

PENN TOWNSHIP PLANNING COMMISSION
MAY 4, 2017

Chairman Baker called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, May 4, 2017 at the Penn Township Municipal Building. Present were planning members Justin Heiland, Joseph Klunk, Henry Senatore, and Ray Van de Castle along with Township Manager Rodgers, Township Engineer Bortner, and Interim Zoning Officer Garrett. Planner Clayton Black arrived at 7:10 p.m. and planner Barbara Mahan was absent with notice.

The planners approved the April 6, 2017 planning minutes as submitted.

The planners received the following zoning appeals and made the following recommendations:

ZHB17-02 – Apostolic Ministries, c/o N. Wayne Hammonds, 955 Baltimore Street, Hanover, PA 17331. Applicant is requesting a special exception under Section 322 (Uses Not Provided For) in order to operate a temporary carnival. The property is located at 955 Baltimore Street in the A/O & R-15 zones.

N. Wayne Hammonds, pastor of Apostolic Ministries, represented this request. Mr. Hammonds apologized for any confusion over this request. He said the previous Zoning Officer, Matthew Swanner, verbally approved the carnival, but there was no paper documentation. Interim Zoning Officer Garrett has some concerns about the carnival, which is the reason for this request. Mr. Hammonds explained the church is trying to have a fundraiser. They have been in the former Parkville Fire Hall for four years and are working on getting the building in better condition. The fundraiser is to help pay for repairs to the parking lot and some other repairs to the building. They have contracted with Russ Amusements for the carnival.

Mr. Hammonds said they plan to keep everything well set back from the property line. They have plenty of property to do this and they have left a generous buffer between the rides and the neighboring properties. They are providing security for the nights as well as during the carnival, to make sure there is no vandalism or disruption to the neighbors. Church members will be present during the carnival to keep trash picked up and they will have ample trash cans around the property to keep any garbage from winding up in the neighbor's yards. Mr. Hammonds said they have one hundred forty parking spaces available on their property. They plan to use the Clover Lane entrance and not the Baltimore Street entrance for all carnival traffic. They believe the traffic light at Clover Lane will be a safer way to control traffic. Carnival workers may be using the Baltimore Street entrance. The Doctor's office next to Apostolic Ministries has given permission to use their parking lot for additional event parking as well as Buchmyer's Pools parking lot. Mr. Hammonds has requested to use the shopping center parking lot as well but hasn't received a response. They will be using two traffic directors; one at Clover Lane and Franklin Street and another at Clover Lane and the alley close to Baltimore Street. They have a certificate of insurance from Russ Amusements and the other vendors. Russ Amusements has a lot of experience and handled the carnivals for

the Parkville Fire Hall when they were at the same location. Mr. Hammonds said they are roping off the property so carnival attendees know not to go on the neighbor's property.

Planner Baker asked if they are using port-a-potties. Mr. Hammonds said they are planning to use between four and six. Planner Klunk asked if the lot in the rear to the North is part of the Apostolic Ministries property. Mr. Hammonds confirmed that it is, they have roughly four hundred feet across the rear of the property. Russ Amusements is only using two hundred feet so they have excess room if they need to move the rides in a little. Planner Klunk is concerned about using the alleyway off of Clover for entrance to the carnival. Mr. Hammonds said he'd be in favor of not using that alleyway. He said he spoke to the police department previously and they were not opposed to Franklin being blocked on the end. Planner Klunk asked if the police had any other concerns and Mr. Hammonds said he didn't remember anything. Planner Van de Castle asked who they are using for traffic control. Mr. Hammonds said he spoke to someone this morning about using the Penn Township Fire Police and they said they could do it. Planner Van de Castle asked if they have permission to use the parking lots in writing. Mr. Hammonds said they haven't gotten it in writing but he can. Planner Van de Castle asked if they've considered renting a fence rather than using rope. Mr. Hammonds said they had not considered that. Planner Van de Castle recommended they use portable construction fencing to prevent people from parking in the neighborhood and cutting through people's property to get to the carnival. He also asked when the carnival will be operating. Mr. Hammonds said it will run Tuesday through Saturday and will end at 10 p.m. each night, possibly 11 p.m. on the weekend.

Planners Klunk/Senatore moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB17-02 – Apostolic Ministries requesting a special exception to Section 322 (Uses Not Provided For) in order to operate a temporary carnival as it meets the requirements for a special exception set forth in Section 503.3 a.) thru e.). Motion carried on a 4-1 vote with Planner Van de Castle casting the dissenting vote and Planner Black abstaining. Planner Van de Castle said he could not vote in favor unless Apostolic Ministries agreed to rent a fence.

ZHB17-03 – Chad and Jessica Miller, 680 Beck Mill Road, Hanover, PA 17331. Applicant is requesting a variance to Section 400.3 (Setback on Corner Lots) in order to construct a garage that encroaches into the setback. The property is located at 680 Beck Mill Road in the R-22 zone.

Jessica and Chad Miller represented this request. Mrs. Miller said they are applying for a variance to the setbacks so they can construct a garage. They have a fifty foot right-of-way (ROW) on their deed to be used for a future road. In addition to this they have a fifty foot setback requirement, which leaves them with no land to build on due to their septic and drain fields. The Millers have spoken to Township Staff as well as Reg Baugher from GHI and everyone seems to think the ROW would not be usable for a future street because it overlaps into the Columbia Gas ROW, leaving only thirty-five feet to construct a street. Considering that a street won't fit in the ROW the Millers were hoping to build closer to the ROW. Mrs. Miller said they called the former

Zoning Officer, Matt Swanner, before purchasing their house and he told them they could build right up to the ROW line. They have planned to build a garage since purchasing the house and moved forward with the purchase believing Mr. Swanner's information to be correct. They were not aware of the additional fifty foot setback until they met with a builder to begin plans for the garage. The Miller's approached the property owners who have rights to the ROW to see if they would be willing to make it a utility ROW but they were unwilling.

Planner Klunk said the Millers have been to a couple Public Works Committee meetings about this request. He said this is a very unique situation. Planner Baker asked if the ROW should have been part of lot one instead of lot three. Engineer Bortner believes it happened this way because lot three needed a minimum of one acre because there is not public water or sewer and the ROW makes it an acre. The assumption is that once it was developed they'd have public water and sewer giving them a lesser setback. Without public water and sewer there is a fifty foot ROW, with it would be thirty-five feet. Planner Klunk asked how far they want to build into the setback. Mrs. Miller said they have a couple of options and are willing to do whatever they are required to do. Planner Van de Castle asked if they ever did put a street in would their driveway come out on the street. Engineer Bortner believes that was the original intent. He said the Miller's current driveway sits where the road is proposed. Planner Klunk asked which direction their garage doors will face. Mr. Miller said they'd prefer the garage face Beck Mill Road but it depends on what the Zoning Hearing Board decides.

Planners Senatore/Black moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB17-03 – Chad and Jessica Miller requesting a variance to Section 400.3 (Setback on Corner Lots) in order to construct a garage that encroaches into the setback as it meets the requirements for a variance set forth in Section 502.3 a.) thru f.). Motion carried on a 6-0 vote.

The planners reviewed the following waiver or exoneration requests: None.

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

P01-28 – HIGH POINTE @ ROJEN FARMS, Martin Hill, 4219 Hanover Pike, Manchester, MC 21102. A preliminary 227 lot subdivision located on Grandview Road in the R-22 & R-40 zones. (Pending sewer) (South Portion – Robert Sharrah)

There was no action taken on this plan.

P03-30 – MUSTANG POINTE, J.A. Myers Building & Development, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan submitted to create fifty-nine (59) single-family residential building lots. The property is located within the southeast intersection of Cooper Road and Westminster Ave in the R-22 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.

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.

Scott Barnhart, Burkentine & Sons Builders, represented this plan. Engineer Bortner said this is a plan the Commission has seen many times. One of the main issues was the water and sewer availability, but that was negotiated out. The plan is now finished. Mr. Barnhart said the bond was given to the Township today.

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

P16-06 – BROOKSIDE HEIGHTS – PHASE 3, Brookside LLC (Paul Burkentine, member), 1500 Baltimore Street, Hanover, PA 17331. A final subdivision plan to create eighty-five (85) residential lots to construct single family attached and multifamily dwellings. The property is located east of South Center Street and west of Meadowbrook Drive in the R-8 zone. There was no action taken on this plan.

SL17-04 – HIGH POINTE AT ROJEN FARMS – SOUTH SECTION – PHASE IIB AND IIC, off Sunset & Fairview Drive, Hanover, PA 17331. A final subdivision and land development plan submitted for a residential community located in West Manheim Township and Penn Township with no new building lots in Penn. The property is located off Sunset & Fairview Drive in the R-40 zone. There was no action taken on this plan.

SL17-05 – MORNINGSTAR – RICE LOT ADDITION, Matt Rice, 825 Hanover Road, New Oxford, PA 17350. A final add-on subdivision plan submitted for a lot addition. The property is located at 81 Bankert Road in the R-40 zone.

Ron Brown, Group Hanover, said the purpose of this plan is to add to Matt Rice's property. The Morningstar lot has an approximately six foot strip of land running along the road and Mr. Rice wants to add it to his lot. This will give Mr. Rice access to the road. Both lots are non-conforming. Morningstar is non-conforming due to lot size and Mr. Rice is non-conforming because they don't have the right amount of frontage. Engineer Bortner said the Rice property is non-conforming because frontage was lost when Codorus State Park was created. He's not sure if the Morningstar property was also affected by Codorus. Planner Black asked why Morningstar can give away property when their lot is already too small. Mr. Brown said all they are getting rid of is right-of-way. Planner Senatore asked what the impact is of this property changing

hands. Engineer Bortner said it gives Mr. Rice access to Bankert Road. For the Morningstar property it's non-conforming for not having enough acreage but this technically becomes Township right-of-way. The Township would take it to widen the road whether it's part of the Morningstar or Rice lot. Mr. Brown said the Rice access to Black Rock Road is leased from the state on a fifty year lease, so it will be good for him to have another access when the lease is up.

Planers Senatore/Heiland moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 6-0 vote.

SL17-06- HIGH POINTE AT ROJEN FARMS – REVISED PARCEL B, off Sunset & Fairview Drive, Hanover, PA 17331. A final subdivision plat submitted to subdivide the remaining lands and to allow conveyance of Parcel B to a home builder/developer. The property is located off of Sunset & Fairview Drive in West Manheim Township and Penn Township in the R-40 zone.

Jim Piet, Woodhaven Developers, represented this plan. Mr. Piet said he was at the Planning Commission meeting last month for the same project. It's primarily in West Manheim Township. This plat creates a legal description so they can convey it to another party. Planner Senatore asked if Oak Hills Drive was renamed. Mr. Piet said they named it Kortney.

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

SL17-07 – SOUTH WESTERN SCHOOL DISTRICT AND YORK ADAMS COMMUNITY TENNIS ASSOCIATION, 225 Bowman Road, Hanover, Pa 17331. A final land development plan submitted in order to enclose existing tennis courts and classrooms. The property is located at 225 Bowman Road in the R-8 zone.

Ron Orndorff, Engineer of Record, represented this plan. Mr. Orndorff said Jeff Rebert who represents York Adams Community Tennis Association is at a tournament and Nate Osbourne with South Western School District is unavailable. He explained the plan was first presented two years ago but didn't move forward due to funding. The original plan had approval from the Zoning Hearing Board for a variance to the height. Forty feet above the net is required, but the variance allowed them to go thirty feet. They plan to use a fabric structure and it will be built around the classroom rather than a brick and mortar type building. The school wasn't interested in adding additional parking because they have ample parking already. Mr. Orndorff said the former Zoning Officer was told about the funding issues and he never indicated that a formal extension needed to be filed. South Western School District said all construction has to be completed while classes are out for the summer, so he's asking to move this plan forward for approval. Planner Klunk said the Board of Commissioners won't approve a plan that doesn't have Zoning Hearing Board approval yet. He said there may have been problems with the former Zoning Officer but the applicant still holds responsibility for taking care of necessary approvals and extensions. Mr. Orndorff asked if the

Planning Commission could make a favorable recommendation contingent upon the Zoning Hearing Board approval. No one was willing to make that motion.

Planner Senatore asked why they needed to reapply. It was explained that the previous plan died because no action was taken on the plan and an extension request wasn't submitted. The Zoning Hearing Board would have needed to approve an extension. Mr. Orndorff asked when his request would go before the Zoning Hearing Board and Interim Zoning Officer Garrett said it would be June 13th. Manager Rodgers asked if the Planning Commission could make a favorable recommendation to the Penn Township Board of Commissioners at the June 1, 2017 meeting, contingent upon Zoning Hearing Board approval. Planner Klunk said that would probably work since the Zoning Hearing Board will make their ruling before the Board of Commissioners meeting on June 19th. Engineer Bortner asked if the Zoning Hearing Board will also deal with the parking. Mr. Orndorff said the Zoning Hearing Board previously had no problem with the parking since there is ample parking at the school. Engineer Bortner said he'll need the bonding estimate before the end of May if they plan to move forward in June.

Planner Black asked if the stormwater is alright. Engineer Bortner said they are taking care of the stormwater with infiltration. The school has existing stormwater issues but they won't make the Tennis Association deal with that. Planner Black asked if there are any ADA parking spaces. Mr. Orndorff said there are two but they aren't marked on the plan. Planner Black asked if they will correct that on the next plan and they will.

SI17-08 – PROPOSED MEDICAL OFFICE FACILITY, Wellspan Properties, Inc., 2545 South George Street, Suite 1, York, PA 17401. A final land development plan submitted in order to construct a medical office facility. The property is located at 1227 Baltimore Street in the S/C zone. There was no action taken on this plan.

The meeting was adjourned at approximately 8:02 p.m.

Respectfully submitted,

Angela M. Hallett, Recording Secretary