mummert, James Butt and Paul McAndrew. Craig Prieber was absent with notice. Also present were Township Zoning Officer Menges and Township Engineer Bortner.

There were no meeting minutes provided to the Committee members so the November minutes will be approved at the January meeting.

Because of the New Year's holiday, the Planners decided to reschedule their January 1, 2009 meeting to Thursday, January 8, 2009.

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

**Z08-030 – PROMISE LAND INVESTMENTS, LLC, - 340 Fleshman Mill Road, New Oxford, PA 17350. Applicant is requesting a variance to Sections 202.3 (Area and Bulk), 640.C (Side Setbacks), and 640.E (Density Requirements) and a special exception to Section 640 (Single Family Attached Dwelling) in order to construct four (4) single family attached dwelling units. The property is located at 670 Baer Avenue in the R-8 zone.**

Robert Sharrah, Sharrah Design Group, Inc., represented this request. Zoning Officer Menges noted that this case was before the Planners last month. The request was for six units with discussion of reducing the number to five. The Zoning Hearing Board denied the request for six or five units but recommended applying for four residential units. The applicant has submitted an application to rehear the request. This request is for the side setback, which will be 14.62 feet on one place rather than the required fifteen feet. The front setback will be five feet instead of thirty-five feet. The density is still greater than allowed by the Ordinance. This plan shows 12.5 units per acre and the Zoning Ordinance allows 10 units per acre. According to Zoning Officer Menges, the current property deeds do not specify who owns the alleys but each resident along the alley is entitled access to it. The Township will not repair or maintain the alleys. The former business known as the Draft House sits on the sidewalk. If the homes are setback any further it starts to skew the other setbacks. The homes will be 20' by 30' and two stories tall. A land development plan will be required. The entrance to the parking lot will be from the adjacent alley. The lot currently has ninety-eight percent coverage but they will be creating additional green space. They are proposing fifty-three and half percent lot coverage with the homes. This will help alleviate some of the storm water runoff.

Planners Butts/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z08-30 Promise Land Investments, LLC requesting a variance to Sections 202.3 (Area and Bulk), 640.C (Side Setbacks), and 640.E (Density Requirements) and a special exception to Section 640 (Single Family Attached Dwelling) in order to construct four (4) single family attached units, 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 5-1 vote with Planner Mummert casting the dissenting vote.

The Planners received the following waiver/exoneration requests:

**Paradise Congregation of Jehovah's Witnesses, Variance for fence reduction around retention pond – location is 5 Paradise Court in the R-15 Zone.**

Robert Ruhlman represented this request. He testified that there are no plans for additional improvements to the property. They currently have two congregations at the church and as the congregations grow they split them creating new congregations so that no additional parking will be required. Engineer Bortner stated that the pond was installed in 1985 and was in existent prior to the Township's stormwater management ordinance. The pond has not overflowed in twenty-three years. Mr. Ruhlman provided photos of the pond to the Planners. Engineer Bortner cited the Ordinance and stated that the requirements for a fence have changed over the last fifteen years. Engineer Bortner stated that he visited the site and the pictures are an accurate reflection of the site. Zoning Officer Menges stated that requirements for a fence for a pool have changed several times over the years. The church plans to maintain the fence along the tree-lined area to keep trespassers out. The Planners discussed, in conjunction with the property owner and the Township Engineer, what size the fence should be in order to provide some protection to the area and the stormwater pond.

Planners Butt/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners on this request with the stipulation that the fence be built 20' x 80'. Motion carried on a 6-0 vote.

**Homewood at Plum Creed, Exoneration from land development for an 11' x 13' x 14' structure for storage usage – location at 531 Westminster Avenue in the R-15 zone.**

James Craig represented the request. Homewood is asking for a waiver of the land development requirements for an 11'x13'x14' addition to an existing building. The building is a combination wood shop and maintenance building. The wood shop has a dust collection system, which they are going to move into the addition. Homewood had previously received a land development waiver for an unenclosed pavilion to be used as a picnic area. The addition will be offset with the existing building. There will be an outside entrance door.

Planners Marsh/Mummert moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 4-2 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 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 - 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.**

Chris Raubenstine and Scott Rankin represented this plan. Engineer Bortner reviewed the changes to the plan that have been made since it was last before the Planners. The proposed curbing and sidewalk along Broadway has been removed at the request of PennDOT. This was located on the south side of the property at the entrance. Water runoff will now be directed from

the street towards the property. Engineer Bortner stated that Fire Chief Cromer has reviewed the parking lot and changes have been made in response to his comments. The plan calls for some additional widening of the streets by the developer. PennDOT made some comments on the plan that have not yet been addressed. There was some concern about traffic exiting from Hickory Lane onto Broadway. Engineer Bortner believes that the traffic impact study shows the driveway being a right in and a right out. There was some concern about traffic in the deceleration /acceleration lane. Engineer Bortner stated that it is not a dedicated lane. There is some concern that drivers will make a lane on the opposite side of the white line, which has happened on Baltimore Street. Mr. Raubenstine stated PennDOT has reviewed the traffic studies and the plan complies with PennDOT. The intersection will be constructed according to PennDOT comments and specifications. The applicants reiterated that they have received comments from PennDOT and this what they require. Zoning Officer Menges noted that all comments from outside agencies have to be addressed and included on the plan before the Board of Commissioners will approve the plan. The Township has executed the Consent Order and Agreement and they are waiting for a response from the Department of Environmental Protection (DEP). Mr. Rankin stated that he talked to DEP and they told him to go ahead and submit the sewer module.

Planners Mummert/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan pending sewer module and Penn Dot approval. Motion carried on a 6-0 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.**

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.

**P08-10 – STONE RIDGE DEVELOPMENT CROSSWINDS ASSOCIATES DEVLEOPMENT 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

**P08-13 – HANOVER ORTHOPEDIC ASSOCIATES, INC., GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted 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., represented this request. Mr. Funke noted that this had previously been before the Planners for a special exception. He stated that York County Planning Commission comments and Township Engineer Bortner 's comments have been addressed. There is a note on the front of the plan stating that the Penn Township Zoning Hearing Board granted a special exception on October 14, 2008. There is going to be fencing for the buffer as per the Township Ordinance. The original plan showed two separate parking lots but the fire chief asked that they be connected for fire protection purposes. The back parking lot is for the employees.

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

**P08-14 – NATIONAL BARN COMPANY, 316 Juniper Lane, Hanover, PA 17331. A final land development plan submitted to construct an office building. The property is located at the northwest corner of Industrial Drive and Gitts Run Road in the Industrial Zone.**

Jeff Zeigler, KPI Technologies, represented this request. He noted that York County Planning Commission comments and Township Engineer Bortner's comments have been addressed. He noted that phase two that was shown on the plan that included a cart path to connect the two properties and the road improvements to the existing culvert has been removed. Those improvements and the permitting process will be dealt with at a later date because the property owner would like to begin construction as soon as possible. He noted that there is a request on the plan for a waiver of the buffer yard requirements next to the residential property. The residential property is in Heidelberg Township and the improvements on the property are not near the residential property. The Township will not be providing sewer to Heidelberg Township to develop these lots. Heidelberg has the plan but has offered no comment. They will be required to sign off on the plan. Township Engineer Bortner stated that all comments have been addressed with the exception of the buffer yard. Accommodations have been made for truck traffic. Mr. Thomas is moving his operation from Juniper Lane to this property. Mr. Thomas owns both National Barn Company and LT Timber.

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

**P08-18 – DICKERSON AND KLUNK, 28 Bragg Street, Hanover, PA 17331. A final land development subdivision and add-on plan for residential purposes in the R-15 zone.**

Dean Hempfing represented this request. Mr. Hempfing stated that there are three lots with one being subdivided and added to the two improved lots. Mr. Dickerson owns two of the lots, one that is improved and one that is not improved. Ms. Klunk will be purchasing fifteen feet from Mr. Dickerson to build a single car garage. The non-improved lot is a non-conforming lot. There is an existing driveway on Ms. Klunk's property where the garage will be built. Mr. Dickerson is only willing to sell fifteen feet and will have to remove three sections of existing fence to accommodate the subdivision.

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

The meeting adjourned at 8:27 p.m.

Respectfully submitted,  
Kristina Rodgers, Recording Secretary