

**SPRINGETTSBURY TOWNSHIP  
REGULAR MEETING**

**MAY 26, 2022  
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, May 26, 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  
Don Bishop (via Zoom)  
Robert Cox

**NOT PRESENT:** Charles Wurster, Assistant Secretary/Treasurer

**ALSO IN**

**ATTENDANCE:** Mark Hodgkinson, Township Manager  
Charles Rausch, 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 Human Resources (via Zoom)  
Todd King, Police Chief  
Daniel Hoff, YAUFRR Chief  
Abby Gibb, Communications Manager

**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 there were no changes to his submitted report. He offered to answer any questions.

**5. CONSENT AGENDA**

- A. Acknowledge Receipt of April 20, 2022 Treasurer's Report
- B. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes - February 15, 2022
- C. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes - March 15, 2022
- D. Board of Supervisors Work Session Minutes - April 28, 2022
- E. Board of Supervisors Regular Meeting Minutes - April 28, 2022
- F. Regular Payables as Detailed in Payable Listing of May 26, 2022
- G. Jay R. Reynolds, Inc. - Springettsbury Township Building Renovation and Expansion Project - Change Order No. CO-04-P in an amount not to exceed \$5,565
- H. Uhrig Construction, Inc. - Springettsbury Township Building Renovation and Expansion Project - Application for Payment No. 11 in an amount not to exceed \$620,325
- I. Frey Lutz Corporation - Springettsbury Township Building Renovation and Expansion Project - Application for Payment No. 12 in an amount not to exceed \$65,601.80

**MR. DVORYAK MOVED TO APPROVE ITEMS A THROUGH I ON THE CONSENT AGENDA. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

**6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS**

- A. Authorization to Execute York County Department of Emergency Services Computer Aided Dispatch (CAD) Web View User Agreement

**HODGKINSON** Mr. Hodgkinson stated this is a program they have been using. The County is changing their web application with a new agreement.

**MR. DVORYAK MOVED TO APPROVE THE AUTHORIZATION TO EXECUTE THE YORK COUNTY DEPARTMENT OF EMERGENCY SERVICES COMPUTER AIDED**

**DISPATCH WEB VIEW USER AGREEMENT. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

- B. Authorization for the Township Manager to Send Notice to Proceed Letter to East Penn Railroad

**HODGKINSON** Mr. Hodgkinson stated this is for Davies Drive crossing. The authorization would be for him to let the railroad know they can proceed with ordering the equipment to lock into the price before it escalates.

**MR. DVORYAK MOVED TO APPROVE THE AUTHORIZATION FOR THE TOWNSHIP MANAGER TO SEND NOTICE THE REQUIRED NOTICE. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

**7. SUBDIVISIONS AND LAND DEVELOPMENT**

- A. **LD-2021-0002 - East Market Street Apartments, 3883 East Market Street/Yorklyn Gate**  
Justin Kuhns

**HEILMAN** Mr. Heilman stated this project is proposed for 150 apartment units. It was reviewed by the Planning Commission meeting who recommended conditional approval. The plan summary provides the outstanding issues that are existing. The applicant has gone through reviews and provided a thorough explanation concerning the project.

**KUHNS** Mr. Kuhns stated this is a 7.3-acre tract. They are proposing five buildings with 30 units per building. He noted they have been working with PennDOT for access on to Market Street. PennDOT's agreement was they would not provide full access on Market Street requiring a right out only. He noted PennDOT has agreed in terms of emergency services to allow a fire truck to use it as an entrance to the site.

Mr. Kuhns indicated there is public water and sewer to the site. They are proposing sidewalk and street trees along Market Street. He noted the two waivers requested are for Preliminary Plan and Final Plan Scale. All the requirements of the Township have been met for curbing, sidewalks, and streetlights.

**BISHOP** Mr. Bishop asked for clarification on the waiver for preliminary plan.

**KUHNS** Mr. Kuhns indicated they are proposing a preliminary/final plan, since they are not implementing any future phasing. The plan upon preliminary/final approval would be to build all five buildings together as one project.

- BISHOP** Mr. Bishop commented on the number of conditions which he felt added complexity to forming a motion. He referred to the memo which listed the conditions.
- SWOMLEY** Chairman Swomley clarified the conditions noted in bold on the memo delineates those which are required. He noted there are numerous conditions shown which are predominantly administrative.
- KUHNS** Mr. Kuhns indicated the conditions noted as technical items have been addressed as noted on the May 26 summary.
- HEILMAN** Mr. Heilman stated the items noted are those which can be addressed within the 90-day expiration.
- COX** Mr. Cox asked for explanation of §289-11.B(28) – Applicant is proposing a fee in lieu of dedicated recreation.
- LUCIANI** Mr. Luciani indicated the ordinance requires providing .02 acres per dwelling unit or a 5-acre minimum to create a recreational area. The Board can choose a recreational fee which is approximately \$1900. The applicant’s choice is to pay \$1900 per dwelling unit or provide the .02 acres – 5 acres minimum. The applicant has requested to provide the fee in lieu which is approximately \$300,000.

**MR. DVORYAK MOVED WITH REFERENCE TO LD-2021-0002 EAST MARKET STREET APARTMENTS, TO APPROVE THE TWO REQUESTED WAIVERS CONDITIONED UPON SATISFACTORY COMPLETION OF THE 12 CONDITIONS AS OUTLINED ON THE SUMMARY REPORT OF MAY 26, 2022. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

**B. SD-2021-0006 - York Galleria Limited Partnership, 2899 Whiteford Road Grant Anderson, Site Design Concepts**

- HEILMAN** Mr. Heilman stated this case dates back to 2021-2022 at the location where the Red Robin Restaurant is positioned as part of the York Galleria complex. The applicant is proposing to subdivide that property from the mall. Previously there was discussion about providing sidewalk along the Pleasant Valley Road property line and the Board requested the applicant to place the sidewalk. They have produced a revised plan from the previous discussion and are asking the Board to consider some waivers.
- ANDERSON** Mr. Anderson indicated they conducted a survey and located the improvements and grades along the corridor of Pleasant Valley Road which included utility

poles, curbing, and sidewalks. At the conclusion of the survey, they identified substantial site constraints which consist of eight large utility poles and signage as well as a grade drop around the back of the poles down to the Mall Ring Road. He provided photos which show there are two sets of stakes – the green stakes represent a sidewalk that is 4 ft. wide with a minimum of 1-1½ foot grass strip between the back of the curb and the face of the sidewalk. Orange stakes represent the location of a sidewalk if it were installed with a 4 ft. grass strip. He noted the orange stake is what is required per the ordinance. The green is what they are proposing and asking for relief. The 4 ft. sidewalk is what is necessary to relocate poles and signage to fit into the existing corridor.

Mr. Anderson stated it would be an option to go around the poles, but the grade drop around the poles is significant. He noted in talking to other contractors, they mentioned concern about the grade drop and with pedestrian safety.

Discussion was held as to how the applicant could provide the 5 ft. sidewalk in areas in front of the poles. The applicant was requested to submit a revised sidewalk plan to substantiate where a full sidewalk could be installed to meet the ordinance.

- C. SD-2021-0008 - Locust Grove Road/Wilshire Drive (Tabled at March 10, 2022 Board Meeting)**  
Eric Johnston  
Paul Collins

**HEILMAN** Mr. Heilman stated this case was presented previously and the Board requested the applicant to evaluate sidewalks and curbing as well as addressing other issues. Mr. Heilman stated Staff met with the applicant, consultant, and builder to determine what possibilities exist on the site.

**JOHNSTON** Mr. Johnston stated the project is an 8-lot subdivision on Locust Grove Road, a State road, and Wilshire Drive a Township road. The previous submission proposed sidewalk only along Locust Grove Road and the major discussion was sidewalk along Wilshire Drive. The site is across from Camp Security property where it is envisioned for a future park in that area. In accordance with the ordinance and at the request of the Board they were instructed to create a pedestrian link. He noted along Wilshire there is no current sidewalk. He noted after meeting with Staff their new proposal is to extend sidewalk along Wilshire Drive. He noted they are still requesting relief from curbing and street widening along those roads. With the sidewalk link along Wilshire, they are proposing a separated cross section plan provided with the waiver request package. They will have a 5 ft. wide sidewalk along the swale that parallels Wilshire and will do

some grading, as well as clean up the tree growth leaving a one-foot-deep swale which is all that is needed in that area. He noted Staff looked at the large culvert along Wilshire Drive and in their plan, they are proposing to provide a large construction easement for the Township's future plan to replace the large culvert.

The waiver along Wilshire at the end of their project Lot #8 was a steep wooded lot which is not proposed for development at this time. They will add a notation to the plan to indicate if it is ever developed in the future, the sidewalk being proposed along Wilshire Drive would be extended along the frontage of Lot #8.

Mr. Johnston stated streetlights were added to the plan.

**SWOMLEY** Chairman Swomley asked what the likelihood Lot #8 is could be developed into multiple parcels in the future and is there access to the interior of that lot.

**COLLINS** Mr. Collins indicated as of now no development is intended and the only access is to his property.

**SWOMLEY** Chairman Swomley recommended a 6-month note be placed on the plan for sidewalks for Lot #8.

**BISHOP** Mr. Bishop ask to hear the opinion of the township manager about curbs and sidewalks and the advisability of approving these waivers.

**HODGKINSON** Mr. Hodgkinson stated although he would prefer to have the widening and curbing, sidewalks, and streetlights, in this case he understood there are complications with doing the curbing and the widening, especially on Wilshire Drive where it is a low volume roadway and does not have any future potential of further development on Wilshire Drive. Consequently, he indicated he is satisfied with not doing the widening and the curbs since everything else is being completed, which includes additional right-of-way to do the pipe culvert replacement.

**CHAIRMAN SWOMLEY MOVED IN REFERENCE TO SD-2021-0008 LOCUST GROVE ROAD/WILSHIRE DRIVE TO APPROVE THE FOLLOWING WAIVERS/MODIFICATION:**

**1.) §289-10 - Preliminary Plans; Procedure**

**Modification has been requested to advance the preliminary plan to a final plan for review and approval purposes.**

**2.) §289-21. – Traffic Study**

**Modification has been requested to not require funding and preparation of a traffic impact study due to only adding 70 trips per day on a major collector (Locust Grove Road) and local road (Wilshire Drive) as it will have a negligible impact on Locust Grove Road, Wilshire Drive, and associated nearby intersections.**

**3.) §289-27. – Streets and Apron**

**The applicant does propose to offer a dedicated right-of-way of 30 ft. from centerline along the Locust Grove Road project frontage and construct a five (5) foot side sidewalk. A twenty-five-foot right-of-way of 25 ft. exists from the centerline of Wilshire Drive. The applicant now proposes the construction of a five (5) foot wide sidewalk along the majority of the project. The applicant therefore requests that a waiver be granted to not require completion of road widening along Locust Grove Road and Wilshire Drive at this time.**

**4.) §289-31 - Installation of Curbs and Sidewalks**

**Due to the proximity of the project to the Camp Security site (located across Locust Grove Road) where a potential park is planned, the applicant proposes the installation of a five (5) foot wide sidewalk along the entire Locust Grove Road project frontage. The applicant further proposes to construct approximately 600 feet of five (5) foot wide sidewalk along Wilshire Drive along the frontage of proposed single family residential lots 4 through 7 to a point where existing woodland steep banks exist as shown on the plan. The applicant proposes to add a notation to the plan that, in the event that Lot 8 is ever developed, installation of sidewalk along the Lot 8 road frontage would be required. The applicant therefore requests that a waiver be granted to not require construction of curbs along Locust Grove Road and Wilshire Drive. Additionally, the applicant requests a waiver to not construct sidewalk along the frontage of Lot No. 8 along Wilshire Drive at this time. The modification is to install curbs along Locust Grove Road and Wilshire Drive within six months after receipt of written notice from the Township.**

**4.) §289-32 - Installation of Curbs and Sidewalks**

**Modification to install sidewalks on Lots #1-7 and Lot #8 will have a note on the plan requiring sidewalk at the time of construction.**

**MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

**8. COMMUNICATION FROM SUPERVISORS**

There was none.

**9. COMMITTEE REPORTS**

There were no Committee Reports.

**10. SOLICITOR'S REPORT**

**RAUSCH** Solicitor Rausch stated the presentation last month regarding the properties located at Mt. Zion and East Market Street proposed mixed use involving drive-throughs, convenience store/gas station, apartment buildings, as well as exceeding height limitations. In addition to being in the Town Center Overlay, it is in the Mixed-Use district which does not allow drive-throughs or gas stations. He noted Attorney MacNeal representing the applicant, sent a letter to the Township providing alternatives. Solicitor Rausch inquired what direction would the Board want to give Staff concerning this project. He noted the alternatives would be to:

- Rezone to Commercial-Highway.
- Create a text amendment to allow the above stated restrictions in the Mixed-Use district.
- Provide the Board greater latitude in the conditional use to make modifications in the Town Center Overlay.

**MACNEAL** Attorney MacNeal indicated when discussing this at the last meeting, she noticed on the zoning map that currently the area is already a kind of island. She pointed out the location of the Town Center Overlay noting everything within in it is Mixed-Use and around it is Neighborhood-Commercial. She suggested they could switch it over to Commercial-Highway.

**HODGKINSON** Mr. Hodgkinson stated with the update of the Comprehensive Plan in the near future, would this be a stopgap, as related to the comment made with the restrictions on arterial road.

**RAUSCH** Solicitor Rausch stated the comp plan takes the overall view of what land uses will be and what the future growth will be to determine if Commercial-Highway is the best alternative. He stated the text amendment is a possibility and easier to accomplish procedurally. This would apply through the Mixed-Use districts in the Township so there should be some analysis as to what properties front an arterial road and to determine how many properties would be affected.

**MACNEAL** Att. MacNeal stated there are numerous Mixed-Use Districts that front on arterial roads so they could potentially restrict it further to intersections that have a certain traffic volume.

**LUCIANI** Mr. Luciani pointed out that one of the options was to change it to Commercial Highway which would eliminate the residential component.

**MACNEAL** Att. MacNeal explained the thought would be to take a portion of the property and zone it to R-1.



**BISHOP** Mr. Bishop commented he was not in favor of rezoning this property, since it would be permanent and is not tied to the project. He felt the other two options had potential.

**SWOMLEY** Chairman Swomley concurred noting changing to all Mixed-Use would give everyone more latitude. The third option would be more tied to the Town Center Overlay to make the decision in a case-by-case basis.

**MACNEAL** Att. MacNeal indicated the options are not exclusive – if the Board liked the idea of two and three, they could be included in a text amendment.

**DVORYAK** Mr. Dvoryak stated he concurred with not rezoning. He noted regarding the other two options his perspective is a drive-through in post Covid makes sense in a business community. He was willing to consider gasoline sales in limited circumstances.

**SWOMLEY** Chairman Swomley asked for clarification on the definition of arterial roadway.

**LUCIANI** Mr. Luciani stated the ordinance defines minor and major arterial which are major corridors that move traffic from one community to the other, i.e., Mt. Zion Road and Route 30.

**MACNEAL** Att. MacNeal stated she would meet with Mr. Heilman and create a proposal that involves option two and three, making some changes to the Mixed-Use zone which will give the Board more latitude to make modifications in the Town Center Overlay.

## **11. MANAGER’S REPORT**

**HODKINSON** Mr. Hodgkinson stated during the last several weeks he has been receiving numerous complaints from residents regarding York Waste, specifically the lack and inconsistency of yard waste pickup, as well as not returning phone calls and giving incorrect information. He had two meetings with York Waste, most recently this past Monday. They promised him they would improve the situation.

Mr. Hodgkinson indicated there will be a potential conditional use hearing at the June meeting. He asked everyone to check their schedules to assure a quorum at the June meeting.

## **12. ORDINANCES AND RESOLUTIONS**

- A. Ordinance No. 2022-03 - Amending Chapter 325 “Zoning” to Modify Density Factor Applicable to Multi-family Dwellings in the Neighborhood-Commercial (N-C)

**MR. DVORYAK MOVED FOR THE ADOPTION OF TO APPROVE RESOLUTION NO. 2022-03. MR. BISHOP WAS SECOND. MOTION PASSED. (Chairman Swomley abstained from the vote.)**

**13. OLD BUSINESS LISTING**

- A. Nothing to report.

**14. NEW BUSINESS**

- A. York County Beekeepers Association Presentation – Christopher Smith and Thomas Kearney

**KEARNEY** Mr. Kearney indicated he resides at 51 Davidson Drive and he would like to learn beekeeping with the goal of creating an apiary on his property in the future. In conducting research, he noted he attended numerous seminars and beekeepers’ meetings. He stated he contacted the Township to inquire if there were any regulations or registration requirements. He noted he received a letter from Mr. Luciani who indicated beekeeping was not allowed since bees and apiary products as defined in the ordinance falls under the definition and terms under Agriculture and Agricultural buildings. Agricultural usage can only be done in a rural R-R zone or residential (farms).

Mr. Kearney stated he believed the ordinance reflected a lack of understanding regarding apiaries. Mr. Kearney stated he then consulted with Mr. Smith, who he indicated is a beekeeping expert and President of the York Area Beekeepers Association, which has approximately 250 members. He enlisted the aid of Mr. Bill Sprenkle who is a local beekeeper in Hellam Township, with 250 beehives. He also contacted the State Beekeepers inspector, Lee Weber. He noted all these gentlemen agreed after looking at the ordinance, it would be beneficial to talk to the Township. Together he and Mr. Smith met with Mr. Hodgkinson and asked for his assistance to recommend someone to work with them from the Township to ensure the Township’s interest, public safety and public welfare were met. Mr. Kearney stated he had a meeting with Mr. Heilman and Mr. Holmes. Mr. Heilman recommended to appear before the Board to obtain guidance and direction and to provide the Board with education about beekeeping. Mr. Kearney stated he discovered a State Beekeepers website which cites a model ordinance for beekeeping.

**SMITH** Mr. Smith commented on the fact that bees are not as prevalent as they were years ago. He noted today bees are facing pests, pathogens, and pesticides, which are causing numerous issues with viability. He provided a slide presentation noting the following facts on beekeeping:

- Identified laws in place which mandate beekeeping under Beekeeper Compliance Agreements as best practices
- Registered with the state – inspections are conducted on the bees
- Bees are considered agricultural
- There are 5000 beekeepers in Pennsylvania – 93% have fewer than 25 colonies
- Beekeepers are considered a hobby more than an agricultural business
- There are half of the colonies of bees in Pennsylvania than in 1982
- Managed beekeeping is a way of maintaining bees
- Pennsylvania has an organization – Pennsylvania Pollinator Protection Plan (P4)
- Bee pollinators have greater than 50% winter loss ratio
- It is not a density issue because bees do not reside in a specific space
- When coming out of a hive bees fly up about 15 feet and fly approximately two miles away to get their resources – food in the form of nectar and pollen.
- Bees are not aggressive
- Fear of stings – the yellow jacket is the bee who generally stings
- Honeybees only sting out of defense
- Benefits of honeybees – pollination, production of honey

Mr. Smith stated the York County Beekeepers are willing to help to assist prospective beekeepers as Mr. Kearney with training and education with the community. They also offer assistance with drafting an ordinance. He noted a recent poll conducted by the Philadelphia Inquirer asks, “would you be comfortable if your neighbors were beekeepers and the bees potentially be around your property?”. He noted 73.4% said yes and 26.6% said no. He reasoned in this area in a more rural setting, the yes column would be higher.

Mr. Kearney stated with the Board of Supervisors consent they would like to meet with Mr. Heilman and Mr. Holmes to work with the Township.

**SWOMLEY** Chairman Swomley commented his understanding is bee depletion is more to do with professional beekeepers going crop to crop to pollenate larger farms and taking most of the honey, so the bees starve and cause loss of bees.

**SMITH** Mr. Smith stated he has not heard that, most of what he has seen is the statistics he presented. They do a bee loss survey every spring. The numbers accounted for are reflective of members. He referred to bee loss encountered during transport with frames being rattled around which can cause bees lost during transport. He did not believe that was most of the loss.

A lengthy discussion was held regarding aspects of bee decline and loss and how to manage that loss.

**DVORYAK** Mr. Dvoryak expressed concern regarding the following potential situations:

- Children encountering a beekeeper's hives who are highly allergic to bee stings which could result in a fatality.
- Risk of unwanted bees spreading to a neighbor's yard in a residential area.
- Consequences of an irresponsible beekeeper.

**SMITH** Mr. Smith concurred with Mr. Dvoryak's concerns, noting the York County Beekeepers work towards education of beekeeping along with best practices and responsible beekeeping.

**KEARNEY** Mr. Kearney stated regarding any issues of irresponsibility there are laws which have been established as well as beekeeping inspectors who ensure beekeepers are properly handling their bees. The Township can also impose limitations by way of the ordinance to regulate beekeeping practices.

Mr. Kearney stated regarding children encountering bees, he also had this concern due to his grandchildren.

**SMITH** Mr. Smith stated he has had no problem with his bees becoming agitated by nearby noise or activity. He believed the chances of that occurring are low.

**KEARNY** Mr. Kearny stated one of the requirements which could be imposed is a beekeeper would need to have immediate access to an Epi-Pen.

Mr. Kearny indicated bees will fly to the nearest water source, i.e., swimming pool in a neighbor's back yard. To avoid that situation, installing a bird bath next to the hives could solve a potential issue.

Mr. Kearny suggested a public meeting could be held to educate the community and assess their view of beekeeping.

**SMITH** Mr. Smith addressed the question of wandering bees. He explained in the spring is when the bees will swarm in search of a home. When that occurs, the beekeeper will come with a specific type of box to scoop the bees into it. Part of the best practice of managing bees is trying to mitigate the swarming.

**KEARNEY** Mr. Kearney asked if the Board agreed with him undertaking the venture.

**SWOMLEY** Chairman Swomley indicated affirmatively, stating he would be interested in hearing Mr. Kearney's findings and what other ordinances would look like.

**KEARNEY** Mr. Kearney stated he would meet with other experts in the field ensuring the Township is involved, to attempt to draft a reasonable ordinance and then begin the process of presenting the ordinance in a public meeting, and with Mr. Hodgkinson's assistance educate the Township and present a detailed presentation at a future meeting.

**15. ADJOURNMENT**

**SWOMLEY** Chairman Swomley adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Doreen K. Bowders  
Secretary

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