

PENN TOWNSHIP PLANNING COMMISSION
SEPTEMBER 7, 2017

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

The planners approved the August 3, 2017 planning minutes as submitted.

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

ZHB17-09-Brad and Christy Hill, 1440 Carlisle Pike, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk) and a special exception to Section 407.2a and 407.2b (Expansion and Alteration) and Section 407.3b (Replacement) in order to construct a new residence in existing structures footprint and location. The property is located at 320 Black Rock Road in the R-15 zone.

Brad Hill, property owner, and Scott Barnhart represented this plan. Mr. Hill said he intended to use the existing outside rock walls when he began planning the renovations for 320 Black Rock Road. He applied for a demolition permit for the garage and through that process learned from Interim Zoning Officer Garrett that the home is an existing non-conforming use due to setbacks. Mr. Hill said he plans to stay in the existing footprint and had originally wanted to use all the existing rock walls, but one of them will need to be replaced due to cracking. He plans to stick build and use siding where he doesn't have rock. Planner Mahan asked if two of the original walls were left and Mr. Hill said there are three.

Scott Barnhart said Mr. Hill found out a fifty foot setback is required after he began demolition on the garage. The garage sits ten feet closer to the setback than the rest of the house and Mr. Hill isn't replacing it, so he's removed a portion of the non-conforming use. The existing house had a seventeen foot setback with the garage and will now be a twenty-seven foot setback. Planner Black asked if the proposed front wall will be any closer to the setback than the existing front wall. Mr. Hill said it will not, it will remain twenty-seven feet from the setback.

Planners Black/Senatore moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB17-09 – Brad and Christy Hill requesting a variance to Section 203.3 (Area and Bulk) and a special exception to Section 407.2a and 407.2b (Expansion and Alteration) and section 407.3b (Replacement) in order to construct a new residence in existing structure footprint and location as it meets the requirements set forth for a variance in Section 502.3 a). thru f). and for a special exception set forth in section 503.3 a). thru e). Motion carried on a 5-0 vote.

ZHB17-10-Philip G. & Amy Redding and James D. & Joanne Lee Miller, 230 Stock Street, Hanover, PA 17331. Applicant is requesting a special exception to Section 207.2 (Use Regulations), Sections 407.1a & b and Section 407.2a & b (Nonconforming uses, structures and dimensional nonconformities in order to construct mini-storage warehouses and relocate existing residential home. The property is located at 1040 Baltimore Street in the S/C zone.

Phillip Redding, property owner, James Miller, property owner, and Ted Decker, GHI Engineers represented this plan. Mr. Decker said this is a 2.184 acre piece of land in the shopping/commercial (S/C) zone. There is a single family residence and shed on the property. The property is adjoined by R-15 zone on the East and North sides and the remaining surrounding property is zoned S/C. There is a mix of residential and commercial properties. There is a fifty foot wide Columbia Gas right-of-way (ROW) passing through the property. They are requesting a special exception to allow the use of mini warehouse which is allowed in the S/C zone by special exception. They are also requesting a continuance of the dimensional non-conformity for width of road frontage. The frontage on Baltimore Street is 98.6 feet and the ordinance requires 100 feet. They are requesting an alteration under 407.2a and 407.2b to take the existing building and move it back to conform to the current setbacks. Moving the building will also provide clear site distance. Planner Van de Castle asked if the house is being moved or a new one built. Mr. Redding said they are moving the existing structure. Planner Senatore asked if the house will meet all setback requirements once moved and Mr. Decker said it will.

Planner Heiland asked if there would be any other services available at the mini warehouse. Mr. Redding said it's only for storage. Planner Van de Castle asked if the house is going to be rented or if it will be office space. Mr. Redding said it will be rented. Planner Mahan asked how people will rent units or make payments with no office. Mr. Redding said they have an existing off-site office and they'll use an automatic gate with controlled access at the mini warehouse.

Mr. Decker said there will be a buffer around the property and it will be addressed during land development. Planner Senatore asked if there will be lights for nighttime access or if they'll only offer daytime entry. Mr. Redding said he's not prepared to answer that question but his first thought is not to provide access during the third shift. Planner Van de Castle asked where the gate will be. Mr. Redding said it will not be in the driveway, it will sit further back where the property widens. The residence will not be in the fenced area.

Planner Black asked if the special exception is to address having a mini warehouse in the S/C zone and if the setbacks were in relation to the mini warehouse or the house. Mr. Decker said the setbacks are for the house and they are requesting a special exception to have a mini warehouse in the S/C zone. There are no variance needed for the mini storage warehouse. He said they will meet all the Subdivision and Land Development requirements. Engineer Bortner said the special exception requirements for a mini warehouse in the S/C zone are addressed in Section 625 a). thru i). He asked if all the requirements are met and Mr. Decker said they are. He said the driveways are more than adequate and they don't plan on storing any hazardous, flammable or combustible materials. He said Section 625 spells out what can and

cannot be done. Planner Heiland asked again if they have made plans for lighting the facility. Mr. Decker said they have not but they will follow the ordinance. Section 625 says lighting shall be shielded to direct light and that's what they'll do. Planner Heiland asked if they plan to fence in the stormwater management area. Mr. Decker said they're not sure what shape the stormwater management will take at this point. They have done some preliminary testing and they plan to meet all the requirements of the stormwater management ordinance.

Engineer Bortner asked what the status is of the twenty foot alley. He said they show ownership but it looks like everybody uses it. Mr. Decker said currently there is access in the 16 foot alley.

Planner Heiland asked if any studies have been done showing a need for this service. Mr. Redding said this will be the second mini storage warehouse in Penn Township and it sits on a main artery. Planner Black asked if this is two separate properties. Mr. Decker said there are two deeds. Planner Black asked if this is two separate pieces of property they could be sold separately. He asked if the setback line should be measured from the seventy-one foot line dividing the properties. Interim Zoning Officer Garrett said the setback has to be fifty feet from the right-of-way on the front of the property and it is. Planner Black asked about measuring the rear setback from the dividing line. Mr. Decker said its two tracts on one deed. Engineer Bortner said they have to have both tracts to meet the two acre requirement, so they wouldn't be able to sell while operating a mini storage warehouse.

Planner Van de Castle asked if they will be storing campers or boats outside. Mr. Redding said he's not sure but if it's allowed by the ordinance and they have room they may consider it. Planner Van de Castle asked if the storage units are big enough to fit a car and they are.

Planner Heiland asked if someone would be coming by to check on the property and Mr. Redding said they will. Planner Van de Castle asked if there will be a center turn lane on Baltimore Street in front of this property. Engineer Bortner said the proposed center turn lane starts at the Tony Forbes property and ends at Squire Way. Planner Heiland asked if the zoning changes at the alley and it does not. Planner Black asked if they will do a site plan after Zoning Hearing Board approval and Interim Zoning Officer Garrett said that's correct.

Bill Kress, 1020 Baltimore Street, said he's owned his property for over twelve years and it's been in his family since 1969. Every time they've tried to develop or sell the property they've been unable to get a Penn DOT permit. He asked if the mini storage warehouse already has a Penn DOT permit and how that would affect other property owner's chances of getting a permit. He's afraid other properties are going to get blocked in as this and other new businesses increase traffic in the area. He said Dunkin Donuts was interested in his property but backed out because of the traffic concerns. Engineer Bortner said they'll need to do a land development plan and part of that is a Highway Occupancy Permit.

Hal Evans, 1031 Friar Run, said he was representing the neighbors on Friar Run. He said they're not necessarily opposed but they have some concerns. He said there are currently seven storage facilities in the Hanover area which could lead to an oversaturation. There are concerns about the setbacks in relation to their homes, the potential for decreased property value, lights shining on their homes, the manner and

type of buffer between their homes and the storage warehouse, the types of items that may be stored, security and fire protection for the warehouse and surrounding residents, traffic and noise, hours of operation, number and size of storage units, water runoff, and what will happen if the business fails or wants to expand. Mr. Miller said they are looking at flat lights that shine down not out. Mr. Evans asked if the entire property will be fenced to prevent people from accessing their properties. Mr. Redding said it will be fenced. Mr. Evans presented the Commission with a list of their concerns signed by home owners at 1040, 1031, 1035, 1039, 1027, and 1050 Friar Run.

Lance Shamer, 1050 Friar Run, said he bought his house in April 2017 and may not have purchased it if he'd known about this. In addition to the concerns listed by Mr. Evans he's worried about controlling what people are doing in their storage units with no property manager on site. He's retired military and has spent a lot of time moving in and out of storage units. He's seen a lot of people working on cars and storing things they shouldn't be. He said you can never control what people do in storage units. He asked how they will control when people come and go. Mr. Redding said the gate can be locked at certain times. They also plan on using security cameras with motion detection so they know when the gate is opened. Mr. Redding said he owns a lot of rental properties and he's concerned about what renters are doing. He said they know how to control their properties and they do it well. Planner Heiland asked if they own other storage units. Mr. Redding said this will be their first but they have other tenant occupied rentals.

Planner Van de Castle asked if they see a need for one hundred fifty of the smaller units. Mr. Redding said they have almost two hundred tenants in the Hanover area and they find that more and more people are looking for smaller homes because they are less expensive and they need a place to store their excess belongings. He said they know this business very well and see a need for the storage units.

Planner Heiland asked if they have done any research on getting a Highway Occupancy Permit. Mr. Redding said they don't see a problem. Mr. Decker said one of the reasons they want to move the house back is to ensure a clear sight triangle.

Becky Norris, 1039 Friar Run said her home is at the end of the proposed lot. She said the neighbor adjacent to the proposed mini storage warehouse recently sold due to concerns for their children's safety. She asked what setbacks need to be met since there is a residence and a business on the property. Interim Zoning Officer Garrett said fifty feet in the front and thirty-five feet in the back. Mrs. Norris also asked if they have to meet the setbacks for the Columbia Gas right-of-way.

Mrs. Norris wanted to know where runoff will go because the proposed warehouse is sloped towards her property. Planner Van de Castle said the runoff will be addressed with the stormwater management permit. They're not supposed to have any water run off their own property. Engineer Bortner said those concerns are addressed during land development. He said the property is zoned S/C and the case is here tonight because it's a special exception to put a mini warehouse in the S/C zone. The Township has special requirements they have to meet to do this. The property is currently zoned for S/C so they could put any shopping they wanted to in, but they are requesting to put in a mini warehouse. There are a lot of land development issues but they will be looked at later, the matter at hand is whether they meet the requirements for a special exception. He also explained that setbacks are governed by zone not by

whether it's a residential or commercial use. They have to meet the setbacks for the shopping/commercial zone.

Planners Black/Senatore moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB17-10 – Phillip G. & Amy Redding and James D. & Joanne Lee Miller requesting a special exception to Section 207.2 (Use Regulations), Sections 407.1a & b and Section 407.2a & b (Nonconforming Uses, Structures and Dimensional Nonconformities) in order to construct mini-storage warehouses and relocate existing residential home as it meets the requirements for a special exception set forth in Sections 625 a). thru i) and 503.3 a). thru e). The motion did not carry on a roll call vote. Planners Van de Castle and Mahan cast dissenting votes and Planner Heiland abstained. Planner Van de Castle moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board and the other planners stated that their prior votes had not changed.

ZHB17-11-Burkentine & Sons Builders, Inc., 330 Dubs Church Road, Hanover, PA 17331. Applicant is requesting a special exception to Sections 202.2 (Use Regulations), and Section 628 (Multi-family dwelling) in order to construct a residential/multi-family dwelling. The property is located at 22 South Center Street in the R-8 zone.

Attorney Paul Minnich with Barley Snyder and Scott Barnhart with Burkentine & Sons Builders represented this plan. Mr. Minnich said he's been coming to the Planning Commission to ask for this multi-family dwelling special exception since 2013. He said this request varies slightly from others because they will only be two-story units instead of three. Scott Barnhart said they are looking at the American Tree lot off of Center Street. It's in the R-8 zone where multi-family dwellings are allowed by special exception. They plan to do the same thing they did on Heights Avenue, the same concept. They will look like two-story townhomes. The ordinance allows ten units per acre and the lot is 3.5 acres so they'd like to build thirty-five units. They have some designated stormwater management areas. They showed their proposed plan to Engineer Bortner for his opinion and discussed egress and entrances. There is an existing cul-de-sac with two entrances that's going to remain and another entrance will be added off of Center Street. The streets will be twenty-four feet wide and off-street parking will be provided. The units will not have garages.

Mr. Minnich asked Mr. Barnhart if the proposed construction meets the criteria for a special exception set forth in Section 628 a). thru h). and it does. Mr. Barnhart said they are constructing three buildings with seven units, one with six units and two with four units. Mr. Minnich noted that this special exception has been previously granted on several occasions. Planner Senatore asked what size the units will be. Mr. Barnhart said they will be three bedroom and two bathrooms. Planner Senatore said they've approved a lot of these and he's starting to have concerns about continually building three bedroom homes with inadequate parking. He said the street parking is starting to look ugly. Mr. Barnhart said the ordinance calls for two parking spaces per unit and they will have eighty total, which add ten extra. He said that these units will be owned by Burkentine and rented out. They will have more control over the parking. Renters have to tell them what vehicles they own and they can't have more than two. Engineer Bortner asked if they own 15E. He said it appears as though it was designed as a

temporary cul-de-sac at 15E and it doesn't meet the setback. Mr. Barnhart said they own it and can take care of it.

Planner Heiland asked if all the units will have decks and sheds. Mr. Barnhart said they will have sheds and patios. Planner Van de Castle asked if the parking spaces could be labeled with addresses so people know where visitors can park. Mr. Barnhart said they've never marked them before but it's something they could consider.

Planners Black/Mahan moved for a favorable recommendation to the Penn Township Zoning Hearing Board on ZHB17-11 – Burkentine & Sons Builders, Inc. requesting a special exception to Sections 202.2 (Use Regulations), and Section 628 (Multi-family dwelling) in order to construct a residential/multi-family dwelling as it meets the requirements for a special exception set forth in Sections 503.3 a). thru e). and 628 a). thru h). Motion carried on a 5-0 vote.

The planners reviewed the following waiver request:

Burkentine & Sons Builders, Inc. is requesting to install individual post lights at every other unit within the Meadow Springs development on Brookside Avenue.

Scott Barnhart, Burkentine & Sons Builders, represented this request. He said they are currently building in Meadow Springs. They are putting in two six-unit buildings and one five-unit. To prevent the area from being too bright they are requesting to put a pole light at every other unit, making sure the end units are lit. The same request was granted for Brookside Heights. Planner Van de Castle asked what happens when one of the lights goes out. He said when the end lights went out on Breezewood Drive the entrance was too dark. Mr. Barnhart said these will be rental units so Burkentine & Sons will be responsible to replace or repair the lights. The Brookside Heights units were sold, not rented. Mr. Barnhart said this request isn't about money, they believe a light at each unit will be uncomfortably bright. He asked if sodium vapor lights are still allowed and Interim Zoning Officer Garrett said they are. Planner Van de Castle asked how far apart the poles will be if each unit has a light and Mr. Barnhart said they'd be every twenty feet.

Planners Senatore/Black moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. The motion carried on a 4-1 vote with Planner Van de Castle casting the dissenting vote.

The planners reviewed the following 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.

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.

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

SL17-08 – 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.

SL17-10 – MUSTANG POINTE, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan to create 190 new residential building lots. The property is located between Breezewood Drive and Bowman Road in the R-8 zone. There was no action taken on this plan.

SL17-11 – 401 MOULSTOWN ROAD, Conewago Contractors, Inc., 610 Edgegrove Road, Hanover, PA 17331. A land development plan submitted in order to construct a building addition. The property is located 0.5 miles east of the intersection of Moulstown Road and Broadway in the Industrial zone. There was no action taken on this plan.

The meeting adjourned at approximately 8:12 p.m.

Respectfully submitted,

Angela M. Hallett, Recording Secretary