

**PENN TOWNSHIP PLANNING COMMISSION**  
**JULY 3, 2024**

Chairman Zach Smith called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Wednesday, July 3, 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 June 6, 2024, Planning Commission minutes as submitted.

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

**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.

Zoning Officer Smith reported ZHB24-06 has been withdrawn.

**ZHB24-13- Rodgers, Dan, represented by Barley Snyder**, 14 Center Square, Hanover, PA 17331. The applicant is requesting a special exception to Section 311 (Street Access) in order to allow subdivision of a tract of land that does not abut a public street. The property is located on Beck Mill Road in the R-15 Zone.

Attorney Joseph Erb, Barley and Snyder, representing Mr. Rogers, are requesting a special exception to Section 311, which requires a minimum right-of-way of 50 feet for streets. Mr. Rogers owns a property in the R-15 residential zone that does not have frontage on a public street. His application includes a plan showing his property located at 440005007200, which is surrounded by residential uses and accessed via a stone alley leading to Beck Mill Road. He proposes utilizing a 50-foot right-of-way from his property to Beck Mill Road as a private drive to gain access to a public road. Additionally, Mr. Rogers intends to subdivide his property into three residential lots, though this is still conceptual and subject to subdivision and land development ordinances.

Mr. Rogers seeks to use Georgia Avenue, a private drive currently used by Dwight and Judith Dubs, as access to their property, and to access a north alleyway. The neighborhood is residential, and existing right-of-ways must address traffic concerns, typically managed through land development and subdivision processes. However, he needs access to a public road to proceed with subdivision.

Planning Commission members raised concerns about public safety, health, traffic, and utilities, emphasizing the need for the plan to go through the land development and subdivision process first. They questioned the legal authority over the 50-foot right-of-way, noting that other properties also use the private road established in the 1930s, which is not formally recorded as a right-of-way.

Planners Hoover/Brown moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board in requesting a special exception to Section 311 (Street Access) in order to allow subdivision of a tract of land that does not abut a public street as it does not meet the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

**ZHB24-14- Lissette, Dylan B. & Stacie R., represented by Barley Snyder,** 100 East Market Street, York, PA 17401. The applicant is requesting a variance to Section 204.2 (Use Regulations) and 300.3 (Fences and Walls) in order to extend a fence on an adjacent lot which is comprised of three vacant parcels. The properties are located at 133, 135 & 139 Quartz Ridge Road, Hanover, PA 17331 in the R-22 Zone.

Zoning Officer Smith reported that the request is necessary as the request is to place an accessory use with no principal use located on the properties.

Attorney Jeremy Frye, of Barley Snyder represented this request. Attorney Frye reported that in 2014 the Zoning Hearing Board granted a variance at the property located at 860 Westminster Avenue to allow the replacement of a deteriorating split rail fencing that exceeded the maximum height permitted in the zoning district. The maximum height allowed was three feet, but the existing fence was five feet high. The property owners, the Lissettes, had acquired additional lots at 133, 135, and 139 Quartz Bridge Road, and sought to extend the existing five-foot fence onto these new properties to create a buffer between their property and the neighboring Thornberry Hunt Development.

The Lissettes required two variances: one for the fence height and one for the use of the fence on the newly acquired lots, which are under common ownership but do not have residential structures, thus necessitating a variance. The existing and proposed fence is a split-rail type, and assured the Planning Commission that the new fence would match the existing one in design and height.

The Planning Commission discussed the possibility of a reverse subdivision to alleviate the need for the variance, but Attorney Frye reported it may not be feasible due to restrictive covenants in the planned community. Instead, they proposed a condition that the fence could remain only as long as the properties were under common ownership. If the lots were sold or developed, the fence would need to comply with current zoning ordinances at that time.

Planners Hoover/Baile moved for a favorable recommendation to the Penn Township Zoning Hearing Board for a variance to Section 204.2 (Use Regulations) and 300.3 (Fences and Walls) with the conditions the fence must match the existing five-foot split-rail fence, the properties must remain under common ownership, and if sold or developed, the fence must comply with the current zoning ordinances in order to extend a fence on an adjacent lot which

is comprised of three vacant parcels, as it meets the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried 6-0.

**ZHB24-15- Sheely, Andrew M. & Rebecca A.**, 35 Penn Circle, Hanover, PA 17331. The applicant is requesting a variance to Section 300.2 (Accessory Structure Nonattached) in order to place an accessory structure, nonattached, in a side yard. The property is located at 35 Penn Circle, Hanover, PA 17331 in the R-15 Zone.

Andrew Sheely, the property owner, reported his lot has an unusual shape, with a swale running along the back yard that directs water flow from Black Rock Road down to a lake. The lot's peculiar contours, including additional swales from neighboring properties, limit usable space. Mr. Sheely proposes placing the gazebo in a level area beside his driveway, near an existing shed approved by the Township in 2011. Mr. Sheely assures that the structure would be well within the required setbacks, minimizing any impact on neighbors.

Planners Arnold/Hoover moved for a favorable recommendation to the Zoning Hearing Board in case ZHB24-15-Sheely, Andrew M. & Rebecca A. for a variance to Section 300.2 (Accessory Structure Nonattached) in order to place a gazebo in a side yard as it meets the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried on a 6-0 vote.

**ZHB24-16- Cellco Partnership d/b/a Verizon Wireless represented by McNees 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), 608(e)(10)(a) (Communication, Transmitting and Receiving Facilities) and 502.1 (Filing of a variance) 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. (Continuance)

**Review and make recommendations on modification/waiver and exoneration requests and 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.

1. Hanover Land Services, on behalf of Devener Landing, are requesting a waiver to Section 505.a & 505.k (Curbs), 505.a & 505.k.1 (Sidewalks), 506.e (Minimum Distance Between Centerlines) and 508 (Blocks) of the Penn Township Subdivision and Land Development Ordinance in regards to their Preliminary / Final Land Development Plan. The property is located on Moulstown Road, Hanover, PA 17331 in the R-8 Zone.

Kris Raubenstine, Hanover Land Services, Inc. represented this plan. He reported the first two waivers concern curbing and sidewalks along Moulstown Road, a state road without existing sidewalks, noting that PennDOT typically prefers to maintain existing conditions, which currently do not include curbing. He stated the other two waivers involve the minimum distance requirements between centerlines and blocks. The proposed design could not meet the 500-foot requirement due to a stormwater facility placed in the best possible location after geotechnical evaluation. The actual distance is around 290 feet. He explained that moving the facility to meet the distance requirement would compromise stormwater management.

Mr. Raubenstine reviewed the plan as a 55-plus community, with all individual units on a single property under an HOA. The expected home value is projected to be around \$400,000 to \$500,000. The Commission raised a concern about landscaping and buffer zones between the residential and commercial areas, which the applicant confirmed has been addressed in their landscaping plans, pending some modifications.

Planners Bull/Brown moved for a favorable recommendation to the Penn Township Board of Commissioners for a waiver to Sections 505.a & 505.k (Curbs), 505.a & 505.k.1 (Sidewalks), 506.e (Minimum Distance Between Centerlines) and 508 (Blocks) of the Penn Township Subdivision and Land Development Ordinance in regards to their Preliminary/Final Land Development Plan. Motion carried on a 6-0 vote.

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

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

**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. **There was no action taken on this plan.**

**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.**

**SL24-05- 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. **There was no action taken on this plan.**

**SL24-07-SHERIDAN PRESS – 450 FAME AVE & 15 INDUSTRIAL DR,** DC Gohn Associates, 32 Mount Joy Street, Mount Joy, PA 17552. A Preliminary Land Development and Subdivision Plan was submitted in order to subdivide the property at 15 Industrial Drive and add on to the property at 450 Fame Avenue in order to construct a proposed warehouse building expansion. The property is located at 450 Fame Avenue & 15 Industrial Drive in the I Zone. **There was no action taken on this plan.**

**SL24-08- CARROLL COUNTY CHRISTIAN CENTER INC- 889 BALTIMORE ST,** Hanover Land Services, 555 Centennial Avenue, Suite 125, Hanover, PA 17331. A Preliminary-Final Add-On Subdivision Plan was submitted in order to add onto an existing lot. The property is located at 889 Baltimore Street in the S/C Zone. **There was no action taken on this plan.**

**Draft Zoning Ordinance** – There was no discussion.

**Public Comments:** There were none.

The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Donna M. Sweeney,  
Recording Secretary