

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
MARCH 3, 2022**

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chairman
David Seiler, Vice Chairman
Sande Cunningham, Secretary
Chris Shuttlesworth
Mark Bair
Stacey Ankrum, Alternate

ALSO IN

ATTENDANCE: Randall Heilman, Director of Community Development
Timothy Holmes, Zoning Officer
John Luciani, Deputy Zoning Officer
Gavin Markey, Solicitor
Abby Gibb, Communications Manager
Sue Sipe, Stenographer

1. CALL TO ORDER:

A. Pledge of Allegiance

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

2. INTRODUCTION OF NEW ZONING OFFICER

Chairman Achenbach introduced Timothy Holmes as the new Zoning Officer for Springettsbury Township.

3. ACTION ON THE MINUTES

A. FEBRUARY 3, 2022

MR. SEILER MOVED FOR APPROVAL OF THE FEBRUARY 3, 2022 ZONING HEARING BOARD MINUTES AS PRESENTED. MR. BAIR SECONDED. MOTION UNANIMOUSLY CARRIED.

Chairman Achenbach asked if the cases were properly advertised. Mr. Luciani responded that notifications had been made.

4. OLD BUSINESS

A. Case Zone-2021-0012 – 51 Jean Lo Way

MS. CUNNINGHAM MOVED TO CONTINUE CASE ZONE-2021-012 UNTIL THE APRIL 7, 2022 MEETING. SECONDED BY MR. SEILER. MOTION UNANIMOUSLY PASSED.

B. Case Zone-2021-0016 – Angelise Collazo – 2580 Eastern Blvd.

Mr. Luciani stated the applicant is requesting an appeal to the zoning officer's determination for seven conditions placed on the applicant's certificate of occupancy for a nightclub. He noted there was a presentation and the Board upheld the zoning officer's decision to classify the use as a nightclub. He noted several months ago the applicant filed an application to change to a retail facility to which conditions were applied by the zoning officer for the occupancy permit.

Solicitor Rausch

Katelyn Rohrbaugh, Attorney for the Applicant

Solicitor Rausch indicated this was an appeal from the issuance of an occupancy permit on which conditions have been placed. In discussions with the applicant and the Township, a joint stipulation agreement was produced to modify those conditions. The joint stipulation document was distributed to the Board and Solicitor Markey.

Solicitor Markey stated the document would be made an attachment to the formal written decision. He noted a fully executed stipulation was signed by both Attorney Rohrbaugh, Counsel for the applicant and Solicitor Rausch.

Solicitor Rausch verified the joint stipulation document was viewed by the Springettsbury Chief of Police.

Solicitor Markey stated the initial enforcement of the stipulation agreement would be by the Zoning Officer. Mr. Heilman concurred.

MR. SEILER MOVED TO RESOLVE THE APPLICANT'S APPEAL BASED UPON THE STIPULATED SETTLEMENT MADE BETWEEN THE APPLICANT AND THE TOWNSHIP. SAID STIPULATED SETTLEMENT WILL BE MADE AN EXHIBIT TO THE FORMAL WRITTEN DECISION OF THE ZONING HEARING BOARD. SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY PASSED.

C. Case Zone-2022-0001 – SAIA Motor Freight Line, LLC – 1550 Whiteford Road

Brian Clement, HF Lenz Company

Brett Rabe, SAIA

Witnesses were sworn in.

Mr. Luciani stated the applicant is requesting a variance to allow a truck terminal as a permitted use. The parcel is south of Route 30 on North Hills Road and was previously a truck terminal which has been

vacant for over a year. During that time PennDOT installed a concrete median strip at Rt. 30 extending to the railroad tracks on Industrial Highway, to prevent turning movements considered unsafe since it is a multi-section highway and a high probability for accidents at that location. This restricted the entrance to the property to one area. At the last meeting discussion was held regarding the truck movement in and out. The applicant was requested to provide turning exhibits and evaluate traffic considerations. Mr. Luciani noted although the applicant has been working on this and has resubmitted several exhibits, the issues have not yet been resolved.

Mr. Clement reiterated during their presentation last month, concerns were discussed. Subsequent to that meeting, he noted they met with Township staff, including Mr. Holmes, Mr. Heilman and Mr. Luciani. At that time, additional concerns were raised which included a layout perspective as well as an operational perspective.

In addressing the issue raised concerning the potential for truck traffic to continue to the east on 11th Street over to North Hills Road, Mr. Clement stated they formulated a plan as well as spoke with the operational people as well as Bretton Real Estate from SAIA as to who will be the operator. They had discussed operationally the way they are proposing the site to function they would use the 11th and Whiteford Road access to the site for inbound traffic. He illustrated the movements on the drawing. He indicated SAIA through their training process and data collection process, as well as their policing process, controls how the drivers access the site to assure access is in a manner consistent through SAIA operations as well as other conditions they attest to. He pointed out traffic control signs to be placed to reinforce their stipulations on the truck traffic movement.

Mr. Clement stated vehicles leaving the site would use the existing entrance on North Hills Road which is a right in, right out movement. All vehicles leaving the site either going eastbound or westbound would have to exit off North Hills Road and proceed south to Industrial Blvd. to the west to the next Route 30 interchange.

Mr. Clement stated operationally SAIA anticipated that maximum operation would be approximately 25 tractor-trailers per day over a 24-hour period. Due to the size of the operation and their delivery of LTL loads (less than load to loads) it is sporadic throughout the day. He noted they do not envision a peak time for those 25 vehicles entering the site at one time. He also noted SAIA does not anticipate they will have a full complement of 25 trucks for the foreseeable future, since they would be serving their existing client base from the site.

Mr. Clement indicated SAIA operates a technology platform which communicates directly with their drivers which will prevent a situation of two drivers entering the site in close proximity of each other by controlling their rate of access to the site. Mr. Clement stated there is a security procedure for trucks entering the facility. Operationally vehicles turning off Rt. 30 southbound on North Hills Road and turning right into the site would create a queuing issue as well as a turning movement issue, as well as trucks getting through the gate and checked in to the site. So the posted flag off Whiteford Road would allow multiple trucks to pull onto the site before going through the gate.

Chairman Achenbach referred to a letter received from the Springettsbury Chief of Police in which these issues were identified. He asked if those issues have been addressed and corrected. Mr. Clement stated they received those comments. One of the issues was in regards to vehicles turning onto the site and having to utilize the grass section of their property. He noted they anticipate as part of land development

improvements that area would be improved to accommodate truck traffic. The other issue is the queuing distance available turning from Rt. 30 to 11th Avenue before making the left-hand turn onto Whiteford Road. He pointed out on the exhibit they are not creating any back-up issues of tractor-trailers onto Rt. 30 as they pull up to the stop sign at the intersection of Whiteford Road and 11th Avenue and demonstrating there is a sufficient queuing distance along that section of Whiteford Road, in the event there is a truck parked there waiting for traffic to clear while another truck is pulling into the site. He noted best case scenario they would be able to queue one vehicle there.

Mr. Luciani pointed out on the exhibit the potential for other vehicles that may be waiting to make the left turn behind the tractor-trailer and there may not be room for that next car to cross over to 11th Avenue. He suggested the applicant possibly relocate the stop sign in another direction to improve traffic movement.

Mr. Luciani also noted in regards to a proposed land development plan, because there are no building improvements potentially on this site, it is probable the applicant could request an occupancy permit as opposed to a land development plan. He recommended as part of the use application these issues would need to be resolved before the next step of the occupancy permit. Mr. Heilman concurred with Mr. Luciani.

Mr. Clement asked if that holds true because of the turning movement which needs to be made into their site with additional improvements including radii improvement as well as widening the driveway.

Mr. Luciani stated modifications to the site would be allowed without the need for a land development plan.

Mr. Rabe stated there is a shop structure which is on the property to the east and they are planning to remove it and also will relocate the office closer to employee parking at a later date.

Mr. Rabe explained the trucks are carriers which are “LTL” – less than total load. There will be several different clients within a particular load at a time.

Mr. Rabe stated there are approximately 300 SAIA locations in Pennsylvania. He noted this site would service the local York area. He indicated the company has been in business for approximately 95 years.

In regards to technology, Mr. Rabe stated the average tractor-trailer is 4½ years old. There are driver facing cameras, forward facing cameras and sensors which registers braking, sharp turns, etc. which are recorded and reviewed by Corporate. He also noted their drivers are graded in pay compensation on MPG's. He noted they have a system which registers real-time updates on the driver's GPS which provides data on routes and monitors the drivers.

Mr. Rabe stated the facility will provide approximately 50 positions.

Mr. Bair noted having a background in logistics, trucking and warehousing, he was concerned about trucks leaving the site. He pointed out the existing traffic on the surrounding roads which he believed would cause massive traffic congestion.

Solicitor Markey recommended several suggestions to assist with a decision. He noted if the concerns expressed by Mr. Bair are shared by all board members, the burden of proof on the use variance is high and one of the aspects of granting a use that is not permitted in a given zone is to assure that public safety, health and welfare is not injured as a result of allowing the use type within a zone where it is not permitted.

Solicitor Markey indicated another option, since dealing with many traffic engineering issues, Director Heilman and Engineer Luciani work with the applicant's engineer to construct for presentation to the Board a series of conditions which could be placed on a potential approval that would ameliorate the concerns of the police chief, incorporating the exhibits of where the applicant is indicating ingress and egress will occur and perhaps stipulate as possible improvements and incorporate the transcript of testimony and all exhibits into the formal presentation. They could come back and provide those conditions they are willing to place on any potential approval for your consideration.

Chairman Achenbach suggested in preparation to determine truck movements for traffic flow, SAIA set up a model flow of trucks and flood the area to determine if their drivers experience problems which would make the project prohibitive.

Mr. Clement stated they have transportation engineering software than can be utilized to determine real-time data traffic counts to be used to prevent the traffic in that area.

Mr. Luciani mentioned the RV dealership on the next property is encroaching on their parcel. Mr. Rabe stated they have spoken to the RV dealership.

Mr. Rabe also noted SAIA currently services this market and have some data with market projections of where additional freight will come from. He indicated they employ local drivers.

Solicitor Markey recommended when the applicant comes back seeking approval or outcome resolution, a series of conditions are worked out between the Township and the applicant which are documented with attachments of the exhibit plans showing traffic flow and pattern. Then the Board can determine if those conditions ameliorate their concerns over the traffic. This will require the agreement of Director Heilman, Zoning Officer Holmes and Engineer Luciani before they are presented to the Board.

Mr. Clement stated they would like the opportunity to request a continuance to continue their dialogue with Township Staff with a goal of presenting a plan to the Board that would be deemed acceptable.

MS. CUNNINGHAM MOVED TO CONTINUE CASE ZONE-2022-0001 UNTIL THE APRIL 7, 2022 MEETING. SECONDED BY MR. SEILER. MOTION UNANIMOUSLY PASSED.

NEW BUSINESS

A. Case Zone-2022-0003 – Caterpillar Inc. – 800 Memory Lane

Steve Malloy, Turner Construction

Scott Turnbull (Zoom)

Michelle LaBarre (Zoom)

Michael Haywood, Designer (Zoom)

Witnesses were sworn in.

Mr. Luciani indicated the applicant is requesting a variance to allow two accessory structures – pump house and guard house to be in the front of the property. In accordance with S.325-134 accessory structures must be in the rear of the property. He noted Caterpillar leased the site and then bought it back and is currently making improvements, including updating the fire suppression systems. Mr. Luciani stated he and Mr. Heilman met with the applicant and discussed the violation that would occur to have the accessory structures in the front yard. He noted in discussing with the contractor and the consulting engineer, DuBarry, they indicated they are going to do a land development plan. Their proposal in the future is to have a ring road counterclockwise around the building and the doors in the back of the structure will be provided with load docks.

Mr. Turnbull stated the way they approached this is with two separate projects. In meeting with Mr. Luciani and Mr. Heilman at the site he did not have financial approval to move forward but now they do. He indicated they have their geotechnical report completed with drawings and they will be submitting it for a land development. At this time, they are proposing the fire pump house to segregate from the property across the street. The purpose of the pump house in this location is to intercept their fire suppression system and connect to the municipal water service. The other structure proposed is a new guard house located further north on the property which he pointed out on the site plan. He indicated currently truck traffic entering the facility can cause a back up on Memory Lane. The location of the new guard house will provide a loop going around the building which will prevent truck traffic from backing up on the street and will allow numerous trucks to queue up on the site.

Mr. Turnbull indicated since they repurchased the building York Water Company mandated the need for an independent fire suppression system and disconnect from the other property's fire pump.

Mr. Turnbull stated the accessory buildings will be constructed of brick and will be screened with landscaping.

Chairman Achenbach asked if there was anyone in attendance who wished to speak for or against the applicant. Hearing none he asked Solicitor Markey for input.

Solicitor Markey pointed out on the agenda the application is for special exception and should reflect a variance. He noted this is a dimensional variance request and not a use variance. With a dimensional variance there is a reduced burden of proof placed upon the applicant in order to obtain their approval. From a legal perspective he determined the applicant met their burden of proof for the approval of the variance.

Mr. Heilman confirmed the case was advertised correctly listed as variances.

Mr. Luciani referenced the three drawings, L-101, C-122 and C-101 which outline the request. Solicitor Markey indicated they will be entered into the record.

MR. BAIR MOVED IN THE CASE OF ZONE 2022-0003 THE VARIANCE BE GRANTED. SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY PASSED.

5. ADJOURNMENT

CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 7:26 P.M.

Respectfully submitted,

Secretary
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