

**APPROVED  
SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
DECEMBER 1, 2011**

The Springettsbury Township Zoning Hearing Board held a regularly scheduled meeting on the above date at the Township offices located at 1501 Mt. Zion Road, York, Pennsylvania 17402.

**MEMBERS IN**

**ATTENDANCE:** Dale Achenbach, Chair  
John Schmitt  
Michael Papa  
Sande Cunningham

**ALSO IN**

**ATTENDANCE:** Gavin Markey, ZHB Solicitor  
Jim Baugh, Director of Community Development  
Sue Sipe, Stenographer

**NOT PRESENT:** James Deitch

**1. CALL TO ORDER:**

Chairman Achenbach called the meeting to order at 6:00 p.m. He introduced the members of the Board and led the Pledge of Allegiance.

**2. ACTION ON THE MINUTES:**

**A. October 6, 2011**

**MOTION MADE BY MS. CUNNINGHAM, SECONDED BY MR. SCHMITT TO APPROVE THE MINUTES OF OCTOBER 6, 2011 AS PRESENTED. MOTION UNANIMOUSLY CARRIED.**

Chairman Achenbach asked Mr. Baugh whether or not all cases had been properly advertised. He responded that all notifications had been made.

**3. OLD BUSINESS - NONE**

**4. NEW BUSINESS**

A. Case Z-11-14 Kasiv LLC

Attorney Stacey MacNeal, Katherman, Heim & Perry

Robert Sandmeyer, Site Design Concepts

James Scargill, Goddard School Representative

Tom Austin, TRG

Lena Patel

All witnesses were sworn in.

Attorney MacNeal indicated that Ms. Patel has a contract to purchase the property at Eastern Boulevard between Mill Street to the west and Moul Street which bisects the property. The proposal for this property is a private school through the franchise of the Goddard School, a licensed pre-K and pre-school through the Department of Education. It meets the Township's definition of Private School as stated in the Ordinance. She noted there are also accessory day care facilities. The Goddard School has performed

a detailed, nationwide parking study on all their 378 facilities. Based on that study they have determined what their parking requirements are for the facility being proposed. Attorney MacNeal noted they are working with Site Design Concepts.

Attorney MacNeal indicated the property is in the Neighborhood-Commercial zone considered a transition district between the small lot single family to the rear, and the mixed-use across the street. The property is located within the Town Center Overlay which adds additional challenges for development on the site. There are several design criteria issues associated with the conditional use proceedings set out for the overlay provisions. This includes issues relating to how the building is to be oriented on the site, issues related to streetscapes and buffer yards and architectural design.

Attorney MacNeal reviewed the four requested variances as outlined on the Case Briefing, noting these will be discussed during testimony.

Mr. Sandmeyer explained Applicant's Exhibit #1 - an illustration of the site plan proposed. He noted they are planning the building facility at the lower end of the property. (The exhibits were made available to the residents in attendance.) Mr. Sandmeyer indicated this is a representation of the landscaping required for the site and also the sidewalks required, bench seating areas and lighting. The proposed building is a single story requiring 14 parking spaces. Attorney MacNeal indicated there is a possible small addition in the future. Mr. Sandmeyer addressed the orientation of the building, noting the front of the building as required by the Town Center Overlay is facing Eastern Boulevard. The two sides are facing Moul and Mill Street and the rear yard is facing the residential neighbors.

Mr. Sandmeyer stated in meeting requirements for the Town Center Overlay which are conditional for the project, they will need to follow buffering requirements of certain parking areas and also will need screening of parking areas. They will also need to meet requirements for width of sidewalks and benches. It was noted that upon meeting with Township Staff it was determined that the Town Center Overlay requirements as to the building on site and this orientation of the building would comply. Mr. Sandmeyer indicated that because of the unique shape of the property and the three frontages and due to the square footage of the building it was difficult to place the building in the best situation. Also related was how the parking would be laid out in the best way for the site, and the roadways and to the neighborhood.

Mr. Sandmeyer reviewed the landscaping plan indicating the parking frontage along Moul Street which is a requirement of the TC zoning district for screening and plantings. Shrubbery and trees will be planted along with benches placed along the roadway to meet the requirements. On Eastern Boulevard parking will need to be screened from the roadway with benches and walkway lighting to meet light standards, as well as street trees, as noted on the plan. On Mill Street the plantings will be per the land development plan taking into consideration the sight triangles. Screening will also be on Mill Street and at the end of the property. The size of the site is less than 2 acres.

Mr. Sandmeyer stated they are proposing to have a 6 ft. solid panel fence surrounding all of the play yard, which is a safety issue for the children. Fencing will also be in the rear in accordance with the Ordinance buffer yard criteria. Applicant's Exhibit #2 is a depiction of the fence proposed along Mill Street. He noted at the recommendation of the Planning Commission they would like to see a fence more to the character of the neighborhood and less impactful than a solid fence at 6 foot height. Consequently, they are proposing a more ornamental fence on the frontage and the area of Mill Street as illustrated on the plan.

In regards to parking, Mr. Sandmeyer stated they are providing 38 parking spaces which is a one-way direction entering from Moul Street. There is one access to the property which is a one-way circulation pattern for parents and staff. The parking is located in a side yard. Mr. Sandmeyer stated there will be no buses utilized with the school.

Mr. Sandmeyer indicated that under the Ordinance this property has three front yards. The only portion of any yard that is not front is a small portion to the rear of the building, which is approximately 5,500 sq. ft. Because of the location of the property some parking facilities will need to be in a front yard. They

will be keeping the parking to the side and rear of the building and for the Town Center Overlay they will have it heavily screened, but noted it will be very difficult to not have parking that would be considered by the Ordinance as front yard. Applicant's Exhibit #3 was prepared by Site Design Concepts.

Mr. Sandmeyer referred to Applicant's Exhibit #4 showing an aerial photograph of the site, which includes the Yorkshire School and the two properties. It shows how the property and the location of the proposed building relates to the residential neighbors and Eastern Boulevard

Mr. Sandmeyer attested in his opinion the proposed variances would not alter the essential character of the neighborhood, and would blend in with the neighborhood and be a good connection with the elementary school.

Discussion was held regarding clarification on the following issues:

- Mr. Baugh noted the previous request for this property was for a day care facility.
- Reiteration of the parking spaces: It was noted that 14 passenger spaces are required; they are providing 38 spaces.
- It was noted the second parcel is not intended for any use associated with this project and will remain green space.
- The fencing on Mill Street will be similar to the wrought iron fence as denoted on Page 1 A.2 of the plan. Solid fencing will be on the adjacent property line providing better screening for the neighborhood.

Mr. Scargill stated The Goddard School is a curriculum-based child care franchise with hours of operation Monday through Friday, 7:00 AM to 6:00 PM. Teachers are qualified and licensed within the state and have gone through child care licensing through the Department of Education.

Mr. Scargill reviewed how the franchise works and the procedure the franchisee must go through. He also reviewed the regulations required for the franchisee to occupy a school, noting that Goddard researches the location to determine the success of a facility. The franchisee would go through a training process to learn the operational guidelines for running the school.

He noted this would be an 84,000 sq. ft. facility with 9 classrooms, 20 staff members and a maximum of 132 students. Because of the flexible program, the schedule for students is open so they can arrive at any time of the day, but typically between 7:00 AM and 9:30 which are the peak hours. They lose 35% capacity at lunchtime because of the half day program, as well as those staff members. Therefore, the afternoon pick up at 5:00 – 6:30 PM is less than the morning drop off.

Mr. Scargill reviewed the requirements for the size of the two play yards, which are separated due to the type of the equipment for each area according to age. The two groups do not intermingle. Only one classroom is in either play area at one time for a total of 20 students.

He reviewed the requirements for dumpsters which are restricted in their pick up of trash, noting they are emptied once a week, on Saturdays. The dumpster is enclosed and located 20 ft. from the property line.

Mr. Scargill stated that through safety studies, Goddard School determined that the 6 ft. fence is necessary for the safety of the children. Not only does it prevent them from getting out, it prevents others from getting in and the opacity prevents a visual contact with the children. The fence will be screened along Mill Street, with landscaping on the exterior of the fence between the play yard and the parking lot.

Mr. Scargill referred to Applicant's Exhibit #5 which shows the analysis of a traffic and parking study conducted several years ago of a group of schools to gain an understanding of how schools function in

terms of traffic flow. He noted the operations of the facilities are the same as when the study was undertaken. No significant changes that would impact the results shown in this report. The study found that 30-35 spaces are standard for an 84,000 sq. ft. building.

Mr. Scargill explained the procedure for parents bringing children to the school. Goddard does not allow parent pick up or drop off of children. All children must be walked into the facility which has a secure locked lobby with a palm print reader. At pick up the parents must go in and bring the children out of the facility.

Mr. Scargill stated there is no need for a commercial loading space since they do not have deliveries daily but only an occasional UPS truck. They do not serve meals, consequently there is no food service that would require delivery service. Mr. Scargill stated the majority of the Goddard Schools do not have bus service. He noted that in his experience with how schools function with surrounding neighborhoods, there is a harmonious relationship, mostly because the hours of operation and the peak traffic numbers fall outside of hours when residents are going to and coming from work.

Mr. Austin of TRG indicated they have completed the data collection as it relates to traffic counts, visiting the site and noting observations on traffic, as well as looking at sight distance. They have conducted a trip generation analysis to estimate the number of potential trips based on Township requirements. They have completed a preliminary traffic analysis. A traffic impact study will be conducted as required under the Township subdivision/land development ordinance. Mr. Austin reviewed the terms of access from Moul Street, stating their opinion is it provides the best access to the site. He referred to a median that was placed on Mill Street that would restrict left turns on to that street. If there was access on Mill Street in the vicinity of the median then there would be no access to Moul Street, and traffic coming out on to Mill would need to make a right and go through the neighborhood. Access onto Mill Street would not be favored because of the concern of directing traffic into the neighborhood as well as concern about current traffic related to the school. Access onto Eastern Boulevard is also not favored because of the traffic and the number of lanes on that roadway. The location of the proposed access is 200 ft. away from Eastern Boulevard, at the furthest point closest to the property boundary and was determined to be the best location. Moul Street is 30 feet wide which was determined to provide enough space to accommodate the traffic between the intersection and along Moul Street.

Mr. Austin reviewed the traffic pattern and the crash history for Moul Street. He noted the reportable crash history from PennDOT over a 5 year period, resulting in one reported accident on Moul Street in 2006.

Mr. Austin referred to Applicant's Exhibit #6 which was created by TRG reflecting the Institute of Transportation Engineering trip generation estimate for the school, required by the Township when conducting traffic studies. He noted the Goddard School has also completed their own traffic studies. The ITE shows that during the weekend day mornings which is the busiest time, based on 138 students, this facility would generate 106 AM peak hour trips. Their findings are that the majority of traffic will arrive and depart from Eastern Boulevard as opposed to going through the neighborhood.

Mr. Austin explained that levels of service are a measure to explain how an intersection operates, using the letters "A through F". "A" is the best and "F" is the worst. Based on the information he received his opinion was that the majority of the traffic will exit onto Moul Street, turn right and head to Eastern Boulevard where currently they can turn right or left. Preliminary studies of the intersection on Moul Street with Eastern Boulevard were done and it was determined that it is operating at a functional level of service. When determining the proposed site traffic from the school and applying it to the intersection in the future, it was determined it will operate with an acceptable level of service. He also noted that it would not have a negative impact on the character of the neighborhood and would not alter the essential character of this neighborhood.

In response to a concern regarding vehicles turning left onto Moul Street from the left lane causing a higher potential for rear end crashes, Mr. Austin indicated as part of the detailed traffic impact study that

is one of the elements which will be reviewed and studied. He noted that in terms of the current preliminary analysis the intersection is showing that it does not meet warrants.

Mr. Baugh stated this plan was submitted as a sketch plan to the Planning Commission and they reviewed and commented on the variance requests, which Mr. Baugh summarized as follows:

- Height of Fence – Concern about stockade type appearance along Mill Street.
- Minimum Parking – No problem with the elimination of school bus parking since busing would not be utilized
- Location of Parking – Because the property has three front yards, they did not object to the location of the parking facilities as long as ample landscaping was provided as required.
- Loading Space – No concern about the elimination of loading space since it would not be utilized for the proposed use.

Mr. Baugh also noted the Planning Commission had concerns about the traffic and they will be addressed in the planning process. He pointed out that none of the variance requests are relating to traffic.

Chairman Achenbach opened the floor to those who wished to speak for or against the applicant.

All witnesses were sworn in.

Randall Jones - 279 Moul Street

Requested the Board to unanimously turn down the variances. Also expressed traffic concerns regarding access from Moul Street to Eastern Boulevard, making a left hand turn.

Judy Shifflet

Expressed concern about the school being detrimental to their neighborhood and to the eight houses on Moul Street due to cars and people coming and going. She was also concerned about cars parking on Moul Street, commenting they will be blocking their driveways and the street.

Ms. Cunningham also commented on the traffic concerns since she resides nearby on Maywood Road.

Attorney MacNeal stated that Staff has recommended that they post “No Parking” signs on Moul Street between the entrance and the intersection. The traffic study will determine this necessity. She reiterated that due to the number of planned parking spaces, they have stacking in the traffic circulation for up to 44 cars on site.

Mr. Austin stated that based on their preliminary traffic analysis for Moul Street and Eastern Boulevard, it will not meet warrants for a traffic light. He reiterated they will be studying Mill Street and Eastern Boulevard and what will probably result is a 4 way stop.

Discussion was held regarding the Township overlay concept as it relates to the project.

Attorney Markey stated that the Township overlay concept places a heavier burden on the applicant to protect the community than otherwise would happen if analyzing the request under neighborhood commercial zone. He noted at the next proceeding the applicant will have to prove a specific standard regarding traffic to the satisfaction of the Board of Supervisors, wherein the public is invited to represent themselves. Mr. Markey referred the Board and the audience to page 54 of the Ordinance which outlines potential uses in the neighborhood commercial including group homes, multi-family dwellings, all forms of professional offices, etc.

Discussion was held with the residents on the access in and around the neighborhood in view of the proposed project.

Bob Drawbaugh, 288 Mill Street

Expressed concern about the accidents in the area, referring to Mr. Austin's report of one reportable accident in the last 5 years. He referenced the occurrences of non-reportable accidents. He also was concerned about hindering the visual sight with construction of the building and addition of shrubbery and trees.

Beth Drawbaugh, 288 Mill Street

Discussed the time it will take for parents to get in and out of the building, which will add to the amount of cars that will be in the parking lot causing cars to spill out and park in the street. Concerned about parents parking on Mill Street as an overflow to the parking lot due to the amount of time it will take for parents to take children into the building.

Judith Hunsinger, 291 Moul Street

Stated her concern about the noise level of the children disrupting the quiet of the neighborhood and also additional traffic blocking neighborhood parking spaces. Also dumpster smells were a concern.

Attorney MacNeal reiterated the landscaping that will be provided as part of the Town Center Overlay will be outside of the clear sight triangle.

Mr. Scargill confirmed there will be no evening or weekend programs.

Attorney MacNeal reviewed the physical circumstances and conditions of the site which include the 3 streets not created by the client were reviewed. She noted there is no variance request for traffic and they fully expect to comply with all traffic requirements of the township ordinances. She also noted there is no variance request for the location of the dumpster.

Harry Grossi, 30 Moul Street

Expressed concerns about the traffic.

Bob Shifflet, 283 Moul Street

Also expressed traffic concerns.

In response to a question regarding the type of fencing proposed and the comments from the Planning Commission, Attorney Markey clarified the objection was to the stockade type fencing along Mill Street which the applicant is eliminating along Mill Street as shown on Applicant's Exhibit #2.

Chairman Achenbach reminded the Board that they can not determine traffic flow issues. They can only make a determination on the four issues of the variances requests.

Chairman Achenbach called for motions on the four variance requests.

**MS. CUNNINGHAM MOVED IN THE CASE OF Z-11-14 FOR 325-121.A FENCES - TO DENY THE VARIANCE FOR THE HEIGHT OF THE FENCE BEING SIX FEET HIGH. SECONDED BY MR. SCHMIDT. MOTION UNANIMOUSLY CARRIED.**

**MR. PAPA MOVED IN THE CASE OF Z-11-14 FOR 325-114 MINIMUM PARKING SPACE REQUIREMENTS - TO ACCEPT THE VARIANCE TO ELIMINATE THE BUS LOADING AND PARENT DROP OFF SPACES. SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY CARRIED.**

**MS. CUNNINGHAM MOVED IN THE CASE OF Z-11-14 FOR 325-200.G.5 CONDITIONAL USE DESIGN AND 325-116.T.2 DESIGN STANDARDS - TO DENY THE VARIANCE REQUEST. SECONDED BY MR. PAPA. MOTION UNANIMOUSLY CARRIED.**

**MR. PAPA MOVED IN THE CASE OF Z-11-14 FOR 325-116.U DESIGN STANDARDS - TO GRANT THE VARIANCE REQUEST. SECONDED BY MS. CUNNINGHAM. MOTION CARRIED (1 ABSTENSION).**

## **5. ADJOURNMENT**

Chairman Achenbach adjourned the meeting at 8:38 PM.

Respectfully submitted,

Secretary

/ses