

PENN TOWNSHIP PLANNING COMMISSION
JULY 7, 2016

Co- Chairman Barbara Mahan called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on Thursday, July 7, 2016 at the Penn Township Municipal Building. Also present were planning members Clayton Black, Joseph Klunk, Henry Senatore, and Ray Van de Castle with Township Engineer Bortner, Zoning Officer Swanner and Assistant to the Engineer Garrett. Planner David Baker was absent with notice.

The planners approved the June 2, 2016 Planning Commission minutes as submitted.

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

Z16-09 – BURKENTINE & SONS BUILDERS, INC., 330 Dubs Church Road, Hanover, PA 17331. Applicant is requesting a variance to section 202.3 (Area and Bulk) and a family dwelling special exception from Section 202.2 (Use Regulations) in order to construct multi-family dwellings (three-story townhouses) that exceed the maximum building height. The property is located on Brookside Avenue in the R-8 zone.

Paul Minnich, Barley Snyder Attorneys at Law, and Scott Barnhart, Burkentine & Sons, represented this plan. Mr. Minnich said both the variance and special exception should be relatively easy by virtue of prior decisions in the Township. Burkentine & Sons has been before the Planning Commission and Zoning Hearing Board in the past and been granted similar waivers. Mr. Barnhart explained that the property is on Brookside Avenue. There was a plan filed by Mummert Enterprises and approved in 2006 but it was never built. The plan was for seventeen townhouses in almost the same configuration that is being proposed now. The difference is that the new plan shows condos with a private driveway at the rear. Single family attached dwellings are permissible by way of special exception. All criteria in Section 628 was reviewed and met according to Mr. Barnhart. All criteria in Section 503.3 was also reviewed and met prior to submitting application. Likewise all criteria in Section 306.2 was reviewed and met prior to submitting application. There is full compliance with all three sections. Mr. Barnhart said the same special exception was granted for Burkentine & Sons' Heights Avenue plan as well as Southwest Crossing on Bowman Road, Pinebrook off of Breezewood Drive and Brookside Heights. All of these were the same building type and had the same special exception approved.

Mr. Barnhart said the same variance was approved for Heights Avenue. He explained that a three-story townhouse is almost impossible to build with a thirty foot height restriction. They are usually thirty-five, thirty-six, thirty-eight, or forty feet in surrounding municipalities. Three nine foot beams plus one foot of slab and the roof are more than thirty feet total. Unless a very flat roof with no peak were used there is no way to make it fit within thirty feet. Mr. Minnich said there is a bit of an anomaly in the

Penn Township Subdivision and Land Development Ordinance when it comes to the R-8 zone. The high density R-8 zone calls for a maximum thirty foot height whereas the less dense zones have a higher height. According to Mr. Minnich it is a bit of a peculiarity that the higher density area would have a lower height limit. Mr. Barnhart said that he would appreciate the building height in the R-8 zone being considered as the Ordinance is reviewed. Mr. Barnhart said the previous variances issued have been in no way harmful to the Township. Planner Black asked what the height will be and Mr. Barnhart said thirty-five feet.

Mr. Minnich pointed out that this is a dimensional variance not a use variance and therefore has a substantially lower legal standard. Planner Black asked what the hardship is. Mr. Minnich said they don't need to show hardship for a dimensional variance. Mr. Black asked what the detriment to having a thirty foot roof would be. Mr. Minnich said the visual appearance would be unappealing and make a less desirable looking product. Mr. Barnhart said a thirty foot height would force them to create a product that's not consistent with what's in the Township. A flat roof would create snow accumulation issues. Planner Black asked what the building height was on the expired plan. Zoning Office Swanner said Brookside Heights Phase 2 was granted a variance to Section 306.2 on June 11, 2013 to allow a maximum building height of thirty-five feet. Planner Senatore confirmed that each story of the townhouses will be nine feet in addition to the roof and foundation. Planner Van de Castle asked if there will only be one driveway and there will.

Planners Klunk/Senatore moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z16-09 – Burkentine & Sons, Inc. requesting a variance to Section 202.3 (Area and Bulk) as it meets the requirements for a variance set forth in Section 502.3 a.) thru f.) and a special exception from Section 202.2 (Use Regulations) as it meets the requirement 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:

Site Design Concepts, on behalf of Wellspan Health are requesting waivers from the Penn Township Subdivision and Land Development as follows: Section 303 (Submission of Plans), Section 403 (Feasibility Reports on Sewer and Water Facilities) and Section 605 (Landscaping and Bufferyards) in regards to their proposed medical office land development plan. The property is located on Baltimore Street.

Bob Sandmeier, Site Design Concepts, represented this request. Mr. Sandmeier is the project manager for the Wellspan facility in Hanover. He did not present objectives because that was covered in a previous meeting. Revised plans and a traffic study were submitted last month. Wellspan is asking for a waiver to Section 303 for a preliminary plan so they can go straight to the final plan. They are asking for a modification to Section 605 for the required masonry wall. Within fifteen feet of the property line a masonry wall is required but Wellspan would like to use a vinyl or wooden fence instead. Mr. Sandmeier said the intent of a fence is the same as the masonry wall. In addition to the wall a pretty dense set of trees is required so the fence

won't be very visible. The modification is only required on the north side of the driveway and a short one hundred foot section at the rear of the property. The area next to the driveway has a downhill embankment, the road is higher and the masonry wall would require a deeper foundation. Planner Black asked why fencing is required. Mr. Sandmeier explained that the landscaping and fence are required because of the distance from the next zoning area. Planner Mahan asked why they are opposed to masonry. Mr. Sandmeier said it's a cost item as well as a matter of aesthetics. There is a better variety of choices with a fence and the masonry wall would stick out like a sore thumb. Planner Van de Castle asked what side of the fence the shrubbery will be on. Mr. Sandmeier said the shrubbery will be on both sides of the fence with the majority on the residential side. Planner Black asked if they are exceeding the required number of parking spaces. Mr. Sandmeier said they exceed it by three. Planner Black suggested that rearranging the parking could increase the distance from the property line and negate the need for a waiver but there is not enough parking for that to work. Planner Black asked what the purpose of the masonry wall is. Engineer Bortner said the longevity of a masonry wall is higher than a fence. It's permanent and has a long lifespan now. Planner Black asked if an unkempt fence is a zoning violation. Zoning Officer Swanner said that the upkeep of a fence falls under normal zoning regulations and all fences are to be maintained in good repair. Mr. Sandmeier said that fences have changed since the zoning ordinance was written and they generally have a longer lifespan. Planner Senatore asked if there are any practical applications for a masonry wall as far as noise control. Zoning Officer Swanner said that a masonry wall would likely keep out more noise. Planner Black asked what kind of shrubbery is being planted. Mr. Sandmeier said it will primarily be hollies and evergreens.

Planner Mahan asked if York County Planning Commission has sent comments on the plan. Engineer Bortner said yes but none of the waiver items were mentioned in their comments. The waiver requests were on the plan the County reviewed so they are aware of them. Planner Van de Castle asked if it's ok to waive the sewer and water feasibility study. Engineer Bortner said we'll need a planning module for the sewer side of things but we can't speak to the water side of things. The public water is handled by Hanover Borough. Mr. Sandmeier said the feasibility study is based on onsite septic and private water. A waiver is being requested because they won't be using onsite sewer or private water. They have already spoken with Hanover Borough about the water. Zoning Officer Swanner asked if Wellspan has addressed WWTP Superintendent Mahone's comments about the depth of the main going through the parking lot. Mr. Sandmeier said they have made the necessary changes on the most recent plans. Superintendent Mahone has not had a chance to review the plans yet but indicated by telephone that his concerns were met.

Lucy Elder, 27 Hillside Road, asked if the building will cause other offices within Penn Township to be left empty. Ryan Wickenheiser, Wellspan Health, said they are looking to add services not consolidate and vacate. They are not leaving any vacant storefronts or family practices sitting idle. Mrs. Elder asked if it will be the kind of building that requires a lot of walking to get from your car to your doctor. Mr. Sandmeier said they haven't finalized the programming of the building yet. There is parking on both levels and the farthest corners of the building are likely going to house storage and utility equipment. Mr. Sandmeier pointed out that the outer parking lot is for employees

not patients. Planner Mahan asked how many handicapped parking spaces there are and there are fifteen.

Planner Black asked why they don't want to submit a preliminary plan. Mr. Sandmeier said that a preliminary plan is usually for a phased development or subdivision. The preliminary would show the overall master and the final would show the individual phases. He said a preliminary plan isn't really needed for a commercial property since the final plan would be the same as the preliminary. Planner Van de Castle asked if the entire building will be used at first. Mr. Sandmeier said they are not planning to use the entire building in the beginning but that could change during the two years of construction.

Planner Black asked what authority the Planning Commission or Board of Commissioners has to grant a waiver. He doesn't see the word "waiver" anywhere in the Code. Engineer Bortner said Section 802 has to do with modifications and former Township Manager Garvick created a list of when it's a waiver and when it's a modification. There is a policy in place for waivers. Planner Black said it should be in the Code since it's already a policy.

Planners Senatore/Klunk moved for a favorable recommendation to the Penn Township Board of Commissioners on a waiver from a preliminary plan, feasibility report on sewer and water facilities and landscaping and bufferyard requests. Motion carried on a 5-0 vote.

Mrs. Lucy Elder asked why the buffer is part of the complex. Mr. Sandmeier said the buffer is almost three quarters of the property. Planner Van de Castle said the buffer goes all the way around the property but the waiver is only needed in two sections. Mr. Elder said that their house faces the building and parking lot and they will see the parking lot through their picture window. He asked if it would be possible to extend the buffer to the North corner. Mr. Sandmeier said they can look into what can be done but the little section of land behind the Elder's house is an easement and plants aren't allowed in the easement. It was approved a long time ago as a right-of-way for a future street. Engineer Bortner said the bufferyard should cover the whole zoning line.

Engineer Bortner said that Willow Court doesn't have a cul-de-sac and it's very difficult to turn around in. The proposed plan isn't going to extend Willow Court so the cul-de-sac should be addressed. Planner Van de Castle asked how much more space is needed to make a cul-de-sac. Engineer Bortner said cul-de-sacs are typically eighty feet and it is sixty now. Zoning Officer Swanner showed an image of Willow Court and inserted a circle showing where the cul-de-sac would be. Planner Klunk asked if Wellspan could take a look at it and work with Engineer Bortner. Mr. Sandmeier said they will be glad to discuss it with the Township but there is no right-of-way or easement so it would have to be offered to the Township by Wellspan. Planner Klunk said that's what they'd like to discuss.

Planner Black asked if there is a channelized entrance. Chris Schwab, TRG, said the traffic study has been submitted to Penn DOT but not yet approved. The submitted study shows side-by-side lanes coming out of the property. If Penn DOT says there should be two lanes, there will be a median in between the lanes. Planner Black asked if there would be a traffic light. Mr. Schwab said they are not proposing a

traffic light. They proposed a center turn lane from Willow Court to Grandview Road. After running the traffic analysis they don't see the need for a traffic signal. There may be some delay exiting the property during P.M. peak but it isn't enough to warrant a signal. Mr. Schwab said Penn DOT will comment on their traffic study and they will make changes accordingly. Engineer Bortner asked if they addressed Hillside Drive in their report. Mr. Schwab said it wasn't discussed during the scoping meeting because there are no left turns out of Hillside Drive. If people are making illegal turns that is an enforcement issue. He is willing to look at it more closely. Planner Black asked if they show cars exiting from the back. Mr. Schwab said ten percent and they assume it will likely be employees rather than patients. People aren't likely to cut through the parking lot when there is no signal to avoid. Planner Klunk asked if there is a summary of the traffic study available. Mr. Schwab said it's the first three pages of the study. Planner Klunk asked Zoning Officer Swanner to make the summary available for the August Planning Commission meeting.

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.

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.

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.

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.

P16-07 – PROPOSED MEDICAL OFFICE FACILITY, Wellspan Properties, Inc., 2545 South George Street, Suite 1, York, PA 17405. A preliminary/final land development plan submitted in order to construct a medical office facility. The property is located adjacent to 1275 Baltimore Street (M&T Bank) located to the north and west in the S/C zone. There was no action taken on this plan.

P16-08 – ROBERT T & CHERYL M HEMLER, 41 Colonial Drive, Hanover, PA 17331. A final subdivision to create two (2) residential lots. The property is located on Earl Street in the R-15 zone. There was no action taken on this plan.

The meeting was adjourned at approximately 8:06 P.M.

Respectfully submitted,

Angela M. Hallett, Recording Secretary