

**SPRINGETTSBURY TOWNSHIP
CONDITIONAL USE HEARING**

**FEBRUARY 28, 2024
APPROVED**

The Springettsbury Township Board of Supervisors held a Conditional Use Hearing on Wednesday, February 28, 2024 at 6:00 p.m. at the Municipal Complex, 1501 Mt. Zion Road, York PA in person and by Zoom.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak, Vice Chairman
Charles Wurster, Assistant Secretary/Treasurer
Don Bishop (via Zoom)
Bob Cox

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
James Sanders, Solicitor
John Luciani, Township Engineer
Randall Heilman, Community Development Director
Dori Bowders, Director of Administrative Operations
Nitza Sanchez-Bowser, Director of Human Resources
Todd King, Chief of Police
Angel Diaz, Human Resources Coordinator
Sue Sipe, Stenographer
Karen Brown, Court Stenographer

1. CALL TO ORDER

Chairman Swomley called the hearing to order and led the Pledge of Allegiance.

Chairman Swomley stated residents who have Standing in the case will be sworn in to provide testimony and/or cross examination. Other residents will have an opportunity for public comment at the end of the meeting, which will be limited to three minutes per individual. Depending on the duration of the meeting with testimony and public comment, the meeting may be continued for another time. Comments made by audience members during the meeting must be carried out in the lobby. There will be no placards, or verbal interruptions during the meeting.

2. NEW BUSINESS

A. CU-2023-0003 – Mount Zion Commons, LLC. – Intersection of Mt. Zion Road and East Market Street
Attorney Stacey MacNeal, Barley – Snyder
John McKenna

Solicitor Sanders stated the purpose of the meeting is for a Conditional Use Hearing for the Mt. Zion Commons project which is a zoning hearing for consideration only. Solicitor Sanders advised all residents who are requesting Standing will come forward and identify themselves and be vetted. A group swearing-in will be conducted for all witnesses. Following that, Solicitor Sanders will call upon Mr. Heilman, Director of Community Development to read into the record

all applications related to the most recent submission from the applicant and processes to be followed in terms of notifications.

Solicitor Sanders defined “Standing” to mean a resident believes they have been or will be impacted by the project, and believe they have legal rights to challenge the project, either at this hearing or upon appeal if allowed.

Residents Granted Standing Status

Marta Peck – 90 Jamison Drive

Ms. Peck wished to clarify for residents who wish to be considered as a party, they are not required to speak. The status is necessary if they want to question any individuals who are testifying on behalf of Mt. Zion Commons.

Ms. Peck was granted Standing.

Mark Gephard – Manor Management Corp. (Owner of Springetts Manor)

Att. MacNeal asked Mr. Gephard if he is representing Manor Management Corporation the entity that is on the deed for Springetts Manor Apartment, or if he is the Management Company for the owner of Springetts Manor Apartments.

Mr. Gephard stated he is the directly representing the owner.

Att. MacNeal stated per the tax record the owner is Springetts Manor LP

Mr. Gephard stated he is an officer of the company.

Mr. Gephard was granted Standing with objection from Att. MacNeal.

Lisa Dumps – 73 Mt. Zion Road

Ms. Dumps was granted Standing.

Carol Thibodeau 72 – Eisenhower Drive

Ms. Thibodeau was granted Standing.

Julie Frey – 92 Jamison Drive

Ms. Frey was granted Standing.

Ruthie McConnell – 58 Eisenhower Drive

Ms. McConnell was granted Standing.

David Lynch – 42 Mt. Zion Road

Mr. Lynch was granted Standing.

Priscilla Melhorn – 7 Bloomingdale Court

Ms. Melhorn was granted Standing.

Lisa Garlick – 58 Mt. Zion Road

Ms. Garlick was granted Standing.

Jonathan Stayer – 98 Eisenhower Drive

Mr. Stayer was granted Standing.

William Walker – 18 Mt. Zion Road

Mr. Walker was granted Standing.

All witnesses providing testimony were sworn in by Solicitor Sanders.

Mr. Heilman stated the application was received for the project on November 17, 2023. The Planning Commission reviewed the case at their January 18, 2024 meeting. He noted the applicant requested the meeting to be delayed from the December 21, 2023 meeting to be presented at the January meeting. The applicant provided all materials to the Board of Supervisors and the Planning Commission.

Mr. Heilman indicated the Conditional Use Hearing was originally scheduled for February 8 which was postponed and moved to the February 28 date, which was advertised both on February 14 and February 21, 2024 in the York Newspapers.

Mr. Heilman stated a comment letter was provided through the Planning Commission entitled the PC Conditional Use Summary as well as a letter from First Capital Engineering to the Planning Commission dated January 12, 2024. The case summary prepared by Mr. Heilman was provided for this evening's meeting and an additional letter submitted by First Capital Engineering dated February 21, 2024.

Att. MacNeal clarified she will be referencing some of the application materials previously provided to the Township, including:

- Design guidelines
- Application booklet provided on January 18, 2024
- PennDOT Scoping application
- Letter from TPD dated December 23, 2023
- Updated exhibits distributed to the Board

Att. MacNeal pointed out the exhibit packet includes:

- Applicants Exhibit 1.1 through 1.13 - tax maps of the subject properties
- Applicants Exhibit 2 – 2-page document showing existing photographs of the property with future renderings
- Applicants Exhibit 3 – updated color site rendering
- Applicants Exhibit 4 – updated gas line easement
- Applicants Exhibit 5 – alternate updated gas line easement
- Applicants Exhibit 6 – updated plaza plan
- Applicants Exhibit 7 – updated site plan
- Applicants Exhibit 8 – updated circulation plan

Att. MacNeal stated modifications made since the last submission addressed the minor outstanding comments from First Capital's most recent response letter, as well as ongoing conversations with Columbia Gas regarding their easement.

Att. MacNeal pointed out at the Planning Commission meeting in January the modification request for the flagpole height has been withdrawn. The proposed flagpole in the public plaza will meet ordinance requirements.

Att. MacNeal indicated they are requesting the Board to consider a potential modification from §325-203 related to the streetscape along Mt. Zion Road to allow the street trees and pedestrian lighting to be on the interior side of the sidewalk as opposed to having it between the sidewalk and the street. This is for purposes of coordination with the gas pipeline.

Att. MacNeal indicated other modifications being requested:

- Maximum building setback along East Market Street and Mt. Zion Road
- Gas canopy and fueling stations in the front yard
- Public entrances for apartment buildings 5 and 7, not facing the street
- Transparency, translucency calculation on building 2's East Market Street frontage
- Allowing parking in the front yard
- Modification of the parking lot interior landscaping
- Width of the access drives
- Traffic Impact Study
- Streetscape for Mt. Zion Road

Att. MacNeal acknowledged they are present for a conditional use application for the Town Center Overlay which is a design guideline in place in areas of the ordinance and governs how developments in those areas are designed and laid out. She noted the property is an underlying zoning of Mixed-Use and all uses being proposed are permitted uses.

Att. MacNeal called Mr. John McKenna as her first witness. Through testimony, Mr. McKenna provided the following information:

Mr. McKenna stated they have been successful in assembling all properties that make up the proposed town center corridor.

Mr. McKenna stated he is with Madison Development Group as the Director of Development. He has been developing commercial properties of this nature, size and caliber for over 26 years. He has been in the real estate business for 32 years. He stated this property is similar to developments facilitated in Montgomery County, Pennsylvania and Gloucester County, New Jersey.

App. Exhibit #1 – this property is at the intersection of Mt. Zion Road and East Market Street and is currently improved with a shed.

The owner of the property is an affiliate of Mt. Zion Commons, Madison Harrisburg.

East along to East Market Street, App. Exhibit 1.2 the property is the former Modenaire Motel consisting of approximately .9 acres. The existing condition of the property being over 60 years old has fallen into disrepair. Many of the units are antiquated with plumbing in disrepair.

Mr. McKenna identified the photographs in App. Exhibit 2 which show four views of the northeast corner of the Mt. Zion Road – East Market Street intersection.

He was aware there are people in the community who consider the property to have historical significance. They were contacted by the Lincoln Highway Association after acquiring it in July of 2023 and were asked to preserve certain elements and donate it. They represented to the Association they would be willing to donate certain parts of the motel, notably the historic sign that resides at that location. They also completed an in-depth search of all the properties of which none are on the national or local registry.

He noted 3319 East Market Street is under contract.

App. Exh. 1.4 shows 3321 East Market Street is also under contract, zoned Mixed-Use.

App. Exh. 1.5 shows 3323 East Market Street - the property currently has two structures on it, one is an older home in need of repair and the second structure is an old shed. The owner of the property is Mt. Zion Commons.

App. Exh. 1.6 – this property is improved with an older home and a shed. It needs a new roof, siding, plumbing and various other requirements. The owner is a contractor who utilizes the ground floor for offices with an apartment on the second and third floor. This property is under contract by Mt. Zion Commons.

App. Exh. 1.5 and 1.6 were previously not part of the initial Mt. Zion Commons project. There initially was an easement for a right-of-way, which they will dedicate to PennDOT to provide for safe means of ingress traveling westbound on East Market Street to enter the site. Most recently they were able to obtain a contract to purchase this property.

Mr. McKenna stated for purposes of continuity, integration and in keeping with the spirit of the Town Center Overlay design requirements, they are required to integrate to every property that resides within the Town Center corridor.

App. Exh. 1.7 shows the district gas building. Mr. McKenna stated they reached an agreement to acquire this property to integrate it into the development. He noted it is a tremendous undertaking at great expense. Redeveloping these parcels without the relocation of the line would be difficult. The line is at the end of its useful life and is over 60 years old.

App. Exh. 1.8 through 1.13 show additional properties further north along Mt. Zion Commons Road which are under contract to Mt. Zion Commons. Most of the structures have been inspected. There are two properties currently occupied. Several of the structures were being used as apartments.

The total acreage of the entire site is approximately 11.9 acres.

The neighborhood consists of non-conforming homes on the west side of Mt. Zion Road, zoned Neighborhood-Commercial. Across the street there are Commercial tenants.

The south of the site transitions into residential.

Directly to the north and east of the site is multi-family. Beyond that is Commercial-Industrial property.

App. Exh. 4 shows the revised Columbia Gas easement. Mr. McKenna stated in working with Columbia Gas the design team has developed a design that integrates with their current system. Over the last two weeks they installed a new 6-inch line along Mt. Zion Road and this line is the next to be addressed. Mr. McKenna explained how the line would be moved in working with Columbia Gas.

App. Exh. 3 – Updated color rendering of the proposed project – Mr. McKenna described the details of the project:

- Near the intersection there are two structures, the first is a building which is 5200 sq. ft. to contain a First Watch restaurant.
- The next space is approximately 1300 sq. ft. which will have a patio to be shared between those two units.
- The next building is a 2400 sq. ft Starbucks with drive-through.
- To the east, building #1 is free-standing WaWa with canopy, 5300 sq. ft.
- There are two four-story apartment buildings.
- On the northwest corner is the third apartment building.
- For the three apartment buildings they are proposing 170 units.
- Another freestanding building is intended to be a restaurant with a double drive-through.
- An area will be created as a public plaza which is 3,000 sq. ft. with decorative pavers, planters, benches, lighting and a flagpole. There will be a wall made from stone relocated from a right-of-way, 18 inches high. A dedication plaque will be placed in commemoration of the Bloomingdale estate.
- A community space will be available for the tenants of the multi-family structures in front of the larger apartment complex which is 4,000 sq. ft. This will either be an outdoor area or a community center housing a fitness area.
- Signage for the project consists of two monument signs proposed – one on Mt. Zion Road at the main entrance 18 ft. in height. The second monument sign

would be at the main entrance of East Market Street. The signs were included in the January guideline submission.

App. Exh. 6 shows a modified public plaza plan which Mr. McKenna noted shows:

- Decorative pavers with a raised 4 ft. wall with a stone relocated from East Market Street.
- Historic plaque commemorating the Bloomingdale estate.
- Three tree walls within that area and raised planters built in with benches.
- A bike rack will be placed in that location.
- The placement of the plaza is consistent with the ordinance requirements that it have visibility to the street and will be accessible to the public.
- Lighting for the public plaza includes decorative street lighting on both East Market Street and Mt. Zion Road. They will utilize those same light fixtures for continuity along those roads within the plaza.

Modifications requested for the site:

- Maximum setback along East Market Street - Building 7 meets the requirements but the WaWa and First Watch – Building 2 do not meet the requirements – Mr. McKenna explained the buildings were set further away from the street designed to be a focal point at the corner, close to the road without compromising access and circulation.
- Modification for the East Market Street end of Building 2 from the translucent requirements. The side of First Watch restaurant will meet the requirement with 25% glass. To create privacy for the patio, decorative walls are proposed which do not meet the requirement.
- Modification for front entrances on Buildings 5 and 7 – for purposes of orientation of the buildings and the general layout the entrance for Building 5 is proposed to face towards East Market Street. For Building 7 the entrance is proposed to face west.
- Modification for the gas canopy and fueling stations in the front yard - facing towards the street frontage provides tranquility for residents having that activity in the front.
- Modification for parking in the front yard and interior – there are approximately 490 parking spaces, the required number of spaces is 400. The way the site is integrated and connected, there are crosswalks throughout the development connecting all the uses. If there is need for additional parking for any of the uses, parking is available in each other’s respective lots.
- Modification to relocate various interior parking lot landscaping to help increase the efficiencies of the parking internal to the site.
- Modification for maximum access drive width.
- Modification for filing and providing the complete traffic impact study.

Mr. McKenna confirmed the modifications requested relating to this project serve the intended purposes and rules of the Town Center.

- These modifications will not result in the adverse impact to adjoining properties or future inhabitants.
- These modifications do not result in an increase in development densities.
- The modifications do not result in a decrease in public plaza space.
- The modifications requested reflect the minimal amount of relief necessary to assure compliance with the Town Center Overlay.

Mr. McKenna confirmed he provided a proposed agreement with the Township to enter into, if the project proceeds to a land development plan approval that would allow the public to use that designated public plaza space while it remains on private property.

Mr. McKenna referred to the image perspective produced by the architect from Warehaus, pointing out the elements of the site and noting the materials to be used for the storefronts with variations of parapet heights and breaks which meet the requirements of the Town Center design guidelines.

Another image shows the elevation of the two apartment buildings – one is 70 units on the eastern property line. They have provided a setback of approximately 35 ft.

A rendering of the WaWa with the canopy was shown.

A rendering northbound from East Market Street of the public plaza showing raised planters with the flowers and the flagpole which will be approximately 5 ft. above the tallest building. It also shows the decorative stone wall with the plaque and sitting area and benches. This will also have decorative trash enclosures.

Mr. Dvoryak asked a question about the public plaza as to whether there is a safety concern locating the public plaza close to two busy roads, i.e., Mt. Zion Road and East Market Street.

Mr. McKenna pulled up the plan, showing it is at least 18 ft. from the curb line closer to 20 ft. and there will be a slight upgrade. They felt it was important to have it open for access for residents. He pointed out if it were determined to be necessary, they could extend the wall, making a smaller opening.

Mr. Wurster asked if he has done any market feasibility studies for the apartments and retail shops proposed for the site.

Mr. McKenna stated they contacted other apartment companies. He noted the apartment portion of the development will be handled by another group and they have done feasibility studies which confirm there is significant demand from multi-family developers at this time.

Standing residents questions:

Marta Peck – 90 Jamison Drive

- She asked about assessed land values on the exhibit
Att. MacNeal indicated it was a public tax record – no explanation was offered

- Historic buildings – what about the Bloomingdale Building which is eligible for registration on the National Register of Historic Place?
Mr. McKenna explained they are prepared to hire a representative to document its past and properly recognize it in the local registry.

- Exhibit 3 – asked about the development density not increasing in the area – how is that calculated?
Att. MacNeal explained the question that was addressed to Mr. McKenna was whether the modifications impact on the development density on this site, to which the response was no, it is not related to existing density on other properties.

- In terms of the monument signs – what makes the buildings on this property a shopping center that would allow an 18 ft. sign?
Att. MacNeal stated this is a liberal interpretation of the ordinance and she noted it is consistent with prior interpretations of this term in Springettsbury Township.

- Referring to the public plaza, she asked to be shown how to access it via sidewalk.
Mr. McKenna pointed out the adjacent 12 ft sidewalk on the exhibit, with shrubs and decorative lights which will connect to Eisenhower Drive. He also noted there is an 8 ft. sidewalk along Mt. Zion Road which have locations into the property.

- She asked to clarify the height of the flagpole, which was noted to be 60 ft. – 5 ft. higher than the tallest building.

A 5-minute recess was taken.

Lisa Dumps – 73 Mt. Zion Road

- Questioned if a traffic study was done.
Att. MacNeal stated a traffic consultant was present who will be speaking to the traffic impact study and traffic scoping application.

- Referring to Mr. McKenna’s previous developments he mentioned, she asked if they were similar in use with apartment dwellings and gas station with canopies? If so, what was the feedback from the community?
Mr. McKenna indicated those projects from a traffic and access standpoint operate very efficiently.

- She asked about moving the gas pipeline which she understood would be an expensive undertaking, who will be paying for that?
Mr. McKenna stated the developer will be paying for that expenditure. No burden on taxpayers or gas customers.

Carol Thibodeau – 72 Eisenhower Drive

- Question about pedestrian walkways with no walkway next to the entrance ways for vehicles on East Market Street and Mt. Zion Road, is it possible to put sidewalks in that area?
Att. MacNeal stated part of the PennDOT design involved with the access drives will be the pedestrian crosswalks required in those areas with handicap accessible ramps, etc. as part of the PennDOT HOP design.
Mr. McKenna clarified the question is will there be a sidewalk down the main entrance, and he indicated no. The reason being it is not a safe place to direct. He pointed out the connections on Exhibit 3, noted possible sidewalk additions in that area.

Marta Peck – 90 Jamison Drive

- Question on Exhibit 3 – north of Building 7 and behind Building 6 what is the 5 ft. wide pedestrian access?
Att. MacNeal explained a request from staff was made to assure there was a 5 ft. break in two locations within the buffer landscaping so that if the adjoining property owner wanted to work cooperatively, there would be an ability to have accessibility for the residents from this multi-family development into this site.

David Lynch – 42 Mt. Zion Road

- Question regarding the surrounding residential area what kind of landscaping will be around the perimeter each side to provide privacy for the residents. Also questioned about the lighting as to whether it will be on 24/7.
Mr. McKenna referred to Exhibit 3 showing the location of the street trees. He noted there will also be a slight grade change with the parking lot which will be 6 ft. lower than the street. There will not be any parking in that location that would be facing the roadway.
It was noted on the exhibit farther down on the site with parking along the street, there is a low hedgerow of vegetation to help with screening on the inside of the sidewalk. On the east and north side of the site there is proposed dense vegetation along the boundary.
Mr. McKenna noted in regards the lighting plan it is part of the land development process with a detailed lighting plan submitted to the Township.

Carol Thibodeau – 72 Eisenhower Drive

- Question regarding the composition of the units for the apartments.
Mr. McKenna indicated the unit makeup will be approximately 50% 1-bedrooms and the balance will be 2-bedrooms with a small number of studios. A pricepoint has not been established yet. Parking spaces will be 1½ parking spaces per unit as determined by a parking analysis.

Att. MacNeal called Mr. Chris Riggle as her next witness. Through testimony, Mr. Riggle provided the following information:

Mr. Riggle stated he is a professional engineer with Colliers Engineering and Design, practicing for over 20 years.

He has prepared many of the site plans part of the exhibit packet and the applications submitted. As part of the prior submission, there was an officer rate performed on the existing conditions on the site, which shows all existing structures, utilities, easements, etc.

Applicant's Exh. 7 shows there is sufficient road frontage for the site to meet the zoning requirements in the Mixed-Use zone.

As identified in the zoning data provided in the guidelines packet, there are a total of 490 parking spaces, 400 are required.

Dumpster locations are shown on Exh. 7 for each of the uses, as necessary. The dumpsters will be enclosed within a decorative trash enclosure.

The maximum impervious coverage of the site under the Mixed-Use zone is 85%. The proposed impervious coverage is 70% which 21% of the site will be green, equivalent to 2½ acres.

Minimum setbacks, side yard setbacks and rear yard setbacks are being complied except for the modifications which are related to the maximum setback.

The full stormwater management report has not yet been completed. If the conditional use is approved, the project will move through preliminary and final land development plans. During that stage there is state and local permitting required to manage erosion and sedimentation controls, as well as post construction stormwater management. They are proposing a series of underground basins under the parking lot connected to each other and eventually discharged into the storm sewers in East Market Street.

Regarding the requirements for the streetscape along East Market Street, Mr. Riggle indicated a 12 ft. wide sidewalk is required which they are proposing with an 8 ft. planting strip. Along Mt. Zion Road is a 5 ft. sidewalk with a 5 ft. wide planting strip. Exhibit 3 shows the required street trees, street benches and pedestrian lights as required in the Town Center Overlay.

The pedestrian lights will meet the height requirements under the Town Center Overlay as shown in the design guidelines submitted to the Township. There is a minimum height of 10 ft. and a maximum of 12 ft. for the pedestrian lights along East Market Street. The

parking lot lights have a minimum of 15 ft. and the maximum is 18 ft. A photometric plan will be submitted during the subdivision and land development phase. An analysis at the property line will be conducted to assure there is no light spillage onto the adjacent residential properties.

There are multiple landscaping requirements for the site with an extensive bufferyard requirement. He identified the types of bushes and trees that would be used .

Referencing Exhibit 7 the updated site plan, Mr. Riggle identified the details that were added since the last submission made to address the comments by the Township engineer. This included the additional Radii; a radius was added to the plan. Also, an additional crosswalk added to the plan.

Exhibit 8 – on the updated traffic circulation plan he made a minor modification to address comments as well. Additional circulation was added to the plan to include fire truck circulation to access the buildings and circulation for delivery trucks to each of the uses.

Standing residents questions:

Marta Peck – 90 Jamison Drive

- She asked to clarify regarding setbacks, the issue was not the minimum setback but the maximum setback which would be 50 ft. and the request is for 186 ft. on East Market Street?
Mr. Riggle affirmed that is correct.
- She asked on Mt. Zion Road the maximum was 50 ft. but is the request is for 102 ft.?
Mr. Riggle stated they are asking for relief for that maximum yard setback.
- She asked regarding lighting, there would be no light spillage which means there would not be direct light shining in windows? What about illumination in the area?
Mr. Riggle clarified when they do a lighting analysis or photometric design, the light poles will be at the required height and they model it. They must determine if there is any light at ground level at the property line adjacent to the residential property and they would comply with the code section.
- She asked would that also address the issue of having the 5300 sq. ft. canopy over top of the 16 gas pumps that would be on 24 hours a day in the type of illumination or light spillage it would create in the area?
Mr. Riggle stated they will model that as well.
- Regarding the foliage buffer yard located between the apartment buildings and the residents who live in Springetts Apartments she questioned several the trees which grow

to a maximum 8-35 ft. which will not cover a four-story building. She also questioned deciduous trees which are without leaves for a portion of the year.

Mr. Riggle indicated he was not a landscape architect so was not aware of the timing of the trees. He noted they are complying with the requirements of the ordinance for the specific trees. Potentially they can determine changing some of the tree species.

Att. MacNeal called Mr. Craig Campbell as her next witness. Through testimony, Mr. Campbell provided the following information:

Mr. Campbell stated he has been employed by Warehaus for 29 years in architecture.

Mr. Campbell confirmed he oversaw and created the building elevations for the proposed buildings on site as noted on the design guidelines packet.

He is familiar with the architectural design guidelines in the Township's Town Center Overlay which are 25% of minimum glazing required on certain façade, also a distinct one-foot base of masonry around the buildings with articulation of the top of the roof every 30 ft.

He confirmed he designed Buildings 2, 3 and 4 and has shown them in compliance with those requirements. Also, the same materials will be used throughout the project.

Standing residents questions:

David Lynch – 42 Mt. Zion Road

- He asked if any of the apartments will have balconies?
Mr. Campbell responded no.

Marta Peck – 90 Jamison Drive

- She asked how do these integrate to the existing buildings within the area, since these appear to be different in appearance from other architecture in the area?

Mr. Campbell responded they are trying to use some of the stone aspect of the neighboring stone wall, and they must meet certain requirements for materials with energy for the exterior wall with the four-story building.

- She asked if there was any consideration to request waivers or modifications so the buildings could be more appropriately integrated into the existing build environment?
Mr. Campbell stated per the ordinance sloped roofs are not permitted so the buildings need to have a flat roof.

Att. MacNeal asked Mr. Campbell if it were fair to say that most of the housing and structures in the immediate vicinity are older housing stock and if building those homes today would they be built in the same architectural standard as currently exists?

Mr. Campbell responded no.

Carol Thibodeau – 72 Eisenhower Drive

- She asked if there would be elevators in the apartment buildings?
Mr. Campbell responded yes.

- She asked Mr. Riggle about the stormwater which he indicated would drain underground into large pools – does that mean there will be underground lakes which vehicles would park on top?
Mr. Riggle stated the stormwater would be enclosed with a manufactured pipe system with stone.

Att. MacNeal called Mr. Eric Mountz as her next witness. Through testimony, Mr. Mountz provided the following information:

Mr. Mountz stated he has been employed by Traffic Planning Design for 20 years and is currently serves as a regional leader within the transportation planning department. He is a registered professional engineer and holds certification from the Institute of Transportation Engineers as a professional traffic operations engineer.

Regarding the process to construct to gain access in the locations shown on the site plan, Mr. Mountz stated the subject development, and the access locations are to Mt. Zion Road and East Market Street which are both PennDOT owned roadways, which involves a specific process to gain approval for the proposed development to take access via those roads. This is a 3-step process with PennDOT to gain approval of the Highway Occupancy Permit.

First phase – filing a scoping application which sets the framework for preparing a detailed traffic impact study. The application is filed and there is a meeting with PennDOT with representatives from the Township and County Planning Department. The meeting concludes with an agreement on an overall scope of the traffic study.

Second phase – conduct a detailed traffic impact study which is prepared in accordance with the approved scoping application by his firm. It is then submitted to both PennDOT as well as copies provided to the Township and County for review. There are third party independent reviewers who represent both of those entities and complete their own reviews in accordance with their applicable regulations and standards to determine if the traffic from the development is adequately addressed and there are no adverse impacts. The study will ultimately document a set of roadway improvements to be implemented with the project.

Third phase – implementation of the design plans which go along with the approved recommendations from the study. Those design plans include all the details on the roadway geometry – traffic signals, right-of-way, stormwater design as it relates to PennDOT, improvements and sidewalks. Once all items are addressed by the stakeholders who were identified and everyone agrees that the traffic plans and study

follow the applicable regulations, PennDOT then issues the Highway Occupancy Permit which allows access to their roadways.

Mr. Mountz indicated this proposed project is in the first phase of the process which is the scoping application. They have been working through the scoping application for over a year. The initial application was based on the plan at the time in Spring of 2022. The scoping meeting was held with representatives of PennDOT, the Township and the County. They made revisions based on their feedback and comments received. There was a second submission with several remaining comments on the scope which they upgraded into a third submission which was approved by all parties for an advancement to preparation of the detailed traffic impact study. Through coordination with the Township and reviews on the site plan, further refinements were made since the initial approval of the scoping application. The intention is they would do one final revision of the scoping application based on the plan to move forward with land development. The plan would be set based upon input from this application. They would then be in the position if the scoping application would be approved, to be consistent with the plan that is going to be advanced as far as land development, they would use that to carry out the detailed traffic impact study.

Mr. Mountz indicated the reason why there is not a full traffic impact study for this hearing is due to the long process he described. Also, they would not want to carry out a full traffic impact study until the plan is set.

Mr. Mountz confirmed as part of the scoping application, they have already studied 10 intersections, including taking traffic counts.

Mr. Mountz indicated the scoping application that was approved by PennDOT was in May 2023 based on the plan at that time. The plan filed with the conditional use application has slightly different land use mixes and sizes, so for purposes of the Hearing a letter dated December 21, 2023 was provided which compares the traffic generation of those two different scenarios. The traffic generation approved by PennDOT was based on the prior plan and was compared to the traffic generation of the current plan to demonstrate the overall traffic generation between those two plans. This is to assure they are comparable, or the new plan is slightly less in what was ultimately approved. Consequently, if the plan is approved, they do not envision having to resubmit the scoping application, it would be refinement to match the current plan.

Mr. Mountz noted during the traffic impact study process, improvements to some of the studied intersections could be identified. Mr. Mountz stated in his professional opinion based on his experience with the identified improvements, traffic generated by this site can be handled in a safe and efficient manner with the road network that exists. He pointed out with the overall traffic process with completion of the traffic impact study and third-party reviews by the project stakeholders, the goal is to comply with the regulations such that it creates a safe and efficient roadway operations.

Mr. Dvoryak asked in regard to any improvements that would be required by PennDOT as part of this process who pays for those improvements?

Mr. Mountz stated the developer pays for the improvements.

Mr. Dvoryak asked regarding the statement made about not moving forward with the traffic impact study before the first step because of wasting resources, isn't there a risk that this Board would decline the waiver for the traffic impact study being waived which would affect resources?

Mr. Mountz affirmed there is a risk, however he noted this is the first step in an overall approval process for this development. As indicated, there will be numerous reviews required and they must acquire the HOP approval.

Att. MacNeal followed up noting there has been significant work to date, she asked Mr. Mountz how many hours would he estimate have gone into the work?

Mr. Mountz stated there have been 100s of hours of work done to this point.

Chairman Swomley asked if there is an estimate of the total cost of doing the Traffic Impact Study.

Mr. Mountz stated an estimate is \$50,000.

Standing residents questions:

David Lynch – 42 Mt. Zion Road

- Mr. Lynch stated it was his understanding there will not be any traffic lights added on Mt. Zion Road between East Market Street and Industrial Drive?
Mr. Mountz stated that was correct.
- He stated he heard at the Zoning Hearing Board meeting there would be a dedicated turn lane for southbound traffic on Mt. Zion Road to make a left into the center – is that correct?
Mr. Mountz stated that was correct.
- He referred to the island running from East Market Street up to the property line at 34 Mt. Zion Road and his house, 42 Mt. Zion Road, indicating from there northbound to Industrial Drive there is a center turning lane – will those islands be extended on each side to prevent residents on the west side from going north?
Mr. Mountz stated this was discussed during the scoping process and the intention is not to restrict any turning movements associated with any existing properties. Turning movements for individual properties will remain as they are today. The median would be modified with roadway widening to add the left turn lane in.

Marta Peck – 90 Jamison Drive

- She asked about the proposal to widen Mt. Zion Road from 7 to 8 lanes at the intersection and East Market Street from 5 to 6 lanes at the intersection.
Mr. Mountz stated the scope of improvements have not been completely identified. The conceptual discussions she referred to are related to each of the access points. The intention is for each of those respective access there would be dedicated turning lanes to serve movements for that driveway with separate lefts and/or right turn lanes approaching each on Mt. Zion Road. East Market Street has an existing center turn lane to serve left turning traffic. As explained by Mr. McKenna, the expectation is there would be widening on the northern side of East Market Street approaching the proposed driveway in order provide a separate right-hand turn.

- She asked what consideration was given to include or not include Eisenhower Drive.
Mr. Mountz stated the scoping application includes traffic generation and included detailed information on the routes of travel on where the traffic from the development would be oriented to and from. PennDOT has guidelines based on those distributions of how much traffic is traveling to and from a particular intersection and they decided based on their review of those study areas. The Eisenhower Drive intersection was not requested by PennDOT to be included.

- Ms. Peck commented referring to zoning ordinance §289-21 Traffic Impact Study and asked how critical intersections and driveways adjacent to or across from the site shall be identified. She noted Eisenhower Drive is the major ingress/egress for the 300 apartments behind the proposed development.

Carol Thibodeau – 72 Eisenhower Drive

- Questioned who the stakeholders were for the traffic study.
Mr. Mountz identified those as representatives of PennDOT, the Township and the York County Planning Commission

Att. MacNeal stated this concludes their case. She moved for the formal admission of Applicants Exhibits 1-8.

Standing witnesses:

Jonathan Stayer – 98 Eisenhower Drive

- Expressed concern regarding the ordinance related to the Town Center Overlay and the Mixed-Use district. He noted the Town Center Overlay states such modifications of design standards should not result in adverse impact to adjoining properties or to future inhabitants within the Town Center. He comments included:
 - How an asphalt desert topped by large boxes is not an adverse impact particularly since that is what he will be seeing from his back window and porch.
 - Absence of green space for recreation for people living in the apartments.

- Ease and availability of pedestrian walkability.
- He did not feel this was a good plan for the community.
- Plan does not address pollution concerns – adding more vehicles
- Water runoff into caverns underneath the parking lot with pollutants from vehicles washing into the storm sewers
- Noise pollution
- Lights – indirect lighting glare onto adjacent properties
- Referred to areas with vacant or under-utilized retail and commercial spaces which could be redeveloped
- The proposed apartment complex will be in York Suburban School District resulting in increased staffing at the school as well as a probable tax increase

Mark Gephart – Representative of Manor Management Corporation

- Mr. Gephart read a letter from the Manor Management Group addressed to the Board of Supervisors which indicated the Mt. Zion Commons project does not have a valid easement to connect to the Springetts Manor Apartments. MMG also expressed concern about flood damage to their apartment buildings from stormwater runoff resulting from paving which slopes towards their development.

Ruthie McConnell – 68 Eisenhower Drive

- Commented on excessive traffic concerns in the area, specifically with the proposed project.

Julie Frye – 92 Jamison Drive

- Stated her concerns with lack of green space, taking away the pleasant environment of the neighborhood, light pollution, with the feeling of being surrounded by apartment buildings facing their apartments with a sense of no privacy. She also was distressed by the proposal to demolish three historically significant properties.

Lisa Garlicke – 58 Mt. Zion Road

- Commented she and her husband are opposed to the Mt. Zion Commons being located at the corner of Mt. Zion Road and East Market Street. She believed there are other places in the Township with more room for development. There will be more traffic, noise and lights 24/7. The existing Springettsbury Apartments and the new 4-story apartment buildings will not be in a quiet private environment. The quality of life will be diminished. Traffic on the cross streets will cause difficulty for residents to move out into the traffic. She also mentioned the properties with historic value which will be swept away and forgotten.

Marta Peck – 90 Jamison Drive

- Commented on zoning changes which allowed 55 ft. tall buildings vs. 35 ft. to be put in with a convenience store, as well as gas pumps and a canopy. Also, to allow

drive-throughs for restaurants. She felt the neighborhood was abandoned based on commercial need. She commented on all the waivers requested which override zoning requirements. She voiced her concern about 79% of the land covered which will generate more heat.

Estelle Melhorn – 7 Bloomington Court

- Stated she has lived in Springettsbury Township for 55 years. She referenced several apartment complexes built in the area over the last few years. She commented she was opposed to the development.

Discussion was held as to continuing with the meeting due to the length of the hearing or end the session and continue it on another date. Att. MacNeal requested to continue since she determined the meeting could be concluded this evening.

Lisa Dumps – 73 Mt. Zion Road

- She commented about her garage which she had built to esthetically matched her house and blend with the surrounding neighborhood. She observed that the proposed apartment buildings are not designed to match. She was also opposed to having two four story buildings built. She commented about the difficulty accessing Mt. Zion Road, which will be more difficult with the new entrance. She pointed out she had to comply with Township requirements for her garage but appear to not be required by the developer. She commented the apartment buildings look very different from the surrounding area.

Carol Thibodeau – 72 Eisenhower Drive

- Lived in Springettsbury Township since 2018. Commented she liked living here and cared about the Township. She thanked the Planning Commission for consistently voting against Mt. Zion Commons and against the zoning changes that allowed for this proposal to be considered. She mentioned the traffic issues, lack of green space in the development, issues with lighting pollution, danger to pedestrians, disregard for the history of the Township and quality of life with neighbors.
- She proposed a Concerned Citizen Committee that works in collaboration with the developers and the supervisors to make Mt. Zion Commons the town center it deserves to be.

Att. McNeal provided her closing comments, noting this area which is zoned Mixed-Use with the Town Center Overlay has been an identified area for development and redevelopment for many years. Several developers have attempted it unsuccessfully, due to numerous challenges on the site, including the gas main, as well as access to the site and consolidation of properties. She indicated the current developer is the first to successfully consolidate all the properties zoned Mixed-Use in this Town Center Overlay, to be able to build one cohesive development on the site, as opposed to separate Town Center Overlay development on each of the existing 13 parcels of land. They believe given the unique constraints of the site the modifications are appropriate to the specific design standards. She indicated this is essentially the

same plan which was presented in May 2022. The main significant changes to the plan have resulted as additional parcels have been put under contract and the developer has worked with other property owners to provide one unified development as opposed to individual fragmented development.

PUBLIC COMMENT

The following residents offered comments indicating opposition to the project:

Tom Smoll – 160 South Royal St.

Antonette Orewick – 10 Eisenhower Drive

Phillip Cohen, Esq. – 402 Woodspring Lane

Ronald Rudisill – 119 Rockburn Street

Glenn Young – 3421 Stoneridge Road

Mel McConnell – 58 Eisenhower Drive

Chairman Swomley read a message from Pam and Rudy Kocman and the staff at Kocman Insurance Group – 10 North Mt. Zion Road and 3217 East Market Street, stating they are in favor of developing this corner subject to a favorable traffic environmental study, stormwater management and other issues as mandated by the Township.

Solicitor Sanders offered several options for a resolution to close out the hearing, with 45 days to issue a decision.

Chairman Swomley called for an Executive Session at 9:43 P.M.

The meeting reconvened at 9:51 P.M.

Chairman Swomley stated he appreciated the comments from the residents. After hearing all testimony from the applicant and from the public, he indicated the Board has additional questions internally for Staff. The Board's final deliberation and decision will be announced at either the March 14 or the March 27 Board of Supervisors meeting.

Chairman Swomley clarified the decision on the Applicant's proposal if approved, would only allow a developer to take the next steps to go to the land development process and proceed with traffic studies and the permitting process to move the project forward, which involves a lengthy period before the project would be underway.

**SPRINGETTSBURY TOWNSHIP
CONDITIONAL USE HEARING**

**FEBRUARY 28, 2024
APPROVED**

4. ADJOURNMENT

Chairman Swomley adjourned the hearing at 9:54 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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