

PENN TOWNSHIP PLANNING COMMISSION
APRIL 7, 2016

Chairman David Baker called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on Thursday, April 7, 2016 at the Penn Township Municipal Building. Also present were planning members Joseph Klunk, Barbara Mahan, Henry Senatore, and Ray Van de Castle along with Township Manager Rodgers, Township Engineer Bortner, Zoning Officer Swanner, and Assistant to the Engineer Garrett.

The planners approved the March 3, 2016 Planning Commission minutes as submitted.

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

Z16-04 – Michael and Christine Cooper, South Hanover Automotive, LLC, 848 Baltimore Street, Hanover, PA 17331. Applicant is requesting a special exception to Section 207.2 (Use Regulations) in order to construct an automobile tire sales and auto repair garage. The property is located at 871 Baltimore Street in the S/C zone.

Scott Strausbaugh, Becker and Strausbaugh PC, represented this plan. Michael and Christine Cooper are proposing to purchase the former Roberts family restaurant located at 871 Baltimore Street in the S/C zone. The property is currently owned by Steven and Donna Shearer and the Coopers have entered in to an agreement to purchase the property subject to zoning approval. The property is presently vacant and has been for sale for years. The proposal is to turn the restaurant into a wholesale/retail tire business which is a permitted use under the zoning ordinance.

The second part of the project is to construct a five bay garage behind the restaurant to conduct auto repairs. This is not classified as a permitted use under special exception so they are asking for a use variance. The proposed building will be approximately 3,300 square feet and will leave plenty of parking space remaining. There are no dimensional or setback measurements that require a variance and the variance is only needed for the auto repair portion of the project. This parcel is located between an Auto Zone and the soon to be vacant ACNB Bank, to the North is the Giant gas station and across the street from that is the Cooper's current business. Mr. Cooper would like to move across the street for more space and ease of operations. He has a history of maintaining his property.

Mr. Strausbaugh reviewed the standards for a variance and how they are met by the Cooper's proposal. 502.3 a) states that there be no dimensional variances required and there are not for this proposal. 502.3 b) is met because the property is already developed and they are only requesting to add an additional building. Per 502.3 c) we believe this property and the services that will be performed are consistent with what is already going on in the neighborhood so there will be no unnecessary hardship. Traffic shouldn't really increase either. Per 502.3 d) this will not alter the character of the neighborhood as there is already an Auto Zone next door and the Cooper's current

business is just across the street. There will be minimal impact to the neighborhood. There are also similar uses permitted under the variance. Transportation terminals are allowed and the definition provides for housing trucks and truck repairs.

Zoning Officer Swanner noted that he didn't feel a variance was necessary for this. He changed the application coversheet because the zoning ordinance states that where a use is not explicitly accepted or denied it will be a special exception usage which gives a relief of variance requirements. Mr. Strausbaugh believes all of the special exception requirements were met as well.

Planner Van de Castle asked if there would be car sales at the new location. Mr. Cooper said that sales will not be moved across the street. They will either sell the handicapped mobility accessory portion of the business or continue to run it from the current location.

Planners Senatore/Mahan moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z16-04 – Michael and Christine Cooper requesting a special exception to 207.2 (Use Regulations) in order to construct an automobile tire sales and auto repair garage as it meets the requirements for a special exception set forth in the section 503.3 a) thru e). Motion carried on a 5-0 vote.

Z-16-05– Gerald Funke c/o GHI Engineers and Surveyors, 213 Carlisle Street, Hanover, PA 17331. Applicant is requesting a special exception to section 204.2 (Use Regulations) and section 407.2 (Expansion and Alteration) in order to construct classrooms and future cemetery. The property is located at 5125 Grandview Road in the R-22 zone.

Gerald Funke, GHI Engineers and Surveyors, represented this plan. The church is located on Grandview Road and they want to expand their classrooms. They are proposing to move the classrooms in their Baltimore Street location to this facility. Baltimore Street is very congested and this move will help alleviate some of that. Previously the church had been granted the use of classrooms in this building so they're asking for a continuation of this.

The cemetery will be a future use. The church has six hundred to eight hundred plots remaining in their current cemetery and the new one wouldn't be needed before those are full. Planner Van de Castle asked how many burial plots will be at the church. Dan Ernst, St. Joseph Catholic Church, said they don't know because the need for the cemetery is so far in the future and it hasn't been designed yet.

Planner Senatore asked what the relationship is between the school on Baltimore and the classrooms on Grandview. Mr. Ernst said that they plan on selling the Baltimore Street property. There are only one hundred children attending classes on Baltimore Street and they will be dropped off at the new location by a Hanover school bus. Planner Van de Castle asked if there would be kids from West Manheim at the school and there will be. Mr. Ernst said that there are five districts bussing kids in to their school, including Hanover, West Manheim, South Western, Conewago, and Spring Grove. Planner Van de Castle asked how soon construction would start on the school. Mr. Funke said they are hoping to start in the fall.

Planners Senatore/Mahan moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z16-05 – Gerald Funke c/o GHI Engineers

and Surveyors requesting a special exception to section 204.2 (Use Regulations) and Section 407.2 (Expansion and Alteration) in order to construct classrooms and future cemetery as it meets the requirements for special exception set forth in section 503.3 a) thru e). Motion carried on a 5-0 vote.

Z16-06 – Pearl Geeting, 665 West Middle Street, Hanover, PA 17331. Applicant is requesting a special exception to Section 407.2 (Expansion and Alteration) in order to construct additions to existing dwelling. The property is located at 665 West Middle Street in the R-8 zone.

Tim Mummert, Gary L Mummert, and Douglas Geeting, Pearl's son and Power of Attorney, represented this plan. Mr. Mummert said they are interested in adding an addition to the existing house at 665 West Middle Street that would allow Mrs. Geeting to stay and age in place. They would like to add eighteen feet on to the house at the back of the property. They will build one foot in from each exterior wall so they are staying within the existing building envelope. Mr. Mummert showed pictures of the home and explained the proposed addition. The home will go from one and a half stories to two stories. The garage is currently a one car enclosed with a two vehicle carport. They are proposing to level it and build a three vehicle enclosed garage. They do not meet the setbacks for the R-8 zone but the existing house doesn't either. There will not be exceeding lot coverage. Zoning Officer Swanner asked what the total height of the addition will be and Mr. Mummert said twenty-eight feet. Planner Van de Castle asked how long Mrs. Geeting has lived here. Mr. Geeting said it was the first house on the block and she's lived there more than fifty years. Adding the addition will allow her to stay in a familiar place while adding additional living space upstairs for care givers.

Planners Klunk/Senatore moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z16-06 – Pearl Geeting requesting a special exception to Section 407.2 (Expansion and Alteration) in order to construct additions to existing dwelling as it meets the requirements for a special exception set forth in Section 503.3 a) thru e). Motion carried on a 5-0 vote.

The planners reviewed the following waiver or exoneration requests:

GHI Engineers and Surveyors as representative of St. Joseph Catholic Church, are requesting waivers to the following sections of the Penn Township Subdivision and Land Development Ordinance: Section 404 (Environmental Impact Studies) and Section 605 (Landscaping and Bufferyards) in regards to their land development plan. The property is located at 5125 Grandview Road.

Gerald Funke, GHI Engineers and Surveyors represented this request. Mr. Funke stated that the traffic study should not be needed because the increase in traffic would be minimal since the students are mostly bussed as opposed to be driven by parents. There are more people coming to the SRI school in the evening than will be attending during the day. They are also asking for a waiver of streetscape bufferyards because there will be no changes made out towards Grandview Road. He showed a picture of where the changes will be made and nothing will be affected next to the

street. Planner Van de Castle pointed out that Police Chief Laughlin is recommending the traffic study be completed and there may be a need to make changes to the crosswalk. Mr. Ernst asked to speak and shared that in 1995 when the building was built it was for the SRI program. There are currently one hundred sixty-six students enrolled in school and four hundred seventy-six enrolled in the SRI program. There are a lot more students on site in the evening than during the day. Mr. Ernst said there was a crosswalk installed in 1995 and the Township was supposed to improve the crosswalk going forward. The crosswalk was not kept up and the lines are in need of painting. Having already gone through this in 1995 we don't see the need to do it again. There is no parking in the street and the parking lot is big enough for all cars to park. Planner Van de Castle commented that there were fewer existing homes on Grandview Road in 1995. There is more traffic on the street with development that's taken place since 1995. He asked Manager Rodgers if a traffic study was done in 1995 and she replied that there is no traffic study on record. Mr. Ernst said that he was at a Public Safety meeting two years ago requesting school signs to be put up and the Chief of Police told him the Township would do a traffic study. Manager Rodgers reiterated that there is no traffic study on file. Mr. Ernst said there are no students walking across the street from the school at this time. Mr. Funke asked if a traffic study was done when Martins Ridge was built. He questioned if it's right to make St. Joe's pay for a study when they aren't the cause of the increased traffic. Planner Senatore asked if any traffic study performed in the area would be sufficient. Engineer Bortner said that other traffic studies wouldn't address the concerns with the school even if they had been done. A residential traffic study wouldn't address the crosswalk or school zones. Zoning Officer Swanner asked if the cemetery would affect traffic and offer further reason for a traffic study. Planner Klunk said a traffic study would most likely take all of that into account. Planner Senatore asked how many busses will be added for the new students and Mr. Ernst said it will probably be two.

Zoning Officer Swanner asked if St. Joe's is asking for relief from the bufferyards or just the streetscape. Mr. Funke said there was one comment about putting a buffer to the left of the church but there isn't any work being done on that side and the homes were built after the church. Zoning Officer Swanner said that as the cemetery is added a buffer will be required. Planner Klunk stated that the waiver request specifically says streetscape so that's what needs to be addressed right now. The bufferyards can be addressed in land development. Planner Van de Castle pointed out that extending the tree line behind the rectory may be necessary to prevent lights from getting into the houses behind.

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

Planners Klunk/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on the Streetscape and Bufferyards request. Motion carried on a 5-0 vote.

Hanover Land Services, Inc., on behalf of Schindler Elevator Corp, are requesting a waiver from Article III, Section 303 of the Penn Township Subdivision and Land Development Ordinance requiring the preparation of a Land Development Plan for additional proposed paving construction at their 14 Barnhart Drive location.

Reg Baugher, Hanover Land Services, represented this request. Mr. Baugher stated that the property at 14 Barnhart Drive is 7.5 acres and has an 85,000 square foot warehouse and commercial use building on it. They would like to add 2,200 square feet of parking on the property. There was an approved plan in 1999 for 72,000 square feet of parking that was never built. They would like to build in the same area that parking was approved in the 1999 plan and nothing is being changed except they only want to use a portion of the proposed area. The stormwater management from the original plan was approved and installed. Planner Klunk clarified that this request is not concerning the new building on Fame Ave it's the one in the industrial park on Barnhart Drive. Mr. Baugher showed where the parking will be on a picture and answered questions about lot size. Planner Van de Castle asked if this is going into the current stormwater and it is.

Planners Senatore/Klunk moved for a favorable recommendation to the Penn Township Board of Commissioners on the request. Motion carried on a 5-0 vote.

Hanover Real Estate Partners, LLC is requesting a waiver from the Penn Township Land Development process for an entrance onto their property from West Chestnut Street. Their address is 348 Poplar Street.

Wayne Rice, Hanover Real Estate Partner, LLC, represented this plan. Mr. Rice stated that this property was purchased last year and they have been making improvements on it ever since. There are currently three businesses operating out of this property and the entrance is off of Poplar Street, which is very narrow. There is already a water basin there beside where they are proposing to place the driveway. The driveway will be across from the driveway for Donald B. Smith. Planner Van de Castle asked if a waiver was requested for the parking on the other side of the building. Planner Klunk said that there was a zoning waiver and the only stipulation was that the water main had to be protected. Planner Van de Castle asked if this would create a pathway for trucks to cut from Poplar Street to Chestnut Street and Mr. Rice said that is not the intention. They want to create better access for truck traffic because it's very narrow on Poplar Street. Traffic often stops when trucks are pulling out of the property. Mr. Funke, HLS, pointed out that the driveway is not directly across from Donald B. Smith, it is slightly off center to allow for room to maneuver trucks in and out.

Planners Klunk/Senatore moved for a favorable recommendation to the Penn Township Board of Commissioners on the request. Motion carried on a 5-0 vote.

Light-Heigel & Associate, Inc., on behalf of Burger King are requesting a waiver from Article III of the Penn Township Subdivision and Land Development in regards to their proposed improvement at the South Hanover Shopping Center on Baltimore Street for a Burger King restaurant with drive thru.

Rich Ozimek, representative to the owners of the South Hanover Shopping Center and Keith Heigel, Light-Heigel & Associates Inc., represented this plan. Mr. Ozimek stated that he works for the owners of the South Hanover Shopping Center and has been involved with this project since the beginning. They are working on filling this last lot and it's been a long process getting this property into something nicer for the community. Burger King is ready to get moved in and he told them there is an approved plan so they can get in pretty quickly. He asked that the commission stick to agreements made with previous people so that the project can move forward.

Mr. Heigel handed out page three of the thirteen page land development plan that was approved in 2008. He referred to Special Note #2 on the plan and read, "THE BANK AND RESTAURANT OUTPARCELS ARE SUBJECT TO MODIFICATIONS PENDING FINALIZATION OF TENANT. THE RESTAURANT OUTPARCEL BUILDING MAY INCREASE UP TO A MAXIMUM 3,500 SQUARE FEET PENDING FINALIZATION OF TENANT; HOWEVER, POINTS OF ACCESS AND INTERNAL CIRCULATION PATTERNS WILL REMAIN ESSENTIALLY CONSISTENT WITH WHAT IS SHOWN HEREON". The arrangements that were made consisted of looking at the impervious area and taking a best guess at what would be put on the property. What was originally proposed on the plan was very similar to what a Sonic would have needed with a very small footprint on the restaurant with a patio and a larger parking area. Special Note #2 was added in case a different type of restaurant wanted to move in. Mr. Heigel presented this request to the Public Works Committee on April 5, 2016 and has since made the recommended changes concerning parking space size. Burger King angled spaces are traditionally 9x20 and they were updated to reflect the Penn Township required 10x20.

Mr. Heigel said there is a privately owned water main that serves the shopping center and it's approximately ten feet into the property. The restaurant had to be pushed forward to accommodate the water main. Mr. Heigel outlined the difference in the approved plan and the proposed changes. There are still two driveways and a one-way circulation of traffic. The approved building size was 34,000 square feet and the proposed one is as well but there is less parking. The stormwater system is in place with some necessary changes. Due to the water main location and having to move the building, the driveway was slightly moved from the approved plan and the streetscape will be different. Mr. Heigel referenced special note 2 where it mentions potential changes, the area that is moved forward does not exceed the 3,500 square feet outlined in the note. He believes that the changes are all in line with what was intended on the approved plan but still wants to work with Township staff to stay in compliance with everything that being done. Zoning Officer Swanner asked why the water main on the approved plan is running behind the restaurant and it's not there now. He asked if it had moved. Mr. Heigel said that they were not aware of the location of the water main until recently, but it has not moved since the plan was approved in 2008. Planner Van de Castle asked if the water main will be running under the sidewalk. Mr. Heigel said that the structural engineer doesn't want the water main any less than twelve and a half feet from the building so it will be under the sidewalk.

Mr. Ozimek stated that they would like to continue in the format that was used with Advance Auto. At that time they spoke with staff and when submitting plans for

architectural review they added a couple of sheets of side work that was requested. There was no land development plan for Advance Auto and they would like to move forward with the same process this time. He does not understand why the parking spaces were approved on the original plan but need to be changed now, but they were willing to make the changes. Engineer Bortner commented that the original plan showed fifty-three 10x20 parking spaces and the new plan shows thirty-eight of a different size. He also pointed out that the Advance Auto footprint of what was built is 99% identical to what was on the approved plan. Planner Van de Castle asked what the approved size is for a handicapped parking space. Zoning Officer Swanner said, per Building Code Officer Boyd, handicapped spaces are not accessory to what the Township requires, they're inclusive in what's required.

Mr. Heigel stated that special note 2 was added to account for changes such as parking. Engineer Bortner stated that special note 2 references the size of the building. Zoning Officer Swanner commented that the purpose of the land development plan is to have a legal document holding all parties accountable to what everyone has agreed to. If the commission is looking to make a favorable recommendation there will need to be other documents to act in place of the plan. Planner Baker stated that a favorable motion will need to be accompanied by stipulations. Engineer Bortner said that it will be a matter or staff review if the request is approved. Staff will make sure that it meets all ordinances and requirements.

Planners Mahan/Senatore moved for a favorable recommendation to the Penn Township Board of Commissioners on the request with the stipulation that all Township requirements be met. Motion carried on a 5-0 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.

P03-30 – 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.

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.

P14-08 - BROOKSIDE HEIGHTS - PHASE 2, Brookside LLC (Paul Burkentine, member), 1500 Baltimore Street, Hanover, PA 17331. A final subdivision plan submitted in order to create fifty-six (56) lots to construct single - family attached dwellings. The property is located south of York Street and east of Brookside Avenue in the R-8 zone. There was no action taken on this plan.

P15-13 – HANOVER WESLEYAN CHURCH, c/o Dave Hoover, P.O. Box 861, Hanover, PA 17331. A final land development plan submitted in order to construct a house of worship. The property is located at Hickory Lane in the R-22 zone. There was no action taken on this plan.

P15-14 – HANOVER STORAGE, LLC, Hanover Storage, LLC, 330 Dubs Church Road, Hanover, PA 17331. A final land development plan submitted in order to construct mini-storage warehouses. The property is located at 900 Old Ridge Rod in the Industrial Zone. There was no action taken on this plan.

P15-16 – HEIGHTS AVENUE, Burkentine and Sons, Inc., 330 Dubs Church Road, Hanover, PA 17331. A reverse subdivision and land development plan submitted in order to construct a nine (9) unit multi-family dwelling. The property is located at Peter and Heights Street in the R-8 zone. There was no action taken on this plan.

P15-17 – PINEBROOK-PHASE II, Pinebrook Villa, LLC, 330 Dubs Church Road, Hanover, PA 17331. A final reverse subdivision and land development submitted in order to create fourteen (14) multi-family dwelling units. The property is located on Breezewood Drive in the R-8 zone. There was on action taken on this plan.

P16-03-MARTINS RIDGE SUBDIVISION LOTS 22 & 29, John F. & Margo M. Hall, 1162 Brian lane, Hanover, PA 17331. A final reverse subdivision plan submitted in order to add on to an existing lot. The property is located in Martins Ridge Subdivision in the R-22 zone.

Reg Baugher, Hanover Land Services, represented this plan. Mr. Baugher stated that the existing stormwater is part of lot 22 and the owners have agreed to sell the land and add this to lot 29. Both property owners are in agreement with the sale. It will make lot 29 a total of 2.4 acres. Both pieces of property currently have existing dwellings and the only thing this will do is transfer 79,000 square feet of drainage area. Mr. Baugher has received County and staff comments and addressed them.

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

P16-04 – MCDONALD’S DRIVE-THRU & ADA UPGRADES, McDonald’s Real Estate Co., One McDonald’s Plaza, Oak Brook, IL 60523. A final land development plan submitted in order to upgrade drive-thru and parking facilities at existing restaurant. The property is located at 1448 Baltimore Street in the S/C zone.

Michael Jeitner, Bohler Engineering, on behalf of McDonalds represented this plan. Mr. Jeitner stated that they are proposing to move from a single drive-thru to a side by side drive-thru lane. There will be no parking spaces lost and the impervious coverage is being reduced by approximately two hundred thirty-five square feet. Additionally, ADA parking spaces will be brought in to compliance in regards to slope. Emmett Patterson, franchise owner, said that the same thing was completed two or three years ago at his Eisenhower Drive restaurant. This will be the same type of drive-thru, almost identical. The current drive-thru set up was not designed to handle the volume of large family orders that are coming in which creates traffic back up. The area has also grown a lot since the restaurant was built and the arrival rate of cars is very high. The side by side will allow the cars to be stacked closer to the building and will keep over flow traffic off of the street. Planner Baker asked what will be done to accommodate delivery trucks. Mr. Patterson answered that there are three deliveries per week and each delivery takes about thirty to forty-five minutes to unload. The parking lot on the right will be blocked off during deliveries. Planner Klunk asked if one of the windows would be eliminated. Mr. Patterson said that the current building has three windows and they will only use two. The middle window is presently being used as the cashier window and the last window is the food window. Planner Senatore asked if the County had any comments. Mr. Jeitner said they did not and that the staff asked for the plan to be signed and merger documents provided and both were taken care of. Planner Van de Castle asked what would be done for a drive-thru during construction. Mr. Patterson answered that it will be closed for about a week and a half.

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

P16-05 – ST. JOSEPH CATHOLIC CHURCH, GHI Engineers & Surveyors, 213 Carlisle Street, Hanover, PA 17331. A final land development submitted to construct an elementary school. The property is located at 5125 Grandview Road in the R-22 zone. There was no action taken on this plan.

The Commission reviewed the Act 537 Plan. Planner Baker asked Township Manager Rodgers to comment. Manager Rodgers explained that the 537 Plan needs to be reviewed by the Planning Commission during the comment period. It is the Township sewer plan for the next thirty years or so. Manager Rodgers reviewed the changes required by the plan including sewerage the Oak Hills area. Planner Van de Castle asked how long the comment period lasts. Manager Rodgers said one month. Once the comment period is over the comments will be submitted to DEP and York County Planning also has to review and make recommendations before it’s officially approved. Planner Senatore asked if the plan includes guidelines for septic systems and it does. Once the Act 537 Plan is adopted on-lot septic will need to be pumped

every three years and they will be required to mail a card to the Township when they have completed the pumping.

Planners Van de Castle/Senatore moved for a favorable recommendation to the Penn Township Board of Commissioners on the plan. Motion carried on a 5-0 vote.

Planner Klunk noted that there will be a land development plan for WellSpan to build on the lot on Baltimore Street and it's going to be a 120,000 square foot medical facility with 3 stories.

The meeting was adjourned at approximately 9:06 P.M.

Respectfully submitted,

Angela M. Hallett, Recording Secretary