

PENN TOWNSHIP PLANNING COMMISSION  
OCTOBER 5, 2017

Chairman Baker called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, October 5, 2017 at the Penn Township Municipal Building. Present were planning members Henry Baker, Clayton Black, Joseph Klunk, Barbara Mahan, Henry Senatore and Ray Van de Castle, along with Engineer Bortner and Interim Zoning Officer Garrett. Planner Justin Heiland was absent with notice.

The planners approved the September 7, 2017 planning minutes as submitted.

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

**ZHB17-12-Scott Green**, 52 Collins Circle, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk), an interpretation to Section 203.3 and the Definitions Section and an appeal to determination of Zoning Officer in order to erect a garage that encroaches into the setbacks. The property is located at 263 Blooming Grove Road in the R-15 zone.

Scott Green, property owner and Attorney Jim Yingst with Guthrie, Nonemaker, Yingst, & Hart LLP represented this plan. Mr. Yingst said this property is in the R-15 zone and is required to have a thirty-five foot front setback, twelve foot side setback, and thirty foot rear setback. These setbacks apply because the property has public water and public sewer. Mr. Green's deed doesn't show an alleyway running along the right side of the property but the sketch from Hanover Land Services shows a twenty foot alleyway. Mr. Green said the alley is entirely mowed grass that serves as the side yard for the property. There is a concrete parking pad in the alley that belongs to the owner of 263 Blooming Grove Road. The parking pad extends onto Mr. Green's property but there is no current agreement for use of the parking area. Mr. Yingst said this is a classic paper alleyway. The alley is not mentioned in Mr. Green's deed nor was it in the prior owner's deed. It must have been mentioned in older deeds but the alley was never opened or used as a public thoroughfare.

Mr. Yingst said the Penn Township Zoning Ordinance definitions don't say anything about alleyways or easements when addressing setbacks. It says side setbacks go from the property line. The Ordinance requires a twelve foot side setback and the proposed structure would be twenty-eight feet from the side property line. Mr. Yingst said an alley is defined in the Ordinance as a thoroughfare other than a side street. The definition for thoroughfare only says, "See major thoroughfare;" however, there is no definition for major thoroughfare. He argues that this has never been a thoroughfare.

Mr. Green said he'd like to erect a 30x44 building that is attached to the existing garage. It will be used for storage of an RV and other personal possessions. Mr. Green shared a sketch of what the proposed structure would look like. Planner Van de Castle asked how tall it will be and Mr. Green said sixteen feet. Mr. Yingst said they either

need a variance to build inside the setback or for the Zoning Officer's interpretation of the Ordinance to be overruled. Engineer Bortner asked for clarification on the location of the property line on the sketch that was presented. Mr. Yinst said Hanover Land Services included the alley in their sketch because it was mentioned in older deeds, but reminded the Commission that it isn't in Mr. Green's deed. Planner Baker asked if all the neighbors were notified of this request and they were.

Planner Van de Castle asked why the neighbor at 263 Blooming Grove Road paved and parks on Mr. Green's property. Mr. Yingst said there may have been an agreement with the previous owner allowing that. He said that fact that it is being used for parking is an indication that the alley was never intended for public use. Planner Black asked why the alley is on the Hanover Land Services drawing if it's not in Mr. Green's deed. Mr. Yingst said someone at Hanover Land Services saw it in an old deed and included it in the drawing. Planner Baker asked when Mr. Green acquired the deed and it was in June or July of 2016. Planner Van de Castle asked if at any time in the past year he's spoken to the neighbor about parking on his property and Mr. Green has not. Planner Black said that's between Mr. Green and his neighbor but has no bearing on this request. Planner Klunk asked if this property is a rental unit and it is. Planner Klunk asked if the renters will have access to the garage. Mr. Green said the proposed garage is for his own personal use.

Mr. Yingst said the parking area was added in 2010 and he suspects there may have been an agreement with the former owner, Mr. Leese. Planner Van de Castle asked if there are any water, sewer or gas lines running under the alley and Engineer Bortner is not aware of any. Planner Van de Castle asked where the alley comes out. Mr. Yingst said it doesn't come out anywhere, it would be an alley to nowhere. He also said the Penn Township zoning map doesn't show this alley. Planner Black said if there were a reason for the alley being placed there this decision could permanently bind the Township.

Planners Klunk/Mahan moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB17-12 – Scott Green requesting an interpretation to Section 203.3 (Area and Bulk) and the Definitions Section and an appeal to determination of the Zoning Officer in order to erect a garage that encroaches into the setbacks. Motion carried on a 4-2 vote with Planners Van de Castle and Black casting the dissenting votes.

There were no waiver requests for the planners to review.

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.**

Planner Klunk said Wellspan may be at the Planning Commission meeting next month for approval. Engineer Bortner said they resolved the back entrance agreement with J.A. Myers. 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.**

Planner Klunk said J.A. Myers attended the Public Works Committee meeting on October 3, 2017 and talked about Timber Lane connecting to Breezewood Drive. He said J.A. Myers is going to make an effort to extend Timber Lane. Interim Zoning Officer Garrett said it might be nice to extend Wirt to S. Center Street to access two traffic lights. He said it could get people from point A to point B without going down John Street. Engineer Bortner said there is a substantial wetlands in the way. 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 7:41 p.m.

Respectfully submitted,

Angela M. Hallett, Recording Secretary