

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**APRIL 27, 2023
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, April 27, 2023 at 7:00 p.m. at the offices of York Area Fire and Rescue located at 50 Commons Drive, York, PA in person and by Zoom.

MEMBERS IN

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

NOT PRESENT: Mark Swomley, Chairman

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
Charles Rausch, Solicitor
Diana Young, Environmental Engineer
John Luciani, Township Engineer
Dori Bowders, Director of Administrative Operations
Randall Heilman, Community Development Director
Dennis Crabill, Director of Public Works/WWT
Todd King, Chief of Police
Terry Hummel, Finance Director (via Zoom)
Tim Holmes, Zoning Officer (via Zoom)
Abby Gibb, Communications Manager
Sue Sipe, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

DVORYAK Vice Chairman Dvoryak called the Regular Meeting to order and led the Pledge of Allegiance.

RAUSCH Solicitor Rausch announced a quorum was present at the meeting.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

DVORYAK Vice Chairman Dvoryak announced there would not be an Executive Session this evening.

3. COMMUNICATION FROM CITIZENS

Tom Kearney, 51 Davidson Drive

KEARNEY Mr. Kearny stated he is a member of the Apiary Working Group and noted he is grateful to the Township, specifically Mr. Hodgkinson, Mr. Heilman, Mr. Holmes and Solicitor Rausch for their work to compose the draft ordinance for beekeeping.

5. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

YOUNG Ms. Young indicated she had no update to her report.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani provided an update regarding Davies Drive noting East Penn Railroad has completed the concrete crossing. Their subconsultant, Diamondback Signal will be next to mobilize along with the contractor.

WURSTER Mr. Wurster asked if there were barricades at the location of the Davies Drive site.

HODGKINSON Mr. Hodgkinson indicated the railroad company installed concrete barriers along with orange traffic barrels in front.

6. CONSENT AGENDA

- A. Acknowledge Receipt of March 31, 2023 Treasurer's Report
- B. Board of Supervisors Regular Meeting Minutes - March 23, 2023
- C. Board of Supervisors Regular Meeting Minutes - April 13, 2023
- D. Regular Payables as Detailed in Payable Listing of April 27, 2023
- E. CDM Smith, Inc. - Development of Comprehensive Plan and Updates to Zoning and Subdivision and Land Development Ordinances Project - Invoice #90175732 in an amount not to exceed \$14,838.22

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

7. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Award Traffic Signal Improvement Project to JVI Group, Inc. in a total amount not to exceed \$929,149.71

- 1) Memory Lane/Industrial Highway - \$453,424.54
- 2) Haines Road/Eastern Boulevard - \$475,725.17

HODGKINSON Mr. Hodgkinson indicated they received two ARLE Grants from PennDOT for both intersections to do a total reconstruction of the traffic signals in both of those locations. The ARLE Grants cover the costs except for \$500,000. The difference in the pricing is both grants were submitted 3-4 years ago and due to the pandemic, PennDOT halted all grant work. Consequently, when it was granted, pricing increased. Mr. Hodgkinson recommended using a portion of the ARPA Funds as the Township's share of the project.

MR. WURSTER MOVED TO AUTHORIZE AWARDING THE TRAFFIC SIGNAL IMPROVEMENT PROJECT TO JVI GROUP, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$929,149.71, SPLIT WITH MEMORY LANE/INDUSTRIAL HIGHWAY - \$453,424.54 AND HAINES ROAD/EASTERN BOULEVARD - \$475,725.17, WITH FUNDING OF ANY TOWNSHIP SHORTFALL WITH 100% ARPA FUNDS. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Authorization for Chairman and Township Manager to Execute DCED Local Share Grant Documents for \$28,500 Grant Award for Portable Playground Equipment

HODGKINSON Mr. Hodgkinson stated this grant award is for the portable playground equipment to be placed in the Fayfield Park until it is redone as part of the PennDOT I-83 widening, at which time it can be relocated to another park within the Township. He noted Solicitor Rausch has reviewed the documents and had no issues.

MR. WURSTER MOVED TO AUTHORIZE THE CHAIRMAN AND TOWNSHIP MANAGER TO EXECUTE DCED LOCAL SHARE GRANT DOCUMENTS FOR \$28,500 GRANT AWARD FOR PORTABLE PLAYGROUND EQUIPMENT. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- C. Authorization to Execute Contract with The Breneman Company for Renovations to Inline Hockey Rink Surface at Springettsbury Park in an amount not to exceed \$32,000 (COSTARS Contract #008-E22-781)

HODGKINSON Mr. Hodgkinson stated this is in the 2023 Capital Budget to resurface the inline hockey rink in Springettsbury Park.

MR. WURSTER MOVED TO AUTHORIZE THE TOWNSHIP MANAGER TO EXECUTE CONTRACT WITH THE BRENEMAN COMPANY FOR RENOVATIONS TO INLINE HOCKEY RINK SURFACE AT SPRINGETTSBURY PARK IN AN AMOUNT NOT TO EXCEED \$32,000. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- D. Authorization to Execute Contract with The Breneman Company to Resurface and Reline Basketball Courts at Springetts Oaks, Penn Oaks, Stonewood, Rockburn and Pleasureville Parks in a total amount not to exceed \$43,900 (COSTARS Contract #008-E22-781)

HODGKINSON Mr. Hodgkinson stated these are the neighborhood parks for the basketball courts which are budgeted within the 2023 Capital Improvements.

MR. WURSTER MOVED TO AUTHORIZE THE TOWNSHIP MANAGER TO EXECUTE CONTRACT WITH THE BRENEMAN COMPANY TO RESURFACE AND RELINE BASKETBALL COURTS AT SPRINGETTS OAKS, PENN OAKS, STONEWOOD, ROCKBURN AND PLEASUREVILLE PARKS IN A TOTAL AMOUNT NOT TO EXCEED \$43,900. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. SUBDIVISIONS AND LAND DEVELOPMENT

- A. Mount Zion Commons Update
Attorney Stacey McNeal
John McKenna

MACNEAL Att. MacNeal indicated Mr. McKenna has been working to solidify potential end users for the site to finalize the design for the project. She noted they submitted an informal Town Center conditional use application for review by Staff. She indicated the applicant also met with the Planning Commission for their review.

Att. MacNeal outlined items that have changed.

- To the east they acquired an additional ½ acre property which will provide the main access onto Market Street.
- They added the Columbia Gas parcel to relocate the district gas building to a property north of the site.
- On the northern part of the site the financial institution planned was removed.
- For the multi-family component, the “doughnut” shape building was removed. The present developer is proposing the two separate buildings with a total of 140 units.

Att. MacNeal pointed out alongside Mt. Zion Road will be a mixed-use commercial building 12,000 sq. ft., which is a mixture of restaurant without drive-through, restaurant with drive-through and regular retail, with a drive-through restaurant at the corner of Mt. Zion and East Market St. She noted south of that area is a proposed public plaza location.

Att. MacNeal stated their estimated time frame for submittal of the conditional use application is to submit in May to present to the Planning Commission at their June meeting, with a potential public hearing for the Board of Supervisors at the end of June.

Att. MacNeal indicated they have submitted a parking variance request to address parking for this type of mixed use shared facility development. She noted one of the discussions they had with Staff, is if the Township was in a different position relating to the zoning ordinance as it is being evaluated in the comprehensive planning. This would be specifically related to shared parking calculations. She noted the reason for the request is they are contemplating a reduction in parking for the site. She noted currently the ordinance requires 499 parking spaces for this site and they are proposing approximately 395 spaces. This is focused on the multi-family component and the component for restaurants with drive-throughs. She pointed out the ordinance requires for any dwelling units requires two parking spaces. They believe in this context that 1½ parking spaces per dwelling unit would be appropriate. She indicated their multi-family developer Inch and Company has indicated they have a multi-family project in Mt. Wolf in construction and are using the 1½ parking spaces per dwelling unit and it is the same size apartments with the same mix of 1- and 2-bedroom units. She noted they also used those parameters in a complex in Marietta and determined there are more than sufficient parking on site.

Att. MacNeal provided an overview of the ordinance requirements in the example of restaurants with drive-throughs. She noted they have developed the two drive-through restaurants proposed to maximize the drive-through space queuing area and limit the actual parking spaces based on what their end users are requesting. She reviewed ITE peak hour calculations for parking spaces. She noted they have indicated if all these uses had peak hours at the same time, the ITE would indicate 329 parking spaces would be needed for a Saturday, and 377 during peak hours on a weekday.

Att. MacNeal stated part of the plan is to develop a walkable community with pedestrian connectivity.

Discussion was held regarding concerns with the developer's parking space proposal. It was noted the total square footage for the multi-family units is approximately the same as the previous plan on the ground, but the vertical is for four stories with 140 proposed units.

Att. MacNeal indicated they will have full turning access on East Market Street and three-quarters access onto Mt. Zion, resulting in a right out, a right in and a left in. They have been through scoping with PennDOT and have submitted a

traffic impact study and received comments. A center turn lane on East Market Street provides for approximately 200 ft. traveling eastbound.

Att. MacNeal pointed out they are not envisioning assigned parking spaces on the site; they will all be shared spaces.

A question was asked if the apartments will face in both directions to enable the parking on each side to be utilized with direct access into the apartments. Mr. McKenna indicated there will be an entrance on either side of the apartments for both Units 4 and 5. Both buildings will have an elevator.

Att. MacNeal stated their intent is to request from the Board consideration of sending a staff representative to the Zoning Hearing Board to indicate support for their parking variance.

HEILMAN Mr. Heilman stated they have received the zoning variance request and it was discussed at the staff level with the Planning Commission having an opportunity to make comment. He indicated to the Planning Commission this type of shared parking situation has worked in other places. He noted the Planning Commission would like to see this utilized to promote a pedestrian walking environment.

MCKENNA Discussion was held regarding a scenario if it was determined the parking spaces proposed turned out to not be sufficient for the resident population. Mr. McKenna indicated if there was an issue with parking, they would institute with the new residents signing a lease a restrictive covenant to allow only one vehicle.

Mr. McKenna indicated in anticipation of the Zoning Hearing Board meeting they will be collecting data from other municipalities and other mixed-use developments built in the last 5-10 years to provide testimony as to the operational efficiencies of similar projects outside the Township.

WURSTER Mr. Wurster indicated in hearing the national standards have moved to a lower parking ratio for multi-family/commercial site, he would be in support of the concept of using the reduced parking ratio variance.

COX Mr. Cox stated he was not yet comfortable supporting the amendment with the proposal of 1½ parking spaces, noting his concern as to whether it would be sufficient for apartment users, specifically for two-bedroom unit users who could potentially have 2-3 cars.

BISHOP Mr. Bishop stated he agreed with Mr. Wurster and the Board should direct the Township Manager to make sure the wishes of the Board of Supervisors to support the variance be made clear at the Zoning Hearing Board meeting.

DVORYAK Mr. Dvoryak indicated while he was not opposed to the concept of reducing the parking spaces, he was reluctant to advocate his support without further data. Mr. Dvoryak agreed this topic should be included as part of the Comprehensive Plan review to determine possible changes.

MACNEAL Att. MacNeal responded to a public comment about installing a pedestrian connection to the multi-family building to the east. She noted there is an intent to install a pedestrian connection into that location.

9. COMMUNICATION FROM SUPERVISORS

WURSTER Mr. Wurster provided an update of the results at his attendance at the Pennsylvania State Association of Township Supervisors annual conference held this week. He noted the resolutions followed along the guidance provided by the Resolution Committee and most were approved as recommended. Several were rejected – there was an effort by the delegation from Bucks County through townships with population over 10,000 persons, to try to put restrictions and additional requirements with 100 day waiting periods, as well as requirements for townships or municipal authorities to notify all customers by mail of the intent to sell a municipal asset. He indicated the Floor voted down many of those restrictions. The other item was a resolution to authorize municipalities to enact ordinances regulating the land application of bio-solids. He noted the Floor voted this down. He noted they re-elected officers for additional terms. He also attended numerous training sessions – specifically one on emergency management use of commercial drones.

10. COMMITTEE REPORTS

There were none.

11. SOLICITOR'S REPORT

A. Beekeeping Ordinance Discussion

RAUSCH Solicitor Rausch stated he provided to the Board the draft beekeeping ordinance which was an amalgam of the model beekeeping ordinance with staff comments and comments from the working group. He noted the model ordinance is from the Pennsylvania State Beekeepers Association. He noted he highlighted a few remaining outstanding issues concerning whether the apiaries/hives should be in

the front yard. The model ordinance indicates a 100 ft. setback. He noted the working group would like to allow them in the front yard with 30-foot setback, with a beehive not allowed to be located within 10 ft. of a residential entrance way.

Solicitor Rausch indicated the other issue is the high density which the model ordinance indicates for the first 2000 sq. ft. two hives and for every additional 2000 sq. ft. of lot area two additional hives are permitted. Solicitor Rausch reviewed the recommended restrictions based on acreage. He pointed out the ordinance will be taken out of the zoning ordinance which will necessitate amending the definition of agriculture to delete apiaries, resulting in a stand-alone ordinance in the Code of Ordinances. This will provide for apiaries being allowed anywhere in the Township if they meet the regulations.

Discussion was held as to whether beekeeping would be considered as a hobby or a business.

Chris Smith, President York County Beekeepers

SMITH Mr. Smith stated 1 to 20 hives is considered a hobbyist. 20 to 80 is a sideliner – someone who has a full-time job and does beekeeping on the side. He noted above 80 hives tends to be more of a commercial business.

Mr. Smith stated one of the reasons for having numerous hives is because of annual loss over the winter. He noted currently there is a higher loss ratio than in the past.

Mr. Smith stated one of his reasons for beekeeping is for pollination of their 20x60 garden. He noted he sells raw honey and harvested 700 lbs. of honey in the past year from 32 hives.

Mr. Smith explained the rationale for having beehives in the front yard, which he explained has to do with sun exposure. If the backyard is shaded it will affect the bees, which need sufficient sun to be effective.

Discussion was held concerning children and adults wandering into a yard with beehives and develops a medical issue if getting stung by a bee.

Mr. Smith explained the bees are not aggressive but are very docile. He stated that would have to be a very specific scenario to have that happen. He advocated discussion would need to be held with neighbors if contemplating beehives.

David Kaley - Member of the Apiary Working Group

KALEY Mr. Kaley noted he previously presented to the Board last year. He noted they have hives in front of their house. They have three young children and have experienced any safety concerns with the bees. He also indicated the bees are docile and present no problem with people in the vicinity of their hives. He noted they have support from their neighbors who enjoy seeing the bees and have had no complaints. He addressed the setback issues, noting the 100 ft. setback for agricultural is sensible since that would mainly be a commercial business. For residential where there is a higher limit it makes sense and they collectively agreed to have them upfront since they do not foresee any problems. He confirmed the 30 ft. setback is appropriate for residential areas.

Tom Kearney – 51 Davidson Drive

KEARNEY Mr. Kearney offered comment on the bees' activity from his research noting the bees do not come out of the hive when temperatures are below the mid-40's.

SMITH Mr. Smith explained the activity which occurs with the bees during cold weather as the bees' cluster together.

MR. WURSTER MOVED TO APPROVE THE BEEKEEPING ORDINANCE WITH ALL THE APIARY WORKING GROUPS RECOMMENDATIONS AND PROCEEDING WITH THE ADVERTISING PROCESS. MR. COX SECONDED. MOTION PASSED 3-1 (WURSTER, COX AND BISHOP, AYE – DVORYAK, NAY).

12. MANAGER'S REPORT

HODGKINSON Mr. Hodgkinson had nothing to add to his report.

BISHOP Mr. Bishop asked if the Comprehensive Plan Steering Committee are held virtually.

HODGKINSON Mr. Hodgkinson explained the first meeting was held in person. The next meeting scheduled for Tuesday; May 2, 2023 is a virtual meeting.

BISHOP Mr. Bishop commented on the Zoning Hearing Board sign request for 3430 Eastern Blvd. He noted the sign requests do not appear to have a hardship being remedied.

HODGKINSON Mr. Hodgkinson stated the zoning officer will send out the materials to the Zoning Hearing Board for the next meeting and he will forward the email to the Board of Supervisors.

WURSTER Mr. Wurster asked about placing the materials on the Novus system for access by the Board.

BOWDERS Ms. Bowders stated NovusAgenda is solely for the Board of Supervisors meetings, however, could inquire to see if anything could be set up for the Board to review the zoning materials. If not, the materials would be sent to the Board via email.

HODGKINSON Mr. Hodgkinson provided an update on the meeting held with the residents from the neighborhoods of Tenth and Eleventh Avenue and Whiteford Road regarding the bridge closures. The decision was made to not keep Eberts Lane bridge closed when North Sherman Street is closed. He noted the speed humps and one-way signage will be added.

13. ORDINANCES AND RESOLUTIONS

There was none.

14. OLD BUSINESS

- A. Traffic Calming - Tenth Avenue, Eleventh Avenue and Whiteford Road – no report.
- B. Sidewalks - Eleventh Avenue and Whiteford Road – no report.
- C. American Rescue Plan – no report.
- D. York Area United Fire and Rescue Governance – no report
- E. Springettsbury Township 2022-2026 Strategic Plan- no report

15. NEW BUSINESS

There was none.

16. ADJOURNMENT

DVORYAK Vice Chairman Dvoryak adjourned the meeting at 8:39 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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