

PENN TOWNSHIP PLANNING COMMISSION
APRIL 6, 2023

Chairman Zach Smith called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, April 6, 2023. Also present were planning members Ronald Arnold, David Baker, Pamela Berlingo and Justin Heiland along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney. Planner Ronnie Bull was absent with notice.

All in attendance stood for the Pledge of Allegiance to the Flag, which was followed by a period of silent meditation.

The planners approved the March 2, 2023, Planning Commission minutes as submitted.

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

ZHB23-01- George A. Riley III, 17 S. Vail Drive, Hanover, PA 17331. The applicant is requesting a special exception under Section 407.2 (Expansion and Alteration) and a variance to Section 612 G (Dimensional Nonconformities) in order to enlarge a deck on the back of the home. The property is located at 17 S. Vail Drive, Hanover, PA 17331 in the R-15 zone.

Mr. George A. Riley III, property owner, represented this case. Mr. Riley is replacing a deck at the back of his home.

Zoning Officer Smith reported that the Township issued a permit for the current deck in 1990. The property was originally an R-8 zone; the current deck became non conforming as it extends into the rear set back. In 2004 the property became R-15 zone. The current deck extends into the rear set back by 6 feet, he is requesting an additional 4 feet. Engineer Bortner reported that at some point in the past the ordinance allowed for a deck or a pool to extend halfway into the rear set back. The current Zoning Ordinance of 2004 does not.

Mr. Riley reported that the yard is sloped and will be replacing the entire deck due to the current deterioration. Zoning Officer Smith stated that he can expand the deck on either side without obtaining a variance.

Planners Arnold/Heiland moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board in case ZHB23-01 George A. Riley III, requesting a special exception under Section 407.2 (Expansion and Alteration) and a variance to Section 612 G (dimensional Nonconformities) in order to enlarge a deck on the back of the home as it does not meet the requirements for special exception as set forth in Section 503.3 a) thru e) nor a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote, with Planner Baker abstaining.

ZHB23-02- Jackson Investment Properties, LLC C/O John L. Senft Esq., 150 Farm Lane, Suite 100, York PA 17402. The applicant is requesting interpretation of Section 407.1 (Continuance) regarding two lots identified as one parcel. The property is located at 786 and 788 Baltimore Street, Hanover, PA 17331 in the HB zone.

Mr. John Jackson, property owner, and Attorney John Senft represented this case. Attorney Senft reported that the lots in question exist separately with their own mailing addresses and deeds dating back at least to 1942 and show the parcels as separately described lots. The York County Assessment Office has assessed the two lots as one tax parcel. Mr. Jackson stated that the properties are billed individually by all the utilities and the building is separated by a firewall. Mr. Jackson is seeking to sell the property as two separate lots, however, is unable to do so without separate PINs. The Assessment Office will not issue the separate PINs until the Township formally acknowledges that they are two separate parcels. Zoning Office Smith stated that he was contacted by the County regarding the lots and stated that the Township has no formal plans showing the property is two separate parcels. The property was purchased in 2020 as one property. He reported that this is not uncommon in the Township to have dual uses on one parcel. He stated that if the applicant wishes to proceed, he will need to submit a plan. Attorney Senft stated that if a plan needs to be submitted, it will not meet the dimensional criteria. Planner Berlingo stated that if every PIN needs a plan, going forward we should have a plan. Planner Arnold inquired if the County wanted a subdivision plan or just an exhibit to accompany the deed stating the details of each track of land. Zoning Officer Smith stated that the County is looking for a legal record for what the property is. Attorney Seft stated that they are simply looking for a continuance of a nonconformity as it has been in the past 100 years.

Planners Smith/Heiland moved for an unfavorable recommendation to not accept the parcel as an existing nonconformity to the Penn Township Zoning Hearing Board in case ZHB23-02, Jackson Investment Properties, LLC, requesting interpretation of Section 407.1 (Continuance). Motion carried on a 4-0 vote, with Planner Baker abstaining.

ZHB23-03- Debora Tuthill, 571 Blooming Grove Road, Hanover, PA 17331. The applicant is requesting a special exception under Section 205 (R-40 Rural Residential Zone) in order to convert a dwelling for additional family members. The property is located at 571 Blooming Grove Road, Hanover, PA 17331 in the R-40 zone.

Zoning Officer Smith reported that the applicant meets all the criteria under Section 611 to be granted a special exception.

Ms. Tuthill, the property owner, represented this case. She reported that she is planning to build a 20 X 28-foot apartment above an existing garage for her parents. There will be access stairs inside and outside of the garage, plus a small kitchen.

Planners Baker/Arnold moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB23-03-Debora Tuthill, requesting a special exception under Section 205 (R-40 Rural Residential Zone) in order to convert a

dwelling for additional family members, as it meets the requirements for special exception as set forth in Section 503.3 a) thru 3). Motion carried on a 5-0 vote.

ZHB23-04- David Kurtz Jr. & Brandi Kurtz, 120 Hufnagle Drive, Hanover, PA 17331. The applicant is requesting a variance to Section 300.9C (Utility Sheds and Gazebos) in order to have a shed with a height of 12 feet which exceeds the zoning ordinance height regulations. The property is located at 120 Hufnagle Drive, Hanover, PA 17331 in the R-8 zone.

Mr. David Kurtz Jr., property owner and Attorney Charmaine Nyman, Barley Snyder Associates represented this case. Attorney Nyman reported that the applicant replaced the shed that was in his back yard in the exact location with the same square footage as the original shed and it was the applicants understanding that if he was replacing a shed with the same square footage, a permit was not needed. She added his neighbor has a 12-foot-high shed, so he was under the assumption that the height was permitted. Mr. Kurtz did investigate decreasing the height of the shed, however, to do so would cost between \$5,000-\$6,000.

Mr. Kurtz stated that he contacted the Township and was told that if he was replacing a like for like shed, he would not need a permit. He assumed that meant the same square footage. Zoning Officer Smith stated that it is not, as it is 2 feet higher than the 10-foot height requirement. Planner Heiland inquired if the shed was obstructing any view causing a safety issue. Attorney Nyman stated the shed is completely in the back yard and does not cause a safety issue.

Planners Baker/Arnold moved for a favorable recommendation to the Penn Township Zoning Hearing Board with the condition that Building and Stormwater Permit Applications be submitted in case ZHB23-04 David Kurtz Jr. and Brandi Kurtz, requesting a variance to Section 300.9C (Utility Sheds and Gazebos) in order to have a shed with a height of 12 feet which exceeds the zoning ordinance height regulations as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-0 vote.

Review and make recommendations on waiver and exoneration requests:

There were none.

The planners reviewed and made recommendations on the following pending subdivision/land development plans:

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.

SL21-05-ELSNER ENGINEERING WORKS, Elsner Engineering Works, 475 Fame Avenue, Hanover, PA 17331. A final subdivision plan was submitted in order to construct an Industrial Building for the expansion of Elsner Engineering. The property is

located West of the intersection Barnhart Drive and Industrial Drive, Hanover, PA in the I-Industrial zone. **There was no action taken on this plan.**

SL22-01 – WATER STREET FOUR, LLC, Hanover Land Services, Inc, 585 McAllister St, Hanover, PA 17331, A Preliminary/Final Land Development plan submitted in order to create one-hundred twenty-two (122) new residential units. The property is located on Moulstown Road in the R-8 Urban Residential zone. **There was no action taken on this plan.**

SL22-07-CARROLL COUNTY CHRISTIAN CENTER, Hanover Land Services, 585 McAllister Street, Hanover, PA 17331. A Preliminary/Final plan submitted in order to construct a new house of worship facility. The property is located at 889 Baltimore Street in the SC zone. **There was no action taken on this plan.**

SL22-10- 934 BALTIMORE STREET – CODY BENTZEL, GHI Engineers & Surveyors, 213 Carlisle St, Hanover, PA 17331. A Consolidation/Land Development Plan was submitted in order consolidate two parcels, convert existing buildings and proposed building into a retail space. The property is located at 934 Baltimore Street in the HB Highway Business Zone. **There was no action taken on this plan.**

SL22-11- LIBERTY RESTORATION & CONSTRUCTION LLC, Hanover Land Services, Inc., 585 McAllister Street, Hanover, PA 17331. A Preliminary/Final Reverse Subdivision and Land Development Plan was submitted in order to consolidate two parcels into a sales office space. The property is located at 10 Westminster Avenue in the R-8 Urban Residential Zone. **There was no action taken on this plan.**

SL22-12- HOLLAND CONSTRUCTION -100 BLETTNER AVE, Site Design Concepts, Inc., 127 W. Market Street, Suite 100, York, PA 17401. A Preliminary/Final Land Development Plan was submitted in order to construct a proposed industrial building. The property is located at 100 Blettner Avenue in the A-O Apartment or Office Zone. **There was no action taken on this plan.**

SL22-13- STONEWICKE IV – 1025 BALTIMORE STREET, Stonewicke LP, 107 Little Bridge Road, Hanover, PA 17331. A Final subdivision plan was submitted in order to create twenty-six (26) new residential lots. The property is located at 1025 Baltimore Street in the R-15 zone. **There was no action taken on this plan.**

SL22-14- HIGH POINTE AT ROJEN FARMS, PENN SOUTH S4, Sharrah Design Group, Inc., 20 Chambersburg Street, Gettysburg, PA 17325. A Final subdivision plan was submitted in order to create twenty-six (26) new residential lots. The property is located between Beck Mill Road and Grandview Road in the R-C zone. **There was no action taken on this plan.**

SL22-15- WAWA FOOD MARKET & FUELING STATION, Dynamic Engineering Consultants, PC/Dynamic Survey LLC, 1007 Baltimore Street, Hanover, PA 17331. A Preliminary Subdivision/Land Development Plan was submitted proposing the

construction of a Wawa Food Market & Fueling Station. The property is located at 1007 Baltimore Street in the S/C zone. **There was no action taken on this plan.**

SL23-1- SOUTH WESTERN SCHOOL DISTRICT, Hanover Land Services, Inc., 585 McAllister Street, Hanover, PA 17331. A Final Land Development Plan was submitted in order to construct high school building additions. The property is located at 200 Bowman Road in the R-15 zone.

Mr. Kris Raubenstine, Hanover Land Services, represented this plan. Mr. Raubenstine is seeking final approval of the plan. Engineer Bortner reported that the outstanding items are the NPDES permit, O&M Agreement, and the bond.

Planners Arnold/Baker moved for a favorable recommendation to the Penn Township Board of Commissioners on SL23-01 South Western School District. Motion carried 5-0.

SL23-02-YORK ROAD INVESTMENTS, LLC, RETTEW Associates, Inc., 5301 Richard Lane, Mechanicsburg, PA 17055. A Final Land Development and Subdivision Plan was submitted in order to construct a warehouse facility. The Property is located at 501 Ridge Avenue in the Industrial (I) zone.

Mr. Paul Fish, Rettew Associates, represented this plan. Mr. Fish reported that the final plan was submitted earlier today addressing York County Planning and Penn Township staff comments. Engineer Bortner reported that the only outstanding item is the bond.

Planners Baker/Heiland moved for a favorable recommendation to the Penn Township Board of Commissioners on SL23-02 York Road Investments, LLC. Motion carried 5-0.

SL23-03-HANOVER TERMINAL INC., 201 CENTER STREET, GHI Engineers & Surveyors, 213 Carlisle St, Hanover, PA 17331. A Final Land Development Plan was submitted in order to construct a warehouse facility. The Property is located at 201 Center Street in the Industrial (I) zone. **There was no action taken on this plan.**

Draft Zoning Ordinance: Zoning Officer Smith reported the draft copy is at York County Planning Commission and will be reviewed at their public meeting on April 18, 2023. The draft ordinance will then be presented to the Board of Commissioners and ready for advertising.

Public Comments: There were none.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,
Donna M. Sweeney,
Recording Secretary