

PENN TOWNSHIP PLANNING COMMISSION
MAY 2, 2024

Chairman Zach Smith called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, May 2, 2024. Also present were planning members Ron Arnold, Matthew Baile, Michael Brown, Ronnie Bull, and Michael Hoover, along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney.

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

The planners approved the April 4, 2024, Planning Commission minutes as submitted.

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

ZHB24-02- Daman, Ryan S. represented by Roberto Ugarte, Becker Law Group, P.C., 529 Carlisle Street, Hanover, PA 17331. The applicant is requesting a special exception to Section 322 (Uses Not Provided For) in order to operate a motorcycle /ATV repair shop / storage facility. The property is located at 502 Meade Avenue in the R-8 Zone.

Zoning Officer Smith reported that Mr. Daman has been conducting business operations on this property for an extended period. He issued a notice of violation, followed by a citation to the York County District Court. Officer Smith mentioned that the property previously served as a youth center in the late 1960s to early 1970s. Subsequently, the property was sold but remained vacant until Mr. Daman acquired it in August 2023.

Attorney Roberto Ugarte, Becker Law Group, represented this case. Mr. Ugarte clarified that Mr. Daman is not operating a repair shop; he is in the business of buying, selling, and storing the vehicles at this facility. He emphasized that prospective buyers typically do not visit the property, and sales are mostly facilitated online. Images of the property and surrounding area were provided for reference, highlighting its detached garage-like structure. It was noted that the property was located near a fitness facility and a salon operating out of a residential home, implying compatibility with other nearby uses.

Concerns were raised regarding noise complaints as this was how it was brought to Zoning Officer Smith's attention and the impact on traffic safety due to loading and unloading vehicles as there are children in the area, the property is located on a corner and causes a traffic sight issue. Mr. Daman assured the Commission that he was open to adhering to any restrictions imposed to address these concerns. He also acknowledged the need to mitigate any disruption to the neighborhood.

The Commission deliberated on potential restrictions, including setting specific hours of operation, and regulating vehicle movement on the street. Mr. Daman expressed willingness to comply with these measures to ensure harmonious coexistence with the community.

Ms. Carolyn Boyle, whose sister resides close to the property, raised concerns about traffic safety and noise pollution resulting from the loading and unloading of vehicles.

Suggestions were made regarding setting clear guidelines for operational hours and traffic management.

Mr. Daman reported that he was renting the property prior to the purchase and was not made aware of any limitations on the use of the property. Mr. Daman resides in York, and when asked why Meade Avenue, he responded that he could not find a building that was big enough to store the vehicles. He added that he found the property as he was in the area and the property was listed for rent.

Planners Hoover/Bull moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB24-02 Daman, Ryan S., requesting a special exception to Section 322 (Uses Not Provided For) in order to operate a motorcycle/ATV storage facility as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e) with the following conditions:

1. All vehicles to be stored inside
 2. No riding on the street
 3. No onsite repairs
 4. No loading/unloading on the street
 5. Revisit the case in one year
 6. Hours of operations are not to exceed: M-F 8 am – 7 pm and S-S 11 am - 6 pm
- Motion carried on a 5-1 vote, with Planner Brown dissenting.

ZHB24-03- Free, Lindsay, 575 South Franklin Street, Hanover, PA 17331. The applicant is requesting a variance to Section 203.3 (Area and Bulk Regulations) in order to construct an accessory building which does not meet the rear setback requirements. The property is located at 575 South Franklin Street in the R-15 Zone.

Mr. John Kuchtiak, who resides at this address with Ms. Free represented this request. He reported he is proposing to construct a building for storage, which would be positioned 10 feet from the rear and 12 feet from the side. This variance is necessary due to the zoning regulation of a 30-foot set-back. The property is located on a dead-end street leading to the cemetery, with R15 zoning, previously R5.

The purpose of the new building is to accommodate their growing family's storage needs. With five children, four of whom still reside at home, they've outgrown their current living space. The existing garage, primarily used for storage, will be repurposed into additional living space, necessitating the need for a separate storage structure.

Currently, there's an existing building on the property, serving as a makeshift woodshed, closer to the property line than the proposed new building. The proposed building placement would actually reduce the non-conforming use, as it would be set back 10 feet from the property line.

The proposed building will have a height of 10 feet under truss, reaching approximately 14 feet at its peak. He stated he is willing to adhere to a setback of 10 feet and commit to removing the existing building. The building is intended mainly for storage, it will not be used for parking vehicles. Access to the building will primarily be from the house itself, although it can be accessed through an alley off South Franklin Street, which transitions from stone to

grass towards the rear. While this alley is not heavily used by neighbors, most traffic accessing the property comes from Lafayette Street.

Planners Arnold/Hoover moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB24-03 Free, Lindsay, requesting a variance to Section 203.3 (Area and Bulk Regulations) in order to construct an accessory building as it meets the requirements for a variance as set forth in section 502.3 a) thru f), providing the existing shed be removed. Motion carried 6-0.

ZHB24-04-Marsh, John, 8 Allen Drive, Hanover, PA 17331. The applicant is requesting a variance to Sections 203.3 (Area and Bulk Regulations) and 300.2 (Accessory Structure Nonattached) in order to construct a 2-car garage which does not meet the side setback requirements. The property is located at 8 Allen Drive in the R-15 Zone.

Mr. John Marsh, the property owner, represented this case. He reported the garage will not be attached to the existing house due to utility placements, specifically gas, electric, and cable, located at the corner of the house. Consequently, the setback requirements of 12 feet cannot be met with the proposed structure.

The property is situated in an R15 zone, with a setback requirement of 12 feet, previously 10 feet in the Colonial Hills development. However, the proposed garage dimensions are based on standard specifications rather than custom alterations due to specific lot dimensions.

The garage is proposed to be 9 feet 4 inches from the rear property line and is crucial as the property has unique dimensions. The proposed garage is a metal building, and dimensions align with the character of the neighborhood and have received positive feedback from neighbors.

Regarding the property's layout, it's irregular, with a longer backyard and a shorter front yard. Despite its unconventional shape, the proposed garage will complement the existing structures and enhance the overall property value, especially considering planned upgrades to the main house.

There are no plans for extensive landscaping changes, as the property already has established features such as a chain-link fence, which belongs to the neighbor.

Planners Bull/Hoover moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB24-04 Marsh, John, requesting a variance to Sections 203.3 (Area and Bulk Regulations) and 300.2 (Accessory Structure Nonattached) in order to construct a 2-car garage 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.

ZHB24-05- Cellco Partnership d/b/a Verizon Wireless represented by McNeese Wallace & Nurick LLC, 100 Pine Street, Harrisburg, PA 17101. The applicant is requesting a variance to Sections 207.2 (Use Regulations), 608(a), 608(e)(8) and 608(e)(10)(a) (Communication, Transmitting and Receiving Facilities) in order to construct and operate a wireless

communications facility. The property is located at 1019 Baltimore Street, Hanover, PA 17331 in the S/C Zone. – **Withdraw Letter**

ZHB24-06- Silbaugh Investors LP #5 represented by Barley Snyder, 100 East Market Street, York, PA 17401. The applicant is requesting a variance to Section 207.2 (Use Regulations), special exception to Section 322 (Uses Not Provided For) and interpretation to Section 103 (Definitions) in order to construct a market master office and quarters within an existing building. The property is located at 1649 Broadway, Hanover, PA 17331 in the S/C Zone. - **Extension Letter**

Planners Hoover/Baile moved for a favorable recommendation to the Penn Township Zoning Hearing Board for the extension. Motion carried 6-0.

ZHB24-07- Neiderer, George, 1016 York Street, Hanover, PA 17331. The applicant is requesting a variance to Section 208.3 (Area and Bulk Regulations) in order to have an accessory building in the setbacks. The property is located at 1016 York Street, Hanover, PA 17331 in the H/B Zone.

Zoning Officer Smith stated that Mr. Neiderer had two storage containers at the rear of his property. They are non-conformities and cannot determine how long they have been there. Mr. Neiderer had installed a roof on the structures, which makes them an unattached accessory building, therefore requiring a setback variance, which is only valid for six months.

Mr. George Neiderer, the property owner, presented his request. He explained that negotiations to acquire the adjacent property had fallen through, rendering the removal of the buildings unfeasible. Zoning Officer Smith clarified that the property falls within the H/B Zone, requiring a setback of 35 feet. Mr. Neiderer acknowledged that his current structures are positioned within a foot or two of the property line. He justified roofing the buildings due to previous theft incidents on the property and expressed his need for expanded storage space, reflecting his business's growth. Although the discussion touched on the placement of storage units, there exists no limit to the amount, however there is a time constraint. Mr. Neiderer affirmed his willingness to remove the roof if required.

Planners Hoover/Baile moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB24-07 Neiderer, George, requesting a variance to Section 208.3 (Area and Bulk Regulations) in order to have an accessory building as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried 6-0.

Review and make recommendations on waiver and exoneration requests:

RGS Associates, on behalf of LCBC Hanover, is requesting a waiver to Section 405 (Final Plan Scale), Section 505.C. and 505.K.(1) (Existing Road Frontage and Sidewalk), Section 505.K. (Curbs), Section 605 (Bufferyard Along Arterial Street), Section 268-12 (Volume Controls) and Section 268-15.B(3) and Section 268-15.B(4)(a) (Additional Stormwater Management Design Standards) of the Penn Township Subdivision and Land Development Ordinance and

Stormwater Management Ordinance in regards to their Final Land Development Plan. The property is located at 1504 Broadway.

Mr. Craig Smith, RGS Associates, along with Jim Stucky, LCBC, represented this request. Mr. Smith provided a brief overview of the project that the existing church is proposed to be doubled in size, bringing the church to approximately 400 seats, and 250 parking spaces. There is no change to access to the property off Broadway, exiting will remain a right turn only. There is concern about traffic doubling and the Church's use of traffic cones on Broadway, which the Commission reminded him that, that must not happen. Mr. Smith reported that there was an abbreviated traffic study conducted resulting with no difference within the classification of the driveways. They currently have four gatherings Sunday, and with the expansion, they are hoping to go down to two, maybe three.

Engineer Bortner stated that he will discuss with them where the stormwater will be discharged, and the effect of the drainage swale. He added that the Stormwater plans do meet our ordinance, however some tweaking may be necessary.

There was discussion of sidewalks, and the Commission wanted LCBC to be aware that sidewalks may be required at anytime in the future.

Mr. Smith reviewed the waiver requests, Plan Scale, they are proposing to submit at a scale of 1"=30', for the plan to be more legible. Sections 505.C and 505.K.(1), he explained this is one of the waiver requests that was previously approved with the previous project, and curb and sidewalks are not proposed with this plan and reported that they are currently do not exist in this section of the Township. Planner Hoover expressed that sidewalks would be beneficial to the residents in the area. Section 505.K. Mr. Smith reported that curbing was installed around the parking islands, but not around the perimeter of the paved area, there is an area of curbing proposed to assist the direction of stormwater flow. Section 605 they are proposing the required five-foot parking lot buffer, but not the full buffer requirement along Broadway so signage can be visible. Section 268.15.B(3) geo-testing found the topography of karst, causing a high risk of sink holes, therefore utilizing the Manage Release Concept methodology. Section 268-15.B(3) proposing a 3-1 slope, slightly steeper, mowable, slopes. The facilities are small, ranging from 2-4 feet in depth. Section 268.15.b(4)(a) with both being shallow basins, they are not proposing the installation of chain link fencing. He is proposing a shrub row between the basin and the parking lot. The Commission expressed safety concerns of the basins and stated historically they have denied waivers to the fencing.

Engineer Bortner stated that there is a proposed retaining wall on the plan, and the Township has an ordinance stating the use of retaining walls within the stormwater maintenance is prohibited. Mr. Smith stated that the reason is there is an open arched underground system with requires an elevation to cover. They are going to replace the wall and reconfigure the current gravel level spreader.

The Planners made the following recommendations to the Penn Township Board of Commissioners for waivers to the Penn Township Subdivision and Land Development Ordinance:

Planners Hoover/Arnold moved for a favorable recommendation to Section 405 (Final Plan Scale). Motion carried 6-0.

Planners Hoover/Brown moved for a favorable recommendation to Sections 505.C and 505K.(1) Existing Road Frontage and Sidewalk), with the understanding that the property owner may be required to install sidewalks at any time in the future. Motion carried 6-0.

Planners Bull/Hoover moved for a favorable recommendation to Section 505.K. (Curbs). Motion carried 6-0.

Planners Hoover/Bull moved for a favorable recommendation to Section 605 (Bufferyard Along Arterial Street). Motion failed on a 3/3 vote with Planners Arnold, Baile and Brown dissenting.

The Planners made the following recommendations to the Penn Township Board of Commissioners for waivers to the Penn Township Stormwater Management Ordinance:

Planner Arnold moved for an unfavorable recommendation to Section 268-12 (Volume Controls). Motion failed due to the lack of a second. Planners Hoover/Bull moved for a favorable recommendation. Motion carried 6-0.

Planners Bull/Hoover moved for a favorable recommendation to Section 268-15B(3). Motion carried 6-0.

Planner Hoover moved for a favorable recommendation to Section 268-15.B(4)(a). Motion failed due to the lack of a second. Planners Bull/Brown moved for an unfavorable recommendation to Section 268-15.B(4)(a). Motion carried 5-1 with Planner Hoover dissenting.

DC Gohn Associates, Inc., on behalf of Yazoo Mills, are requesting a waiver to Section 306.B.3 (Side Slopes) of the Penn Township Stormwater Ordinance in regards to their Preliminary Land Development Plan. The property is located at 37 Industrial Drive.

Mr. Brian Cooley from DC Gohn Associates, Inc. represented this request. He reported that Yazoo Mills is proposing an approximately 100,000 square foot building with two points of access: Gitt's Run Road and Industrial Drive. The plan includes 58 parking spaces and currently has 20 loading docks. They are proposing an infiltration basin and three rain gardens. Infiltration testing yielded a result of "0" each time, leading to the proposal of the Manage Release Concept design, which is accepted by the DEP. Therefore, they are requesting a waiver for slopes, proposing a 3-1 slope. They also plan to use low-maintenance grass seed and install fencing around each basin. Mr. Cooley mentioned expecting NPDES approval sometime next week. He noted that a portion of the property exists in Heidelberg Township, and while the plan was submitted, there were no issues with the Stormwater Management Plan, as most of the stormwater exists in Penn Township. They did receive a few subdivision and land development comments, to which they have responded and are awaiting preliminary plan approval. As part of the project, they propose widening the cartway and consulting with an engineer to determine if the culvert needs widening or replacement.

Planners Arnold/Hoover moved for a favorable recommendation to the Penn Township Board of Commissioners to a waiver to Section 306.B.3 (Side Slopes) of the Penn Township Stormwater Ordinance. Motion carried 6-0.

Mr. Cooley asked if the motion was for the waiver, or did it also address approval of the preliminary plan. The Commission stated that it was for the waiver.

Engineer Bortner asked the Commission if they would want to look at the plan itself. He reported that with the NPDES permit expected next week, he can respond to his comments, but there are other staff comments that need to be addressed.

Mr. Cooley stated staff comments have been addressed. Engineer Bortner stated that he is just waiting for the preliminary plans on the culvert for the bridge.

Engineer Bortner stated that the plans are close enough to meeting all the requirements if the Commissioner would want to entertain a decision this evening.

Planners Hoover/Brown made a favorable recommendation to the Penn Township Board of Commissioners for SL24-02 37 Industrial Drive – Yazoo Mills. Motion passed on a 6-0 vote.

DC Gohn Associates, Inc., on behalf of Sheridan Press, are requesting a waiver to Section 405 (Plan Scale), Section 306.B.2 (Embankment Top Width) and Section 306.B.3 (Side Slopes) of the Penn Township Subdivision and Development Ordinance and Stormwater Management Ordinance in regards to their Preliminary Land Development Plan. The property is located at 450 Fame Avenue and 15 Industrial Drive.

Mr. Brian Cooley, representing DC Gohn Associates, Inc., presented plans for a 92,000 square foot addition to Sheridan Press, designated primarily for warehouse space. The proposal includes relocating existing docks to the north and removing approximately 47 parking spaces to accommodate new truck dock areas, while maintaining the current entrances to Fame Avenue and McLaren. Cooley detailed the stormwater management plan, highlighting the use of an infiltration basin around the building perimeter, which successfully facilitated water infiltration. The discharge from the basin flows northward onto adjacent property. Submissions have been made to Penn Township, York County Planning Commission, and York County Conservation District. Additionally, Mr. Cooley discussed modifications related to side slopes and embankment width, aiming to optimize space while adhering to regulatory requirements. These modifications include proposing slopes of 3-to-1, 4-to-1, and 2-to-1 in specific areas, as well as reducing the embankment width from 8 feet to 5 feet. Questions were raised regarding access drive setbacks and the presence of a retaining wall, prompting clarifications on zoning ordinances and stormwater management regulations.

Plan has not been formally filed; no decision has been made.

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

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

SL21-05-ELSNER ENGINEERING WORKS, Elsner Engineering Works, 475 Fame Avenue, Hanover, PA 17331. A final subdivision plan was submitted in order to construct an Industrial Building for the expansion of Elsner Engineering. The property is located West of the intersection Barnhart Drive and Industrial Drive, Hanover, PA in the I-Industrial zone. **There was no action taken on this plan.**

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

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

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

SL24-02- 37 INDUSTRIAL DRIVE- YAZOO MILLS, DC Gohn Associates, 32 Mount Joy Street, Mount Joy, PA 17552. A Preliminary Land Development Plan was submitted in order to construct a proposed industrial building. The property is located at 37 Industrial Drive in the Industrial zone.

Planners Hoover/Brown made a favorable recommendation to the Penn Township Board of Commissioners for SL24-02 37 Industrial Drive – Yazoo Mills. Motion passed on a 6-0 vote.

SL24-03- HOLLAND CONSTRUCTION -100 BLETTNER AVE, Site Design Concepts, Inc., 127 W. Market Street, Suite 100, York, PA 17401. A Final Land Development Plan was submitted in order to construct a proposed industrial building. The property is located at 100 Blettner Avenue in the A-O Apartment or Office Zone. **There was no action taken on this plan.**

SL24-04- SOUTH HEIGHTS MANOR, LP - 116 ONYX DRIVE, Hanover Land Services, Inc., 555 Centennial Avenue, Suite 125, Hanover, PA 17331. A Final Subdivision Plan was submitted in order to subdivide an existing lot into two lots. The property is located at 116 Onyx Drive in the R-22 zone.

Mr. Chris Raubenstine, Hanover Land Services, Inc. presented the plan for the South Heights residential subdivision by J.A. Myers Homes, focusing on the subdivision of lot 51 and

the creation of a new lot, lot 62. Lot 51 is to be aligned with the South Heights development off Onyx Drive, while lot 62 will have a frontage along Cooper Road. The intention is to maintain the property as a single parcel, with Mr. Myers planning to build his home on it. However, due to the lot-width-to-depth ratio requirement in the ordinance, waivers are requested. These waivers are primarily necessitated by the considerable road frontage of lot 62 along Cooper Road, resulting in a ratio conflict. A waiver request dated March 29, 2024 was received requesting a waiver to Section 509(a) Lots and Lot Sizes. The plan also involves a land swap between Mr. Danner and Mr. Myers, resulting in the straightening out of lot 62 to achieve a more conventional shape.

Planners Bull/Hoover moved for a favorable recommendation to the Penn Township Board of Commissions to a waiver to Section 509(a) and a favorable recommendation for preliminary plan approval. Motion carried 6-0.

SL24-05- LCBC HANOVER – 1504 BROADWAY, RGS Associates, Inc., 53 W. James Street, Ste 101, Lancaster, PA 17603. A Final Land Development Plan was submitted in order to construct an addition to an existing house of worship. The property is located at 1504 Broadway. **There was no action taken on this plan.**

SL24-06- SNYDERS-LANCE – 1401 YORK STREET & YORK STREET (UN-ADDRESSED), Hanover Land Services, 555 Centennial Avenue, Suite 125, Hanover, PA 17331. A Preliminary-Final Subdivision Plan was submitted in order to subdivide two existing lots into three lots. The property is located at 1401 York Street & York Street (un-addressed) in the R-15 and I Zones.

Mr. Chris Raubenstine, Hanover Land Services, Inc. represented this plan. The focus was on the Snyder's Lance property, where a subdivision was proposed to separate the solar field from other agricultural and commercial lands. This subdivision aims to place the solar field and a research center building on their own respective lots. Two existing lots would be subdivided into three. Concerns were raised regarding the split zoning of the properties and the overall purpose of the subdivision. The possibility of selling both properties was mentioned, although no development plans were disclosed. The Commission's inquiries highlighted the need for clarification on future plans and intentions for the properties, emphasizing the importance of understanding the impact on zoning and land use. It was suggested that a representative from Snyder's Lance be invited to provide insights at a future meeting to address these concerns.

Draft Zoning Ordinance – There was no discussion.

Public Comments: Ms. Robin Pilley, Westminster Avenue, was in attendance to seek advice from the Commission regarding her new home, and water management in her surrounding area. Her concern is she has two sump pumps and at least one is constantly running and is very concerned about power outage and resulting flooding. She has contacted the builder, and they have been responsive. She also contacted PennDot and they came out to clean out the swale in the area along Westminster Avenue. Mr. Kris Raubenstine did state that the neighboring area

that is to be subdivided by the Maitland's is primarily wetlands. Mr. Raubenstine requested to speak with Ms. Pilley after the meeting.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Donna M. Sweeney,
Recording Secretary