

**PENN TOWNSHIP PLANNING COMMISSION**  
**AUGUST 1, 2024**

Chairman Zach Smith called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, August 1, 2024. Also present were planning members Ron Arnold, Matthew Baile, Michael Brown, and Ronnie Bull, along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney. Planner Michael Hoover was absent.

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 July 3, 2024, Planning Commission minutes as submitted.

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

**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.

Mr. James Strong, an attorney from McNees Wallace & Nurick LLC in Harrisburg, presented a proposal for a new Verizon Wireless communications tower facility at 1019 Baltimore Street, within the Penn Plaza Shopping Center, which is zoned as shopping commercial. The project team included Jim Rogers with Network Building and Design, site acquisition consultant for Verizon Wireless, Alec Fahey with Collier's Engineering and Design, Andy Peterson with BDM Engineering, radio frequency engineer, and Brian Seidel with Seidel Planning and Design.

The proposed facility is a 105-foot monopole with a 5-foot lightning rod, enclosed in a 30x40-foot fenced compound. The fencing will be 7 feet tall with an additional 1-foot of barbed wire for security, and landscape screening will be provided as required. The site will include equipment cabinets on a concrete pad and an emergency backup generator. The facility will be unmanned and require only underground utilities for power and telephone. Access to the site will be through an easement from Clover Lane, passing through existing access and parking areas.

As the proposed use is not permitted in the shopping commercial zone, the team is requesting a variance. The site is needed to address coverage and capacity issues in the township's southern portion, where the zoning ordinance currently permits such facilities only in the industrial zone, located too far north. The variance seeks to allow the communications tower in the shopping commercial zone.

The application requests multiple variances, including:

1. A variance from Section 608 (a), which requires facilities to be located on a hilltop. The proposed site is on a ridgeline but does not clearly meet this requirement. The applicant cites a similar variance granted in 2014 for another site.
2. A variance from Section 608 (e)(8), which mandates that the antenna support structure be painted to blend with its surroundings. Verizon proposes maintaining a galvanized gray finish, arguing it blends better and reduces maintenance.
3. A variance from Section 608(e)(10)(a), which requires a land development plan before issuing a zoning permit. The applicant contends that such facilities do not constitute land development and seeks discretion from the Board of Commissioners.
4. An extension of the six-month time frame required by Section 502.1 to obtain a building permit or use certificate, requested to accommodate potential delays.

Mr. Strong emphasized the need for the new facility to address both coverage and capacity issues due to the growing number of Verizon customers in the area, particularly along key corridors. Three existing Verizon sites serve the area, but they are insufficient to meet the needs of the expanding customer base. The new facility will enhance in-building coverage and alleviate capacity strains on surrounding sites. The discussion also explored alternative sites, co-location opportunities, and the impact of capacity limits due to the finite licensed bandwidth from the FCC. The potential for co-locating other providers' antennas on the new tower was also considered. Questions arose about why additional capacity couldn't be added to existing sites, and it was clarified that the limitation lies in the over-the-air bandwidth, not the fiber backhaul capacity. Industrial properties were considered as alternative locations but were deemed unsuitable due to their distance from the targeted coverage area. The conversation underscored the complexities of balancing coverage, capacity, and location within the constraints of existing infrastructure and FCC regulations. The new facility is intended to improve network performance and prepare for future demand in the area. Legal aspects of the proposal were reviewed, particularly concerning the Telecommunications Act, which limits local municipalities' ability to restrict wireless infrastructure deployment. The applicant confirmed that the tower meets federal and state regulations and is designed to support future technological advancements, including 5G. The meeting also touched on potential tax revenue benefits, the involvement of the Board of Commissioners in decision-making, and the removal of barbed wire from the tower's design. Public concerns were addressed, including notifications to nearby residents and the broader visual impact of the tower.

The Planners made the following recommendations to the Penn Township Zoning Hearing Board in case ZHB24-16- Cellco Partnership d/b/a Verizon Wireless represented by McNees Wallace & Nurick LLC, in order to construct and operate a wireless communications facility are requesting a variance to the following:

Planners Brown/Bull moved for a favorable recommendation to Section 207.2 (Use Regulations) as it meets the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried on a 3-2 vote, with Planners Baile/Arnold casting the dissenting votes.

Planners Bull/Brown moved for favorable recommendation to Sections 608(a), 608(e)(8) (Communication, Transmitting and Receiving Facilities). as it meets the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-0 vote.

Planners Arnold/Brown moved for an unfavorable recommendation to Section 608(e)(10)(a) (Communication, Transmitting and Receiving Facilities). as it does not meet the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-0 vote.

Planners Bull/Arnold moved for an unfavorable recommendation to Section 502.1 (Filing of a variance) as it does not meet the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-0 vote.

**ZHB24-18- Shorb, William**, 1403 Baltimore Street, Hanover, PA 17331. The applicant is requesting a variance to Section 203.3 (Area and Bulk Regulations) in order to construct an accessory structure which does not meet the rear setback requirements. The property is located on 1403 Baltimore Street in the R-15 Zone.

Aaron Miller from the Federal Assembly of North Construction presented on behalf of Mr. William Shorb, the owner of 1403 Baltimore Street, regarding the proposed construction of an accessory structure. The purpose of the structure is to serve as a private space for Mr. Shorb to preserve, store, and display his collection of local antiques and historical items. There will be no public access, sales, or advertising associated with the structure.

The proposed setback for the structure is twenty-five feet into the required 30-foot setback, leaving five feet from the property line. Mr. Miller explained that this positioning is necessary to avoid existing issues, including a significant slope in the rear yard and the location of the public sewer connection. The commission raised concerns about the large size of the structure (28 by 28 feet) and the significant encroachment into the setback.

The commission suggested relocating the structure to the northwest corner of the property, where it would have less impact on the usable yard space and neighboring properties. Mr. Shorb and Mr. Miller expressed concerns about this alternative location, noting that it would block views from the bedrooms and be further from the back door. After discussing possible compromises, the commission suggested a reduced setback encroachment of 15 feet, provided the structure is moved to the northwest corner.

Planners Arnold/Bull moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board in case ZHB24-18-Shorb, William, requesting a variance to Section 203.3 (Area and Bulk Regulations) in order to construct an accessory structure as it does not meet the requirements of a variance as set forth in Section 502.3 a) thru f). Motion carried on a 5-0 vote.

**ZHB24-19- Garcia Zepeda, Martin & Barajas, Blanca**, 299 Wirt Avenue, Rear, Hanover, PA 17331. The applicant is requesting a special exception to Section 407.2 (Expansion and Alteration) in order to demolish the existing dealership and construct a new building with a residence above. The property is located at 299 Wirt Avenue, Hanover, PA 17331 in the R-8 Zone.

Zoning Officer Smith noted that the application was before the Commission in 2021 and received approval. They have experienced issues with land development and contractors and are before the Commission requesting approval for special exception for the same request but have modified the request as Ms. Barajas can explain.

Ms. Blanca Barajas of 299 Wirt Avenue, owner of Martin's Auto Sales, presented a revised plan to the planning commission. The original plan, proposed in 2021, was deemed too costly, prompting the need for an alternative. The new proposal involves expanding the existing garage by twenty feet, with bay doors on each side, one facing Ann Street and the other leading to the adjacent parking lot. Additionally, the plan includes removing an existing mobile home behind the garage and replacing it with a 30 by 48-foot one-story modular home with a basement.

Ms. Barajas emphasized that the setbacks for the new structures will remain consistent with the current ones, ensuring no new dimensional nonconformities. The commission reminded her of a longstanding restriction that prohibits parking vehicles for sale near the stop sign on the property to maintain clear sightlines.

Ms. Barajas mentioned that the garage expansion and the new home are intended to accommodate the future involvement of her two sons, particularly her oldest, who is currently studying automotive at York Tech and will eventually obtain his vehicle inspection license. The commission confirmed that the setbacks and building dimensions comply with existing ordinances, and Ms. Barajas affirmed that a builder is already in place for the project.

Planners Bull/Arnold moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB24-19- Garcia Zepeda, Martin & Barajas, Blanca, requesting a special exception to Section 407.2 (Expansion and Alteration) in order to expand the existing dealership and replace an existing mobile home as it meets the requirements of a special exception as set forth in Section 503.3 a) through e). Motion carried on a 5-0 vote.

**Review and make a recommendation to the Board of Commissioners on the following rezoning request:**

**ZHB24-17- Stonewicke, LP** - The applicant is requesting the rezoning of Parcel 44-000-36-0001.00-0000 (Ripple Drive) from Shopping Commercial (SC) to Suburban Residential (R-15).

Mr. Kris Raubenstine, Hanover Land Services, presented this request on behalf of J.A. Myers. The request is to rezone a property on Ripple Drive from shopping commercial to suburban residential. The property in question, part of the Stonewicke development, was originally intended for residential use, but due to an ordinance change in the mid-2000s, it remained zoned as shopping commercial despite being developed with residential housing. The

current request aims to rezone the property to align with its existing residential use and surrounding community.

It was noted that the county still views the property as shopping commercial, raising concerns about spot zoning if the request is approved. However, the commission considered the broader context, acknowledging that the current zoning ordinance is under review and that the property is largely residential and has limited potential for commercial use due to its small size, lack of major road access, and the presence of a conservation easement and gas transmission line.

The rezoning would allow for the development of a 55-plus community, which would generate minimal traffic and not burden local schools. The commission recognized the need to plan for the future, suggesting that rezoning to residential would ultimately align with the area's development trends and reduce potential conflicts between residential and commercial land uses.

Planners Bull/Baile moved for a favorable recommendation to the Penn Township Board of Commissioners in ZHB24-17- Stonewicke, LP requesting the rezoning of Parcel 44-000-36-0001.00-0000 (Ripple Drive) from Shopping Commercial (SC) to Suburban Residential (R-15). Motion carried on a 5-0 vote.

**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. **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. **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.

Mr. Kris Raubenstine, Hanover Land Services, Inc. represented this plan. He stated this is a land transaction involving the Carroll County Christian Center and an adjoining neighbor, Mr. Earl Miller. The plan proposes transferring a portion of land from the Christian Center to Mr. Miller. This land, located at the rear of Mr. Miller's property, is on the opposite side of a creek

and a 150-foot-wide riparian buffer, which was established as a stormwater feature in a previous land development plan.

The Carroll County Christian Center has no practical use for this land due to its inaccessibility, and Mr. Miller is interested in acquiring it to potentially build an accessory structure in the future. The transaction is essentially an add-on subdivision plan, where the land labeled as "lot two" would be merged with Mr. Miller's existing property, increasing its size. There are no proposed developments at this time, and the commission received minimal comments from the county.

Planners Arnold/Baile moved for a favorable recommendation to the Penn Township Board of Commissioners to SL24-08-Carroll County Christian Center Inc – 889 Baltimore Street. Motion carried on a 5-0 vote.

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

**Public Comments:** There were none.

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Donna M. Sweeney,  
Recording Secretary