

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MAY 12, 2022
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, May 12, 2022 at 7 p.m. at the offices of York Area Fire and Rescue located at 50 Commons Drive, York, PA in person and by Zoom technology.

MEMBERS IN

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

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
Charles Rausch, Solicitor
Shane Rohrbaugh, Solicitor
John Luciani, Civil Engineer
Diana Young, Environmental Engineer
Dori Bowders, Director of Administrative Operations
Randall Heilman, Director of Community Development
Teresa Hummel, Director of Finance
Nitza Sanchez-Bowser, Director of HR (via Zoom)
Daniel Hoff, YAUFRR Chief
Todd King, Chief of Police
Abby Gibb, Communications Manager
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 no Executive Session was held since the last meeting.

3. COMMUNICATION FROM CITIZENS

There were none.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

YOUNG Ms. Young indicated there were no changes to her submitted report. She offered to answer any questions.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani reported the Pleasantrees development which has been ongoing for many years, has been finalized.

Mr. Luciani also reported the East Penn Railroad received approval from the Public Utility Commission and on Monday they are having a coordination meeting with the public works manager and traffic personnel to discuss the Davies Drive project and the schedule moving forward.

5. CONSENT AGENDA

- A. Board of Supervisors Conditional Use Hearing Minutes - April 14, 2022
- B. Board of Supervisors Regular Meeting Minutes - April 14, 2022
- C. Regular Payables as Detailed in Payable Listing of May 12, 2022
- D. Uhrig Construction, Inc. - Springettsbury Township Building Renovation and Expansion Project - Change Order No. CO-08-G in a CREDIT amount of \$63,450.41
- E. MidState Mechanical & Electrical, LLC - Springettsbury Township Building Renovation and Expansion Project - Change Order No. CO-06-E in an amount not to exceed \$30,407.01
- F. MidState Mechanical & Electrical, LLC - Springettsbury Township Building Renovation and Expansion Project - Application for Payment No. 10 in an amount not to exceed \$178,066.02
- G. Jay R. Reynolds, Inc. - Springettsbury Township Building Renovation and Expansion Project - Application for Payment No. 8 in an amount not to exceed \$91,037.65

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

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Buchart Horn Architects - Springettsbury Township Building Renovation and Expansion Project - Additional Service Request/Time Extension in an amount not to exceed \$209,200.

HODGKINSON Mr. Hodgkinson stated this dates back to early in the project and because of product and material delays they granted a time extension to the contracts, and at the time they did not engage Buchart-Horn. Now they are at the point where the original scope of services is running out and this contract will continue to the end of the project with the services of Buchart-Horn. Their services are broken into two main items – project management and administration approximately \$50,000 of the total amount which is a lump sum. The majority of the \$209,200 is field inspection which is \$160,000, and if it is not needed, the Township will not be billed for it.

MR. BISHOP MOVED TO AUTHORIZE THE ADDITIONAL SERVICE REQUEST FROM BUCHART-HORN IN THE AMOUNT OF \$209,200. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Authorization to Execute Agreement with TK Elevator Corporation to Modernize Elevator System in Township Administration Building in an amount not to exceed \$62,104.20.

HODGKINSON Mr. Hodgkinson stated this was an unforeseen expense. When they were doing the design of the project, he was not aware until construction the main power to the building was terminated resulting in the elevator needing to be reprogrammed. Then it was discovered parts could not be obtained. This agreement will bring the elevator up to current standards including line safety.

MR. DVORYAK MOVED TO AUTHORIZE EXECUTING THE AGREEMENT WITH TK ELEVATOR CORPORATION TO MODERNIZE THE ELEVATOR SYSTEM IN THE TOWNSHIP ADMINISTRATION BUILDING IN AN AMOUNT NOT TO EXCEED \$62,104.20. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

HODGKINSON Mr. Hodgkinson stated although this is an unbudgeted item there are funds in the capital budget for this expense.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. SD-2021-0014 - Christopher A. & Angela M. Ferro, 709 and 711 Witmer Road Lee Faircloth, Gordon Brown Associates

FAIRCLOTH Mr. Faircloth stated Mr. Ferro owns two adjacent properties which are back-to-back. Mr. Ferro is proposing to transfer land from one parcel adding to the other parcel. Both lots are accessed by a private drive which extends off Witmer Road. When Mr. Ferro built the house at 711 Witmer Road, the sewer was extended to serve his residence. The other property has an on-lot sewage disposal system. Mr. Ferro granted a sanitary sewer easement for the sewer to extend across these two properties for a future connection to other properties which lie to the south. He noted the applicant has been working with Staff to develop the easement.

HEILMAN Mr. Heilman stated there is one waiver request for a minor subdivision plan summary and the conditions for approval are all administrative. He noted Mr. Faircloth provided the plans for the Board. Mr. Heilman stated the comments have been addressed.

It was noted the sewer easement agreement was delineated on the plan and Mr. Faircloth provided the deeds to be recorded which will reflect the easement.

MR. WURSTER MOVED WITH REGARD TO SD-2021-0014 CHRISTOPHER A. AND ANGELA M. FERRO TO RECOMMEND APPROVAL OF THE REQUESTED WAIVER §289-14 – MINOR SUBDIVISION. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

MR. WURSTER MOVED WITH REGARD TO SD-2021-0014 FINAL SUBDIVISION PLAN FOR CHRISTOPHER A. AND ANGELA M. FERRO TO RECOMMEND APPROVAL OF THE PLAN SUBMITTED AS THE FINAL PLAN WITH THE FOLLOWING CONDITIONS:

- **§ 289-11.B(5): NAME, SEAL, AND SIGNATURE OF THE REGISTERED SURVEYOR RESPONSIBLE FOR ANY PROPERTY LINE OR MONUMENT LOCATION ON ALL SUBDIVISION PLANS AND/OR NAME AND SIGNATURE OF REGISTERED PROFESSIONAL ENGINEER AS REQUIRED BY PENNSYLVANIA STATUTE.**
- **§ 289-11.B(22): LOTS WITHIN THE LAND DEVELOPMENT SHALL BE NUMBERED AND SHOWN A PARCEL IDENTIFICATION TABLE AS SHOWN BELOW.**
- **§ 289-11.B(27): A NOTARIZED STATEMENT TO THE EFFECT THAT THE APPLICANT IS THE OWNER OF THE LAND PROPOSED TO BE DEVELOPED AND THAT THE LAND DEVELOPMENT SHOWN ON THE PRELIMINARY PLAN IS MADE WITH HIS OR THEIR FREE CONSENT.**
- **§ 289-11.C(2): ENVIRONMENTAL IMPACT STUDIES IN ACCORDANCE WITH ARTICLE FOR ALL SUBDIVISION AND LAND DEVELOPMENTS UNLESS WAIVED BY THE BOARD OF SUPERVISORS.**

MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. CU-2022-0002 - Panda Express Chinese Kitchen, 2510 East Market Street

Discussion was held regarding drive-throughs are not permitted in the mixed-use zone. It was noted the applicant would need to apply to the Zoning Hearing Board regarding a special exception for the drive through. It was recommended

to table the Conditional Use until it has been presented to the Zoning Hearing Board.

LE Mr. Le expressed concern about the timing of the approvals to meet his client's time frames with the seller.

SWOMLEY Chairman Swomley reiterated the timeline for the conditional use approval:

- Prepare the submission for the drive-through for the July 7 Zoning Hearing Board
- Go through a parallel track with land development through the Planning Commission
- Approve the waivers with the condition
- Return to the Board of Supervisors July 28 for final plan approval

MR. WURSTER MOVED WITH REGARD TO CU-2022-0002 -FCE# 173-55 TO APPROVE THE CONDITIONAL USE, CONDITIONED UPON THE ZONING HEARING BOARD APPROVAL FOR THE DRIVE-THROUGH. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. CU-2022-0003 - Five Guys Burgers and Fries, 1125 Haines Road
William Latta, GPD Group

LATTA Mr. Latta stated a recalculation of the square footage revealed an error in which the building is 2654 sq. ft., requiring 27 parking spaces. He indicated if the requirement for parking in front of the building was waived, they could add three spaces. If they realign the dumpster area, they can potentially add three additional spaces. This would result in the 28 parking spaces.

Waivers:

- §289-10 Preliminary Plans
- §289-11 Preliminary Plan; Specifications
- §289-12A(2)(f) Final Plans; Procedures – Traffic Impact Study
- §289-12A(5) Final Plans; Specifications – Provide plans to PennDOT, York County Conservation District and all affected utilities
- §289-13B Miscellaneous Engineering Specifications
- §289-15 Environmental Impact Studies
- **Article 25-325-114 Parking facilities required by land use (removed)**
- §325-207.C1L - Town Center Overlay Traffic Evaluation Study
- §325-200.G(5) - Parking facilities shall be permitted only to the rear or side of the principal structures. No parking shall be permitted in the front yard.
- §325-200.K - Storage, parking and/or display of vehicles in the front yard setback shall be prohibited.

MR. WURSTER MOVED WITH REGARD TO CU-2022-0003-FCE#000-000 FIVE GUYS BURGERS AND FRIES TO CONDITION THE REVISED PLAN ON SHOWING THE BUILDING SQUARE FOOTAGE AS 2654 SQ. FT. AND SUBJECT TO THE APPROVAL OF NINE WAIVERS OF CONDITIONAL USE IN THE SITE MASTER PLAN AS LISTED ABOVE REMOVING ARTICLE 25-325-114 AND ADDING §325-200.G(5) AND §325-200.K. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

MR. WURSTER MOVED WITH REGARD TO CU-2022-0003 -FCE# 000-000 FIVE GUYS BURGERS AND FRIES TO APPROVE THE CONDITIONAL USE AND SITE MASTER PLAN SUBJECT TO AMENDMENT TO THE BUILDING SQUARE FOOTAGE TO 2,654 SQ. FT. AND SUBJECT TO THE CONDITIONS LISTED ABOVE BEING SATISFACTORILY RESOLVED WITH TOWNSHIP STAFF. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- D. Discussion - Mount Zion Commons, LLC - Town Center Redevelopment
Attorney Stacey MacNeal, Barley, Snyder
John McKenna, Director of Development for Madison Development Group
Craig Campbell, Warehaus
Eric Mountz, P.E., TPD

MACNEAL Att. MacNeal indicated the project is a redevelopment in the mixed-use zoning district with Town Center Overlay. It is at the northeast corner of East Market Street and Mt. Zion, with approximately 10 acres. She indicated they plan to work with Staff regarding a drive-through use on the site.

MCKENNA Mr. McKenna stated Madison Development Group is a full-service real estate development company specializing in lifestyle shopping centers with unique designs and architectural features. Most of their projects are walkable, inter-connected mixed use. He noted at the location on East Market Street and Mt. Zion they have assembled 10 acres which consists of 10 different tax parcels, including the Modernaire Motel.

Mr. McKenna indicated they met with Staff several weeks ago showing a different concept plan. Both concept plans have the same look and buildings. The difference between the two plans is on the interior of the site, showing two points of access on East Market Street with an ingress and egress with a deceleration lane. They have a right of way agreement with the neighboring property owner. The spirit of the Town Center Overlay is to integrate each property which they have done for this site. They are showing a future access drive to that property as a future development inter-connectivity between them. Another component of the plan is continuing the sidewalk on East Market Street which requires a sidewalk approximately 12 ft. in width with a planting strip with

a decorative lane along the perimeter of East Market and Mt. Zion. A streetlamp will be placed every 50 ft.

Mr. McKenna stated they are proposing one full access point on East Market Street which provides a 200 ft. center turning lane into the site eastbound. On Mt. Zion Road they are consolidating seven points of ingress/egress which currently exists into one access point. The propose to screen the area belonging to Columbia Gas.

Mr. McKenna described the interior of the site, noting an area consisting of 157 apartments with a four-story building – the height would be 45 ft. which will have a 70-foot setback from the side road and will be screened and buffered from the other apartments in the area. He described several buildings proposed to be drive-through facilities, to include a financial institution and a retail or restaurant use.

Mr. McKenna noted the site has two front yards and two rear yards. This will affect parking on the site. He noted parking for the apartment complex consists of two rows of spaces.

Mr. McKenna pointed out in the center of the site is a large interconnected piazza approximately 2,000 sq. ft. In that area would be raised planters, decorative pavers, and park benches as well as bicycle racks.

Mr. McKenna stated on East Market Street there would be a convenience store with four pump stations and associated parking.

Mr. McKenna referred to the most recent concept plan which he indicated they are debating the two plans with apartment buildings due to the height restrictions. Mr. McKenna pointed out on the most recent plan the only difference is the perimeter on East Market Street as well as on Mt. Zion remain the same. The interior has changed with one apartment building three-stories at the northern end of the site and the other could either be additional apartments or more retail with outdoor dining on the north side of the building.

Mr. McKenna referred to the elevations to illustrate the idea of the character of the designs and the level of detail. He pointed out the various building materials proposed. He also noted a fitness center is proposed, as well as an outdoor dining area with a pergola.

WURSTER Mr. Wurster asked if either of the concepts have a differential in trips per day from a traffic standpoint.

- MOUNTZ** Mr. Mountz indicated not significantly, noting it depends on the uses with the retail driveways which may have less off-site impacts.
- WURSTER** Mr. Wurster asked for comment on the construction of the residential units in terms of materials from a fire safety perspective.
- MCKENNA** Mr. McKenna stated they meet the current codes. Accessibility will be with elevators and two stair towers.
- COX** Mr. Cox asked if the two entrances onto East Market Street and Mt. Zion to be full turn accesses.
- MCKENNA** Mr. McKenna indicated they have submitted a scoping application. He noted the proposed design is widening their side of the road 14-16 feet on Mt. Zion so they would be getting additional property right of way for this design. Currently there is an area which they studied and appears to be an ideal spot for site line distances as well as the current width of the road and the proposed widening to straighten the road.
- MOUNTZ** Mr. Mountz explained when the dual left turn lanes were constructed on Mt. Zion Road heading south, the widening pushed the roadway to the east trying to avoid multiple properties that front on the eastern side. He noted heading southbound they are proposing a separate left hand turn lane into the driveway and by pushing all the widening to the east onto the site frontage, they were able to eliminate the “S” curve out of the roadway through this frontage. He noted both roads are state highways and the process with PennDOT is threefold when seeking traffic approvals. They start with a scoping application which was submitted April 20. A meeting is anticipated with PennDOT, the Township, the County, and the development team to discuss access and scope of the traffic study. Following the scoping meeting then the full traffic study will be done followed by the HOP.
- SWOMLEY** Chairman Swomley pointed out originally PennDOT was going to widen the entire section of East Market Street widened. However, due to the historic nature of the area, PennDOT did not complete the section around the Modernaire Hotel. He also noted a retaining wall is in the area which needs to be removed to create a straight line around the turn.
- MOUNTZ** Mr. Mountz stated they will be cleaning up that area around the property line and establishing a new curb line along that section and will work with the Township engineer and PennDOT to improve that area.
- MACNEAL** Att. MacNeal asked if the Board had any feedback on the mixture of uses proposed. She noted at this point they are looking for are several design

modifications. They would like to offer some parking in the front yard for the one retail building. She also noted they would possibly have a maximum setback modification for that building.

SWOMLEY Chairman Swomley asked Chief Hoff about the requirements for the design height of a building being 45 ft. if that is due to operation of fire apparatus.

HOFF Chief Hoff indicated it does not apply to fire apparatus procedure.

MACNEAL Att. MacNeal stated it was a limitation in the mixed-use zone.

HOFF Chief Hoff stated when the plan goes into land development, he would have the battalion chief involved in the meeting to make recommendations on the height. He noted the ladder truck maximum is 100 ft. high. Chief Hoff also noted they are more concerned with the safety measures inside the structure.

WURSTER Mr. Wurster commented in terms of the retail use proposed in the past a project was presented as a retail use at this location and was abandoned because of lack of demand.

MCKENNA Mr. McKenna stated the site could support retail use if there was a demand for it however, they do not want to build something that would not be leased out. They do not envision the site as strip center site and noted the limited amount of retail shown is sufficient.

Mr. McKenna indicated the plan does not show the proposed pool as an accessory use. The setbacks would work as an additional amenity to the fitness center as well as being used by the apartments.

BISHOP Mr. Bishop asked for clarification on the front yard parking for one of the retail uses.

MCKENNA Mr. McKenna stated from a parking standpoint, the plan is showing approximately 105,000 sq. ft. development. He pointed out the stores facing the road which have two rows of parking along the curb, as well as a drive aisle and another row of parking. Without the two rows of parking, they will not be able to lease it since it does not work operationally. To meet the ordinance, they could turn the building to be perpendicular, however, the rear of the building will be viewed. Mr. McKenna indicated with the building being the centerpiece on Mt. Zion Road lends itself to be facing the road as it is shown. He noted there is overflow parking in the rear.

MACNEAL Att. MacNeal indicated the site has several challenges in addition to putting together the number of parcels needed for this type of development. There is also the intersection and the street accesses, as well as the main gas transmission which bisects the site from north to south to be relocated.

MCKENNA Mr. McKenna stated there is a 6” gas line currently on the road and they will move the 12” line back into the new right of way. They are dedicated the 12 to 16 ft. right of way for the widening and the deceleration lane.

MACNEAL Att. MacNeal stated the next step is the PennDOT process and to work on the details for the conditional use application. Also, to find a solution for their drive-through gasoline sales and height issue, which are problems for this zoning district.

8. COMMUNICATION FROM SUPERVISORS

SWOMLEY Chairman Swomley stated he and Mr. Hodgkinson worked on goals and objectives in February with several revisions. Chairman Swomley indicated the revisions did not get sent to the Board and he will take care of forwarding them.

9. COMMITTEE REPORTS

There were no Committee Reports.

10. SOLICITOR’S REPORT

There was no additional report.

11. MANAGER’S REPORT

HODKINSON Mr. Hodgkinson stated he was saddened to report Jean Abreght, Stenographer for the Township since 1998 passed away May 11, 2022.

12. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2022-01 - Amending Various Sections of the Zoning Ordinance as Follows:

- 1) Add New Section 325-4(A) "Uses Not Provided For"
- 2) Amend Definition of "Pet" to Exclude Poultry
- 3) Amend Section 325-125(A) "Livestock, Poultry and Animals"
- 4) Amend Section 325-42(C)(4) "Uses by Special Exception and Conditional Uses" to Add Nightclubs
- 5) Amend Section 325-163(A) to Add Nightclubs

MR. BISHOP MOVED TO APPROVE RESOLUTION NO. 2022-01. MR. COX WAS SECOND. MOTION UNANIMOUSLY PASSED.

- B. Ordinance No. 2022-02 - Amending Chapter 312, Vehicles and Traffic - Prohibiting Parking of Trucks, Buses and Certain Other Vehicles on Stonewood Road, East Side, Between East Market Street and Boxwood Lane

MR. DVORYAK MOVED TO APPROVE RESOLUTION NO. 2022-02. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY PASSED.

13. OLD BUSINESS LISTING

Nothing to report.

14. NEW BUSINESS

There was none.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 9:15 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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