

PENN TOWNSHIP PLANNING COMMISSION  
DECEMBER 2, 2010

Chairman Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on December 2, 2010 at the Penn Township Municipal Building. Also present were planning members David Quinn, Fred Marsh, Paul McAndrew, Stede Mummert, and Wendell Felix, along with Township Engineer Eric Bortner. Planner Dan Goldsmith was absent with notice.

The November 4, 2010 Planning Commission minutes were approved as submitted.

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

**Z10-15 – Thomasine Kelley, 16 Newberry Street, Hanover, PA 17331. Applicant is requesting a variance to Section 202.3 (Area and Bulk) in order to construct a front porch that encroaches into the front setbacks. The property is located at 16 Newberry Street in the R-8 zone.**

Glenn Lippy, Jr. and Thomasine Kelley represented this request. They are requesting to build a 5' x 21' covered porch. The porch will run from the porch to the end of the house. There is an existing 5' by 5' concrete porch on the house. The applicant has lived at the home for about eight years. The Planners wanted to know what the original setback was. Township Engineer Bortner stated that he was not sure what it was but it appeared from the way the house is placed it was about twenty-five feet. The house sits second from the end of a dead end street.

Planners McAndrew/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z10-15 – Thomasine Kelley, 16 Newberry Street, requesting a variance to Section 202.3 (Area and Bulk) in order to construct a front porch that encroaches into the front setbacks, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

**Z10-16- Hanover Wesleyan Church, 200 South Street, Hanover, PA 17331. Applicant is requesting a special exception to Section 204.2 (Uses by Special Exception) in order to operate a church day care. The property is located at Lot 125 Hickory Lane in the R-22 zone.**

Pastor Jerry Beers represented this request. The applicant is requesting a special exception to operate a church day care. There is an agreement of sale. Pastor Beers provided a conceptual drawing of the proposed facility. Rev. Beers stated that he had spoken to Zoning Officer Menges about the idea and he suggested that he file an application before the zoning hearing board for the use. The facility currently does not exist but the church is looking to purchase the property for their children's ministry and to use the facility for day care when it is not being used for the ministry. The primary function of the facility will be the church ministry. Pastor Beers stated they have not yet applied for the state permits because they did not know if they would be able to get the Township approvals. The church's ministry will take place on Sundays and Wednesday nights. The facility will be for preschool students. The drawing shows a concept of where the children will be seated during church services. The zoning ordinance requires open area for the day care as well as additional parking area. The proposed building will set close to the road. The pastor stated that they wanted to make sure the use was approved before the final steps were

taken in planning and constructing the building. It is their intent to eventually relocate the church to this property. The church is a use by right in this zone.

Planners Mummert/McAndrew moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z10-16 – Hanover Wesleyan Church requesting a special exception to Section 204.2 (Uses by Special Exception) in order to operate a church day care, as meets the requirements for a special exception as set forth in Section 503.3 a) thru e) as long as they meet the requirements of Section 607 for a special exception. Motion carried on a 6-0 vote.

The Planners received the following waiver or exoneration requests:

**Herbert, Rowland, & Grubic, Inc., on behalf of LCL-York Village Apartment is requesting modifications to Sections 402.s (Preliminary Plan), 405 (Final Plan) and 605 (Landscaping and Bufferyards) of the Subdivision and Land Development Ordinance. The property is located on West Alvin Street.**

Jason Wolfe, HRG, represented this plan on behalf of LCL York Village Apartment. They are requesting a waiver of the preliminary plan, final plan and the landscaping and buffer yard requirements of the Township's Subdivision and Land Development Ordinance. The preliminary plan waiver they are requesting is to not show the existing streets within 400' feet of the tract. The project does not provide for any new streets but does include the extension of West Alvin Street by about fifty feet. The cover sheet contains a location map, which shows the layout of the existing streets within approximately 2,000 feet of the property. The plan does not impact the surrounding streets. They are requesting a waiver of the requirement to show the plan at 1 inch equals 50 feet and to instead show 1 inch equals 30 feet. They are also requesting to not provide a street layout plan at 1 inch equals 800 feet. Engineer Bortner stated that these requirements were established prior to computers and may not be as critical as it used to be. The Township's street map used to be set at the 800 feet scale and this would allow the plan to be overlaid on the street map which would help the Commission make decisions regarding the plan. Mr. Wolfe stated that the applicant has asked to increase the proposed building by an additional unit, which would still meet the Township's zoning ordinance because it would be less than ten units per acre. The third request was for a waiver of the landscaping & buffer yard requirements. A 10' buffer yard requires a structure of some sort whether it is a fence, wall or berm and or combination of wall or berm. There are four different options the applicant has for a 10' bufferyard. The use of a structure will create a difficult situation for maintenance in the unnamed alley considering the fence or wall would need to be directly adjacent to the unnamed alley's edge of road. The Township Engineer is concerned about the drainage because of the density of the proposed units. There was concern about water backing up to the neighbor's yards, which is occurring in other parts of the Township. There was some discussion about the proposed bufferyard as it is designed. Engineer Bortner was not sure how the proposed modification would help the problem that is going to be created. Engineer Bortner explained the difference between the two buffer yards. There was some discussion about the layout being changed to meet the ordinance requirements. Mr. Wolf stated that they could not get the twenty-five feet of buffer yard required. Mr. Bortner tried to get Mr. Wolfe to explain how the proposed buffer yard will help alleviate the storm water issues. The Planners discussed different possibilities to install a bufferyard that meets the Township requirements along with removing storm water from the area. Township Engineer Bortner reiterated that the Township is not causing the hardship for the property owner. It was discussed moving the "patios" on the plan and extending the bufferyard closer to the building. It was noted that the number of units is causing part of

the problem. It was noted that the units are probably larger than the minimum allowed by the ordinance. The Planners strongly suggested that the applicant review other options along with the size of the units proposed.

Planners McAndrew/Mummert moved for a favorable recommendation on a waiver request of Sections 402.s (Preliminary Plan) and 405 (Final Plan) to the Penn Township Board of Commissioners. Motion carried on 6-0 vote.

Planners McAndrew/Mummert moved for an unfavorable recommendation on a waiver request of 605 (Landscaping and Bufferyards) to the Penn Township Board of Commissioners. Any modifications to the ordinance would require additional requests. Motion carried on a 6-0 vote.

**Giovanni's Pizza and Italian Restaurant is requesting an exoneration to land development plans in order to expand the parking lot. The property is located at 646 Blooming Grove Road.**

Jerry Austin represented the owners of Giovanni's. The new restaurant was opened in late September and the business has been very successful which has resulted in insufficient parking. They are requesting a waiver of the land development ordinance due to the cost of preparing the plans and the fact that they just purchased and opened the business. Mr. Austin commented that the land development plan process could be very expensive. There is concern about the onset of winter weather because the current grass area they are parking may become muddy due to rain or snow. This is the area where the employees and some of the customers park. The desire is to get the area paved as soon as possible. There are five tables in the restaurant with seating for twenty customers. They are aware there are going to be issues with storm water along with screening to prevent light pollution. Chairman Van de Castle stated that if they do a land development plan it would allow them to prepare for any further expansion in the business or parking. Engineer Bortner stated that the Hanover asphalt plant does not produce asphalt all year but there are plants that will produce it for customers. There is a well on the property that is not being used. There is additional engineering that needs to be done for the project before it can be completed. The owner of the property expressed concern about being able to get additional funds for the land development process since she had to finance to begin the restaurant. Mr. Austin stated that the expansion of the restaurant might be difficult because they would need additional variances. They will lose some of the existing parking area due to having to use it for access to the new lot. It was noted that there never was a land development plan for this parcel.

Planners McAndrew/Quin moved for an unfavorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried 4-2 with Planners Marsh and Mummert casting the dissenting vote.

**Bohler Engineer, on behalf of Suquehanna Bank, is requesting a waiver from stormwater management requirements in accordance with Article VI, Section C of the Penn Township Stormwater Management Ordinance.** No one was present to represent the request so the Commission did not consider the request.

**Group Hanover, Inc., on behalf of Aquaphoenix Scientific is requesting a partial waiver to Section 605 (Landscaping and Bufferyards) of the Subdivision and Land Development Ordinance for the Aquaphoenix office expansion plan. The area is along Barnhart Drive.**

Gerry Funke, Group Hanover, Inc., represented the request. They are requesting a waiver of the buffer yard along Barnhart Drive in the area of their proposed parking lot. The property across from them on Barnhart Drive is close to what they are proposing because it has no streetscape bufferyard along the entire property. The waiver is from the access drive east to the property line but the other side will have the buffer yard as required. It was noted that Fire Chief Cromer's comments regarding the driveway access and parking lot were addressed. This will help the ladder truck be able to get close enough to the building if necessary. They will have the same amount of parking spaces as originally proposed.

Planners Quinn/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on 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.

**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.

**P03-30 – 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.

**P04-25 – 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.

**P06-23 -BROOKSIDE AVENUE TOWNSHOUSES, 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.

**P07-27 – 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.

**P08-14 – 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.** There was no action taken on this plan.

**P08-20 – PARK HILLS MANOR, N.W. corner of Manor Street and Hammond Avenue, Hanover, PA, 17331. A preliminary subdivision/land development for 9 townhouse units in the R-8 zone.** There was no action taken on this plan.

**P09-10 - AMERICAN HOME CONTRACTORS LLC, Patrick Buhl, P.O. Box #132, Glenville, PA 17329. A final subdivision plan submitted in order to create two (2) residential lots. The property is located at 792-792 Baltimore Street in the Highway/Business Zone.** There was no action taken on this plan.

**P10-09 – WALLEN TRACT APARTMENTS/SOUTH WEST CROSSING, LLC, South West Crossing, LLC, 330 Dubs Church Road, Hanover, PA 17331. A final land development plan for 48 unit multi-family complex. The property is located at Baer Avenue and Bowman Road in the R-8 zone.** There was no action taken on this plan.

**P10 – 12 – YORK VILLAGE APARTMENTS, LCL – York Village Associates, L.P., 199 Baldwin Road, Suite 140, Parsippany, NJ 07054. A preliminary/final reverse subdivision and land development plan submitted in order to construct two (2) multi-family dwellings consisting of 15 units total and office building. The property is located on West Alvin Avenue in the A/O zone.** There was no action taken on this plan.

**P10-13 – PRETZEL PROPERTIES, LLC, 680 West Chestnut Street, Hanover, PA 17331 A reverse subdivision plan submitted in order to create one lot plat. The property is located 680 West Chestnut Street in the Industrial Zone.** There was no action taken on this plan.

**P10-14 – CHAD E. MARTIN, 213 Breezewood Drive, Hanover PA 17331. A final add-on subdivision plan submitted in order to create a residential add-on. The property is located at 541 Blooming Grove Road in the R-40 zone.**

Keith Bortner, Hanover Land Services, represented this plan. This is a small add on from one property owner to another. Mr. Bankert wants to straighten the land where his fence is located. York County Planning Commission comments were received and reviewed.

Planners McAndrew/Quinn moved for a favorable recommendation to Penn Township Board of Commissioners if York County Planning Commission comments are addressed. Motion carried on 6-0 vote.

**P10-15 – NORTH POINT PLAZA, GHI Engineers and Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted in order to construct a new building for retail us. The property is located at the intersection of Carlisle Street and Eisenhower Drive in the H/B zone.**

Gerry Funke, Group Hanover, Inc., represented this plan. This is a land development plan for the former Delco Plaza. They are proposing the demolition of one of the buildings and adding a new building, which will be the site for Pizza Hut currently located on the other side of the street. The plan shows three accesses to the facility, which concerns the Township Engineer. Administrative Assistant Rodgers noted that the use is not a use by right or special exception in this zone. The plan will probably require a zoning variance to alter structure and expand the use along with some other provisions they are asking for such as the additional access on Eisenhower Drive. Engineer Bortner expressed concerns about stacking of traffic along Eisenhower Drive when people are trying to access the facility. York County Planning Commission comments have not been addressed. The Zoning Officer has approved the new signage for the facility.

Planner McAndrew left at 8:55.

**P10-16 – AQUAPHOENIX SCIENTIFIC, GHI Engineers and Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development plan submitted in order to construct an addition for an office. The property is located at 9 Barnhart Drive in the Industrial Zone.**

Gerry Funke, Group Hanover, Inc., represented the request. The plan was reviewed during the request for the waiver of the landscaping and bufferyards.

Planners Quinn/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 5-0 vote.

**P10-17- SOUTH WESTERN SCHOOL DISTRICT BREEZEWOOD DRIVE SUBDIVISION, GHI Engineers and Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final subdivision plan submitted in order to create three lots. The property is located at the intersection of Breezewood Drive and Barrett Street in the R-15 zone.**

Gerry Funke, Group Hanover, Inc., represented this request. The plan was changed to create three lots after it was initially filed for two. The School District is having a problem with the subdivision due to the fact a reverse subdivision on the School District lots was approved around 2005. The plan was recorded but the lots were not combined at the York County Assessment Office so it appears that this tract of land has several lots with several parcel numbers and is not one large parcel that can be subdivided. This will need to be resolved before the plan can proceed.

**P10-18 – SUSQUEHANNA BANK ADDITION, Susquehanna Bancshares, Inc. Attn.: James Murphy, 206 North Cedar Street, P.O. Box 1000, Towson, MD 21204. A final land development plan submitted in order to construct a bank addition. The property is located at 1345 Baltimore Street and 4021 Grandview Road in the S/C and R-15 zones.** There was no action taken on this plan.

The meeting adjourned at 9:09 PM.

Respectfully submitted,  
Kristina Rodgers, Recording Secretary