

PENN TOWNSHIP PLANNING COMMISSION  
JANUARY 2, 2003

Chairperson Donna Scott called a meeting of the Penn Township Planning Commission to order at 7:00 P.M. on January 2, 2003 at the Penn Township Municipal Building. Also present were Planning Members Merle Dubbs, Jeffrey Baxter, Clayton Black, Fred Marsh and Ray Van de Castle. Planner Michael Johnson had an excused absence. Also present were staff members Zoning Officer John Menges and Township Engineer Eric Bortner.

Planning Members Marsh/Dubbs moved that the minutes of the December 5, 2002 meeting be approved as submitted. The motion carried unanimously.

Chairperson Scott stated that Planning Member Jeffrey Baxter has submitted his resignation and this would be his last meeting. She thanked him for his years of service.

The Planning Commission then took action to reorganize. Planners Marsh/Van de Castle moved to nominate Donna Scott as Chairperson of the Commission. The motion carried unanimously.

Planners Black/Marsh moved to nominate Ray Van de Castle as Vice Chairperson. The motion carried unanimously.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z02-44 - Keith & Elaine Taylor, 1030 Hoff Road, Hanover, PA 17331. The applicant is requesting a variance to Section 205.3 (Area & Bulk Regulations) and a special exception to Section 311 (Street Access) to allow for a subdivision at 1030 Hoff Road. The property is located in the R-40 zone.**

Elaine and Keith Taylor and Attorney Allen Cashman represented this request. The Taylor's would like to take their existing lot and subdivide it into four lots. The newly created lots would not front onto a public street but would have access from a private lane that, in turn, has access to Blooming Grove Road. The proposed lot 2 would have to be a panhandle lot to allow it access to the private lane. The Taylor's intend on deeding the property to their children. The proposed lots meet the size requirements for the R-40 zone. Lot 2 will require a variance because it does not meet the front footage requirements of 175 feet.

Planners Dubbs/Scott moved for a favorable recommendation to Z02-44 – Keith & Elaine Taylor, 1030 Hoff Road, requesting a variance to Section 205.3 (Area & Bulk Regulations) and a special exception to Section 311 (Street Access) to allow for a subdivision at 1030 Hoff Road, as it meets the requirement for a variance as set forth in Section 502.3 A-F and the requirements for a special exception as set forth in Section 503.6 A-E. Motion carried on a 6-0 vote.

The Planning Commission received the following waiver and exoneration requests:

Group Hanover, Inc. is requesting a waiver of the requirements of the Penn Township Subdivision and Land Development Ordinance, Article V, Design standards, Section 505.d, Street Design – Dead End Streets for High Pointe at Rojen Farms North. They are requesting a waiver of the requirement for temporary cul-de-sacs on Tyler Drive where it intersects with the northern property line of this development and Kaitlyn Court where it intersects with the northern property line of this development.

Ted Decker, Group Hanover, Inc. and Jim Piatt, Woodhaven Building and Development, represented this request. They are requesting this waiver to eliminate the impact of the temporary cul-de-sacs on the adjoining lots and allow completion of the improvements in front of those lots to the adjoiner's property line.

Planners Baxter/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 6-0 vote.

Group Hanover, Inc. is requesting a waiver of the requirements of the Penn Township Subdivision and Land Development Ordinance, Article V, Design Standards, Section 508, Block Lengths for High Pointe at Rojen Farms North. This request would waive the section which states "blocks shall have a maximum length of sixteen hundred feet . . ." and would allow a block length of 2623 feet for Grandview Road/Kaitlyn Court between Tyler Drive and Alexander Drive and a block length of 2223 feet for Kaitlyn Court/Alexander Drive between Tyler Drive and Alexander Drive.

Ted Decker, Group Hanover, Inc. and Jim Piatt, Woodhaven Building and Development, represented this request. They are requesting this waiver to allow the streets to be located where sanitary sewer and storm drains can be installed within the street right of ways and to permit the developer to minimize the number of street intersections with Grandview Road.

Planners Baxter/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 5-1 vote with Planner Black casting the dissenting vote.

Group Hanover, Inc. is requesting a waiver of the Penn Township Subdivision and Land Development Ordinance, Article V, Design Standards, Section 506.e, Intersection Design – distance between intersections for High Pointe at Rojen Farms North. This would allow 421 feet between the intersection of Grandview Road with Tyler Drive and Kaitlyn Court with Tyler Drive, 416 feet between intersections of Kaitlyn Court with Tyler Drive and Alexander Drive with Tyler Drive, and 421 feet between the intersection of Grandview Rod with Alexander Drive and Kaitlyn Court with Alexander Drive.

Ted Decker, Group Hanover, Inc. and Jim Piatt, Woodhaven Building and Development, represented this request. They are requesting this waiver to allow the streets to be positioned according to lot size requirements of the R-22 zone.

Planners Baxter/Dubbs moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 5-1 vote with Planner Black casting the dissenting vote.

The Planning Commission 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.**

Ted Decker, Group Hanover, Inc., represented this request. Mr. Decker stated that he intends to have revised plans that address the Engineer's comments at the February meeting. The Commission suggested that he might want to prepare an extension letter for the plan to present to the Board of Commissioners.

**P02-18 – MARTIN'S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mil and Grandview Road. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – QUEENSLAND SUBDIVISION, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

There was no action taken on this plan.

**P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.**

There was no action taken on this plan.

**P02-26 SNYDER'S OF HANOVER, 1350 York Street, Hanover, PA 17331. A final land development plan for a 74,625 square foot plant addition, treatment tank, blower building addition, basketball court, additional employee and trailer parking, relocated van parking and scales, and additional paving at docks. The property is located in the Industrial Zone.**

Frederick Altland, project engineer, represented this plan. Mr. Altland has addressed York County Comments. The PNDI study has been completed.

Planners Black/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on P02-26 Snyder's of Hanover. Motion carried on a 6-0 vote.

**P02-27 – BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to construct (6) unit townhouses on the corner of Beck Mill and West Granger Street. The property is located in the R-8 zone.**

Pat Buhl, Worley Surveying, represented this request. York County comments were received and reviewed. It was noted that the clear sight triangle needs to be provided, that house numbers should be on the plan, and the previously approved zoning variance for driveways should be noted on the plan.

Planners Scott/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on P02-27 Bon Ton Builders with the stipulation that the clear site triangles, house numbers and zoning variance will be added to the plan. Motion carried on a 6-0 vote.

**P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.**

Mark Campbell, Herbert Rowland, & Grubic, Suzanne Smith, Reagler and Adler represented the request on behalf of Interstate Development. Mr. Campbell reviewed the steps that have occurred to this point including the rezoning of the land and the numerous variances and special exceptions that have been approved. They did submit a new plan on January 2, 2003.

York County comments have been received and reviewed. One of the concerns was with which parcels are being used for the plan. Mr. Campbell explained all the parcels of land being used to create the shopping center and where each is located with regards to municipality. He also explained that the center would be controlled by a condominium arrangement.

Mr. Campbell has also reviewed Engineer Bortner's comments and made some adjustments to the plan. He noted that there are several subdivision and land development waiver request that Interstate would be requesting and they are listed on the front sheet of the plan.

The Commission discussed the traffic comments from York County and it was noted that a letter with additional comments was sent from County on December 18, 2002.

Zoning Officer Menges also stated that special exception approval from the Zoning Hearing Board would have to be granted in order to construct a proposed gas kiosk.

**P02-30 – HOMEWOOD, PHASE C, Homewood Retirement Center, P.O. Box 250, Williamsport, MD 21795. A final land development and subdivision plan for independent living cottages and apartments. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P02-31 – Hanover Orthopedic Associates, 207 Blooming Grove Road, Hanover, PA 17331. A final land development plan to construct a 2,841 square foot building addition and a twenty-two space parking addition. The property is located in the R-15 zone.**

Ted Decker, Group Hanover, represented this request. This was an initial review of the plan and York County comments have not been received.

Dale Prutzman, 4141 Grandview Road, expressed concern at the possibility of having to install sidewalk at his property along Lark Avenue as a result of the P02-23 – Anita M. Stein. The Commission informed him that they do not make that decision and he would have to address his comments to the Public Works Committee that meets on January 7, 2003 at 7:00 P.M.

Jim Ellison, 820 Westminster Avenue, expressed concern about the large number of developments that are being proposed for the Grandview Area near Beck Mill Road and Westminster Avenue. He is extremely concerned about how this will affect his property because during the drought he had several springs on his property. The Commission had him contact the Township Staff to express his concerns and what problems he has experienced.

The meeting adjourned at 8:36 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary

PENN TOWNSHIP PLANNING COMMISSION  
FEBRUARY 6, 2003

Chairperson Donna Scott called a meeting of the Penn Township Planning Commission to order at 7:00 P.M. on February 6, 2003 at the Penn Township Municipal Building. Also present were Planning Members Merle Dubbs, Michael Johnson, Clayton Black, Fred Marsh, Ray Van de Castle, and R.T. Gondan. Also present were staff members Zoning Officer John Menges and Township Engineer Eric Bortner.

Planning Members Scott/Dubbs moved that the minutes of the January 2, 2003 meeting be approved as submitted. The motion carried unanimously.

Chairperson Scott welcomed R.T. Gondan to the Planning Commission.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-01 – Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331.**  
**The applicant is requesting a special exception to Section 626 (Use) to allow construction of a multi-family complex on the corner of Baer Avenue and Bowman Road. The property is located in the R-8 zone.**

John Ling, President Baxter Investment Group represented this request. There is an agreement of sale for this property. Mr. Ling reviewed the requirements established in Section 626 for a special exception for a multi-family dwelling and section 503.6 general standards in the Penn Township Zoning Ordinance and how he has complied with each one. To support his comments he presented a Traffic Impact Study, which implies that as a result of this development there may have to be traffic lights installed at the intersections of Baltimore and Black Rock Roads. Mr. Ling presented a letter from Penn Township's Wastewater Treatment Plant Superintendent William Mahone stating that there is adequate sewer capacity for this development. He also presented a letter from Ron Orndorff, Hanover Borough, stating that water is available for this development. There was a letter from Penn Township Fire Chief Jan Cromer stating that emergency services could be provided to this development. Mr. Ling also presented a market analysis report, completed by Frank Shaffer, analyzing the impact this development would have on the surrounding areas. The summary reveals that it would be beneficial and not detrimental to the adjoining properties. He also stated that they are proposing forty-eight units and the ordinance allows for eighteen per acre, which would be about seventy-two.

Planners Dubbs/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-01 – Baxter Investment Group requesting a special exception to Section 626 (Use) to allow construction of a multi-family complex on the corner of Baer Avenue and Bowman Road as it meets the requirements for a special exception as set forth in Section 503.6 A-E. The motion carried on a 4-3 vote with Planners Johnson, Gondan, and Van de Castle casting the dissenting votes.

**Z03-02 – Thomas G. Wilkins, 2871 Constellation Way, Finksburg, MD 21048. The applicant is requesting a variance to Section 203.2 (Use) to allow operation of an antique shop/flea market at 2251 Grandview Road. The property is located in the R-15 zone.**

Thomas G. Wilkins represented this request. Mr. Wilkins would like to put an antique shop/flea market in the barn at his two-acre property located on 2251 Grandview Road. He would be selling his own antiques and miscellaneous items and not having outside vendors. He would have his business opened on Wednesdays, Thursdays, and Fridays from 1-7 and on Saturdays from about 9-5. There would be no employees. He does not live at the property but rents the existing rancher. He would have to have additional paving for about eight parking spaces. There currently exist two eleven-foot wide driveways on the property. He would have at least one sign on the property to advertise. All deliveries would be by pick up truck. There was some discussion on the possibility that he would have to increase the size of the existing driveways and that may require him to get a high occupancy permit from Penn Dot. There is not water or sewer available to the barn. Mr. Wilkins would be bringing water for himself but would not have restroom facilities available for him or the public.

Planners Black/Van de Castle moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z03-02 – Thomas G. Wilkins, requesting a variance to Section 203.2 (Use) to allow operation of an antique shop/flea market at 2251 Grandview Road, as it does not meet the requirements for a variance as set forth in Section 502.3 A-F. The motion carried on a 6-1 vote with Planner Gondan casting the dissenting vote.

**Z03-03 – Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. The applicant is requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of a single family dwelling on a lot that does not meet the width requirements. The property is located on Squire Way in the R-15 zone.**

Art Becker, Attorney for Bon Ton Builders, represented this request. There is an agreement of sale. The applicant is requesting a dimensional variance because they would like to build two single family detached homes on this tract of land. The one parcel meets the 100 - foot requirement but the other parcels is only 94.95 feet. There was prior land approval under the old ordinance but the property owner let the approval lapse. Mr. Becker explained the three conditions that have to be meet under Hertzberg versus the Zoning Hearing Board which include the economic detriment to the applicant, financial hardship created by the work necessary to bring the building lot into strict conformance with the Ordinance, and the characteristics of the surrounding neighborhood. Mr. Becker stated that it would be an economic detriment if they can only build on one lot, he does not think that due to the irregular shape of the lot it can be brought into compliance with the Township Ordinance and the proposed building is similar to those in the exiting neighborhood. He believes they have satisfied the three conditions of Hertzberg, which means they can satisfy the requirements under Section 502.3 of the Penn Township Zoning Ordinance. The lot does exceed the allowable depth. This may require the applicant to have a variance to the Subdivision and Land Development Ordinance when they present the land development plan.

Planners Marsh/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-03 Bon Ton Builders, requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of a single family dwelling on a lot that does not meet the width requirements, as it meets the requirements for a variance as set forth in Section 502.3 A-F. Motion carried on a 7-0 vote.

**Z03-04 – Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. The applicant is requesting a variance to Section 203.2 (Use) and Section 203.3 (Area & Bulk Regulations) to allow construction of a duplex on the corner of South Franklin Street and Janet Street. The property is located in the R-15 zone.**

Art Becker, Attorney for Bon Ton Builders, represented this request. There is an agreement of sale. The applicant is requesting a variance to build a duplex on an existing lot. The permitted use is for a single family detached home which could be built on the lot. Mr. Becker referenced Hertzberg vs. Zoning Hearing Board. He explained that without the variance they can not build a duplex unit on this lot, they can not place a duplex on this lot that meets the ordinance, and this property is adjacent to the A/O zone and there is a duplex on the corner of Centennial and Janet Streets. Mr. Becker stated that they meet the requirements of Hertzberg and the requirements of Section 502.3.

Planners Black/Marsh moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z03-04 - Bon Ton Builders, requesting a variance to Section 203.2 (Use) and Section 203.3 (Area & Bulk Regulations) to allow construction of a duplex on the corner of South Franklin Street and Janet Street, as it does not meet the requirements for a variance as set forth in Section 502.3 A-F. The motion carried on a 6-1 vote with Planner Van de Castle casting the dissenting vote.

**Z03-05 – Woodhaven Building & Development, 4219 Hanover Pike, Manchester, MD 21102. The applicant is requesting a variance to Section 311 (Street Access) and Section 305.3 (Offsets) to allow the formation of three (3) lots that do not meet the above standards. The property is located on the North side of Grandview Road in the R-22 zone.**

Ted Decker, Group Hanover, and Jim Piatt, Woodhaven Building & Development represented this request. There is an agreement of sale. Mr. Decker presented the original proposed plan that showed the developer dedicating a straight piece of land to the Township for recreation purposes. After meeting with the Recreation Board, they would like to have the land between the park and the proposed Tyler Drive in more of a square shape. He provided a copy of both the old and new layouts. As a result, the developer has three lots that are not adjacent to the proposed roads in the development.

Planners Black/Scott moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-05 – Woodhaven Building & Development, requesting a variance to Section 311 (Street Access) and Section 305.3 (Offsets) to allow the formation of a panhandle lot on lot 1 as it meets the requirements for a variance as set forth in Section 502.3 A-F. Motion failed on 3-4 vote with Planners Dubbs, Gondan, Johnson and Marsh casting the dissenting votes.



Planners Black/Van de Castle moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z03-05 –Woodhaven Building & Development, requesting a variance to Section 311 (Street Access) and Section 305.3 (Offsets) to allow the formation of a panhandle lots on lots 5 and 6. Motion carried on a 7-0 vote.

**Z03-06 – Interstate Development Co., P.O. Box 3142, Bristol, TN 37625. The applicant is requesting a variance to Section 301.1 (Signs), Section 207.2 (Use) and Section 304.2 (Loading Space) to construct a shopping center on Carlisle Street in the S/C zone.**

Mark Campbell, HRG, and Suzanne Smith, Reager & Adler, represented this case. There is a purchase agreement. Mr. Campbell reviewed the rezoning, variance and special exception requests that have been approved for the Carlisle Crossing plan. The applicants provided diagrams of the three proposed pylon signs that they plan to use.

The applicants are requesting variances to provide a gas kiosk at the proposed grocery store, to have a larger sign than permitted by the ordinance, and to provide fewer loading docks than what is required by the ordinance.

The use of a gas kiosk is neither allowed nor denied in this zone so the Zoning Hearing Board has to make a decision if it is a compatible use with this zone. Mr. Campbell stated that the gas kiosk is an accessory use for the newer grocery stores. It will be located away from the main road to the site and away from Carlisle Street.

They are also requesting a sign that would be one hundred sixty square feet instead of the one hundred fifty feet allowed by the ordinance. This would be one of three signs that would identify the shopping center. The proposed tenants require a certain size sign and this would be the minimum variance they would need to comply.

The applicant is also requesting a reduction in the number of required loading spaces for the shopping center. The ordinance requires thirty-eight loading spaces and the shopping center needs only thirteen.

There were some questions about the proposed signs because only one will be with in Penn Township and the other two will be located in Hanover Borough.

Planners Dubbs/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z3-06 – Interstate Development Co. requesting a variance to Section 301.1 (Signs) to construct a shopping center on Carlisle Street, as it meets the requirements for a variance as set forth in Section 502.3 A-F. Motion failed on a 3-4 vote with Planners Van de Castle, Scott, Gondan, and Johnson casting the dissenting votes.

Planners Dubbs/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z3-06 – Interstate Development Co. requesting a variance to Section 207.2 (Use) (gas kiosks) to construct a shopping center on Carlisle Street, as it meets the

requirements for a variance as set forth in Section 502.3 A-F. Motion failed on a 2-5 vote with Planners Van de Castle, Scott, Gondan, Johnson, and Black casting the dissenting votes.

Planners Johnson/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03 – 06 –Interstate Development Co. requesting a variance to Section 304.2 (Loading Spaces) to construct a shopping center on Carlisle Street, as it meets the requirements for a variance as set forth in Section 502.3 A-F. Motion carried on a 7-0 vote.

The Planning Commission received the following waiver and exoneration requests:

South Western School District is requesting exoneration of a land development plan to install two (2) additional tennis courts at the Tri-Township Park. The district will be required to submit a land development plan for the other projects they intend to do in the area. Jim Field, Civil & Environmental Design Group, representing South Western, stated that the existing tennis courts would also be resurfaced during this project.

Planners Johnson/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 6-0 vote with Planner Marsh abstaining.

Interstate Development is requesting modifications from the requirements of the Subdivision and Land Development Ordinance to Section 303- Submission of Preliminary Plan, Section 405 – Final Plan, Section 605 – Landscaping and Buffer yards, and Section 507.b – Access Drives. Modifications are also requested from the Stormwater Management Ordinance to Article IX.A 1 – Sites, Article IX.A.1 – Conveyance System and Article IX.B – General.

Mark Campbell, HRG, represented this request. They would like to waive the preliminary plan requirements because there are several tracts that combined make this project and there is minimal amount of public improvements within Township. These improvements are located along Carlisle Street and under the supervision of Penn Dot. All the requirements for a preliminary plan have been submitted with the final plan including the letter from the Hanover Borough stating that there is capacity for sewer and water.

They would also like a waiver of Section 405 - final plan. The first waiver is from the requirement to prepare the final plan at 1 in = 50 ft or 100 ft to a plan that is prepared at 1 in = 200 ft. This is due to the fact that showing the subdivision and land transfer on one plan sheet is preferable to having these items on multiple sheets and the existing and final proposed lots are large so that the information can readily be shown at 200 scale. They are also requesting a modification of the requirement under item h to provide a street layout plan at 1 in = 800 ft, as the street system proposed is not a typical residential subdivision and the proposed streets are private. They are proposing to show the streets at approximately 1 in = 350 ft.

Interstate is also requesting a modification of the landscaping and buffer yard requirements. Bob Shank, HRG, landscape architect, represented this portion of the request. The goal of the modification is to meet the intent of the ordinance. The following is there proposed landscape buffer for the project as presented in their letter dated January 24, 2003.

- a. Along the north property line, the first (westerly) existing property is zoned HB (Highway Business) and proposed for commercial development, so that a graded berm with evergreen landscaping is proposed. Total green space width ranges from 41 to 58 feet.
- b. Further east along the north property line, the existing property is zoned R-15, but is currently vacant and used for agriculture. When graded, the Carlisle Crossing site will be about 5 to 10 feet below this property. The width of the open area ranges from 20 feet to 41 feet. Evergreen planting is proposed on the graded slope, and the combination of grade difference and planting will serve as adequate buffer.
- c. Along the east property line, it is likely that the land (in Hanover Borough) immediately adjacent will also develop commercially (current zoning is Manufacturing), so no landscape buffer is proposed, but a 15 foot yard is provided.
- d. To the South, the development proposes that the existing stream/wetlands corridor will undergo selective clearing of trees, but the remaining trees, vegetation, and the width of the corridor will still serve as an acceptable buffer to commercial lands in the Hanover Borough. Total width of this corridor is at least 25 ft at the west end (with more offsite) but increases to 100 ft or more typically.
- e. A landscape buffer consisting of varied planting is proposed along Carlisle Pike, an arterial street. This open area ranges from 25 to 45 feet wide. The landscaping design is primarily intended to soften the views of the western portion of the shopping center (via trees) and the parking lot (via shrubs) from the highway, but to promote visibility of the site and not create a "wall" of landscaping.
- f. Internally along Street A, a buffer of varied planting is provided between the private street and the site, although not required by the ordinance. Additional trees are located in the adjacent row of parking islands which will serve to add visual depth to this buffer.

They would also like a modification to access drives. The plan shows that Street A is intended to be a private street and may be considered an access drive so they are requesting to be

allowed to locate the access less than three feet from the property line and to allow the width to exceed twenty feet. They feel these modifications are justified since according to the project traffic study, Street A will in fact function as a street and not as an access drive, so that additional width is needed to provide the necessary lanes, the street is located to maximize its distance from the high point on Carlisle Pike to the north, providing the greatest sight distance for traffic traveling south but placing the street at the southern property line and discussion are underway with the Hanover Borough regarding an easement or other mechanism by which a portion of their property may be used for the street.

The final modification they are requesting is from the Stormwater Management Ordinance specifically Article IX.A.1 – Sites, Article IX.A.1 – Conveyance System, and Article IX.B.1 – General. They explained that they plan on designing a system that will provide conveyance for storm runoff generated onsite in a system of underground pipes for storms up to and including the 25 year event, provide a positive path to safely convey runoff to a stable point of discharge for storms up to the 100-year event, provide water quality basins at three locations to hold runoff from the more frequent storms (up to the 2-year event) via a combination of groundwater recharge and a slow release rate to allow for potential pollutants to settle out or be trapped by vegetation in the basin, and provide for safe conveyance of larger storms through the water quality basins to a stable point of discharge by specific design of overflow spillways at the basins.

Planners Black/Johnson moved for a favorable recommendation to the Penn Township Board of Commissioners for a modification to Section 303 – Submission of Preliminary Plan. Motion carried on a 7-0 vote.

Planners Black/Dubbs moved for a favorable recommendation to the Penn Township Board of Commissioners for a modification of Section 405 – Final Plan. Motion carried on a 7-0 vote.

Planners Dubbs/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners for a modification of Section 605 – Landscaping and Buffer yards. Interstate will be required to install the buffer yard as they presented in their letter dated January 24, 2003. Motion carried on a 7-0 vote.

Planners Black/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on Section 507.b – Access Drives. Motion carried on 7-0 vote.

Planners Dubbs/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on the modifications as requested of the Township's Stormwater Management Ordinance. Motion carried on a 6-0 vote with Planner Black abstaining.

Siegman forced air systems is requesting exoneration from land development plans for paving and a building addition at 615 rear Frederick Street.

Ron Siegman, President of Siegman Forced Air Systems, Inc., represented this request. He explained that the reason for his request is the time - frame that he has to have the project

completed. He plans on having a 1500 square foot addition. The closest property would be thirty-five feet from the building. The lot coverage will be about fifty percent.

Planners Van de Castle /Johnson moved for a favorable recommendation to the Penn Township Board of Commissioners on this request with the stipulation that a land development plan be submitted when feasible. Motion carried on a 7-0 vote.

South Hanover Little League is requesting exoneration from land development plans to construct a bathroom at Eagle Park.

John Schwartz represented this request. The Little League plans on constructing a 15' x 30' one story - block building with a sloped roof that will have handicapped restroom facilities for men and women and have two small storage rooms. This will be located off Park Street.

Planners Black/Johnson moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 7-0 vote.

The Planning Commission 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.**

Jim Piatt, Woodhaven Building Development, represented this plan. He presented a new plan that shows realignment of several roads at the request of the Township. There is still an open issue about the cul-de-sac proposed for Kaitlyn Court and the land that the Township would like to purchase for recreation.

**P02-18 – MARTIN'S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Road. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – QUEENSLAND SUBDIVISION, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

Ted Decker, Group Hanover, represented this plan. He stated that the applicants would be requesting a name change to this plan. The new name will be Whispering Run.

**P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.**

There was no action taken on this plan.

**P02-27 – BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to construct (6) unit townhouses on the corner of Beck Mill and West Granger Street. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.**

Mark Campbell and Scott Russell, HRG, represented this plan. Mr. Russell discussed the traffic impact study that was submitted to the Penn Township, Hanover Borough, York County Planning Commission, and Penn Dot. Mr. Russell is in the process of reviewing the comments presented by the different organizations. They have been working with Penn Dot on the design of the streets and intersections. The developer will maintain the traffic signal. The traffic study was done under the assumption that street A would not be a through street.

**P02-30 – HOMEWOOD, PHASE C, Homewood Retirement Center, P.O. Box 250, Williamsport, MD 21795. A final land development and subdivision plan for independent living cottages and apartments. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P02-31 – HANOVER ORTHOPEDIC ASSOCIATES, 207 Blooming Grove Road, Hanover, PA 17331. A final land development plan to construct a 2,841 square foot building addition and a twenty-two space parking addition. The property is located in the R-15 zone.**

Ed Mort, Group Hanover, represented this plan. York County comments have been received and addressed. Engineer Bortner was satisfied with the plan.

Planners Johnson/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on P02-31 – Hanover Orthopedic Associates. Motion carried on a 7-0 vote.

**P03-01 – MUMMERT/BOOKSPAN, 179 Primrose Lane, Hanover, PA 17331. A final two (2)- lot subdivision plan for a proposed residential development located near Moul Avenue. The property is located in the Industrial Zone.**

Reg Baugher, Worley Surveying, represented this plan. This is the initial review of the plan and York County comments have not been received. Mr. Baugher stated that the purpose of this plan is to subdivide sixty-five acres from a one hundred sixty nine acre parcel along Township/Borough line.

**P03-02 – SACKETT FAMILY CHIROPRACTIC, Chad W. Sackett, 1055 Baltimore Street, Hanover, PA 17331. A final reverse subdivision and land development plan for a proposed medical facility at 1308 Baltimore Street. The property is located in the H/B zone.**

Reg Baugher, Worley Surveying, represented this plan. This is initial review of the plan and York County comments have not been received.

**P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.**

Ed Mort, Group Hanover, represented this plan. This was the initial review of the plan and York County Comments have not been received.

**P03-04 – HOME PARAMOUNT, P. O. Box 498, Joppa MD 21085. A final land development plan for a 2,400 square foot office and storage building located mainly in the Hanover Borough. Only paving will be in Penn Township. This property is located at 3 Barnhart Drive in the Industrial Zone.**

Ed Mort, Group Hanover, represented this plan. The majority of this plan is located in the Hanover Borough. The applicant is removing their current modular building and replacing it with a permanent building.

Planners Dubbs/Scott moved for a favorable recommendation to the Board of Commissioners on P03-04 Home Paramount. Motion carried on 7-0 vote.

The meeting adjourned at 10:02 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary

PENN TOWNSHIP PLANNING COMMISSION  
MARCH 6, 2003

Chairperson Donna Scott called a meeting of the Penn Township Planning Commission to order at 7:00 P.M. on March 6, 2003 at the Penn Township Municipal Building. Also present were Planning Members Merle Dubbs, Michael Johnson, Clayton Black, Fred Marsh, Ray Van de Castle, and R.T. Gondan. Also present were staff members Zoning Officer John Menges and Township Engineer Eric Bortner.

Ray Van de Castle stated that the February 6, 2003 minutes should be corrected to read on page two, paragraph one "highway occupancy" instead of "high". He also stated that Penn Dot should be changed to PENNDOT on pages 2, 5, and 9.

Planning Members Scott/March moved that the minutes of the February 6, 2003 meeting be approved as amended. The motion carried unanimously.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-07 – GOODWILL FIRE COMPANY OF GRANGEVILLE, INC. 585 McAllister Street, Hanover, PA 17331. The applicant is requesting a special exception under Section 407.2 (Expansion and Alteration), Section 407.3 (Replacement), and Section 201.2 (Uses Not Provided For); Challenging the validity of Zoning Ordinance and appealing the Notice of Zoning Violation dated January 7, 2003, in order to continue operation as a hazardous material response team at 585 McAllister Street in the R-8 zone.**

Ross H. Pifer, Puhl, Eastman, & Thrasher represented Goodwill Fire Company of Grangeville on this case. Mr. Pifer stated that they are appealing the zoning violation that was sent to them on January 7, 2003 and that they are continuing the same use, a fire company, as prior to January 7, 2003 and that use predated the existing zoning ordinance. If it is found that they are not continuing with the same use they are requesting a Special Exception under Section 407.2 (expansion and alteration), Section 407.3 (replacement) and Section 201.2 (uses not provided for).

Mr. Pifer stated that Goodwill Fire Company of Grangeville was founded in 1922 and continues to exist and provide services to the public as a fire company. He stated that Grangeville is still a fire company that specializes in hazardous material control and has an open-ended contract with the County of York. He referenced five of their most recent calls, which included a standby for a fire with hazardous materials, three calls for snow removal of trailers, and a standby for a tractor-trailer accident with a fuel spill. These calls were made in the last two months. Richard Myers, Fire Chief, explained the history of the hazardous material team at Goodwill. He stated that they started the hazardous materials team in 1989 and in 1991 they formally responded as a spill control unit, and in 1996 they were certified as a state hazardous material team.



Planner Dubbs stated that he understands the continued operations of hazardous materials team but he feels that the issue is the new services being provided. Specifically, services that were not offered before but now include toxic mold removal. Chief Myers stated that they do not have any new services but have additional services that are within their scope of hazardous material clean up. Chief Myers stated that the haz-mat team has always billed for services. Mr. Pifer stated that the biggest change with the organization over the last six months is that they no longer have a fire truck, which will create fewer disturbances to the neighborhood. Mr. Pifer stated that many fire companies do not have a fire truck including those whose sole purpose is fighting brush fires.

The planners expressed concerns about where material is stored once the haz-mat team cleans it up. Mr. Myers stated that they do not transport or dispose of any of the material or bring it back to Grangeville. A transport company picks it up at the site. He stated that they are certified by the state to handle twenty-two hundred pounds of contaminated body fluids a month. This is transported back to Grangeville and is stored in a room and picked up by the proper disposal organization. He stated that this is not hazardous material storage but is biological waste and they have done this before.

Grangeville currently has two vehicles that they use for haz-mat but do not have a fire truck. They respond as Company 51, their designation prior to the Township utilizing a township fire chief who changed the designations of all three companies. Chief Myers then explained the current dispatch procedure of the haz-mat team.

Planner Dubbs asked the Zoning Officer if the notice of violation was sent because the Township believed that Goodwill was operating a business and if so what remedy would have to be taken to correct the situation. Zoning Officer Menges stated that if they are operating a business Goodwill would have to have the approval of the Zoning Hearing Board to operate a business in the R-8 zone.

Zoning Officer Menges stated that the Zoning Ordinance states that if they are a Fire Company they would need a special exception to operate in the residential zone. If they are not a fire company, but a separate business entity, then they would need a variance.

Chief Myers stated that Grangeville follows the regulations established by the Commonwealth of Pennsylvania under Act 165 of 1990.

Mr. Pifer asserted that the applicant's position is that it is a continued use of the building, and second that they are entitled to a special exception under Section 407.2 (Expansion and Alteration), Section 407.3 (Replacement), and Section 201.2 (Uses Not Provided for) if it is determined that it is not a continued use.

Planners Black/Johnson moved that the Planning Commission honor the request of the Goodwill Fire Company of Grangeville to continue as a Haz-mat Emergency Response Unit and that it is considered a continuation of their operation. They moved for a favorable

recommendation to the Zoning Hearing Board. Motion carried on 5-2 vote with Planners Scott and Dubbs casting the dissenting votes.

**Z03-09 – DANE & LYNN STAMBAUGH, 2095 Youngs Road, Hanover, PA 17331. The applicant is requesting a variance to Section 300.8 (Swimming Pools) to allow construction of a pool in the side yard. The property is located at 2095 Youngs Road in the R-40 zone.**

Patrick Stambaugh represented this variance request to install a pool in the side yard instead of the rear, which would be impossible because of the slope. They will meet all required setbacks. There will be no privacy fence but there will be a fence around the pool.

Planners Johnson/Dubbs moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-09 – Dane and Lynn Stambaugh, requesting a variance to Section 300.8 (Swimming Pools) to allow construction of a pool in the side yard, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on 7-0 vote.

**Z03-10 – RANDY TEST, c/o C.W. Test Builder, Inc. 1235 Abbottstown Pike, Hanover, PA 17331. The applicant is requesting a variance to Section 202.3 (Area & Bulk Regulations) and a special exception to Section 202.2 (Use) to allow subdivision of an existing duplex located at 449-451 S. Franklin Street. The property is located in the R-8 zone.**

Randy Test represented this request to subdivide the existing duplex into two units with two deeds. Mr. Test stated that the house is separate from the attic to the basement. The garage will be on one of the properties. There will be two off-street parking spaces for each lot.

Planners Marsh/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z03-10 –Randy Test requesting a variance to Section 202.3 (Area & Bulk Regulations) and a special exception to Section 202.2 (Use) to allow subdivision of an existing duplex located at 449-451 South Franklin Street as it meets the requirements for a variance in Section 502.3 a) thru f) and the requirements for a special exception in Section 503.6 a) thru f).

At this point, Chairperson Scott turned the meeting over to Vice-Chairman Ray Van de Castle and excused herself.

**Z03-11 – HORST SENIOR CARE COMPANY, 320 Granite Run Drive, Lancaster, PA 17601. The applicant is requesting a variance to Sections 203.3 (Area & Bulk Regulations), 301.1 Size of Sign, 313.4 (Sidewalk), 503.6 (General Standards), and a special exception to Section 632 (Retirement Village) to allow construction of a personal care facility at 2288 Grandview Road. The property is located in the R-15 zone.**

Daniel Fry, attorney for Horst Senior Care, Mark Campbell, HRG, and Kevin Brown, executive vice-president of Horst Group, represented this case. Mr. Fry stated that there are two

standards under Section 632 that they do not meet and they are (1) the minimum lot area, and (2) a reduced number of parking spaces. They are also requesting additional square footage for their sign. They will be requesting a variance to the sidewalks because presently there are not sidewalks in this section of Grandview Road. They are also requesting a variance to the building height. The applicants are equitable owners of the property because they have an agreement of sale.

The current lot does not meet the required minimum lot area because of an alley at the rear of the property. Without the alley the lot would be 5.1 acres but with the alley it is 4.933 acres.

Kevin Brown stated that this facility will be an assisted living facility and the residents will need some kind of assistance with daily living activities. The typical resident is 87 years old. He provided the planners with a packet of information showing the layout of a current facility and a non-technical floor plan. He believes it should be considered a residence. About eighty-three percent of the residents lived within a ten-mile radius of the facility and the children of the remaining seventeen percent, which are usually in their early sixties, also live within a ten-mile radius of the facility. This facility will house about forty-one residents. Mr. Brown reported that they have a staff of twelve full time employees and thirteen part time employees. They are open twenty-four hours every day. They are seven staff members on duty during the day: four homemakers, a resident service director, a manager and a cook. There are four individuals on the second shift and two individuals on duty overnight. The busiest time is during the morning and evening when the residents are rising and retiring. The cooks work twelve hours a day.

Mr. Brown reported that most of the residents do not operate motor vehicles. Only one of the current 135 residents operates a vehicle. They would only allow someone to drive under special circumstances.

Mark Campbell explained the current layout of the lot, which is located on Grandview Road half way between Black Rock and Blooming Grove Roads and is the former Ness property. The property is bordered by existing residents on one side and vacant agricultural land on the other. The proposed building would have a total of twenty-eight thousand square feet including two courtyards. He explained they are working on the problem with the alley to the rear of the property and also reviewing the original subdivision plans. The proposed building does fit on the current lot and a reduction in lot size would not be detrimental to the area. He stated that they meet the requirements for lot width, setback, landscaping, bufferyard and access. They are requesting a reduction in the number of parking spaces because most if not all the residents will not drive. They are requesting to have twenty -six standard parking spaces and two handicapped. Also, they are requesting a waiver of sidewalks because this section of the Township does not currently have sidewalks and because the owner does not want to encourage the residents to walk in the area of Grandview Road. Additionally, there are physical conditions to the south of the property that would prevent sidewalk from being installed.

There will be no vehicle traffic in the front of the building and all deliveries will be made to the side were a pull off area is established. They will try to save some of the existing plant life that surrounds the property.

Mr. Brown stated that on a typical day there are about ten parking spaces utilized. On holidays and Sundays they have found about fifty percent of the residents leave the facility. If there are special events planned they will try to get the use of an off site parking area and shuttle people into the facility.

About ninety percent of the residents are female but they do make provisions if married couples wish to reside there.

The applicants are also requesting a variance to the size of the sign. They will have a single sign and are requesting it to be sixty square feet which is 6' x 10' feet. The Township ordinance allows a 4' x 4' sign. They consider this facility a home and the only advertising they have on the property is the sign located near the street. They are requesting the height in the center of the building to be thirty-three feet and the rest of the building will be within the required thirty feet.

Planners Dubbs/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z03-11 Horst Senior Care Company requesting a variance to Section 632 (Retirement Village) a) and f) to allow construction of a personal care facility. Motion carried on a 7-0 vote.

Planners Dubbs/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z03-11 Horst Senior Care Company requesting a special exception to Section 203.2 (Use) as it meets the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion carried on a 7-0 vote.

Planners Dubbs/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z03-11 Horst Senior Care Company for exoneration of Section 313.4 (Sidewalks) along Grandview Road. Motion carried on a 7-0 vote.

Planners Dubbs/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z03-11 Horst Senior Care Company for a variance to Section 203.3 (Area & Bulk Regulations) to approve a building height of thirty-three feet as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 7-0 vote.

Planners Johnson/Marsh moved for a favorable recommendation to the Zoning Hearing Board on Z3-11 Horst Senior Care Company requesting a variance to Section 301.1 (Signs) for a thirty square foot sign as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 7-0 vote.

The Planning Commission received the following waiver and exoneration requests:

Douglas Cooper & Tami Berwager request exoneration from installation of public sidewalk at 116 Hirtland Avenue

Planners Dubbs/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 7-0 vote.

LT Timber requests exoneration for land development plan requirements to construct a 42' x 80' building at 580 Fame Avenue.

Lowell Thomas, 580 Fame Avenue, represented this request. Mr. Thomas stated that he has removed a 5,000 square foot barn that was built in 1850, an 800 square foot corncrib and a 360 square foot mobile home from the property. They have removed 6,160 square feet of roofed building and are asking to replace it with a 3,360 square foot building.

There was concern expressed by the Board on what Mr. Thomas intends to do with the rest of the thirteen acres of land. Mr. Thomas stated that he might want to have added a saltbox type of building in the future to protect materials from the weather.

He currently rents about ten acres of the land to a farmer and he has told the tenant that he can continue to farm the land in the future. Zoning Officer Menges stated that the request would generate less stormwater runoff than the previous buildings.

Planners Marsh/Johnson moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 6-1 vote with Planner Dubbs casting the dissenting vote.

Warren Debnam of Green Glen Produce requests exoneration from land development plan requirements for relocation of a farm equipment shed to 545 Fame Avenue. Mr. Debnam had a land development plan approved for 545 Fame Avenue in September of 2002. Since the approval of this plan he had been able to acquire a steel building, which would be moved to the Fame Avenue location and will be used for storage of seasonal vehicles. The building is a three-sided building with the opening facing Gitt's Run Road.

Planners Johnson/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 6-1 vote with Planner Dubbs casting the dissenting vote.

The Planning Commission 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.**

There was no action taken on this plan.

P02-18 – MARTIN’S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mil and Grandview Road. The property is located in the R-22 zone.

There was no action taken on this plan.

P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.

There was no action taken on this plan.

P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.

There was no action taken on this plan.

P02-27 – BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to construct (6) unit townhouses on the corner of Beck Mill and West Granger Street. The property is located in the R-8 zone.

There was no action taken on this plan.

P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.

There was no action taken on this plan.

P02-30 – HOMEWOOD, PHASE C, Homewood Retirement Center, P.O. Box 250, Williamsport, MD 21795. A final land development and subdivision plan for independent living cottages and apartments. The property is located in the R-8 zone.

There was no action taken on this plan.

P03-01 – MUMMERT/BOOKSPAN, 179 Primrose Lane, Hanover, PA 17331. A final two (2)- lot subdivision plan for a proposed residential development located near Moul Avenue. The property is located in the Industrial Zone.

Pat Buhl, Worley Surveying, represented this plan.

Planners Black/Dubbs moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on 7-0 vote.

**P03-02 – SACKETT FAMILY CHIROPRACTIC, Chad W. Sackett, 1055 Baltimore Street, Hanover, PA 17331. A final reverse subdivision and land development plan for a proposed medical facility at 1308 Baltimore Street. The property is located in the H/B zone.**

Pat Buhl, Worley Surveying, represented this plan. The planners reviewed York County Planning Comments.

Planners Johnson/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 7-0 vote.

**P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.**

Christopher Trone, Baxter Investment Group, represented the plan. This is the initial review of the plan. York County comments were reviewed. Mr. Trone stated that the existing pond will be pumped out and used as a stormwater management pond. The Township Fire Chief's comments recommended that on-street parking should be prohibited. The units will have integral garages. Mr. Trone has stated they have not currently made provisions for how garbage will be collected.

Mr. Trone asked the opinion of how the Planners would like the units along Baer Avenue to face. The plan currently shows them facing the interior of the development but it was suggested that they should face Baer Avenue. Zoning Officer Menges expressed concern about the problems of having the backyards facing Baer Avenue. Mr. Trone stated he would examine all possible options. They are also having a traffic study prepared.

**P03-05 – BREEZEWOOD PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.**

Eric Johnston, Johnston and Associates, represented this request. This is the initial review of the plan. The site is three acres in size and is proposed for twelve duplex units. He stated he has received comments from the township engineer and will be reviewing them. They are proposing two joint access drives. He stated that the current design makes it difficult to have the access drive three feet from the property line. Some of the homes will have walkout basements.

**P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.**

There was no action taken on this plan.

**P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.**

There was no action taken on this plan.

**MORNINGSTAR DEVELOPMENT II**

Pat Buhl, Worley Surveying, presented a sketch plan for Morningstar Development II. The Commission reviewed the plan and made some recommendations.

The meeting adjourned at 10:25 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary



PENN TOWNSHIP PLANNING COMMISSION  
APRIL 3, 2003

Chairperson Donna Scott called a meeting of the Penn Township Planning Commission to order at 7:00 P.M. on April 3, 2003 at the Penn Township Municipal Building. Present were Planning Members Donna Scott, Merle Dubbs, Michael Johnson, Clayton Black, Fred Marsh, Ray Van de Castle, and R.T. Gondan. Also present were staff members Zoning Officer John Menges and Township Engineer Eric Bortner.

Planning Members Marsh/Scott moved that the minutes of the March 6, 2003 meeting be approved as submitted. The motion carried unanimously.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-12 – TERRY L. CLOUSER, 107 Clover Lane, Hanover, PA 17331. The applicant is requesting a variance to Section 202.2 (Use) and Section 203.3 (Area & Bulk Regulations) to allow construction of a garage and operate a pet shop at 107 Clover Lane. The property is located in the R-8 zone.**

Terry L. Clouser represented this request. He stated that he wants to remove the existing garage and build a new one that would be attached to the rear of his home and that would be used to operate a pet shop that would stock both pets and pet supplies. He plans on having business hours Monday through Friday from 5 P.M. to 9 P.M., Saturdays 12:00 P.M. to 6:00 P.M. and closed on Sundays. He intends to sell mostly reptiles but will have the occasional AKA or ACA puppy if a client is interested in purchasing one. The shop will be a part time adventure for him and his wife. They are both intent on keeping their full time jobs. There will be no other additional employees. Mr. Clouser, who was raised in this house, inherited it from his father about ten years ago. He is planning on adding three parking spaces to the rear of the new garage for customers of the pet shop. It was noted that a home occupation is allowed to have a two square foot sign. The alley adjacent to the property and not Clover Lane will be used for access to the pet shop.

Planners Black/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-12 Terry Clouser, requesting a variance to Section 202.2 (Use) and Section 203.3 (Area & Bulk Regulations) to allow construction of a garage and operate a pet shop at 107 Clover Lane, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-1 vote with Planner Scott casting the dissenting vote.

**Z03-13 – ROBER T. KAHLER, 69 Gardenia Drive, Hanover, PA 17331. The applicant is requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of a garage that will encroach into the setbacks. The property is located in the R-15 zone.**

Robert Kahler represented this request. Mr. Kahler would like to add a garage to his house that would encroach into the side setback by about two feet on the front corner but would gradually taper to meet the required setback. He would also like to make the existing slab on the front of his house into a porch with a roof and handrail. This would encroach into the front setback by about eighteen inches. He is the original owner of the home that he purchased about twelve years ago. The proposed garage would be 21' by 30' and the proposed porch would be 18' by 6'.

Planners Johnson/Dubbs moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-13 – Robert Kahler, requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of a garage and porch that will encroach into the setbacks, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 7-0 vote.

**Z03-14 – RICHARD L. KRILL, III, 130 Carlisle Street, Hanover, PA 17331. The applicant is requesting a special exception to Section 201.2 (Use) to allow construction of a storage facility on Boundary Avenue. The property is located in the S/C zone.**

Richard L. Krill, III represented this request. There is an agreement of sale for the property. He would like to construct 20' by 50' storage garages for use by small construction companies for the purpose of housing vehicles and/or supplies or for individuals who wish to store classic vehicles or boats. The proposed storage facilities will have both a garage door and entry door for access. The entrance to the property will be from Boundary Avenue. There is a paper street to the rear of the property.

Stephanie Williams, 644 Boundary Avenue, stated that for a like use of mini-storage the lot is not large enough and that this use is not keeping with the spirit of the neighborhood.

Ann Dietz, 646 Boundary Avenue, expressed concern about the effect this will have on parking in the area.

The proposed facility is in the shopping commercial zone and would be located near an existing plumbing wholesale business.

Planners Dubbs/Scott moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z03-14 – Richard Krill, III, requesting a special exception to Section 201.2 (Use) to allow construction of a storage facility on Boundary Avenue, as it does not meet the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion carried on a 7-0 vote.

The Planning Commission received the following waiver and exoneration requests:

The Commission received a request dated February 25, 2003 from Chad Sackett requesting exoneration from installing sidewalks at 1308 Baltimore Street.

Planners Johnson/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners for a temporary waiver of the sidewalk requirements.

The Commission received a request dated March 17, 2003 from Bon Ton Builders for exoneration of the sidewalk requirements at 975 Maple Lane.

Planners Marsh/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 7-0 vote.

The Commission received a request dated March 18, 2003 from Conewago Enterprises for a change in the site plan for a new building at Hawk Creek Laboratory at 9 Barnhart Drive. They will be adding a 2,200 square foot extension to the approved parking lot.

Planners Dubbs/Black moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 7-0 vote.

The Commission received a request dated April 1, 2003 from Worley Surveying requesting exoneration of the sidewalk requirements at the Thompson property located at Squire Way and Friar Run.

Planners Scott/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 7-0 vote.

The Commission received a request dated March 20, 2003 from Group Hanover, Inc. requesting a waiver of Article 5 of the Subdivision and Land Development Ordinance for Whispering Run for dead end streets, and blocks.

Gerry Funke represented this request for temporary cul-de-sacs at either end of Ripple Drive and minimum block lengths of less than 500 feet on Ripple Drive between Bair Road and Pearl Drive, and Rivulet Drive between Bair Road and Pearl Drive.

Planners Dubbs/Marsh moved for a favorable recommendation of this request to the Penn Township Board of Commissioners. Motion carried on a 6-1 vote with Planner Black casting the dissenting vote.

The Planning Commission 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.**

Ted Decker, Group Hanover, Inc. represented this plan. The Commission had previously reviewed York County comments and discussed briefly what was reflected in the traffic impact study. The developers are still working on providing sanitary sewer to this development. The

revised plan shows the land adjacent to the Community Park that will be dedicated to the Township.

Planners Dubbs/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on P01-28 High Point at Rojen Farms at such time as the sewer modules can be approved by the Township. Motion carried on a 5-2 vote with Planners Johnson and Gondan casting the dissenting votes.

**P02-18 – MARTIN’S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

Ted Decker, Group Hanover, Inc. represented this request. He stated that he is reviewing the Township Engineer’s comments. There was some discussion about where to locate the cul-de-sacs on Ripple Drive.

**P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.**

There was no action taken on this plan.

**P02-27 – BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to construct (6) unit townhouses on the corner of Beck Mill Road and West Granger Street. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.**

There was no action taken on this plan.

**P02-30 – HOMEWOOD, PHASE C, Homewood Retirement Center, P.O. Box 250, Williamsport, MD 21795. A final land development and subdivision plan for independent living cottages and apartments. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P03-02 – SACKETT FAMILY CHIROPRACTIC, Chad W. Sackett, 1055 Baltimore Street, Hanover, PA 17331. A final reverse subdivision and land development plan for a proposed medical facility at 1308 Baltimore Street. The property is located in the H/B zone.**

Reg Baugher, Worley Surveying, represented this plan.

Engineer Bortner's comments have been addressed. The applicant has not received the highway occupancy permit from PENNDOT.

**P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.**

There was no action taken on this plan.

**P03-05 – BREEZEWOOD PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.**

There was no action taken on this plan.

**P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.**

Reg Baugher, Worley Surveying, represented this plan. This was the initial review of the plan that had previously been submitted as a sketch plan for Sieck Florist. They laid out the roads as previously discussed at the Public Works and Planning Commission meetings. The preliminary plan includes both townhouses and duplexes. They are awaiting the traffic studies and may request a special exception based upon the results.

**P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.**

Reg Baugher, Worley Surveying, represented this request. This is the initial review of the plan. The plan shows improvements to Bankert Road along the existing property of the owner. They applicants will have to request a waiver of the preliminary plan requirement, because they have submitted a final plan and according to the Township's Subdivision and Land Development Ordinance, any plan with five or more lots requires a preliminary plan.

**P03-09 –BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final subdivision plan to create two building lots on Squire Way. The property is located in the R-15 zone.**

Reg Baugher, Worley Surveying, represented this plan. This was the initial review of the plan and York County comments have not been received.

**P03-10 – COOMS-SASSE REALTY, 155 Ann Street, Hanover, PA 17331. A final reverse subdivision to combine three (3) existing lots into one to allow for an office addition. The property is located on McAllister Street in the R-8 zone.**

Reg Baugher, Worley Surveying, represented this plan. This is the initial review of the plan and is the result of a previous variance and special exception that was granted by the Penn Township Zoning Hearing Board for the Ivan C. Dutterer, Inc. York County comments were addressed.

Planners Black/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 7-0 vote.

**P03-11 – THORNBURY HUNT, Robert Holweck, 118 Teila Drive, Dallastown, PA 17313. A preliminary subdivision plan to construct a fifty-three (53) lot residential development. The property is located on the west side of Beck Mill Road, just north of Grandview Road in the R-22 zone.**

Robert Holweck represented this request. This was the initial review of the plan. Dr. and Mrs. Ellison residents of Westminster Avenue expressed concern about the potential of flooding on their property as a result of this development. There was some discussion about the layouts of the lots and how the creek will flow through or near several of the lots. York County comments have not been received. There was concern about the building in steep slope areas and the creation of more temporary cul-de-sacs.

The meeting adjourned at 9:03 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary

PENN TOWNSHIP PLANNING COMMISSION  
MAY 1, 2003

Chairperson Donna Scott called a meeting of the Penn Township Planning Commission to order at 7:00 P.M. on May 1, 2003 at the Penn Township Municipal Building. Present were Planning Members Donna Scott, Merle Dubbs, Fred Marsh, Ray Van de Castle, and R.T. Gondan. Planners Mike Johnson and Clayton Black had excused absences. Also present were staff members Zoning Officer John Menges and Township Engineer Eric Bortner.

Planning Members Marsh/Van de Castle moved that the minutes of the April 3, 2003 meeting be approved as submitted. The motion carried unanimously.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-15 – WANDERING STREAMS, INC., c/o 50 Cambridge Drive, Hershey, PA 17033. Applicant is applying for a variance to Section 303.3 (Location), 305.3 (Offsets) and 306.3 (Offsets) for parking areas, driveways, and access drives in a proposed subdivision on Breezewood Drive. The property is located in the R-8 zone.**

Eric Johnston, Wandering Streams, Inc. represented this request. He presented a plan that showed several duplexes built on the property line of which several would have shared accesses. The property owners would maintain these accesses and this stipulation would be spelled out in their deeds. The Zoning Ordinance requires that driveways be a minimum of three feet from the property line. The developer is not able to comply because of the type of house he is designing. The shared driveways would provide turn-around areas and would limit the number of accesses onto Breezewood Drive. The flood study was done by Mr. Johnston's office. There will be only two access points for lots one through six. There will be two parking spaces per unit but there is no parking currently along Breezewood Drive and its is projected that there still will be no parking on the street once the improvements are made. There was some concern expressed about the shared driveways especially the sharing of lot 4 with lots one, two, and three. The streams will prevent the property owners from reaching the other side of their lots. Zoning Officer Menges suggested that the developer should have a core test done because there used to be a mining operation in the area.

Planners Dubbs/Scott moved for a unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z03-15 – Wandering Streams, Inc., requesting a variance to Section 303.3 (Location), 305.3 (Offsets) and 306.3 (Offsets) for parking areas, driveways, and access drives in a proposed subdivision on Breezewood Drive as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-0 vote.

The Planning Commission received the following waiver and exoneration requests:

Jeffery Stern was present requesting exoneration from Article III of the Subdivision and Land Development Ordinance to construct two (2) 6' x 12' concrete pads at Hickory Falls

Entertainment Center. He stated that the pads are required to operate an amusement called "Water Wars".

Planners Marsh/Dubbs moved for a favorable recommendation for exoneration from Article III of the Subdivision and Land Development Ordinance to construct two (2) 6' x 12' concrete pads at Hickory Falls Entertainment Center to the Penn Township Board of Commissioners. Motion carried on a 5-0 vote.

Miriam Runkle is requesting a waiver to the Preliminary Plan requirement in Article III of the Subdivision and Land Development Ordinance for a subdivision on Bankert Road. Reg Baugher, Worley Surveying represented the request. Zoning Officer Menges stated that Mrs. Runkle would like permission to move along with a final plan because all the improvements are along an existing street.

Planners Scott/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 5-0 vote.

The Planning Commission 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.**

There was no action taken on this plan.

**P02-18 – MARTIN'S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

There was no action taken on this plan.

**P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.**

There was no action taken on this plan.



**P02-27 – BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to construct (6) unit townhouses on the corner of Beck Mill Road and West Granger Street. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.**

There was no action taken on this plan.

**P02-30 – HOMEWOOD, PHASE C, Homewood Retirement Center, P.O. Box 250, Williamsport, MD 21795. A final land development and subdivision plan for independent living cottages and apartments. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P03-02 – SACKETT FAMILY CHIROPRACTIC, Chad W. Sackett, 1055 Baltimore Street, Hanover, PA 17331. A final reverse subdivision and land development plan for a proposed medical facility at 1308 Baltimore Street. The property is located in the H/B zone.**

There was no action taken on this plan.

**P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.**

There was no action taken on this plan.

**P03-05 – BREEZEWOOD PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.**

There was no action taken on this plan.

**P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.**

There was no action taken on this plan.

**P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.**

There was no action taken on this plan.

**P03-09 –BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final subdivision plan to create two building lots on Squire Way. The property is located in the R-15 zone.**

Reg Baugher, Worley Surveying, represented this plan. York County Planning Commission and Township Engineer comments have been addressed.

Planners Scott/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on P03-09 Bon Ton Builders. Motion carried on a 5-0 vote.

**P03-11 – THORNBURY HUNT, Robert Holweck, 118 Teila Drive, Dallastown, PA 17313. A preliminary subdivision plan to construct a fifty-three (53) lot residential development. The property is located on the west side of Beck Mill Road, just north of Grandview Road in the R-22 zone.**

There was no action taken on this plan.

**P03-12 – Bradley & Randy Test, 1235 Abbottstown Pike, Hanover, PA 17331. A final subdivision plan to separate an existing duplex at 449-551 S. Franklin Street. The property is located in the R-8 zone.**

This was the initial review of the plan.

**P03-13 – R. James Rinker, 870 Hershey Heights Road, Hanover, PA 17331. A final add on subdivision to convey land to adjoining property owners. The property I located along the North side of Hershey Heights Road in the R-40 zone.**

Reg Baugher, Worley Surveying, represented this request. This is the initial review of this plan and York County Planning Commission comments have not been received.

**P03-14 – Keith & Elaine Taylor, 1030 Hoff Road, Hanover, PA 17331. A final subdivision plan to create three (3) new residential lots between Hoff Road and Sterner's Slaughter Road. The property is located in the R-40 zone.**

Reg Baugher, Worley Surveying, represented this request. This is the initial review of the plan and York County Planning Commission comments have not been received.

**P03-15 – Pine Brook Development, Paul Burkentine, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary land development plan to construct a fort-seven (47)**

**unit subdivision, consisting of 10 duplex, 17 single family attached and 20 multi-family dwellings along Breezewood Drive and Ruel Avenue. The property is located in the R-8 zone.**

Reg Baugher, Worley Surveying, represented this request. This is the initial review of the plan and York County Planning Commission comments have not been received. This is similar to a sketch plan that was submitted several months ago. They will be applying to the Zoning Hearing Board for some variances.

**Public Comments:**

David Danner, 666 Cooper Road, John Fawcett, 820 Cooper Road, and John Bittinger, 900 Cooper Road, presented their concerns about keeping Cooper Road a rural road that can be used by pedestrians. Mr. Danner presented a plan that may be submitted by Joe Myers at some future date showing the upgrading of portions of Cooper Road to come into compliance with the Township regulations. They would like to keep the road at its current condition but if it had to be upgraded that it would be upgraded on the north side so that the trees on the south side could be maintained. They residents also stated that they would be interested in having the road privatized. Mr. Danner stated that the ore hole near the golf course is very unique and that the hill behind it was staging area for the cannons during Battle of Hanover. He stated that he would like to see a recreation park in this area.

There were no comments from the Planners other than the matter would continue to be discussed at the Penn Township Public Works Committee.

The meeting adjourned at 8:15 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary

PENN TOWNSHIP PLANNING COMMISSION  
JUNE 5, 2003

Chairperson Donna Scott called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on June 5, 2003 at the Penn Township Municipal Building. Present were Planning Members Donna Scott, Merle Dubbs, Ray Van de Castle, and Clayton Black. Planners Fred Marsh and Michael Johnson had excused absences. Also present were staff members Zoning Officer John Menges and Township Engineer Eric Bortner.

Planning Members Scott/Van de Castle moved that the minutes of the May 1, 2003 meeting be approved as submitted. The motion carried unanimously.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-16 – ELAINE GARBER, 1049 Friar Run Way, Hanover, PA 17331. The applicant is requesting a special exception to Section 203.2 (Use) to operate a beauty shop in her home. The property is located in the R-15 zone.**

Elaine Garber represented this request to operate a beauty shop in her home. She will be using the family room at the rear of her home for her business. Ms. Garber indicated she has already spoken to her neighbors about her plans. She plans to have between eight to ten customers a day and will be open Tuesday thru Saturday. Most days she will open at 10:00 A.M. but on Fridays and Saturdays she will open at 8:00 A.M. The State will be required to inspect the property. If she receives approval she will install sidewalk from the front of her home to the back so her customers have easy access to her shop. She will have an additional access from the garage in case of an emergency and will have a two square foot sign advertising her business. If she would add an employee she would have to provide an additional off street parking spot. The Planners are making the recommendation for her to operate the business by herself.

Planners Black/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-16 – Elaine Garber, requesting a special exception to Section 203.2 (Use) to operate a beauty shop in her home as it meets the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion carried on a 4-0 vote.

**Z03-17 – JANE E. HOOVER, 1236 Russell Tavern Road, Gettysburg, PA 17325. The applicant is requesting a special exception to Section 407.3 (Replacement) to allow existing use to be extended to Innkeeper accommodations. The property is located at 1161 Westminster Road in the R-22 zone.**

John Mooney, Mooney Associates, Jane Hoover, and Chris Gemmill, project manager, represented this request. Mr. Mooney stated that this is the same request that was made by Ms. Hoover in 1999. The Zoning Hearing Board granted the request for fifteen rooms but it expired before Ms. Hoover began any work on the project. The design has been completed for this project and it was presented to the Planners for review. It contains fifteen rooms with one being

on the main floor so that it can be handicap accessible. The rest of the rooms are on the second floor. Ms. Hoover stated it would be a better use of the existing space. She also stated that the sign and outside lighting may be altered because they are considering a name change once the renovation is complete.

Planners Dubbs/Van de Castle moved for a favorable to the Penn Township Zoning Hearing Board on case Z03-17 – Jane Hoover, requesting a special exception to Section 407.3 (replacement) to allow existing use to be expanded to Innkeeper accommodations, as it meets the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion carried on a 4-0 vote.

**Z03-18 – ROBERT & ANGELE HEBERT, 126 Gardenia Drive, Hanover, PA 17331. The applicants are requesting a variance to Section 203.3 (Area & Bulk Regulations) to construct a sunroom that will encroach into the setbacks. The property is located in the R-15 zone.**

The general contractor, Chris Wood, 14767 Trout School Road, Felton, PA 17322, and owners Robert and Angele Hebert represented this case. The applicants would like to erect a sunroom to the rear of their house that would encroach four feet into the rear setback. The room will have a wheel chair ramp for accessibility and will be constructed off the side of the patio room for Ms. Hebert's mother who currently lives with them. The Hebert's are the original owners of the home, which was built about twelve years ago. This will be an enclosed sunroom built on top of a deck structure. The applicants reside on a corner lot but all the adjoining lots are deeper than this one.

Planners Black/Dubbs moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-18 – Robert and Angele Hebert, requesting a variance to Section 203.3 (Area & Bulk Regulations) to construct a sunroom that will encroach into the setbacks, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

**Z03-19 – RICHARD L. KRILL, III, 130 Carlisle Street, Hanover, PA 17331. The applicant is requesting a special exception to Section 201.2 (Use) to construct garage rental space and a five-unit town-home on the corner of Hammond Avenue and Manor Street. The property is located in the S/C zone.**

Richard Krill, III represented this request. There is a commercial agreement of sale for this property. Mr. Krill has had the property adjacent to this one next to Noland approved for garage rental storage and would like to have this parcel receive a similar special exception and develop the two properties together. He would like to include a five unit town home because there are other residential units on Hammond Avenue and Manor Street and this would provide a better transition between the existing residential units and the proposed commercial use. The town home would face towards Hammond Avenue and would access the property from Hammond Avenue. The garage rental space would access Boundary Avenue in conjunction with the existing property. The have proposed closing Norwood Avenue because the daycare center

owner and Mr. Krill are the only people that own land adjacent to Norwood Avenue. The garage units would be used by contractors for storing equipment for a small business or by people who wish to store recreational vehicles. The town home is not critical to the development of the property but was added to better enhance the property that is adjacent to a residential area. The Zoning Hearing Board for uses not provided approved the garages for the adjacent property. According to Zoning Officer Menges, a town home is not a use by right or special exception in the S/C zone. He also stated that there have been three developers that have tried to develop this property but have not succeeded because of the proximity of the sanitary sewer main and stormwater swale.

Tim Groft, 426 Manor Street, expressed concern about the stormwater problem because there is no drainage off Hammond Avenue and Manor Street because all the run-off goes into his yard. He feels before any development is considered these problems should be addressed. Chairperson Scott stated those issues would be addressed under land development.

Planners Dubbs/Scott moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-19 – Richard L. Krill, III, requesting a special exception to Section 201.1 (Use) to construct garage rental space on the corner of Hammond Avenue and Manor Street, as it meets the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion was denied on a 2-2 vote with Black/Van de Castle casting the dissenting votes.

**Z03-20 – THE GARNET GROUP, INC., 130 Carlisle Street, Hanover, PA 17331.**  
**The applicant is requesting a variance to Section 202.3 (Area & Bulk Regulations) to allow construction of a condominium that will encroach into the setbacks. The property is located on Springbrook Court in the R-8 zone.**

Richard Krill, III, represented this request. Mr. Krill stated that when the property was purchased the previous owner who has since filed for bankruptcy already started the development. The plan called for ninety-six units that were stacked. Mr. Krill cut that number in half and instead built town homes to make it less dense. They originally built the traditional town home but they had buyers who requested the town homes that had a bedroom on the first floor so they started building that kind of home. To build these units they would have to encroach in the setback in the Township. The Hanover Brough has a set back of twenty feet so the unit that straddles the municipalities meets the setbacks in the Borough but not within the Township. They would need to encroach about five feet into the setback. This plan was approved in the early 1990's. They are looking to attract older residents who would not have children.

Rick and Lisa Louthian, 596 Spring Avenue, wanted clarification of what the setback infringement would be in relation to his property. He also expressed concern about ponding of water on neighbor's property during previous construction and how should he address the problem. Mr. Krill explained that they are intending to address these issues during construction and would be installing grates in the yards to direct water to their streets and this would prevent water from entering the Louthian's yard.

Ken Myers, 592 Spring Avenue, wanted to know if the town home could be moved forward on the property to prevent encroachment on the rear property line. Mr. Krill stated that because of the original layout the parking areas were set in front of each unit this prevents him from moving the home much further but they have had some of the utilities move forward in order to move the home forward a little.

Planners Black/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-02 – The Garnet Group, Inc. requesting a variance to Section 202.3 (Area & Bulk Regulations) to allow construction of a condominium that will encroach into the setbacks as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

**Z03-21 – CRISTIANNE AND JOSPEH FREIERT, 168 Windsor Court, Hanover, PA 17331. The applicants are requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of a garage that will encroach into the setbacks. The property is located in the R-15 zone.**

Cristianne and Joseph Friert represented this request. They began construction of the home in June of 1988 and moved in during October of 1988. Mr. Friert stated that when he built this house he was allowed to build a garage but they chose not to. Their lot is a five-sided lot with two rear property lines. Under the current regulations they do not meet setbacks with one of the rear property lines and would like it designated as a side setback line as it appears when looking at the home in its natural setting. The required setback from a rear property line is thirty feet and a side yard would be twelve feet. Zoning Officer Menges stated that when he reviews an odd sized lot he looks to the deepest part of the lot for the rear setback.

Planners Scott/Dubbs moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-21 Cristianne and Joseph Friert requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of a garage that will encroach into the setbacks as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 4-0.

**Z03-22 – STONE RIDGE DEVELOPMENT CORP., 330 Dubbs Church Road, Hanover, PA 17331. The applicant is requesting a special exception to Section 202.2 (Use) to allow multi-family and single family attached dwellings to be constructed on Brookside Avenue. The property is located in the R-8 zone.**

D.J. Hart, Attorney for Stone Ridge Development Corp., Paul Burkentine, President of Stone Ridge Development Corp., and David Stair represented this request. There is a sales agreement. They are requesting special exceptions for multi-family and single family attached dwellings in the proposed Brookside Development. Attorney Hart stated that the requirements for Section 626 multi-family dwellings have been met including lot area, lot width, side setbacks, height, paved area, density requirement, and design standards. There has been a traffic study conducted and submitted to the Township and they meet the number of units allowed.

Attorney Hart also stated that they have met the requirements of Section 636 Single Family Attached Dwellings and have met the standards set forth including, lot area, lot width, side setbacks, units per row, design standards, and the traffic study. Mr. Hart also explained that the plan addresses parking and that the deed will restrict two cars per unit. He covered the parking and driveway access that each unit will have. He stated that site distances will be met, landscaping will be done in accordance with the ordinance, and an environmental impact study will be conducted. They believe that these units will be in harmony with the surrounding area and will not affect the property value of the surrounding area. Mr. Burkentine stated that there is a thirty-unit increase in the number of units with the multi-family units instead of duplexes. There was some concern by the Planners about where the roads will go. The Township is in discussion with the developers about how the streets should intersect and be signalized. The developer plans on making these condos that are controlled by an association.

Planners Dubbs/Scott moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z03-22 Stone Ridge Development Corp requesting a special exception to Section 202.2 (Use) to allow multi-family and single family attached dwellings to be constructed on Brookside Avenue, as it meets the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion carried on a 3-1 vote with Planner Van de Castle casting the dissenting vote.

**Z03-23 – STONE RIDGE DEVELOPMENT CORP., 330 Dubbs Church Road, Hanover, PA 17331. The applicant is requesting a special exception to Section 202.2 (Use) to allow multi-family and single family attached dwellings to be constructed on Breezewood Drive. The property is located in the R-8 zone.**

D.J Hart, Attorney for Stone Ridge Development Corp., Paul Burkentine, President of Stone Ridge Development Corp., and David Stair represented this request. Mr. Hart reviewed Sections 626 and 636 of the Zoning Ordinance and showed how the request complied with each requirement of that section. He also covered the general standards for a special exception in Section 503.6. He stated that this development is in harmony with the established area and would not have an adverse effect.

Planners Scott/Dubbs moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-23 – Stone Ridge Development Corp. requesting a special exception to Section 202.2 (Use to allow multi-family and single family attached dwellings to be constructed on Breezewood Drive) as it meet the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion was denied on a 2-2 vote with Planners Van de Castle and Black casting the dissenting votes.

**Z03-24 – JOSH PRYOR, 663 Baer Avenue, Hanover, PA 17331. The applicant is requesting a variance to Section 305.1 (Driveway Width) to allow construction of a driveway that exceeds the maximum requirement. The property is located in the R-8 zone.**

Josh Pryor represented this request. He stated that he just purchased the house on February 1, 2003. He plans on installing a 40' x 8' foot parking area to the rear of his property



adjacent to the alley. He has no on street parking during the weekend when the draft house is open. The garage on the property is too small for a car. He indicated there would not be a problem with drainage because it would run into the alley. His neighbor parks on the alley thus blocking it from traffic. He will also install a small retaining wall around the pad.

Planners Black/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-24 – Josh Pryor, requesting a variance to Section 305.1 (Driveway Width) to allow construction of a driveway that exceeds the maximum requirement as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

**Z03-25 – LARRY REDDING, 10 Lafayette, Box G, Hanover, PA 17331. The applicant is requesting a special exception to Section 639 (Rooming House) to increase the number of habitable rooms from the approved 32 to 38. The property is located in the R-8 zone.**

Larry Redding represented this request. Mr. Redding stated that he had zoning approval to build a rooming house at 10 Lafayette. This approval came with six storage units in the basement of the facility, which he would like to convert to habitable rooms. They would share two common baths that are at either end of the hall. He stated there is ample parking for six additional people. There are six existing rooms in the basement, each having it's own bathroom. Mr. Redding testified that the Zoning Hearing Board gave him approval for thirty-two units that were both above and below ground. Zoning Officer Menges stated that the Zoning Hearing Board would have to decide if the request was a special exception or a variance.

Derrick Higgs, owner of HBH Management, owner of the former Snyder's building across the street, expressed concern about the lack of compliance that has occurred by Mr. Redding since he had his previous request approved. Mr. Higgs also stated he has had problems with Mr. Redding's residents traveling the wrong way on the one way alley. Mr. Higgs stated that his sign is clearly visible but he had to take legal action against Mr. Redding for him to install his sign. He has also seen parents taking their children to the bus stop in the morning and children entering rooms after school. He stated that he also believed that Mr. Redding would have an on site manager but Mr. Higgs has not seen one and has been unable to contact anyone when he has had problems. Mr. Higgs has had limited cooperation when dealing with Mr. Redding on legal issues to conform to the quiet title action that was taken.

Mr. Redding refuted several of these comments and explained what he has done or is doing to correct some of the problems. Mr. Redding stated that he replaced his sign without legal action and has not witnessed any of his residents going the wrong way on the alley. Mr. Redding also stated that he tells his residents one person per room and he turns away people with small children.

Planners Dubbs/Van de Castle moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z03-25 –Larry Redding requesting a special exception to Section 639 (Rooming House) to increase the number of habitable rooms from the approved

32 to 38 as it does not meet the requirements of a special exception as set forth in Section 503.6 a) thru e). Motion carried on a 4-0 vote.

The Planning Commission received the following waiver and exoneration requests:

Mark's Auto Body is requesting exoneration from land development for a proposed parking lot extension at 35 Barnhart Drive.

Planners Black/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 4-0 vote.

Frederick, Seibert & Associates are requesting a waiver from installing sidewalk and curbing along Westminster Avenue on behalf of Homewood Retirement.

Steve Zortich, Frederick, Seibert and Associates represented this request. They are requesting that sidewalks be internal to the development and not located along Westminster Avenue. They are requesting a waiver on Westminster between the two streams. There will be internal sidewalks that will allow the residents to walk from one place of the center to another.

Planners Scott/Dubbs moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 4-0 vote.

Frederick, Seibert & Associates are requesting a waiver from the requirement that all stormwater conduits have a minimum coverage of eighteen (18) inches below the design finish grade elevations. Homewood Retirement is the sight of this anticipated construction.

Steve Zortich, Frederick, Seibert, and Associates represented this request. Engineer Bortner stated that the ordinance calls for eighteen inches so if they would grant a waiver they would have to have a reason why they would waive this requirement for this applicant but not for another.

Planners Van de Castle/Dubbs moved for a favorable recommendation to the Penn Township Board of Commissioners on this request because it is on private property. Motion was denied on a 2-2 vote with Scott and Black casting the dissenting votes.

Bon Ton Builders is requesting exoneration from the sidewalk ordinance for the property located at 25 Clover Lane.

Planners Dubbs/Black moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 4-0 vote.

South Western School District is requesting a waiver to expand their existing bus parking area with a stone base and gravel surface instead of a hard surface pavement.

The Commission expressed concern about what type of vehicles are going to be parked on the parking lot.

Planners Scott/Van de Castle moved for an unfavorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 3-1 vote with Planner Black casting the dissenting vote.

The Planning Commission 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.**

Bob Sharrah represented this plan. This is the south side of the High Pointe development. These plans reflect the north side repairs to Grandview Road. There are one hundred and seventeen lots in this development. The driveways have been set up similarly to the way they are on the north side. He stated that a new pumping station would be installed to replace the existing station at Mullertown. He stated that they are working on addressing Engineer Bortner's comments. Oak Hills will be the thru street. The developer is working with West Manheim and Lutheran Social Services to have a pumping station built in West Manheim. There was concern about wetland areas on some of the lots. Engineer Bortner stated that the wetlands would have to be delineated and cut out on the deed. The bulk of them will be in the homeowners association lots. Mr. Sharrah stated that he submitted a modification letter when he resubmitted the plan about lot depth and requested a favorable recommendation to the Board of Commissioners. The residential pole lighting plan will be submitted. There was some discussion about trading lots for sewer because of the location of the lots to the pumping stations.

**P02-18 – MARTIN'S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

There was no action taken on this plan.

**P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.**

There was no action taken on this plan.

**P02-27 – BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to construct (6) unit townhouses on the corner of Beck Mill Road and West Granger Street. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.**

There was no action taken on this plan.

**P02-30 – HOMEWOOD, PHASE C, Homewood Retirement Center, P.O. Box 250, Williamsport, MD 21795. A final land development and subdivision plan for independent living cottages and apartments. The property is located in the R-8 zone.**

Attorney Robert Katherman represented this plan. Mr. Katherman explained that there is a sewer issue that the Township is experiencing that transverses the Homewood Property. He explained that he has met with the Township Solicitor, Manager, and Wastewater Treatment Superintendent to discuss a possible solution to this problem. He explained that Homewood is willing to have an agreement with the Township that Homewood would cover the costs of installing new sanitary sewer along the Homewood property. There will be a waiver in the contract that even if the cottages are built if there is no sewer yet available the occupants will not be able to inhabit those cottages. He is asking the Planners to pass along a favorable recommendation to the Board of Commissioners contingent upon the Board and Homewood reaching an agreement on the sewer line. Steve Zortich explained what Homewood is proposing to build and the sewer lines they are proposing to install which would go from their property to Route 194. The line will be sized to handle developments other than Homewood.

Planners Scott/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on P02-30 – Homewood, Phase C with the stipulation that the Board of Commissioners agree upon the sewer agreement with Homewood to Township specifications. Motion carried on a 4-0 vote.

**P03-02 – SACKETT FAMILY CHIROPRACTIC, Chad W. Sackett, 1055 Baltimore Street, Hanover, PA 17331. A final reverse subdivision and land development plan for a proposed medical facility at 1308 Baltimore Street. The property is located in the H/B zone.**

There was no action taken on this plan.

**P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.**

There was no action taken on this plan.

**P03-05 – BREEZEWOOD DRIVE PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.**

There was no action taken on this plan.

**P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.**

There was no action taken on this plan.

**P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.**

There was no action taken on this plan.

**P03-11 – THORNBURY HUNT, Robert Holweck, 118 Teila Drive, Dallastown, PA 17313. A preliminary subdivision plan to construct a fifty-three (53) lot residential development. The property is located on the west side of Beck Mill Road, just north of Grandview Road in the R-22 zone.**

There was no action taken on this plan.

**P03-12 – BRADLEY & RANDY TEST, 1235 Abbottstown Pike, Hanover, PA 17331. A final subdivision plan to separate an existing duplex at 449-551 S. Franklin Street. The property is located in the R-8 zone.**

Ed Mort, Group Hanover, represented this request. This is a subdivision to separate an existing duplex.

Planners Black/Scott moved for a favorable recommendation to P03-12 – Bradley and Randy Test to the Penn Township Board of Commissioners. Motion carried on a 4-0 vote.

**P03-13 – R. JAMES RINKER, 870 Hershey Heights Road, Hanover, PA 17331. A final add on subdivision to convey land to adjoining property owners. The property is located along the North side of Hershey Heights Road in the R-40 zone.**

David Stair, Worley Surveying, represented this plan. This is a subdivision plan that would involve taking part of Mr. Rinker's existing lot and adjoining it to the neighbor's lot.

Planners Scott/Van de Castle moved for a favorable recommendation to P03-13 –R. James Rinker to the Penn Township Board of Commissioners. Motion carried on a 4-0 vote.

**P03-14 – KEITH & ELAINE TAYLOR, 1030 Hoff Road, Hanover, PA 17331. A final subdivision plan to create three (3) new residential lots between Hoff Road and Sterner’s Slaughter Road. The property is located in the R-40 zone.**

There was no action taken on this plan.

**P03-15 – PINE BROOK DEVELOPMENT, Paul Burkentine, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary land development plan to construct a fort-seven (47) unit subdivision, consisting of 10 duplex, 17 single family attached and 20 multi-family dwellings along Breezewood Drive and Ruel Avenue. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P03-16 – P & G PARTNERS, 217 Frederick Street, Hanover, PA 17331. A final land development plan to construct a duplex on an exiting two (2)-lot subdivision. The property is located on Locust Street in the R-8 zone.**

Paul Pisula represented this request.

Planners Dubbs/Scott moved for a favorable recommendation to P03-16 – P&G Partners to the Penn Township Board of Commissioners. Motion carried on a 4-0 vote.

**P03-17 – DALE E. DULL, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final subdivision to construct two (2) new residential building lots on the corner of Rt. 216 and Albright Drive. The property is located in the R-15 zone.**

David Stair, Worley Surveying, represented this request. Mr. Stair stated that in the 1960’s-70’s there were two lots created at this location. In 2000 the two lots were joined together. The property is now being sold and they would like to go back and create the pre-existing lots.

Planners Black/Dubbs moved for a favorable recommendation to P03-17 –Dale E. Dull to the Penn Township Board of Commissioners. Motion carried on a 4-0 vote.

**P03-18 – MAITLAND INVESTMENT CORP., c/o J.A. Myers, 121 York Street, Hanover, PA 17331. A final subdivision plan to separate sixty acres from existing plot for proposed residential use. The property is located on the corner of Westminster and Cooper Road in the R-22 zone.**

David Stair, Worley Surveying, represented this request. He presented an overview of the property and the adjacent property, which is near the golf course. The sewer line for Martin's Ridge transverses this property. They are planning to create one sixty-acre lot that will be used for future subdivisions. He presented a sketch layout of the future subdivision for streets. It was noted that when the subdivision plan is brought in they would address the problems of water that have been brought up to the Planners previously in this area.

**P03-19 – BAXTER INVESTMENT/GOEHRIG & LAIRD SUBDIVISION c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final subdivision plan to add two (2) small tracts of land, one to Baxter Investment and one to Goehrig & Laird existing properties. The property is located on the corner of Baer Avenue and Bowman Road in the R-8 zone.**

There was no action taken on this plan.

**P03-20 - BAXTER INVESTMENT/WALLEN TRACT, c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan to create a forty-eight (48) unit, multi-family complex on the corner of Baer Avenue and Bowman Road. The property is located in the R-8 zone.**

There was no action taken on this plan.

The meeting adjourned at 10:37 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary

PENN TOWNSHIP PLANNING COMMISSION  
JULY 3, 2003

Chairperson Donna Scott called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on July 3, 2003 at the Penn Township Municipal Building. Present were Planning Members Donna Scott, Merle Dubbs, Michael Johnson, Ray Van de Castle, Clayton Black and Fred Marsh. Also present were staff members Administrative Assistant Kristina Rodgers and Township Engineer Eric Bortner.

Michael Johnson stated that the last sentence of the June 5, 2003 minutes on page 2 should read "They have . . ." and not "The have . . ."

Planning Members Dubbs/Marsh moved that the minutes of the June 5, 2003 meeting be approved as corrected. The motion carried unanimously.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-26 – TROY SANDERS, 46 Narrow Road, Hanover, PA 17331. The applicant is requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of a front porch that will encroach into the setbacks. The property is located in the R-15 zone.**

Troy Sanders represented this request. Mr. Sanders is requesting to build a front porch that would encroach into the front setback to protect the front of his house, the bay window and to keep the weather off the front door. The porch will extend six feet past the house and into the setback by about eighteen inches. The roof will be even with the proposed brick wall.

Planners Black/Van De Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-26 – Troy Sanders, requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of a front porch that will encroach into the setbacks as it meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

**Z03-27-MATTHEW S. DIETRICH, 3404 Hobart Road, Glenville, PA 17329. The applicant is requesting a variance to Section 208.3 (Area & Bulk Regulations) to allow construction of an addition to an existing building at 936 York Street, that will encroach into the setbacks. The property is located in the H/B zone.**

Matthew and Kathy Dietrich represented this request. They are anticipating settlement on this property on July 24, 2003. Planner Black excused himself and did not participate in any discussion and/or voting on this case. The applicants presented a handout on what they are proposing to do on the property, which includes removing all but twenty feet of the existing building and using the front as a parking lot and constructing a pole building to the rear of the remaining structure that will be 60' by 32'. This would violate the 35' rear setback requirement by 15'. The remaining part of the original building will be used for office space. The use of the



building will remain the same and would be for automotive repair and sales. The current roof is beginning to buckle. They have some safety issues with the current layout and so they will be removing the current awning and having customers park in the front of the building instead of the side and the rear. The building has inadequate ceiling height for lifts and the shop needs updated for today's wider and larger trucks. The repair shop will be located to the rear of the property.

The alley behind the building will not be affected by the trailer traffic from the other businesses that surround the property. The properties on either side already have structures that encroach further into the rear setback than that which the applicant is requesting.

The building height will be about fourteen feet taller than the existing building. There was some discussion about whether or not a land development plan will be required. The Committee will check with the Township Zoning Officer.

Planners Johnson/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-27 Matthew S. Dietrich, requesting a variance to Section 208.3 (Area & Bulk Regulations) to allow construction of an addition to an existing building at 936 York Street, that will encroach into the setbacks 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 with Planner Black abstaining.

**Z03-28 – CRAIG KEMPER, 7 Benjamin Drive, Hanover, PA 17331. The applicant is requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of a covered deck that will encroach into the setbacks. The property is located in the R-15 zone.**

Craig Kemper represented this request. The applicant has an existing deck which he would be removing and replacing with a deck that encroaches into the setback by four feet. The new deck will be 14' x 16' and screened in. The deck that is on the house is the original deck that was built with the house. He presented pictures of neighbors who have decks similar to the one he wants to construct.

Planners Marsh/Dubbs moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-28 – Craig Kemper requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of a covered deck that will encroach into the setbacks as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

**Z03-29 – STONE RIDGE DEVELOPMENT CORP., 330 Dubbs Church Road, Hanover, PA 17331. The applicant is requesting a special exception to Section 202.2 9Use) to allow multi-family dwellings to be constructed on Brookside Avenue in the R-8 zone.**

D.J. Hart, attorney for Stone Ridge Development Corporation, represented this request. Mr. Hart asked that the request be tabled.

Planners Black/Scott moved that Z03-29 Stone Ridge Development Corporation be tabled. Motion carried on a 6-0 vote.

The Planning Commission received the following waiver and exoneration requests:

Ellise and Dennis Moynahan are requesting exoneration from installing sidewalks and curbing, residential pole light, and a paved driveway at 27 Pigeon Hill Park Road.

The Commission felt that the waiver of the driveway needed to go to the Zoning Hearing Board and Township Engineer referenced Section 305.6 of the Township's Zoning Ordinance.

Planners Dubbs/Johnson moved for a favorable recommendation to the Penn Township Board of Commissioners on a temporary waiver of the sidewalk and curbing requirements at 27 Pigeon Hill Park Road. Motion carried on 6-0 vote.

Bon Ton Builders are requesting exoneration from installing sidewalks at 201 Squire Way.

Planners Scott/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners for a temporary waiver of the sidewalk requirements at 201 Squire Way. Motion carried on a 6-0 vote.

Woodhaven Building & Development, Inc. requests a modification of section 509.a lot depth to width ratio of the Penn Township Subdivision Land Development Ordinance. This would be for lots 148, 187, 197 and 226. These are buildable pie shaped lots. Applicant is also requesting waiver of sections 506.e and 508 regarding distance between intersections because some of the streets exceed the maximum block length of 1600'. Both of these requests are for the High Pointe at Rojen Farms South Section subdivision plan.

Planners Scott/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on the lot depth to width ratio for lots 148, 187, 197, and 226 and for section 506.e and 508 of the subdivision and land development ordinance for the streets of the High Pointe at Rojen Farms south section. Motion carried on a 6-0 vote.

The Planning Commission 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.**

Robert Sharrah and Martin Hill represented this plan. There was discussion regarding the lots that are located on the municipal boundary lines with regard to taxation and setback issues. Mr. Sharrah stated that, in his opinion, if the driveways access Penn Township streets then the setbacks are Penn Township's. There was a courtesy copy of the plan sent to West Manheim and

there have been no comments received from the Supervisors. Martin Hill stated that they have had similar situations with plans in the past and have designated the setbacks to comply with the municipality within the County in Maryland where the plan is going to be recorded. (This will obviously not work here.)

Planners Scott/Dubbs moved for a favorable recommendation of P01-28 High Pointe at Rojen Farms to the Penn Township Board of Commissioners pending the Township resolving its current sewer conveyance problems.

**P02-18 – MARTIN’S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

There was no action taken on this plan.

**P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.**

There was no action taken on this plan.

**P02-27 – BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to construct (6) unit townhouses on the corner of Beck Mill Road and West Granger Street. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.**

There was no action taken on this plan.

**P02-30 – HOMEWOOD, PHASE C, Homewood Retirement Center, P.O. Box 250, Williamsport, MD 21795. A final land development and subdivision plan for independent living cottages and apartments. The property is located in the R-8 zone.**

There was no action taken on this plan.

P03-02 – SACKETT FAMILY CHIROPRACTIC, Chad W. Sackett, 1055 Baltimore Street, Hanover, PA 17331. A final reverse subdivision and land development plan for a proposed medical facility at 1308 Baltimore Street. The property is located in the H/B zone.

There was no action taken on this plan.

P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.

There was no action taken on this plan.

P03-05 – BREEZEWOOD DRIVE PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.

There was no action taken on this plan.

P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.

There was no action taken on this plan.

P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.

There was no action taken on this plan.

P03-11 – THORNBURY HUNT, Robert Holweck, 118 Teila Drive, Dallastown, PA 17313. A preliminary subdivision plan to construct a fifty-three (53) lot residential development. The property is located on the west side of Beck Mill Road, just north of Grandview Road in the R-22 zone.

There was no action taken on this plan.

P03-14 – KEITH & ELAINE TAYLOR, 1030 Hoff Road, Hanover, PA 17331. A final subdivision plan to create three (3) new residential lots between Hoff Road and Sterner's Slaughter Road. The property is located in the R-40 zone.

There was no action taken on this plan.

P03-15 – PINE BROOK DEVELOPMENT, Paul Burkentine, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary land development plan to construct a fort-seven (47) unit subdivision, consisting of 10 duplex, 17 single family attached and 20 multi-family dwellings along Breezewood Drive and Ruel Avenue. The property is located in the R-8 zone.

There was no action taken on this plan.

P03-16 – P & G PARTNERS, 217 Frederick Street, Hanover, PA 17331. A final land development plan to construct a duplex on an exiting two (2)-lot subdivision. The property is located on Locust Street in the R-8 zone.

There was no action taken on this plan.

P03-17 – DALE E. DULL, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final subdivision to construct two (2) new residential building lots on the corner of Rt. 216 and Albright Drive. The property is located in the R-15 zone.

There was no action taken on this plan.

P03-18 – MAITLAND INVESTMENT CORP., c/o J.A. Myers, 121 York Street, Hanover, PA 17331. A final subdivision plan to separate sixty acres from existing plot for proposed residential use. The property is located on the corner of Westminster and Cooper Road in the R-22 zone.

There was no action taken on this plan.

P03-19 – BAXTER INVESTMENT/GOEHRIG & LAIRD SUBDIVISION c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final subdivision plan to add two (2) small tracts of land, one to Baxter Investment and one to Goehrig & Laird existing properties. The property is located on the corner of Baer Avenue and Bowman Road in the R-8 zone.

There was no action taken on this plan.

P03-20 - BAXTER INVESTMENT/WALLEN TRACT, c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan to create a forty-eight (48) unit, multi-family complex on the corner of Baer Avenue and Bowman Road. The property is located in the R-8 zone.

There was no action taken on this plan.

PUBLIC COMMENTS:

Bill and Dana Heston, 823 York Street, requested some clarification on what was going to happen to their home when the new developments are constructed. They were informed that the developer would be responsible for the improvements to the road and sidewalk and curbing. Mr. Heston was also concerned as to how building could occur when last year there were restrictions on water consumption. It was explained to him that the Borough of Hanover Water Department controls water distribution. The Hestons were concerned about their house possibly being condemned and torn down. It was explained to them that there are still negotiations going on with the developers about what is going to happen to the intersection.

The meeting adjourned at 8:17 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary

PENN TOWNSHIP PLANNING COMMISSION  
AUGUST 7, 2003

Vice -Chairperson Ray Van de Castle called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on August 7, 2003 at the Penn Township Municipal Building. Present were Planning Members Michael Johnson, Ray Van de Castle, Clayton Black and Fred Marsh. Planning Members Donna Scott and Merle Dubbs had an excused absence. Also present were staff members Administrative Assistant Kristina Rodgers and Township Engineer Eric Bortner.

Planning Members Marsh/Van de Castle moved that the minutes of the July 3, 2003 meeting be approved as submitted. The motion carried unanimously.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-30 – WILLIAM ALBANESE, SR., 9 Benjamin Drive, Hanover, PA 17331. The applicant is requesting a variance to Section 203.3 (Area & Bulk Regulations) to construct a deck that will encroach into setbacks. The property is located in the R-15 zone.**

William Albanese represented this request. He is requesting to rebuild the existing 8' x 8' deck to the rear of his house. The deck is currently not big enough for him to use adequately and he would like to build it out about twelve or fourteen feet and along the house sixteen or seventeen feet. It will be even with the left side of the house. The home is twenty-two years old and he as owned it for about twelve years.

Planners Marsh/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z03-30 – William Albanese, Sr. requesting a variance to Section 203.3 (Area & Bulk Regulations) to construct a deck that will encroach into the setbacks as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

**Z03-31 – STEVEN M. BROWM, 29 Glendale Street, Hanover, PA 17331. The applicant is requesting a variance to Section 202.3 (Area & Bulk Regulations) to construct a deck that will encroach into the setbacks. The property is located in the R-8 zone.**

Steven M. Brown represented this request. This is a corner lot that fronts on Glendale Street and the second front yard is on Brewster Street. When he purchased the house in November of 2002 at 29 Glendale Street there were no steps or landing outside the kitchen door. According to his neighbors there used to be stairs there but the previous owner removed them when they rotted out. Mr. Brown stated that he has two special needs children and he would rather have a landing or a deck for matters of safety. The deck would be twelve feet by twelve feet because of the Columbia Gas right-of-way that traverses his property. The house was built in 1987. The deck would be about forty-eight inches off the ground. Any structure that he builds would be in the setback because there is only twenty-seven feet from his house to the neighbor's

property line. Mr. Brown stated that he met with his neighbors and they do not have a problem with him constructing the deck. The fence is about six inches off the property line.

Planners Johnson/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z3-31 – Steven M Brown, requesting a variance to Section 202.3 (Area & Bulk Regulations) to construct a deck that will encroach into the setbacks as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

**Z03-32 – BRADLEY & KATHRYN BEALING, 137 Forry Avenue, Hanover, PA 17331. Applicants are requesting a special exception to Section 203.2 (Use) to allow an addition to their home for other family members. The property is located in the R-8 zone.**

Kathryn Bealing represented this case. Ms. Bealing would like to add an addition to the rear of her house that will contain a bedroom, bathroom, and a sunroom. The applicants will be taking in Mr. Bealing's grandmother. The addition will be about twenty-five feet flush with the existing house. The bedroom and bathroom would be exclusively for the grandmother while the sunroom would be for everybody. The property is already a non-conforming property. The addition would be to the rear and they would maintain the current side setback. The neighbor would remove the existing fence.

Planners Marsh/Black moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-32- Bradley & Kathryn Bealing, requesting a special exception to Section 203.2 (Use) to allow an addition to their home for other family members, as it meets the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion carried on a 4-0 vote.

**Z03-33 – EUGINA MEHRING, 309 Park Heights Boulevard, Hanover, PA . 17331. The applicant is requesting a special exception to Section 203.2 (Use) to allow operation of a hair salon in her residence. The property is located in the R-8 zone.**

Eugina Mehring, represented this request. The applicant would like to put a hair salon in the basement of her home for her and her daughter. When she applies to the state board she will apply for a two-operator license instead of one. There is a driveway that can park at least two cars in addition to street parking. They will have to construct steps or a walkway to the entrance of the salon. Her proposed hours of operation will be Tuesday thru Friday 9-7 and Saturdays 9-1. The Committee was extremely concerned about the lack of off street parking that is available if she opens with two operators and that she may want to have an additional off street parking proposal when she presents her request to the Zoning Hearing Board.

Planners Black/Van de Castle moved for a favorable recommendation on Z03-33 Eugina Mehring, requesting a special exception to Section 203.2 (Use) to allow operation a hair salon in her residence, as it meets the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion carried on a 4-0 vote.



**Z03-34 – SHILO & MICHELLE MITCHELL, 9 Arbor Lane, Hanover, PA 17331.**  
**Applicants are requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of an in-ground pool that will encroach into the setbacks. The property is located in the R-15 zone.**

Shilo Mitchell represented this request. The applicant would like to install a swimming pool on his corner lot for his family. He would be installing a six foot scalloped privacy fence. The applicant would be willing to accept a smaller sized pool closer to his house. Mr. Mitchell purchased the property in January 2003 and was unaware of the Township requirements for the installation of pools until after consulting with his neighbors. He explained that his wife is a stay-at-home mom and he wants to provide this for their use. He would have it installed in September and begin using it next summer. The existing deck is two feet off the ground and he is willing to make the deck smaller and move the pool closer. He does not want an above ground pool.

Planners Black/Van de Castle moved for a unfavorable recommendation to the Penn Township Zoning Hearing Board on case Z03-34 – Shilo & Michelle Mitchell, requesting a variance to Section 203.3 (Area & Bulk Regulations) to allow construction of an in-ground pool that will encroach five feet from the rear setbacks as does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). They moved for a favorable recommendation if he agrees to install it twelve feet from the rear property line. Motion carried on a 4-0 vote.

The Planning Commission received the following waiver and exoneration requests:

Rich Fogle Excavating is requesting exoneration from a land development plan to construct a pole building at 829 McAllister Street.

Planners Black/Van de Castle moved for a favorable recommendation to this request to the Penn Township Board of Commissioners. Motion carried on a 4-0 vote.

Bookspan is requesting exoneration from a land development plan to construct a 2,700 square foot patio at 501 Ridge Avenue.

Planners Black/Johnson moved for a favorable recommendation to this request to the Penn Township Board of Commissioners. Motion carried on a 4-0 vote.

Bon Ton Builders is requesting exoneration from installing public sidewalks at Lot 21 Sherman Street.

Planners Johnson/Van de Castle moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 4-0 vote.

Bon Ton Builders is requesting exoneration from installing public sidewalks at 80 Janet Street.

Planners Marsh/Johnson moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 4-0 vote.

L.L. Lawrence Builders is requesting an exoneration from installing public sidewalks at 366 High Rock Road.

Planners Van de Castle/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 4-0 vote.

The Planning Commission 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.**

There was no action taken on this plan.

**P02-18 – MARTIN’S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

There was no action taken on this plan.

**P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.**

There was no action taken on this plan.

**P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.**

There was no action taken on this plan.

**P02-30 – HOMEWOOD, PHASE C, Homewood Retirement Center, P.O. Box 250, Williamsport, MD 21795. A final land development and subdivision plan for independent living cottages and apartments. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P03-02 – SACKETT FAMILY CHIROPRACTIC, Chad W. Sackett, 1055 Baltimore Street, Hanover, PA 17331. A final reverse subdivision and land development plan for a proposed medical facility at 1308 Baltimore Street. The property is located in the H/B zone.**

There was no action taken on this plan.

**P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.**

There was no action taken on this plan.

**P03-05 – BREEZEWOOD DRIVE PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.**

There was no action taken on this plan.

**P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.**

There was no action taken on this plan.

**P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.**

There was no action taken on this plan.

**P03-11 – THORNBURY HUNT, Robert Holweck, 118 Teila Drive, Dallastown, PA 17313. A preliminary subdivision plan to construct a fifty-three (53) lot residential development. The property is located on the west side of Beck Mill Road, just north of Grandview Road in the R-22 zone.**

There was no action taken on this plan.

**P03-14 – KEITH & ELAINE TAYLOR, 1030 Hoff Road, Hanover, PA 17331. A final subdivision plan to create three (3) new residential lots between Hoff Road and Sterner's Slaughter Road. The property is located in the R-40 zone.**

There was no action taken on this plan.

**P03-15 – PINE BROOK DEVELOPMENT, Paul Burkentine, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary land development plan to construct a fort-seven (47) unit subdivision, consisting of 10 duplex, 17 single family attached and 20 multi-family dwellings along Breezewood Drive and Ruel Avenue. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P03-16 – P & G PARTNERS, 217 Frederick Street, Hanover, PA 17331. A final land development plan to construct a duplex on an exiting two (2)-lot subdivision. The property is located on Locust Street in the R-8 zone.**

There was no action taken on this plan.

**P03-18 – MAITLAND INVESTMENT CORP., c/o J.A. Myers, 121 York Street, Hanover, PA 17331. A final subdivision plan to separate sixty acres from existing plot for proposed residential use. The property is located on the corner of Westminster and Cooper Road in the R-22 zone.**

Dorf Maitland represented this plan. York County comments have been received. Engineer Bortner explained some of the problems of the proposed dedication of Cooper Road on the plan and the problems with the proposed dedicated areas. The plan shows a dedication of twenty five feet on the South side of the road. Also, the adjoining property owners have come to previous meeting to express concern about the problems with Cooper Road. The Planners expressed concern about the ability to construct the improvements to Cooper Road after this plan is approved and prior to the submittal of a land development plan.

Planners Black/Marsh moved for an unfavorable recommendation to the Penn Township Board of Commissioners on this plan until the Cooper Road improvements have been satisfied. Motion carried on a 4-0 vote.

**P03-19 – BAXTER INVESTMENT/GOEHRIG & LAIRD SUBDIVISION c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final subdivision plan to add two (2) small tracts of land, one to Baxter Investment and one to Goehrig & Laird existing properties. The property is located on the corner of Baer Avenue and Bowman Road in the R-8 zone.**

There was no action taken on this plan.

**P03-20 - BAXTER INVESTMENT/WALLEN TRACT, c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan to create a forty-eight (48) unit, multi-family complex on the corner of Baer Avenue and Bowman Road. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P03-21 – COLUMBIA COTTAGE, c/o Horst Senior Care, 320 Granite Run Drive, Lancaster, PA 17604. A final land development plan to construct a 41 unit assisted living facility. The property is located at 2288 Grandview Road in the R-15 zone.**

Daniel J. Bielawa, HRG, Jim Brandt, and Kevin Brown, Horst Property Management, represented this request. Mr. Bielawa explained the different zoning variances that had been granted by the Zoning Hearing Board in March. He also stated that it was now a forty-two bedroom facility which was a change from the plan that had been submitted with the zoning request. The Zoning Hearing Board allowed them a maximum of forty-five rooms utilizing the same space. There are twenty-eight parking spaces and a detention basin and swales to convey water. The curbing was removed from the plan that was showed along Grandview Road because it would restrict the natural water flow in the area. They are asking for two modification requests, which include a waiver of the preliminary plan requirements and waiver of the curb and sidewalks along Grandview Road. They have submitted the forms for their highway occupancy permit. They have talked with Fire Chief Cromer about the fire safety requirements. York County Comments have not been received. They have received a letter from Hanover Borough stating that they have capacity for water. The Township has not yet provided a letter for sewer because of the current conveyance problem that the Township is working on. He was told that once the Township has a design for the system and the cost estimates are received the costs would be spread among all the current developers. There is a landscaping plan because of the comments that were received from the neighbors at the Zoning Hearing Board meeting. He stated that once it is time to plant the trees they would ask the neighbors if they approve of the proposed locations.

The Planners expressed concern about the number of parking spaces being proposed because there may be occasions when there are more than twenty-eight people visiting or accessing the facility. Mr. Brandt explained that at their current facilities most people do not use the parking spaces because typically the resident is picked up or dropped off and the family members usually only stay about five minutes. The parking is usually self-contained. He stated that usually there are only about twelve to fourteen families that visit on one day and they try to work with families on visitation.

Mr. Bielawa addressed Fire Chief Cromer's comments and how they have come to a mutual agreement about access to the rear of the building. The planners would like to see a turn around on the plan because they do not want vehicles to back up onto Grandview Road.

Planners Black/Van de Castle moved that the Commission default to PENNDOT on the request for their response to sidewalk and curb. Once the Planners receive PENNDOT's response they will make a motion on the request. Motion carried on a 4-0 vote.

The applicants withdrew their request for a waiver of the preliminary plan waiver until such time that it would be necessary to submit.

**P03-22 – MARK EATON, 574 Blooming Grove, Hanover, PA 17331. A final subdivisio to reconfigure four residential building lots. The property is located in the R-40 zone.**

Mark Eaton, owner and Gary Dye, Worley Surveying, represented this plan. There was a letter presented to the Planners from the Fire Chief that stated that neither an ambulance nor a fire truck could traverse the driveways as they are presented. There was some discussion about the configuration of the driveways and how to meet the concerns of the Fire Chief. The Planners recommended that they meet with the Chief to discuss his comments.

**P03-23 – JOHN & MATHA HALTER, Fairview & Westminster Road, Hanover, PA 17331. A final subdivision to create four residential building lots. Only a small portion lies in Penn Township. The plan was filed by West Manheim Township.**

Gary Dye, Worley Surveying, represented this request. This plan is located mostly in West Manheim Township.

Planners Black/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on this plan. Motion carried on a 4-0 vote.

**P03-24 – PENN TOWNSHIP POLICE DEPARTMENT, 20 Wayne Avenue, Hanover, PA 17331. A final land development plan to construct an addition to an existing building. The property is located in the R-8 zone.**

The Township presented this plan for initial review. This plan shows an addition to the police department side of the Township building and additional paving for police equipment.

The meeting adjourned at 9:21 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary

PENN TOWNSHIP PLANNING COMMISSION  
SEPTEMBER 4, 2003

Chairperson Donna Scott called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on August 7, 2003 at the Penn Township Municipal Building. Present were Planning Members Donna Scott, Merle Dubbs, Michael Johnson, Ray Van de Castle, Clayton Black and Fred Marsh. Also present were staff members Zoning Officer John Menges and Township Engineer Eric Bortner.

Planning Members Dubbs/Marsh moved that the minutes of the August 7, 2003 meeting be approved as submitted. The motion carried unanimously.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-35 Barbara McGee, 33 Quail Ridge Road, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk Regulations) to allow construction of a roof over an existing patio that will encroach into the rear setback area. The property is located at 33 Quail Ridge Road in the R-15 zone.**

Richard McGee, husband of Barbara McGee, represented this request. He stated that they have owned the home for eleven years and he has done four major projects that include adding a fence, shed, two-car garage, widening the driveway and finally adding the patio. He stated that when he started the project he was not aware that he needed a permit because it was an existing patio that did not require a variance. As soon as he received a notice from Mr. Menges he stopped construction until such time as he received a variance. He presented letters from his neighbors showing their approval. He felt he did not need a permit because he had intended to put up a rollout awning, which does not require a permit. He decided that was too expensive and decided on a roof. He wanted the roof to provide shade from the heat of the day.

Planners Black/Marsh moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-35 Barbara McGee, requesting a variance to Section 203.3 (Area and Bulk Regulations) to allow construction of a roof over an existing patio that will encroach into the rear setback area as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion was denied on a 3-3 vote with Planners Scott, Dubbs, and Johnson casting the dissenting votes.

**Z03-36 Tony Meckley, 127 Lion Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk Regulations) to allow construction of a residential addition to the existing structure. The property is located at 127 Lion Drive in the R-15 zone.**

Tony Meckley represented this request. Mr. Meckley would like to add a garage and family room to his existing home. The proposed addition would be within six inches of the property line. His neighbor is the Township's retention pond for the development. The applicants have lived in the home for twenty-six years and have raised their three children there.

They are building a new addition to accommodate their growing family. He is considering the variance because the lot next door is a retention pond. He stated that they lived in the home fourteen years prior to the installation of the retention pond. After the installation of the pond they began to get water in their basement and it prevents them from using the area as a family room. He is going with an above ground room to prevent having to contend with water issues. He also installed a tree line between his property and the retention pond that he will remove if the addition is approved. The home was built in 1976 and the lot would have been created under the 1960's zoning ordinance. The setbacks would have been at a maximum ten feet. He will be getting rid of the small shed located on his property with the addition of the garage.

Planners Marsh/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-36 Tony Meckley, requesting a variance to Section 203.3 (Area and Bulk Regulations) to allow construction of a residential addition to the existing structure, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-1 vote with Planner Black casting the dissenting vote.

**Z03-37 – Patricia I. Jimenez, 10 Baugher Drive, Hanover, PA 17331. Applicant is requesting a special exception to Section 203.2 (Use Regulations) to allow a home occupation use for a music studio. The property is located at 10 Baugher Drive in the R-15 zone.**

Patricia I. Jimenez represented the request. She wants to open a studio to give piano lessons to students in the front room of her house. She would like to have her studio open on Wednesdays from 5 to 8:30 in the evening, Thursdays from 5 to 8:30 in the evening, and Saturdays 9-12 in the morning. She has parking for four vehicles. She would have at most two visitors at one time, one leaving and one waiting. She has one car and her husband has one car and Mr. Jimenez usually works in the evening.

Planners Black/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-37- Patricia I. Jimenez, requesting a special exception to Section 203.2 (Use Regulations) to allow a home occupation use for a music studio, as it meets the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion carried on a 6-0 vote.

**Z03-38 Dan Klug, 41 Blooming Grove Road, Hanover, PA 17331. Applicant is requesting a variance to Section 400.1 (Front Setbacks from Major or Minor Arterials) to allow construction of a porch that will encroach into the front setback area. Applicant is also challenging the validity of the Zoning Ordinance as it relates to existing properties. Property is located at 41 Blooming Grove Road in the R-15 zone.**

Dan Klug, represented this request. Mr. Klug stated that in June he came into the office to get a building permit and was told that the front setback for Route 216 was 35 feet. On July 7, Jason Cobb, the builder, submitted a building permit for a front porch and deck that meet these setbacks. The application was denied because the application did not meet the front setback in Ordinance 494 section 203.3. He presented the deed to the Township and the Zoning Officer said he would review the application again and it was denied. The builder then separated the



porch from the permit so that he could build the deck. The deck application was approved. Mr. Klug stated that he contacted PENNDOT and they supplied a blue print showing the right-of-way on 216, which is twenty-four feet. Mr. Klug also contacted his lawyer and he told him to contact the Township again because as he understood from the ordinance that the front setback on 216 was thirty-five feet. Mr. Klug came in and talked to Darryl Boyd and a lady and they stated that the application should be approved because they meet the thirty-five foot setback and told him to attach the blueprint to the application. He submitted his application. After two days, his wife called and was told that the application was approved. When the builder came to pick up the permit several days later he was told it was denied because of section 400.1. He presented some pictures that showed that the porch would not impede traffic or affect traffic safety and presented a drawing that his porch would not infringe anymore than the surrounding properties. The house, which sets on a hill, does not meet the required setback.

Planners Black/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-38 Dan Klug, requesting a variance to Section 400.1 (Front Setback from Major or Minor Arterials) to allow construction of a porch that will encroach into the front setback area, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

The Planning Commission received the following waiver and exoneration requests:

B& D Building and Development, Inc. is requesting exoneration from public sidewalk installation at lot 3 High Rock Road. Property is owned by Jeff and Pam Gross.

Planners Black/Van de Castle moved for a favorable recommendation on this request to the Penn Township Board of Commissioners. The motion carried on a 6-0 vote.

Bon Ton Builders is requesting exoneration from public sidewalk installation at Lot 2 Albright Drive.

Planners Scott/Dubbs moved for an unfavorable recommendation to this request to the Penn Township Board of Commissioners. Motion carried on a 5-1 vote with Planner Johnson casting the dissenting vote.

The Planning Commission 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.**

There was no action taken on this plan.

**P02-18 – MARTIN'S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential**

development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.

There was no action taken on this plan.

P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.

There was no action taken on this plan.

P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.

There was no action taken on this plan.

P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.

There was no action taken on this plan.

P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.

There was no action taken on this plan.

P03-05 – BREEZEWOOD DRIVE PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.

There was no action taken on this plan.

P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.

Gary Dye, Worley Surveying, presented an update on the plan. They have been working with Engineer Bortner to get approval on the off site sewer. They have about 85-90 percent of the grading worked out but they are going to go before the Public Works Committee to work out the final details. They are working on the alignment of York and Center Streets with the adjoining property owners. About eighty percent of the utilities have been designed. They have two storm water facilities. They are waiting on the results of the flood plain study. The majority

of Seick Florist will remain. Part of the plan is still under appeal to York County Court because of a previously denied zoning request.

**P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.**

There was no action taken on this plan.

**P03-11 – THORNBURY HUNT, Robert Holweck, 118 Teila Drive, Dallastown, PA 17313. A preliminary subdivision plan to construct a fifty-three (53) lot residential development. The property is located on the west side of Beck Mill Road, just north of Grandview Road in the R-22 zone.**

There was no action taken on this plan.

**P03-14 – KEITH & ELAINE TAYLOR, 1030 Hoff Road, Hanover, PA 17331. A final subdivision plan to create three (3) new residential lots between Hoff Road and Sterner's Slaughter Road. The property is located in the R-40 zone.**

Reg Baugher, Worley Surveying, represented this request. He stated that they have addressed all of Engineer Bortner's comments and York County comments. The sewer module has been approved by the sewage enforcement officer and will be passed on to the Zoning Officer in a few days.

Planner Dubbs/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on P03-14 – Keith and Elaine Taylor. Motion carried on a 5-1 vote with Planner Black casting the dissenting vote.

**P03-15 – PINE BROOK DEVELOPMENT, Paul Burkentine, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary land development plan to construct a fort-seven (47) unit subdivision, consisting of 10 duplex, 17 single family attached and 20 multi-family dwellings along Breezewood Drive and Ruel Avenue. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P03-18 – MAITLAND INVESTMENT CORP., c/o J.A. Myers, 121 York Street, Hanover, PA 17331. A final subdivision plan to separate sixty acres from existing plot for proposed residential use. The property is located on the corner of Westminster and Cooper Road in the R-22 zone.**

There was no action taken on this plan.

**P03-19 – BAXTER INVESTMENT/GOEHRIG & LAIRD SUBDIVISION c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final subdivision plan to add**

two (2) small tracts of land, one to Baxter Investment and one to Goehrig & Laird existing properties. The property is located on the corner of Baer Avenue and Bowman Road in the R-8 zone.

There was no action taken on this plan.

P03-20 - BAXTER INVESTMENT/WALLEN TRACT, c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan to create a forty-eight (48) unit, multi-family complex on the corner of Baer Avenue and Bowman Road. The property is located in the R-8 zone.

There was no action taken on this plan.

P03-21 – COLUMBIA COTTAGE, c/o Horst Senior Care, 320 Granite Run Drive, Lancaster, PA 17604. A final land development plan to construct a 42 unit assisted living facility. The property is located at 2288 Grandview Road in the R-15 zone.

Daniel J. Bielawa, HRG, represented this request, referencing his presentation last month. York County comments have been addressed. There have been some modifications to the plan because of comments received from different agencies. He presented new copies of the plans that show the modifications. They requested relief from the sidewalk requirements because they are along a state road. They did not receive any comments from PENNDOT about the sidewalk. Engineer Bortner stated that a waiver is not a problem because it is along a PENNDOT road. There is adequate room for emergency vehicles to access the site. The landscaping has been worked out with the neighbors. They will have the neighbors view the locations of the trees prior to the planting.

Planners Van de Castle/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on the waiver of the curbing and sidewalk requirements along Grandview Road. Motion carried on a 6-0 vote.

Planners Dubbs/Marsh moved for a favorable recommendation to the Penn Township Board of Commissioners on P03-21 – Columbia Cottage. Motion carried on a 6-0 vote.

P03-22 – MARK EATON, 574 Blooming Grove, Hanover, PA 17331. A final subdivision to reconfigure four residential building lots. The property is located in the R-40 zone.

Reg Baugher, Worley Surveying, represented this request. This plan is directly across from the Keith and Elaine Taylor plan. Mr. Baugher stated that he has addressed Engineer Bortner's comments and the sewer module has been approved by the sewage enforcement officer and will be forwarded to the Zoning Officer in a few days. The Fire Chief's comments have been addressed but the Fire Chief has not seen the revised plan. Mr. Baugher explained the changes that will be made to the plan to accommodate the Fire Chief.

Planners Dubbs/Johnson moved for a favorable recommendation to the Penn Township Board of Commissioners P03-22 Mark Eaton. Motion carried on a 4-2 vote with Planners Black and Van de Castle casting the dissenting votes.

**P03-23 – JOHN & MATHA HALTER, Fairview & Westminster Road, Hanover, PA 17331. A final subdivision to create four residential building lots. Only a small portion lies in Penn Township. The plan was filed by West Manheim Township.**

There was no action taken on this plan.

**P03-24 – PENN TOWNSHIP POLICE DEPARTMENT, 20 Wayne Avenue, Hanover, PA 17331. A final land development plan to construct an addition to an existing building. The property is located in the R-8 zone.**

Kristina Rodgers, Penn Township Administrative Assistant, represented this request. This plan shows an addition for the police department to the current municipal building. York County comments have been addressed.

Planners Black/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on P03-24 – Penn Township Police Department. Motion carried on a 6-0 vote.

**P03-25 – MORNINGSTAR LOTS 40-41-42, Mummert Enterprises, 8 Stuart Avenue, Hanover, PA 17331. A final reverse subdivision to combine existing duplex lots into single-family lots. The property is located on Lexington Drive in the R-8 zone.**

Reg Baugher, Worley Surveying, represented this request. They are taking six duplex lots and converting them into three single-family lots.

Planners Dubbs/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on P03-25 – Morningstar Lots 40-41-42. Motion carried on a 6-0 vote.

After the meeting, Zoning Officer Menges presented the Commission with the new Zoning Ordinance and map. He stated that he would like to have any comments back to him by September 12, 2003 so that the Board of Commissioners can begin the public review process.

The meeting adjourned at 8:54 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary

PENN TOWNSHIP PLANNING COMMISSION  
OCTOBER 2, 2003

Chairperson Donna Scott called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on October 2, 2003 at the Penn Township Municipal Building. Present were Planning Members Donna Scott, Merle Dubbs, Michael Johnson, Ray Van de Castle, and Clayton Black. Planner Fred Marsh had an excused absence. Also present were staff members Zoning Officer John Menges and Township Engineer Eric Bortner.

Planner Johnson stated that on page 7 of the September 4, 2003 minutes the name of subdivision plan for P03-12 should be corrected to read John & Martha Halter. Planning Members Johnson/Van de Castle moved that the minutes of the September 4, 2003 meeting be approved as corrected. The motion carried unanimously.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-40 – John A. Murphy, 12 Marie Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk Regulations) to allow construction of a deck that will encroach into the rear setback area. The property is located at 12 Marie Drive in the R-15 zone.**

John A. Murphy represented this request. He would like to increase his existing deck from an 8' x 8' deck to a 12' x 18' 9" deck. Mr. Murphy purchased the property in 1992. The fence is located on his neighbor's property. The required setback is thirty feet and the applicant is requesting an infringement of about twenty-five inches. The neighboring property, 9 Benjamin Drive, previously received a variance from the Zoning Hearing Board for a deck.

Planners Black/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z03-40 – John A. Murphy, requesting a variance to Section 203.3 (Area and Bulk Regulations) to allow construction of a deck that will encroach into the rear setback area 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.

**Z03-40 – Giant Food Stores, LLC, c/o Charles M. Courtney, Esq., 100 Pine Street, Harrisburg, PA 17108. Applicant is requesting a variance to Section 300.2 (Accessory Structure Nonattached), special exception to Section 201.2 (Uses Not Provided For) and 207.2 (Use Regulations). Interpretation of Section 207.2 (Use Regulations) and appealing a determination of the Zoning Officer to allow installation of a fueling facility at the South Hanover Shopping Center. The property is located in the S/C zone.**

Steven J. Weingarten, McNeese, Wallace, & Nurick, Sean P. Delaney, McNeese, Wallace & Nurick, and Douglas Gosik, J. Michael Brill & Associates, Inc. represented this request. They stated that the applicant, Giant Food Stores, is requesting to add a fueling facility to the South Hanover Shopping Center store. Mr. Gosik explained that at the current facility there is paved area to the immediate left of the shopping center as you enter from Baltimore Street that is

currently nothing put parking spaces. This is where they would like to locate the fueling pumps. The center would contain three double-sided pumps that would allow six fueling stations in addition to an 8' x 11' kiosk that would be occupied by an employee of Giant. The kiosk would offer for sale small items such as candy and cigarettes for but there would be no access for customers to enter. The facility would also offer for sale window washer fluid and oil. There would be a 28' x 82' canopy over the facility that would have a fourteen and one-half foot clearance. Giant currently has twenty five to twenty eight facilities with gas pumps with ten to twelve approved with construction to begin shortly. All of these new facilities will have fuel islands. The goal is to provide another service to their customer base, and not to bring in huge amounts of additional traffic. Operating hours will be between 6 or 7 A.M. and 11 P.M. They do not operate twenty-four hours like the store. He stated that the company has found that the fueling systems operate more efficiently if they are isolated. They will incorporate the latest technology for safety in installing the pumps. There was concern expressed by the Planners about the fact that Giant does not own the property. The representatives stated that Giant has built into any lease the removal of fuel storage tanks once they no longer lease the property. The Planners would like that made as part of the proposal. There would be an air filling station but they will not offer diesel fuel but could offer kerosene. The applicants stated that they will still meet the requirements of the Township Ordinance for parking. Zoning Officer Menges stated that they do not meet the requirements of the Ordinance. Both he and Engineer Bortner explained some of the modifications that were made to the plan after the plan was recorded that eliminated several parking spaces. It was indicated that Giant would relocate the parking spaces that might be eliminated and/or make a modification to the set up. They are calculating that they will have to make up about twelve spaces but it could be more because spaces were lost when shopping cart corals were installed.

The Planners expressed concern about the traffic that is going to be created because currently the light becomes backed up on a Friday and Saturday. They are also concerned about the current curb cuts that should prevent left hand traffic into the center anywhere but at the traffic signal but are afraid people will not abide by them. The applicants stated that most of the traffic is coming from the current center and that the fuel island will only create nine new trips at the peak hour. There was some concern about the current signalization and how it may be affected by the addition of a fueling station.

Mr. Weingarten moved from addressing the proposed plan to the four issues they would like the Planning Commission to consider for recommendation. The first theory is the special exception because this is a shopping center, which is allowed by special exception. Mr. Weingarten explained his interpretation of the definition of "shopping center" and tried to convince the Planners that the fueling station is a "store" and proceeded to pass out a dictionary definition of "store" and highlighted "a business establishment where goods are kept for retail sale." He feels that since gas is available for retail sale it makes it a store, which is part of a shopping center and therefore should be granted a special exception.

The second theory is Section 201.2 (Uses not provided for). Mr. Weingarten made the argument that in Section 201.1 "the uses shown as permitted in each zone are the only uses permitted in that zone and all other uses are subject to Section 201.2." He stated that since fueling islands are neither permitted or denied in the S/C zone then they fall under Section 201.2

Uses Not Provided For. It then falls under a special exception requirement because it is neither in this zone. He then went over the requirements for a special exception and Section 635, the specifications for a shopping center, which he stated are being met by the applicant. He also stated that when the Ordinance is unclear it should be awarded to the applicant or the interpretation should be the most lenient. Zoning Officer Menges clarified that the Ordinance has not been interpreted this way before and that it has generally been interpreted as being that a use is not allowed in any zone before it is considered a use not provided before.

The attorney then proceeded with the third theory, which is that this is an accessory use for the grocery store and quoted Section 201.3 Accessory Uses and Structures. He stated that accessory uses are permitted by right such as a homeowner installing a pool. Therefore, the grocery store could have a fueling station because it is an accessory use for a grocery store. He proceeded to quote what an accessory structure is according to the Ordinance. He stated that the fueling station is customarily and incidental use to the grocery store because about ten to fifteen percent of the sales will occur at the gas kiosk. He next addressed the issue of the customary use and provided a copy of an article showing that this is the trend in the development of grocery stores.

If the Planners determine that this is a use by right then they have a dimensional issue that would have to be addressed because an accessory structure is only allowed in the back yard and not in the front yard.

The fourth theory is that if none of the other theories are accepted they are asking for a use variance because it would not affect the surrounding area. There was some discussion as to how this was an accessory use since it was not located in close proximity to Giant.

The Planners expressed concern that the proposed station does not meet the required setbacks. The applicant then produced a plan that would meet the required setbacks but would eliminate more parking spaces than the previous plan. There was a lot of concern that the Township was presented a plan that did not meet the setback requirements until the issue was raised by the Planners.

Planner Dubbs moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z03-39 Giant Food Stores Inc., requesting a special exception to Section 207.2 (Use Regulations) to allow for a fueling station. Motion failed because there was no second to the motion. Planners Johnson/Van de Castle moved for an unfavorable recommendation to Z03-39 Giant Food Stores Inc., requesting a special exception to Section 207.2 (Use Regulations) to allow installation of a fueling facility at the South Hanover Shopping center as it does not meet the requirements for a special exception as set forth in Section 503.6 a) thru e). Motion carried on a 4-1 vote with Planner Dubbs casting the dissenting vote.

Planners Black/Van de Castle moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on Z03-39 Giant Food Stores, LLC, requesting a special exception to section 201.2 (Uses Not Provided) to allow installation of fueling facility at the South Hanover Shopping Center because it does not meet the requirements for a special



exception as set forth in Section 503.6 a) thru e). Motion carried on a 4-1 vote with Planner Dubbs casting the dissenting vote.

Planners Black/Dubbs moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Z03-39 Giant Food Stores requesting a variance to Section 300.2 (Accessory Structures Non attached) to allow installation of a fueling facility at the South Hanover Shopping Center as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion failed on a 3-2 vote with Planners Scott, Johnson, and Van de Castle casting the dissenting votes.

Planners Johnson/Van de Castle moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on Z03-39 Giant Food Stores requesting a variance to Section 300.2 (Accessory Structures Non attached) to allow installation of a fueling facility at the South Hanover Shopping Center as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 3-2 vote with Planners Dubbs and Black casting the dissenting vote.

Planners Scott/Van de Castle moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on Z03-39 Giant Food Stores requesting a variance to Section 207.2 (Use Regulations) to allow installation of a fueling facility at the South Hanover Shopping Center as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-1 vote with Planner Dubbs casting the dissenting vote.

The Planning Commission did not receive any waiver or exoneration requests.

The Planning Commission 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.**

There was no action taken on this plan.

**P02-18 – MARTIN’S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

There was no action taken on this plan.

P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.

There was no action taken on this plan.

P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.

There was no action taken on this plan.

P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.

There was no action taken on this plan.

P03-05 – BREEZEWOOD DRIVE PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.

There was no action taken on this plan.

P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.

There was no action taken on this plan.

P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.

There was no action taken on this plan.

P03-11 – THORNBURY HUNT, Robert Holweck, 118 Teila Drive, Dallastown, PA 17313. A preliminary subdivision plan to construct a fifty-three (53) lot residential development. The property is located on the west side of Beck Mill Road, just north of Grandview Road in the R-22 zone.

There was no action taken on this plan.

P03-14 – KEITH & ELAINE TAYLOR, 1030 Hoff Road, Hanover, PA 17331. A final subdivision plan to create three (3) new residential lots between Hoff Road and Sterner’s Slaughter Road. The property is located in the R-40 zone.

There was no action taken on this plan.

P03-15 – PINE BROOK DEVELOPMENT, Paul Burkentine, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary land development plan to construct a fort-seven (47) unit subdivision, consisting of 10 duplex, 17 single family attached and 20 multi-family dwellings along Breezewood Drive and Ruel Avenue. The property is located in the R-8 zone.

There was no action taken on this plan.

P03-18 – MAITLAND INVESTMENT CORP., c/o J.A. Myers, 121 York Street, Hanover, PA 17331. A final subdivision plan to separate sixty acres from existing plot for proposed residential use. The property is located on the corner of Westminster and Cooper Road in the R-22 zone.

There was no action taken on this plan.

P03-19 – BAXTER INVESTMENT/GOEHRIG & LAIRD SUBDIVISION c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final subdivision plan to add two (2) small tracts of land, one to Baxter Investment and one to Goehrig & Laird existing properties. The property is located on the corner of Baer Avenue and Bowman Road in the R-8 zone.

There was no action taken on this plan.

P03-20 - BAXTER INVESTMENT/WALLEN TRACT, c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan to create a forty-eight (48) unit, multi-family complex on the corner of Baer Avenue and Bowman Road. The property is located in the R-8 zone.

There was no action taken on this plan.

P03-21 – COLUMBIA COTTAGE, c/o Horst Senior Care, 320 Granite Run Drive, Lancaster, PA 17604. A final land development plan to construct a 42 unit assisted living facility. The property is located at 2288 Grandview Road in the R-15 zone.

There was no action taken on this plan.

P03-22 – MARK EATON, 574 Blooming Grove, Hanover, PA 17331. A final subdivision to reconfigure four residential building lots. The property is located in the R-40 zone.

PENN TOWNSHIP PLANNING COMMISSION  
NOVEMBER 6, 2003

Chairperson Donna Scott called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on November 6, 2003 at the Penn Township Municipal Building. Present were Planning Members Donna Scott, Merle Dubbs, Michael Johnson, Ray Van de Castle, and Clayton Black who arrived at 7:15 P.M. Planner Fred Marsh had an excused absence. Also present were staff members Zoning Officer John Menges and Township Engineer Eric Bortner.

Planner Johnson stated that on page 7 of the October 2, 2003 minutes the name of subdivision plan for P03-12 should be corrected to read John & Martha Halter. Planning Members Johnson/Dubbs moved that the minutes of the October 2, 2003 meeting be approved as corrected. The motion carried unanimously.

Chairperson Scott announced that the 2004 Planning Commission meetings will be held on the first Thursday of each month at 7:00 P.M. with the exception of January when the meeting will be held on January 8, 2004 at 7:00 P.M.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-41- Robert and Monica Storey, 50 Allen Drive, Hanover, PA 17331. Applicants are requesting a variance to Section 300.7 (Decks) to allow construction of a sunroom that will encroach into the rear setback area. The property is located at 50 Allen Drive in the R-15 zone.**

Robert and Monica Storey, 50 Allen Drive, and William Filling, 641 Denny Lane, York PA, (contractor) represented this request. Mr. Filling stated that the applicants applied for a building permit but the rear setback was incorrect because one of his men measured it wrong. The permit was approved based on the information supplied on the permit application. The applicants removed the existing eight-foot deck and wanted to replace it with a twelve-foot room. It was not discovered until a subsequent inspection that the rear setback was not what was indicated on the permit. There were letters submitted from the neighbors at 47, 48, 49 and 52 Allen Drive in support of the Storeys' request. They are requesting the variance because an eight-foot room does not provide enough space for the applicants to make it useful.

Mr. Filling is not sure why the measurer made the wrong measurement on the setback line because there is a fence near the rear property line. The neighbors towards the rear have a sunroom so the two sunrooms will be facing each other. The applicants purchased their new home in 1988. This property used to be zoned for the decks and pools to be allowed in half of the rear yard setback.

Planners Dubbs/Scott moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-41 – Robert and Monica Storey requesting a variance to Section 300.7 (Decks) to allow construction of a sunroom that will encroach into the rear setback

area as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

**Z03-42 – Gerald and Nancy Waters, 22 Colonial Drive, Hanover, PA 17331.**  
**Applicants are requesting a variance to Section 203.3 (Area and Bulk Regulations) to allow construction of a carport that will encroach into the side setback area. The property is located at 22 Colonial Drive in the R-15 zone.**

Wesley Allen Hayes, carpenter, and Gerald and Nancy Waters, 22 Colonial Drive represented this request. The applicants would like to have a carport added to their house. If they would have to meet the required setbacks it would only allow them to have a six-foot carport. They would also like to have a brick retaining wall with brick pillars attached to the home. There is existing black top on the property, which is about three and half to four feet from the property line. The carport would be twelve feet wide with a knee wall. The side setback is currently about fifteen to fifteen and half feet. Ms. Waters stated that the neighbors have no objections to the project. They are also considering installing a brick driveway to match the addition. The neighbor has been there about three years and the applicants have been in their home since 1983. They currently have a single car garage.

Planner Johnson/Van de Castle moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-42 – Gerald and Nancy Waters requesting a variance to Section 203.3 (Area and Bulk Regulations) to allow construction of a carport that will encroach into the side setback area as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-1 vote with Planner Scott casting the dissenting vote.

**Z03-44 –Bon Ton Builders, Inc. 1060 Baltimore Street, Hanover, PA 17331.**  
**Applicant requests a variance to Section 202.3 (Area and Bulk Regulations) to allow placement of a single family home to be placed on an existing lot of record that will invade the side setback requirements. The property is located on South High Street in the R-8 zone.**

Reg Baugher, Worley Surveying, represented this request. There was a site plan. This is a lot owned by the same owner who previously owned the trailer park that Bon Ton Builders is demolishing in order to construct a townhouse. Bon Ton would like to remove an existing home from the current trailer park location and relocate it to a vacant lot nearby. The lot that they are moving to currently has two mobile homes that infringe on one of the side setbacks. The home will be moved without the additions that were added to it.

Planners Dubbs/Scott moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-44 Bon Ton Builders, Inc. requesting a variance to Section 202.3 (Area and Bulk Regulations) to allow placement of a single family home to be placed on an existing lot of record that will invade the side setback requirements as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-1 vote with Planner Johnson casting the dissenting vote.

The Planning Commission did not receive any waiver or exoneration requests.

It was noted that the Township received notification on October 21, 2003 to withdraw **P03-27 Stone Ridge Development** plan at the corner of Hartman and Stuart Avenue.

The Planning Commission 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.**

There was no action taken on this plan.

**P02-18 – MARTIN'S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

There was no action taken on this plan.

**P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.**

There was no action taken on this plan.

**P02-28 – INTERSTATE DEVELOPMENT CO., P.O. Box 3142, Bristol, TN 37625. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.**

There was no action taken on this plan.

**P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.**

There was no action taken on this plan.

**P03-05 – BREEZEWOOD DRIVE PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.**

There was no action taken on this plan.

**P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.**

There was no action taken on this plan.

**P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.**

Reg Baugher, Worley Surveying, represented this plan. The Commission could not review the plan because the most current plan was not submitted.

**P03-11 – THORNBURY HUNT, Robert Holweck, 118 Teila Drive, Dallastown, PA 17313. A preliminary subdivision plan to construct a fifty-three (53) lot residential development. The property is located on the west side of Beck Mill Road, just north of Grandview Road in the R-22 zone.**

There was no action taken on this plan.

**P03-14 – KEITH & ELAINE TAYLOR, 1030 Hoff Road, Hanover, PA 17331. A final subdivision plan to create three (3) new residential lots between Hoff Road and Sterner's Slaughter Road. The property is located in the R-40 zone.**

There was no action taken on this plan.

**P03-15 – PINE BROOK DEVELOPMENT, Paul Burkentine, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary land development plan to construct a fort-seven (47) unit subdivision, consisting of 10 duplex, 17 single family attached and 20 multi-family dwellings along Breezewood Drive and Ruel Avenue. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P03-18 – MAITLAND INVESTMENT CORP., c/o J.A. Myers, 121 York Street, Hanover, PA 17331. A final subdivision plan to separate sixty acres from existing plot for proposed residential use. The property is located on the corner of Westminster and Cooper Road in the R-22 zone.**

There was no action taken on this plan.

**P03-19 – BAXTER INVESTMENT/GOEHRIG & LAIRD SUBDIVISION c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final subdivision plan to add two (2) small tracts of land, one to Baxter Investment and one to Goehrig & Laird existing properties. The property is located on the corner of Baer Avenue and Bowman Road in the R-8 zone.**

There was no action taken on this plan.

**P03-20 - BAXTER INVESTMENT/WALLEN TRACT, c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan to create a forty-eight (48) unit, multi-family complex on the corner of Baer Avenue and Bowman Road. The property is located in the R-8 zone.**

There was no action taken on this plan.

**P03-21 – COLUMBIA COTTAGE, c/o Horst Senior Care, 320 Granite Run Drive, Lancaster, PA 17604. A final land development plan to construct a 42 unit assisted living facility. The property is located at 2288 Grandview Road in the R-15 zone.**

There was no action taken on this plan.

**P03-22 – MARK EATON, 574 Blooming Grove, Hanover, PA 17331. A final subdivision to reconfigure four residential building lots. The property is located in the R-40 zone.**

There was no action taken on this plan.

**P03-23 – JOHN & MARTHA HALTER, Fairview & Westminster Road, Hanover, PA 17331. A final subdivision to create four residential building lots. Only a small portion lies in Penn Township. The plan was filed by West Manheim Township.**

There was no action taken on this plan.

**P03-28 – MELBOURNE MANOR, 2700 Philadelphia Road, Edgewood, MD 21040. A final amended land development plan for four add ons to existing lots previously approved. The property is located on Bankert Road in the R-40 zone.**

Robert Holweck represented this plan. This is the initial review of the plan. This plan represents several small pieces of land that need to be added to existing lots and one of these includes a right-of-way for the Township to straighten Bankert Road if the road is extended. There were several easements and a stormwater system that were not included in the plan when it was recorded. This plan will help clean up all the miscellaneous items that did not get taken care of the first time. There most likely will not be York County Planning Commission comments because this was a clean up of a previously reviewed plan.



Planners Dubbs/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on P03-28 – Melbourne Manor. Motion carried on a 5-0 vote.

**P03-29 – BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to allow construction of a multi-family unit on the corner of Frederick Street and Orchard Lane. The property is located in the A/O Zone.**

Reg Baugher, Worley Surveying, represented this request. This is the initial review of the plan. This is the property where a house was destroyed by fire about six months ago. There is a private access drive next to this property. Tony Forbes has verbal agreement to access the private drive for the unit and he will get a written agreement. The unit will most likely be built on concrete slabs instead of having basements.

Zoning Officer Menges presented the final draft of the zoning map, the zoning ordinance and the ordinance of definitions. He showed all the changes that have been made to the different zoning areas. Zoning Officer Menges stated that he has contacted York County about the changes that will be made and the Township is in the process of advertising for the Board of Commissioners to hold a public hearing and adopt the ordinance prior to the end of the year.

The meeting adjourned at 8:00 P.M.

Respectfully submitted,

Kristina Rodgers, Recording Secretary

PENN TOWNSHIP PLANNING COMMISSION  
DECEMBER 4, 2003

Chairperson Donna Scott called to order a meeting of the Penn Township Planning Commission at 7:00 P.M. on December 4, 2003 at the Penn Township Municipal Building. Present were Planning Members Donna Scott, Merle Dubbs, Michael Johnson, Ray Van de Castle, Fred Marsh and Clayton Black. Also present were staff members Zoning Officer John Menges and Township Engineer Eric Bortner.

Planning Members Dubbs/Van de Castle moved that the minutes of the November 6, 2003 meeting be approved as submitted. The motion carried unanimously.

The Planning Commission received the following zoning appeals and will make the following recommendations to the Zoning Hearing Board:

**Z03-45 – Fairview Valley Contractors, et. al, 120 Filbert Street, Hanover, PA 17331. Applicant is requesting a variance to Section 206.2 (Use Regulations) and Section 206.3 (Area and Bulk) to allow removal of a mobile home with replacement of a larger mobile home at 862 York Street. The property is located in the A/O zone.**

There is an agreement of sale.

D.J. Hart, representing the contractors, stated that that they would like to remove a mobile home that was there prior to the change in the ordinance. There is no mobile home currently being manufactured that is the same size as the existing home. The lot is 30' x 180' and is an odd shaped lot and not much can be done considering its existing condition. The lot is grandfathered for use as a single-family residence. Atty. Hart stated that they are planning to construct a 20' x 32' single family home. If they would have installed a larger mobile home the size would have been 14' x 72'. He presented a sketch of what the town home will look like. The home will have a detached garage located in the rear of the property and will have a crawl space in lieu of a basement. They are requesting a five-foot setback on each side. They can meet the rear setback and the home would be placed from the front property line as those on either side of it. The surrounding properties are rental units.

Planners Dubbs/Johnson moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case Z03-45 – Fairview Valley Contractors requesting a variance to Section 206.2 (Use Regulations) and Section 206.3 (Area and Bulk) Regulations to allow removal of a mobile home with replacement of another single family home at 862 York Street as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on 6-0 vote.

The Planning Commission received the following waiver or exoneration requests:

Rohrbaugh & Co. requesting a waiver of land development requirements to allow paving of two areas at 1030 Wilson Avenue.

Discussion was tabled because there was no one present to discuss the request.

Hickory Falls Entertainment Center requests exoneration from land development to allow for a covered eating area of 960 square feet.

Jeff Stern represented this request and explained that he would like to add a covered eating area next to the existing snack bar. It was noted that this is the second time the original land development plan has been altered since it was approved. The other addition was two concrete pads for an amusement called "water wars". Mr. Stern stated that they are under ten percent of the previous impervious area and that is why they are requesting a waiver.

Planners Black/Scott moved for a favorable recommendation to the Penn Township Board of Commissioners on this request. Motion carried on a 5-1 vote with Commissioner Dubbs casting the dissenting vote.

Bon Ton Builders requests exoneration from public sidewalks on Squire Way.

Discussion was tabled because no one was present for this request.

The Planning Commission 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.**

There was no action taken on this plan.

**P02-18 – MARTIN'S RIDGE, BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A preliminary subdivision plan for a twenty-three (23) lot residential development on the corner of Beck Mill and Grandview Roads. The property is located in the R-22 zone.**

There was no action taken on this plan.

**P02-22 – WHISPERING RUN, J.A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary one hundred thirty (130) lot residential subdivision. The property is located north of Grandview and Beck Mill intersection in the R-22 zone.**

There was no action taken on this plan.

**P02-23 – ANITA M. STEIN, c/o Bon Ton Builders, 1060 Baltimore Street, Hanover, PA 17331. A final four (4)-lot subdivision located at Lark Avenue in the R-15 zone.**

There was no action taken on this plan.

P02-28 – CARLISE CROSSING, c/o CBL Realty Associates, 800 South Street, Ste. 395, Waltham, MA 02453. A final land development plan to construct a shopping center on Carlisle Street, North of Eisenhower Drive. The property is located in the S/C zone.

There was no action taken on this plan.

P03-03 – BOWMAN TRACT APARTMENTS, Baxter Investment Group, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan for thirty (30) unit multi-family complex located at 1300 Baer Avenue in the R-8 zone.

There was no action taken on this plan.

P03-05 – BREEZEWOOD DRIVE PROJECT, Wandering Streams, 50 Cambridge Drive, Hershey, PA 17033. A preliminary subdivision plan for twelve duplex units. The property is located on the East side of Breezewood Drive in the R-8 zone.

There was no action taken on this plan.

P03-06 – BROOKSIDE HEIGHTS, Stone Ridge Development, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary subdivision plan for a 233 unit residential community. The plan consists of duplex lots, condominiums, and townhouses. It is located on the East side of Brookside Avenue, in the R-8 zone.

There was no action taken on this plan.

P03-07 – MIRIAM M. RUNKLE, 1030 Hoff Road, Hanover, PA 17331. A final five (5) lot subdivision plan located on the corner of Bankert and Blooming Grove Road in the R-40 zone.

There was no action taken on this plan.

P03-11 – THORNBURY HUNT, Robert Holweck, 118 Teila Drive, Dallastown, PA 17313. A preliminary subdivision plan to construct a fifty-three (53) lot residential development. The property is located on the west side of Beck Mill Road, just north of Grandview Road in the R-22 zone.

There was no action taken on this plan.

P03-14 – KEITH & ELAINE TAYLOR, 1030 Hoff Road, Hanover, PA 17331. A final subdivision plan to create three (3) new residential lots between Hoff Road and Sterner's Slaughter Road. The property is located in the R-40 zone.

There was no action taken on this plan.

P03-15 – PINE BROOK DEVELOPMENT, Paul Burkentine, 330 Dubbs Church Road, Hanover, PA 17331. A preliminary land development plan to construct a fort-seven

(47) unit subdivision, consisting of 10 duplex, 17 single family attached and 20 multi-family dwellings along Breezewood Drive and Ruel Avenue. The property is located in the R-8 zone.

There was no action taken on this plan.

P03-18 – MAITLAND INVESTMENT CORP., c/o J.A. Myers, 121 York Street, Hanover, PA 17331. A final subdivision plan to separate sixty acres from existing plot for proposed residential use. The property is located on the corner of Westminster and Cooper Road in the R-22 zone.

There was no action taken on this plan.

P03-19 – BAXTER INVESTMENT/GOEHRIG & LAIRD SUBDIVISION c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final subdivision plan to add two (2) small tracts of land, one to Baxter Investment and one to Goehrig & Laird existing properties. The property is located on the corner of Baer Avenue and Bowman Road in the R-8 zone.

There was no action taken on this plan.

P03-20 - BAXTER INVESTMENT/WALLEN TRACT, c/o Baxter Investment, 1108 Baltimore Street, Hanover, PA 17331. A final land development plan to create a forty-eight (48) unit, multi-family complex on the corner of Baer Avenue and Bowman Road. The property is located in the R-8 zone.

There was no action taken on this plan.

P03-21 – COLUMBIA COTTAGE, c/o Horst Senior Care, 320 Granite Run Drive, Lancaster, PA 17604. A final land development plan to construct a 42 unit assisted living facility. The property is located at 2288 Grandview Road in the R-15 zone.

There was no action taken on this plan.

P03-23 – JOHN & MARTHA HALTER, Fairview & Westminster Road, Hanover, PA 17331. A final subdivision to create four residential building lots. Only a small portion lies in Penn Township. The plan was filed by West Manheim Township.

There was no action taken on this plan.

P03-29 – BON TON BUILDERS, 1060 Baltimore Street, Hanover, PA 17331. A final land development plan to allow construction of a multi-family unit on the corner of Frederick Street and Orchard Lane. The property is located in the A/O Zone.

There was no action taken on this plan.

At this time Chairperson Donna Scott opened the public hearing for review and comment for the proposed Zoning Ordinance, Ordinance of Definitions and Zoning Map. She read a list of changes that have been made to the ordinances. The proposed changes in the ordinance of definitions included the elimination of sanitary landfill and its definition from page Def-53, the elimination of the definition of solid waste landfill on page def-60, and replaced with a lot, parcel, or tract of land for the disposal of garbage, rubbish, sewage, trash, refuse, junk, machinery, etc., or anything thrown away or rejected as worthless by burying it under a shallow layer of ground, the elimination of reverse lot frontage from page Def-52, and the addition of a two family conversion – a two family residence resulting from the conversion of a single building containing at least 2000 square feet or gross floor area that was in existence on the effective date of this provision and that was originally designated, constructed and occupied as a single-family residence. The illustrations section will be changed to replace page 21, figure 5 with more current figure 5 (see attached), and to add to page 37, corner lot illustration to be inserted as figure 8a (see attached). There was some concern about the corner lot. Zoning Officer Menges stated that the street in which the front door faces is the front yard for a corner lot which then determines the side and rear yards.

Zoning Officer Menges reviewed the proposed changes to the Zoning Map. The first was in the northern part of the Township from Flickinger Road to Hershey Heights Road to Beaver Creek through Pigeon Hill Park Road through High Rock around the Thornhill subdivision to Kidd Lane and Hickory Lane. This area is currently zoned R-40 and is being proposed to change to Rural Conservation which would have a sliding scale for future development. The Zoning Ordinance will also include a steep slope zone and each lot will be required to meet the requirements of this zone. The proposed changes to the Zoning Map include changing the parcel owned by Seventh Day Adventist Church on the corner of Moulstown and Gitts Run Road from proposed Industrial to proposed R-40 zone. The Hanover Health Corp. (Beattie Bowman) property is being proposed to be zoned a larger portion of Shopping Commercial with a smaller portion of R-15. There is an area near the Snyder's of Hanover property that is being proposed to change from apartment office to industrial. There are some smaller areas that have been changed to reflect what is happening in those areas. There is a smaller area near Breezewood Drive that was changed from R-8 to R-15 to decrease the density.

Zoning Officer Menges stated that the steep slope zone is going to help with problems like erosion.

Joan McAnall and her family own parcel ED-73, which is a ninety-four acre wooded area that used to be Pigeon Hill Park. They purchased the property in 1988 as an investment and are objecting to the reclassification of the area as a rural conservation zone. Ms. McAnall indicated that this will have a dramatic effect on the value of the property. The property was bought with the idea of someday developing it. They are also objecting to the steep slope change because they have not had time to study how that will affect their tract of land. They do not expect to develop ninety-four lots but with the rezoning it takes the potential from ninety four to six lots. They do appreciate the Township's desire to preserve the pigeon hills.

Darryl Noble, partner of CD Investors, owners of Devner Airport. He stated that in 2001 when the Township was in the process of updating it's Comprehensive Plan they spoke to the

Township about the property which the Township wanted to change to Industrial. He stated that they worked out a cooperative conclusion that would allow the land to be zoned to benefit all those concerned. The comprehensive plan shows the property being zoned as part shopping commercial, residential 22, and industrial. They just became aware that the property is not being zoned that way but rather industrial. Since the adoption of the comprehensive plan they have been waiting patiently for the zoning change and were informed by Township officials that the change was progressing on tract with what had been agreed upon. They also hired engineers to prepare a sketch plan for the proposed zoning. They would like that tract of land shown in the comprehensive plan to be zoned R-22 zoned as such. It is bound on the north and east side by residential properties. On the west side it is changed to be industrial. Zoning Officer Menges presented the draft of the Zoning Map that showed the property zoned according to the above description. It was stated that staff and planning will review this prior to the public meeting on December 15, 2003.

Steve Weingarten, McNees, Wallace & Nurick, representing the Hanover Hospital, discussed the 140-acre Bowman Farm owned by the hospital. Currently, forty acres of the land is zoned commercial with the rest being zoned residential. They are here to oppose the rezoning of the land to entirely commercial. The hospital has owned the property for nearly twenty years and has received zero offers to use the property for commercial uses. There have been several offers for residential purposes including the current agreement, which is scheduled for settlement on December 22, 2003 barring a change in the zoning of the property. If the property is sold, the money is going into a foundation to support the needs of the community. Mr. Weingarten stated that if the foundation does not receive the money from the sale of this land then the community would be hurt financially. He stated that for commercial purposes the property does not have sufficient access to Baltimore Street and would have to be accessed from Clover Lane. There was concern expressed by the Planning Commission about the already proposed one thousand homes for this end of town in the next five years and this would be a good place for a commercial area in this part of town. Mr. Weingarten stated that this property is an investment for the hospital and they are going with what is happening in the market place today and not what will happen in the future. While recognizing this, the planners indicated that their job is looking into the future to prepare for growth.

William Walb, President of Hanover Hospital, explained the acquisition of the property and the discontinuance of the nursing home that was projected to be built there when the land was purchased. The property is leased to a farmer. The foundation was set up to help not-for-profit agencies and to help students who wish to pursue fields in medicine. They have awarded two grants to date. This foundation is not advertised frequently because this is not what the hospital is about. There were commercial plans drawn up for a medical use on the property but were told by real estate brokers that it would be ill advised unless there is a residential development on the rest of the parcel. When they became more aware of the rezoning, they had the property appraised and it was found it was worth more as residential than commercial. Hanover Health Care Plus would be a separate foundation if and when Hanover Hospital is merged with Wellspan. The hospital is concerned about losing their investment on the land.

Sharon Shepard stated that the Shepard family has been very involved with the hospital and her husband was a board member when the land was purchased almost twenty years ago.

She stated that the hospital has had over twenty years to sell the property. She would like it noted that it is not the responsibility of the Township to ensure that anybody gets a return on their investment. She stated the responsibility of the Commissioners, according to the First Class Township Code, is to provide for the safety, health and welfare of the constituents. She stated the hospital is not looking to help the community with the foundation as much as to take advantage of an opportunity to make money. She stated that when the hospital was created it was done so to provide quality medical care with out prejudice for race, color, creed or ability to pay and it's surprising to know that we have evolved to where we have now.

Don Rumbaugh, resident of Penn Township, stated that on average the school tax will be raised by 1.5 mills for every two hundred homes that are built in the South Western School District.

Charles Courtney, McNees, Wallace, & Nurick, representing Giant Foods, presented a proposal to the Planners for them to consider changing the ordinance to allow for fueling pumps at grocery stores. He presented a letter outlining the changes he would like the Planners to consider in the new Ordinance. He stated that the position of the Zoning Hearing Board is that the fueling island is an accessory use but denied the variance to allow it in the front yard. The first change would allow fueling stations, that are accessory uses to grocery stores, in the front or side yards. The second change would alter the setback to fifty feet instead of a hundred feet for the accessory uses, measured from the street line. They would also like a clarification of the parking requirements. Commissioner Dubbs stated that he suggested that the fueling islands be located in front of the Giant building were the strip mall is located where they have had problems keeping tenants. He would prefer that they look at another location on the lot because of the potential for traffic problems. Mr. Dubbs also commented that it was stated that if the fueling station is not allowed, Giant would have to rethink the future of the store at this location and this was perceived as a threat when it was presented. The Planners will take the request and have staff review and make a recommendation on the proposal.

Steve Gebhart, Randolph Court (located off of Radio Road), would like his property to be kept at Highway Business instead R-15. The property is not suited for residential use and some day he would like to put in a mini storage facility but this could not be done if it is zoned residential. The neighbor, Mr. Parr, indicated that he would like his property to be kept at its current zoning. The properties are all located next to the Delco Plaza.

The meeting adjourned at 8:37 P.M.

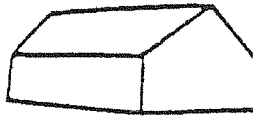
Respectfully submitted,

Kristina Rodgers, Recording Secretary



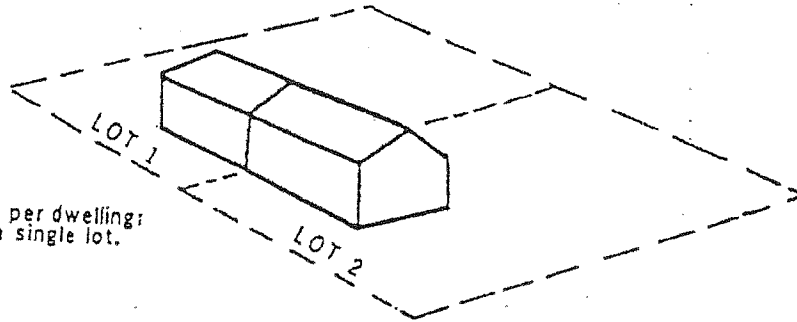
**ILLUSTRATIONS OF RESIDENTIAL DWELLING TYPES**

**SINGLE FAMILY DETACHED DWELLING**



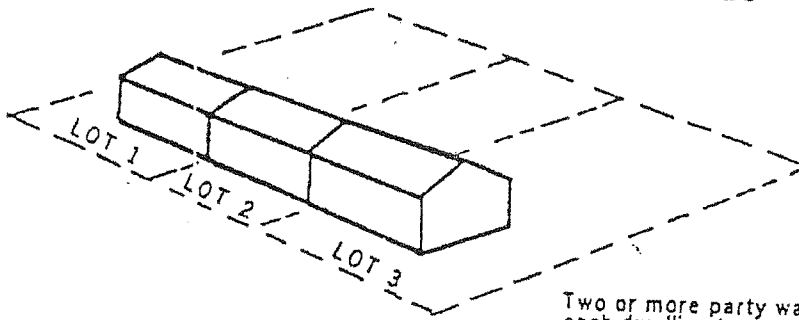
No party wall, one family, located on a single lot.

**SINGLE FAMILY SEMI-DETACHED DWELLING**

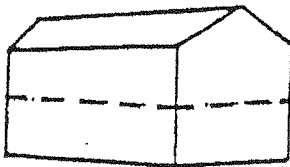


One party wall, one family per dwelling; each dwelling located on a single lot.

**SINGLE FAMILY ATTACHED DWELLINGS**

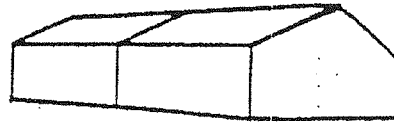


Two or more party walls, one family per dwelling; each dwelling located on a single lot.



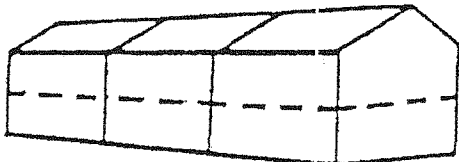
No party wall, one unit per floor; building located on a single lot.

**TWO FAMILY DWELLINGS**

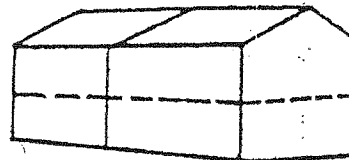


One party wall, one family per unit, both units located on a single lot.

**MULTI-FAMILY**



Two or more party walls, three or more families; all units located on a single lot.



One or more party walls, four or more families; all units located on a single lot.

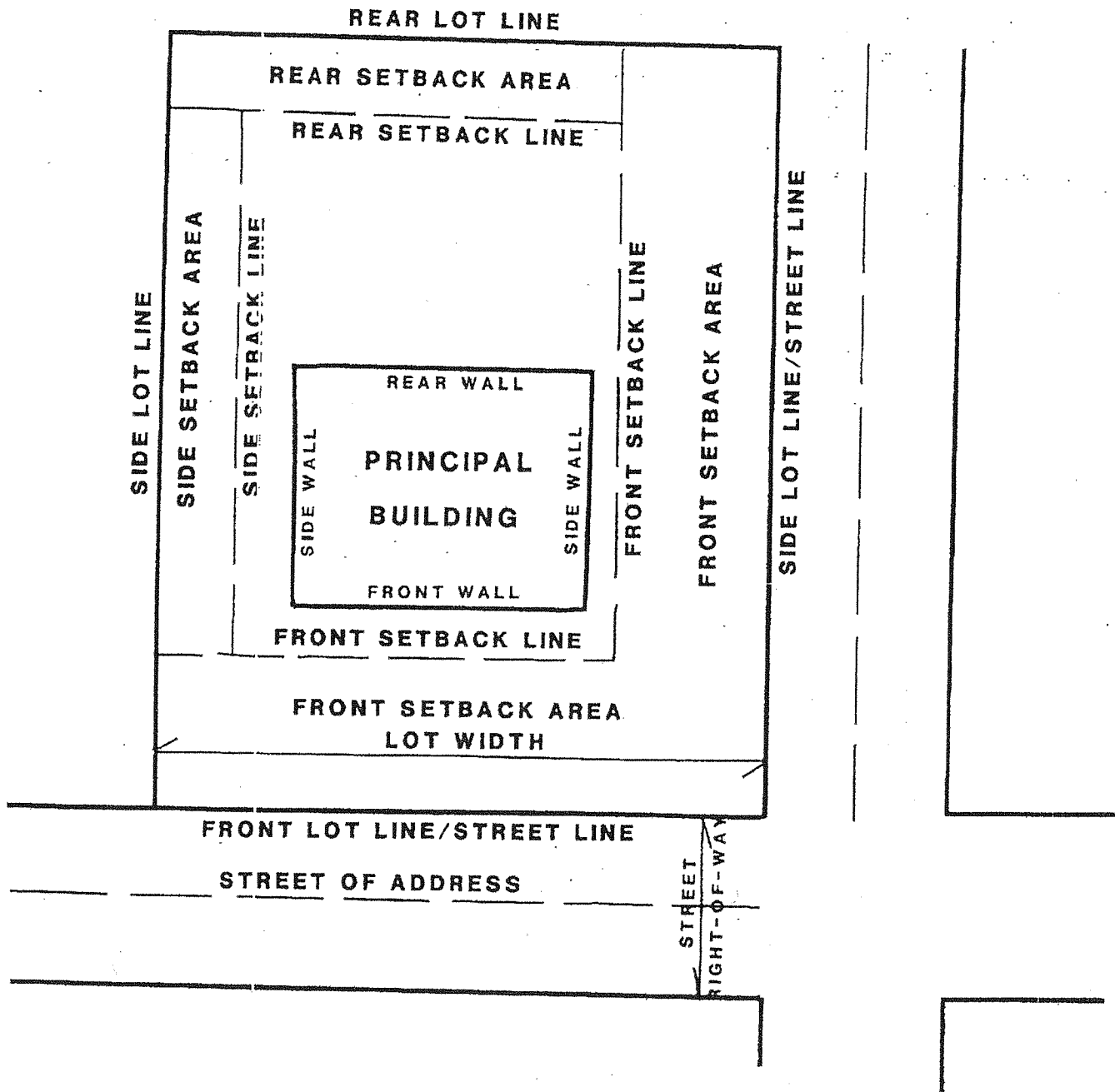


ILLUSTRATION DEPICTING SETBACK REQUIREMENTS APPLYING TO CORNER LOT

FIGURE - 8A