

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MARCH 27, 2024
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Wednesday, March 27, 2024 at 7:00 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
Diana Young, Environmental Engineer
Jonathan Bean, First Capital Engineering
Dori Bowders, Director of Administrative Operations
Randall Heilman, Director of Community Development
Nitza Sanchez-Bowser, Human Resources Director
Denny Crabill, Director of Public Works
Todd King, Chief of Police
Angel Diaz, HR Coordinator
Sue Sipe, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the Regular Meeting to order and led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SWOMLEY Chairman Swomley announced there were no Executive Sessions since the last meeting.

3. COMMUNICATION FROM CITIZENS

SWOMLEY Chairman Swomley opened the floor to public comments regarding the Conditional Use meeting for the Mt. Zion Commons project, which will be discussed later in the meeting. He explained Conditional Use is the first part of a

lengthy process if approved. Conditions will be reviewed in detail during the process.

Jonathan Stayer - 98 Eisenhower Drive

Mr. Stayer requested the Board vote against the proposal for the Mt. Zion Commons, citing his reasons and reciting §325-28.B of the Town Center Overlay ordinance, as well as §325-35 the Mixed-Use District ordinance.

Marta Peck – 90 Jamison Drive

Ms. Peck voiced her objections to the Mt. Zion Commons project.

Carol Thibodeau – 72 Eisenhower Drive

Ms. Thibodeau provided her comments on the Mt. Zion Common project and urged the Board to not approve the project.

Brenda Small – 348 Edgewood Road

Ms. Small voiced her concerns about the traffic relating to the project.

Dakota Fauver – 245 Crystal Lane

Mr. Fauver indicated he supported mixed use for the proposed area and referred to increasing the walkability of the area and what is identified as a town center.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

YOUNG Ms. Young stated she had no updates to her report. She offered to answer any questions.

B. Civil Engineer – First Capital Engineering, Inc.

BEAN Mr. Bean stated there are no updates to the report. He offered to answer any questions.

5. CONSENT AGENDA

A. Acknowledge Receipt of February 29, 2024 Treasurer's Report

B. Board of Supervisors Mount Zion Commons Conditional Use Hearing Minutes - February 28, 2024

C. Board of Supervisors Shiny Shell Carwash Conditional Use Hearing Minutes - March 14, 2024

D. Board of Supervisors Regular Meeting Minutes - March 14, 2024

E. Regular Payables as Detailed in Payables Listing of March 27, 2024

- F. Approval of Real Estate Tax Refund Request for Tax Year 2023 - Peco Fast Food York LLC (Parcel #46000II0064) in the amount of \$100.49

MR. DVORYAK MOVED TO APPROVE ITEMS A THROUGH F ON THE CONSENT AGENDA. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Purchase 2024 JCB Model 35D 4x4CON 4x4 Teletruk from Stephenson JCB in an amount not to exceed \$99,980 (PA COSTARS Contract #4400028111)

CRABILL Mr. Crabill indicated the equipment purchase is necessary since they are having difficulty getting the current equipment inspected because parts are no longer available. The newly purchased Teletruk will have multiple uses. It was noted this is a budgeted purchase.

MR. WURSTER MOVED TO AUTHORIZE THE PURCHASE OF THE 2024 JCB MODEL 35D 4X4CON 4X4 TELETRUK FROM STEPHENSON JCB IN AN AMOUNT NOT TO EXCEED \$99,980 (PA COSTARS CONTRACT #4400028111). MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. CU-2023-0003 - Mount Zion Commons, LLC, Intersection of Mt. Zion Road and East Market Street

1. Application for a modification from Section 325-199(C)(2) of the TCO Zoning Ordinance – Front Yard Setback on East Market Street, maximum of 50 ft.

The Applicant is requesting a modification from Section 325-199. C(2) to provide requested relief to permit a front yard maximum setback of approximately 186 ft. along East Market Street.

MR. WURSTER MOVED TO APPROVE THE REQUEST TO ALLOW THE MAXIMUM FRONT YARD SETBACK TO BE 186 FT. ALONG EAST MARKET STREET FROM THE PROPOSED RIGHT-OF-WAY LINE TO PROVIDE FOR SUFFICIENT VEHICLE CIRCULATION AT THE CONVENIENCE STORE AND THE GASOLINE CANOPY. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

2. Application for a modification of Section 325-199 (F)(2) of the TCO Zoning

Ordinance – Front Yard Setback on Mt. Zion Road, maximum of 50 ft.

The Applicant is requesting a modification from Section 325-199.F(2) to permit a front yard maximum setback of approximately 144 ft. along Mount Zion Road.

MR. DVORYAK MOVED TO APPROVE THE REQUEST TO ALLOW THE MAXIMUM FRONT YARD SETBACK TO BE 144 FT. ALONG MT. ZION ROAD. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

3. Application for a modification of Section 325-199 (G)(1) of the TCO Zoning Ordinance – No Accessory Structures Shall be permitted in the Front Yard.

The Applicant is requesting a modification from Section 325-199.G(1) to allow an accessory structure within the front yard along East Market Street.

MR. WURSTER MOVED TO APPROVE THE REQUEST TO ALLOW FUELING STATIONS AND A CANOPY AS ACCESSORY STRUCTURES IN THE FRONT YARD ALONG EAST MARKET STREET, WITH THE FOLLOWING CONDITION:

- The fueling stations and canopy cannot impede traffic flow outlined in Applicant Exhibit 8.

MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

4. Application for a modification of Section 325-200 (G)(3) of the TCO Zoning Ordinance – Front and Side exterior walls of each principal structure shall each contain a minimum of 25% transparent and translucent materials on each story below the roofline.

The Applicant is requesting a modification from Section 325-200.G(3) to provide less than 25% transparent or translucent material on the East Market Street Side of Building 2.

MR. DVORYAK MOVED TO APPROVE THE REQUEST TO ALLOW FOR LESS THAN 25% TRANSPARENT OR TRANSLUCENT MATERIAL ON THE EAST MARKET SIDE OF BUILDING 2, AS POSITIONED ON APPLICANTS EXHIBIT 3. MR. WURSTER WAS SECOND.

Discussion:

Mr. Wurster commented as explained during the presentation by the developer, one of the tenants will have a screened in patio area which negates the need for the additional translucent material.

MOTION UNANIMOUSLY CARRIED.

5. Application for a modification of Section 325-200 (G)(5) of the TCO Zoning

Ordinance – Parking facilities shall be permitted only to the rear or side of the principal structure. No parking shall be permitted in the front yard.

The Applicant is requesting a modification from Section 325-200.G(5) to permit limited parking facilities in the front yard along Mount Zion Road and East Market Street.

MR. WURSTER MOVED TO APPROVE THE REQUEST TO ALLOW LIMITED PARKING FACILITIES IN THE FRONT YARD ALONG MT. ZION ROAD AND EAST MARKET STREET, AS OUTLINED IN APPLICANT EXHIBIT 5, SUBJECT TO THE FOLLOWING CONDITION:

- **The BOS reserves the right to revisit this requested modification during the SALDO process.**

MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. Application for a modification of Section 325-206 (A)(3)(a)(b) of the TCO Zoning Ordinance - Parking lot interior landscaping.

The Applicant is requesting a modification from Section 325-206.A(3)(a)(b) to allow it to plant the required interior parking lot landscaping trees in alternative locations throughout the site to maximize site parking.

MR. WURSTER MOVED TO APPROVE THE REQUEST TO ALLOW FOR INTERIOR PARKING LANDSCAPING IN ALTERNATIVE LOCATIONS THROUGHOUT THE SITE TO MAXIMIZE SITE PARKING AS OUTLINED IN APPLICANT EXHIBIT 3 WITH THE FOLLOWING CONDITIONS:

- **Landscaping in the interior parking lot must be done to mitigate the light impact and provide for optimal screening of the adjacent properties.**
- **Landscaping must comply within the applicable township ordinances, namely Section 325-61 “Landscaping and Screening”**
- **The BOS reserves the right to revisit this requested modification during any subsequent land use applications for the project.**

MR. BISHOP WAS SECOND.

Discussion:

Mr. Dvoryak indicated his concern that landscaping proposed would provide an adequate buffer. Chairman Swomley wanted to assure photometric requirements will be met. Solicitor Sanders stated as this is a specific modification request, following presentation of all modifications additional conditions can be addressed.

MOTION UNANIMOUSLY PASSED.

7. Application for a modification of Section 325-206 (B) of the TCO Zoning Ordinance - Access. Curb cuts and driveways for parking facilities shall be a maximum of 24

ft. wide for two-way and 16 ft. wide for one-way drives.

The Applicant is requesting a modification from Section 325-206.(B) to allow for access curb cuts of greater than 24 feet for two-way drives to be increased to approximately 36 feet to provide for sufficient interior lot circulation for delivery vehicles and fire service vehicles.

MR. DVORYAK MOVED TO APPROVE THE REQUEST TO ALLOW FOR ACCESS CURB CUTS OF GREATER THAN 24 FT. FOR TWO-WAY DRIVES TO BE INCREASED TO 36 FT. TO PROVIDE FOR SUFFICIENT INTERIOR LOT CIRCULATION FOR DELIVERY VEHICLES AND FIRE SERVICE VEHICLES, AS OUTLINED IN APPLICANT EXHIBIT 8, SUBJECT TO THE FOLLOWING CONDITION:

- **Crosswalks at the curb cuts must meet minimum standards outlined in the Township SALDO**

MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- 8. Application for a modification of Section 325-207 (C)(1)(l) of the TCO Zoning Ordinance - Traffic Evaluation Study in accordance with requirements set forth in the Township's SALDO.**

The applicant is requesting a modification from §325-207.(C)(1)(L) to allow a PennDOT scoping application instead of the required full traffic impact study (TIS).

MR. WURSTER MOVED TO APPROVE THE REQUEST TO PROVIDE FOR A PENNDOT APPROVED SCOPING APPLICATION INSTEAD OF A FULL TRAFFIC IMPACT STUDY AS IT RELATES ONLY TO THIS TOWNSHIP CENTER OVERLAY CONDITIONAL USE APPLICATION WITH THE FOLLOWING CONDITION:

- **The BOS reserves the right to request the developer submit a full traffic impact study in accordance with the requirements set forth in the Township's SALDO in any subsequent land development applications related to this project.**

MR. BISHOP WAS SECOND.

Discussion:

Mr. Cox commented the developer assured he would conduct a traffic impact study but wanted to assess that the conditional use would be approved before the study. Mr. Cox indicated he was okay with the wording of the motion.

Mr. Dvoryak also expressed his concern regarding the traffic study, noting they will not know the results of the study and what PennDOT will require. He indicated he was okay knowing the Board has the right to require it in the future.

MOTION UNANIMOUSLY CARRIED.

Additional conditions proposed by the Board Members:

MR. WURSTER MOVED TO REQUIRE THAT ANY LIGHTING INCORPORATED INTO THE PROJECT BE DONE TO MEET THE STANDARDS OF ALL APPLICABLE TOWNSHIP ORDINANCES, NAMELY SECTION 325-155, LIGHT AND GLARE, AND SECTION 325-200.(F), EXTERIOR LIGHTING. THE TOWNSHIP RESERVES THE RIGHT TO REVISIT THIS CONDITION DURING ANY FOLLOW-UP ON LAND USE APPLICATIONS FOR THIS PROJECT. SECONDED BY MR. BISHOP.

Discussion:

Mr. Dvoryak noted his concern the ordinance will not go far enough in this process, being aware there is an International Dark Sky Society which have standards to be met. He noted since they are reserving the right to revisit this condition, he was okay with the motion as presented.

Mr. Bishop indicated his concern as well, not knowing what the international dark sky standards are. He believed the subdivision and land development ordinance provides flexibility to require sufficient lighting and to assure the applicant understands and can design meeting those standards.

MOTION UNANIMOUSLY PASSED.

Chairman Swomley expressed concern about the public plaza wanting it to be more accessible for public use and moved somewhere more internal in the site.

Mr. Wurster also noted his concern about the proposed location of the plaza and felt it should be in a more centrally located area.

Mr. Dvoryak agreed and noted his concern about no play area for the children who will live in the apartment units. Mr. Dvoryak also questioned if the ordinance mandates recreational area.

Mr. Hodgkinson stated the ordinance requires a recreational area for public use but only for three-acre parcels or more unless they tie directly into an existing park, or the developer pays a fee in lieu of a park.

Mr. Bishop stated his concern that the public plaza as presented did not seem to meet the intent of language relating to the description of public plaza in the ordinance.

MR. WURSTER MOVED TO REQUEST THE DEVELOPER TO REVISIT THE LOCATION OF THE CURRENT PROPOSED PLAZA AND IN ADDITION TO CONSIDER CREATION OF AN ADDITIONAL CENTRALIZED PUBLIC PLAZA IN

**FUTURE LAND DEVELOPMENT APPLICATIONS RELATING TO THIS PROJECT.
SECONDED BY MR. COX.**

Discussion:

Mr. Bishop questioned the wording of “request” and “have the developer consider”. Chairman Swomley indicated the word “require” was used elsewhere. Solicitor Sanders clarified using the word “require” would mean a deliverable from the requirement. He noted they are reserving the right to look at the location and the ability to have it moved in a future land development application. Mr. Wurster stated his attempt was not to require, only to see if the developer can provide a solution, with the intent the Board reserves the right to approve any plan in a future land development. Mr. Bishop agreed with the clarification.

MOTION UNANIMOUSLY PASSED.

Chairman Swomley stated during the conditional use hearing the developer indicated connecting sidewalks to the perimeter of the properties, possibly through the landscaping at the location of the existing apartments. Solicitor Sanders stated as the developer goes through the land development application process, the Board can ask for those types of requirements to put in a sidewalk entrance onto their property for pedestrians. A six-month note would be appropriate.

Chairman Swomley brought up when East Market Street was initially widened a section between the Modernaire Motel and Eisenhour Drive was not widened and Market Street was lined so there was no shoulder on the south side from the intersection to make room for moving the highway over. He noted the developer suggested they would even it out to the originally planned cartway for Market Street. He indicated this is not shown on the drawing. The Board is asking for corrective widening at 3311 East Market Street on the eastern corner to the end of the property line, pending PennDOT approval.

MR. WURSTER MOVED TO REQUIRE THE DEVELOPER TO REALIGN THE NORTH SIDE OF EAST MARKET STREET IN ACCORDANCE WITH THE LAST PENNDOT WIDENING PLAN, PENDING PENNDOT APPROVAL. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY PASSED.

MR. DVORYAK MOVED TO REQUIRE THE DEVELOPER TO CREATE A CHILDREN’S RECREATION AREA AT OR NEAR THE APARTMENT BUILDINGS THAT IS SATISFACTORY TO THE TOWNSHIP. MR. BISHOP WAS SECOND.

Discussion:

Mr. Bishop commented he was in favor of the recreation area being separate from the public plaza.

MOTION UNANIMOUSLY PASSED.

MR. WURSTER MOVED TO APPROVE THE CONDITIONAL USE APPLICATION OF MT. ZION COMMONS LLC WITH THE MODIFICATIONS AND CONDITIONS AS JUST OUTLINED AND APPROVED (CASE CU-2023-0003). SECONDED BY MR. DVORYAK. MOTION UNANIMOUSLY PASSED.

8. COMMUNICATION FROM SUPERVISORS

BISHOP Mr. Bishop shared that he has observed several meetings of the Planning Commission and Zoning Hearing Board and as he reflects on the Township and number of individuals who make the Township work well, he felt the Board should consider taking a leadership role in recognizing and thanking all the people who donate their time and talents to making it a great Township. He suggested this proposal be added to a future agenda to discuss and determine a plan.

The Board Members agreed with the suggestion.

DVORYAK Mr. Dvoryak congratulated the Central York High School boys basketball team for becoming the first public school in York County to win a state championship. He also thanked the Springettsbury Police Department for the send-off they provided for the team members to go to the championship game.

9. COMMITTEE REPORTS

There were none.

10. SOLICITOR'S REPORT

SANDERS Solicitor Sanders stated he had nothing to report.

BISHOP Mr. Bishop indicated he noticed that YAUFRR has requested adoption of the International Fire Regulations and the other two municipalities have already adopted it. He asked what the next step in that process is.

SANDERS Solicitor Sanders stated he would obtain the answer and follow up with him after the meeting.

11. MANAGER'S REPORT

HODGKINSON Mr. Hodgkinson had no further report.

12. ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2024-32 - Amendment to Designated Depositories

MR. DVORYAK MOVED TO ADOPT RESOLUTION NO. 2024-32 – AMENDMENT TO DESIGNATED DEPOSITORIES. SECONDED BY MR. BISHOP. MOTION UNANIMOUSLY PASSED.

- B. Resolution No. 2024-33 - Support of Staffing for Adequate Fire and Emergency Response (SAFER) Program Grant

MR. BISHOP MOVED TO ADOPT RESOLUTION NO. 2024-33 – SUPPORT OF STAFFING FOR ADEQUATE FIRE AND EMERGENCY (SAFER) PROGRAM GRANT. SECONDED BY MR. COX. MOTION UNANIMOUSLY PASSED.

13. OLD BUSINESS

- A. Springettsbury Township Volunteer Fire Company – Bylaws Regarding Audit

BISHOP Mr. Bishop asked if there is a plan for moving the audit forward.

HODGKINSON Mr. Hodgkinson stated as he is researching the bylaws they mostly reflect when Springettsbury Township had their own fire department. He noted he will continue his investigation.

- B. Traffic Calming - Tenth Avenue, Eleventh Avenue and Whiteford Road – no report

SWOMLEY Chairman Swomley asked about the traffic situation with construction on Eberts Lane, and the situation with the bridge support beams.

HODGKINSON Mr. Hodgkinson stated it is going well. He noted the bridge support beams were expected to be delivered this week. He reported in early April they will re-install the temporary speed humps.

- C. Sidewalks - Eleventh Avenue and Whiteford Road – no report

- D. York Area United Fire and Rescue Governance – no report

- E. Springettsbury Township 2022-2026 Strategic Plan – a work session will be scheduled later in June.

13. NEW BUSINESS

There was none.

14. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:14 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary
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