

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JULY 28, 2022
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, July 28, 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 (via Zoom)
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Diana Young, Environmental Engineer
Dori Bowders, Director of Administrative Operations
Randall Heilman, Director of Community Development
Nitza Sanchez-Bowser, Director of Human Resources (via Zoom)
Teresa Hummel, Director of Finance
Todd King, Police Chief
Daniel Hoff, YAUFRC Chief
Abby Gibb, Communications Manager
Sue Sipe, Stenographer (via Zoom)

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

KAHLEY David Kahley - 40 Roselyn Drive
Mr. Kahley stated he has been a resident for 15 years. He indicated last week he received a zoning violation for honeybees kept on his property. He reported in

2018 his wife decided she wanted to keep honeybees on the property. Prior to doing so she came to the Township Building to inquire if they were permitted. They were informed since they live in an R-10 residential zoning district there were no restrictions on having honeybees on the property, other than registering with the state, which he noted they did. He noted they have numerous hives on the property which pollinate the neighborhood gardens and produce honey and wax which they harvest.

Mr. Kahley referred to the May Board meeting at which the Pennsylvania Beekeepers Association provided a presentation on beekeeping in residential neighborhoods. He understood there were concerns from the Board at that time and noted this is their 5th year of beekeeping and they have never received any complaints from neighbors or others who visit.

Mr. Kahley recounted an incident occurring several years ago when the bees visited a neighbor's swimming pool in search of water. He noted they took substantial steps to create birdbaths and other water sources on their property, so the bees do not wander away. They have never had any concerns with safety involving their 3 children. They recently checked with their neighbors within 250 ft. and no one was opposed to the bees. Most of the neighborhood supports them having the bees on their property. The hives are 40 ft. from the street and closest neighbor to the hives is 50 ft. away. They have had several hives swarm in the early spring but only two swarms left the property into a neighbor's tree which they recovered. Additionally, they have swarm boxes on the property which have caught bees swarming through the area that were not their bees. They can operate lawnmowers, leaf blowers and other equipment with no problem with noise disturbing the bees.

He noted his wife is a member of the Pennsylvania Beekeepers Association and follows best practices for beekeeping and considers the safety and well-being of the bees as well as to minimize any potential issues or concerns. Mr. Kahley stated honeybees are good for their neighborhood, with studies to back that up. Mr. Kahley cited Township ordinance §325-19.A outlines several permitted uses within the R-10 residential district. He believed the prohibited use is overly broad, stating anything that is not permitted use is prohibited. He believed it creates an unreasonable justification of what could be prohibited which can create an enforcement issue. He noted they were disappointed that even after going to the Township to make sure they were doing it right; they are now faced with this predicament of having to defend themselves to maintain their beehives through an exception at a zoning hearing. The cost of \$500 for the zoning appeal is

substantial to their family. Since they acted in good faith and apparently were misled by the Township employee, he respectfully asked that a waiver be granted on the zoning appeal hearing for the fee. Mr. Kahley also inquired if the Township could amend the ordinance to allow beekeeping as a permitted use within the R-10 residential zoning. He extended an offer for the members of the Board to visit his property and observe how the bees work and how it is beneficial to the neighborhood and the Township. He provided photos of the beehives.

Discussion was held regarding amending the zoning ordinance to permit honeybee keeping in certain zones as appropriate, i.e., R-10 areas that are more spacious. Solicitor Rausch pointed out they are permitted in rural residential because it is considered agricultural.

Solicitor Rausch stated if the Board is inclined to favor the amendment of the ordinance, the zoning officer does not necessarily have to enforce at this time.

DVORYAK Mr. Dvoryak recalled from the meeting with the PA Beekeepers there were some concerns raised and the onus was on the PA Beekeepers to put together a proposal after vetting the issues to present to the Township. Mr. Kahley stated he reviewed the minutes regarding that meeting and took note of the concerns. He agreed safety is a concern and concluded what he presented expels those concerns.

Discussion was held as to whom Mr. Kahley's wife spoke to at the Township who indicated that beekeeping was permitted in their R-10 zoning district.

KAHLEY Mr. Kahley asked that the enforcement of the violation be suspended until there is a resolution.

SWOMLEY Chairman Swomley stated he would consider several months up to a year would be expeditious if it is known they are in the direction of trying to resolve.

RAUSCH Solicitor Rausch recommended Mr. Kahley meet with Mr. Kearney from the Beekeepers Association to discuss and keep the process moving.

HYLAND Chris Hyland – 2505 Schoolhouse Lane
Mr. Hyland stated he addressed the Board several times last year regarding his concern with the intersection at Sundale Street and Schoolhouse Street. He noted the Township added a larger sign and painted lines on the street, however, there is still an issue with vehicles speeding and running the stop sign at that location, with numerous times of near misses of potential accidents. He indicated he spoke

to an officer who patrols this area, and he was aware of the issues. Mr. Hyland stated he personally installed two cameras at the intersection. He noted he started a petition with 100+ signatures to enhance the safety for this intersection. Citizens in the neighborhood are proposing speed tables on Sundale. He was concerned the situation will escalate with school beginning.

KING Chief King stated temporary speed tables was one of the options discussed with conducting another speed survey at that location with large signs.

SWOMLEY Chairman Swomley stated the Township engineer and Township manager will meet with the Chief of Police to determine the outcome and will contact Mr. Hyland to keep him apprised of the situation. He encouraged Mr. Hyland to share video from his cameras to assist in resolving the situation.

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 stated they received the permit to construct the outfall for the Penn Oaks basin. They will meet next week to finalize the right-of-way.

Mr. Luciani stated they submitted the flood plain report for 2021 and are currently working on the MS4 permit submittal for September.

5. CONSENT AGENDA

A. Acknowledge Receipt of June 30, 2022 Treasurer's Report

B. Board of Supervisors Conditional Use Hearing Minutes - June 23, 2022

C. Board of Supervisors Regular Meeting Minutes - June 23, 2022

D. Regular Payables as Detailed in Payable Listing of July 28, 2022

E. Jay R. Reynolds, Inc. - Springettsbury Township Building Renovation and Expansion Project - Application for Payment No. 10 in an amount not to exceed \$21,485.06

F. Midstate Mechanical & Electrical, LLC - Springettsbury Township Building Renovation and Expansion Project - Application for Payment No. 12 in an

amount not to exceed \$102,572.59

- G. Uhrig Construction, Inc. - Springettsbury Township Building Renovation and Expansion Project - Application for Payment No. 12 in an amount not to exceed \$77,487.79
- H. Frey Lutz Corporation - Springettsbury Township Building Renovation and Expansion Project - Application for Payment No. 13 in an amount not to exceed \$74,719.79
- I. Springetts Retreat Phase 1 - Bond Reduction in the amount of \$600,415.20 (remaining bonded amount \$1,078,963.70)

MR. WURSTER MOVED TO APPROVE ITEMS A,B,D,E,F,G,H,I ON THE CONSENT AGENDA. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

Item C – Board of Supervisors Regular Meeting Minutes – June 23, 2022 – to be amended to reflect Mr. Dvoryak was not in attendance at that meeting.

MR. DVORYAK MOVED TO APPROVE THE MINUTES FOR JUNE 23, 2022 AS AMENDED. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Execute Agreement with Central York School District for Two (2) School Resource Officers for the Years 2022-2026

HODGKINSON Mr. Hodgkinson stated at the June 23 meeting the Board approved the second SRO for Central School District. This is to approve the agreement. Solicitor Rausch reviewed it and had no issues. The School Board passed it a week ago.

MR. DVORYAK MOVED TO AUTHORIZE EXECUTING THE AGREEMENT WITH CENTRAL YORK SCHOOL DISTRICT FOR TWO SCHOOL RESOURCE OFFICERS FOR THE YEARS 2022-2026. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Authorization to Enter into Agreement for Law Enforcement Services (Mutual Aid)

HODGKINSON Mr. Hodgkinson indicated this is the same agreement entered into for Covid purposes with a few neighboring police departments to cover any shortages due to Covid. He noted discussion was held with Chief King regarding extending that agreement for any purposes.

MR. BISHOP MOVED TO AUTHORIZE THE AGREEMENT FOR LAW ENFORCEMENT SERVICES. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- C. Authorization to Award Bid for Residential Trash and Recycling Contract to Penn Waste, Inc. for the Years 2023-2027

HODGKINSON Mr. Hodgkinson stated they opened the bids last Wednesday. There were two bidders, Penn Waste and Republic Services. Penn Waste provided the best pricing, although the pricing is increasing over the next five years.

MR. DVORYAK MOVED TO AUTHORIZE AWARDDING THE BID FOR RESIDENTIAL TRASH AND RECYCLING CONTRACT TO PENN WASTE, INC. FOR THE YEARS 2023-2027. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- D. Authorization to Participate in Industrial Highway over Three Mile Run Bridge Replacement Project with PennDOT

HODGKINSON Mr. Hodgkinson indicated this is the bridge previously discussed which is showing degradation on Industrial Highway in front of Nemo Pools. He noted this project was added to the top of the list and the MPO has selected this project to receive 100% federal funding. He further noted PennDOT has offered to take on this project with their design team and contractor through a bid process. He noted the Township would be involved in the design but would not assume any responsibility for the work. He recommended showing their letter of interest to PennDOT.

MR. WURSTER MOVED TO AUTHORIZE THE TOWNSHIP TO PARTICIPATE IN THE INDUSTRIAL HIGHWAY OVER THREE MILE RUN BRIDGE RECONSTRUCTION WITH PENNDOT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. **Nalley Fresh Drive-Through Restaurant - York Marketplace**
Jason Mitchell (via Zoom)

HEILMAN Mr. Heilman stated the project was presented in 2021 for a conditional use application and approval was granted by the Board. Subsequently, the applicant came back to the Board with a repositioning of the location for the restaurant. It was originally proposed to be placed in front of Lowe's adjacent to the fitness center Crunch. In response to concerns raised by Lowe's, the applicant is

proposing to move it to another site within the shopping center which is adjacent to the fitness center near Eastern Market across from Fulton Bank.

MITCHELL Mr. Mitchell stated the reason for the change in location was due to Lowe's business increasing and voiced concerns about the proposed location of Nalley Fresh since the location is the main area for their contractors and could pose traffic issues in that area. The initial location was originally discussed with Staff. They are requesting approval for the alternate location rather than having to proceed through the process again.

Discussion was held regarding the parking lot for Eastern Market on Fridays.

Mr. Mitchell stated the new location will take up 17 parking spaces which is less than their previous proposed location, which was anticipated to be 28 spaces.

The issue is the Township residents use the new proposed area as overflow parking for the Eastern Market on Fridays.

BISHOP Mr. Bishop said he understood the request is to approve the location administratively and not have it go through the entire process. He stated he had significant concerns due to traffic problems with having two high traffic businesses, i.e., the entrance to the bank and the entrance to the proposed restaurant and thought the decision needed to be made deliberately.

WURSTER Mr. Wurster concurred with Mr. Bishop's comments in looking at the design and how customers will have to enter a specific space to begin the circulation. He noted in the previous designs where it was out in the larger parking lot there were options to get in and out of the queue and this would be adding to traffic congestion. He stated he would like to see traffic information to confirm that would not be case in this instance. He felt the applicant would need to go through the process.

MITCHELL Mr. Mitchell stated they are seeking an acknowledgement that it could be handled administratively rather than having to go through the entire process again. He noted they are willing to meet all the criteria of the approval to be handled administratively to the satisfaction of the Board.

SWOMLEY Chairman Swomley stated he would agree if the change was merely from one lane in the parking lot in front of Lowe's to the next lane over. He noted since the location change is in a different area and between two buildings, it looks constrained and the concerns by the Board need to be addressed as the applicant goes through the process. He noted if the applicant determined they can satisfy those concerns; it should not take long to come to that agreement.

Discussion was held regarding the distinction between a slight modification on an already approved plan vs. moving it to a totally different area with opposing entrances and a different circulation method with potential issues which need to be vetted. It was noted clarification is also needed on where water and sewer lines are located as well as other issues needed to make it work.

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

HEILMAN Mr. Heilman stated the Board has seen the plan numerous times which is the Red Robin project with the Galleria Mall. The issue is regarding installation of sidewalks on the perimeter of the property along Pleasant Valley Road. He noted the applicant has provided another revision of the plan. Discussion was held with Staff in which the applicant made a concerted effort to meet the requirements of the Board.

ANDERSON Mr. Anderson indicated he is representing York Galleria Limited Partnership. In summary he noted, they presented in May 2022 at which time he provided visual aids, site photos and another configuration of the sidewalk along Pleasant Valley Road. Discussion was held regarding the site constraints and the difficulty to meet the ordinance strictly. In reviewing the feedback from the Board, they are proposing the configuration which shows most of the site conforming to the ordinance with a 4 ft. grass strip and a 5 ft. wide concrete sidewalk, except for several areas where there are substantial utility poles. There are four waivers and a modification for the grass strip - instead of 4 ft. wide it is one foot. He noted they received the plan summary and have no exceptions to the conditions.

MR. WURSTER MOVED WITH REFERENCE TO SD-2021-0006 YORK GALLERIA LIMITED PARTNERSHIP PRELIMINARY/FINAL SUBDIVISION PLAN TO RECOMMEND APPROVAL OF THE PLAN AND THE FIVE WAIVERS AND MODIFICATIONS AS LISTED ON THE PLAN SUMMARY. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

MR. WURSTER MOVED WITH REFERENCE TO SD-2021-0006 YORK GALLERIA LIMITED PARTNERSHIP PRELIMINARY/FINAL SUBDIVISION PLAN TO RECOMMEND APPROVAL OF THE PLAN AS PRESENTED WITH ALL CONDITIONS OF APPROVAL BEING ADDRESSED AS LISTED IN THE PLAN SUMMARY. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. SD-2021-0013 - Steven D. Stambaugh & Louise A. Duncan, 2091 Mt. Zion Road

Lee Faircloth, Gordon Brown & Associates
Steven D. Stambaugh (via Zoom)
Louise A. Duncan (via Zoom)
Tom Austin, TRG (via Zoom)

HEILMAN Mr. Heilman stated this is a two-lot subdivision plan which was reviewed by the Planning Commission and recommended for approval of the waivers/modifications. He noted the issue with the project is the location of the driveway for proposed Lot #1 with potential sight distance issues.

FAIRCLOTH Mr. Faircloth stated the proposal is to subdivide the 3½ acre parcel of land. A house was originally located on the property when Mr. Stambaugh purchased the property which was in poor condition and was subsequently removed. The subdivision plan would create an acre lot at that site with a new house built. The two-acre property is where Mr. Stambaugh is proposing to build a house on the north side of the property.

Mr. Faircloth confirmed there is access to public water and sewer on the property. They have confirmed there is adequate sight distance for the proposed driveway. He noted they received approval from DEP relative to sewage and approval from the Township as well as York Water Company to provide water service to both lots.

Mr. Faircloth noted the issue has been the driveway situation. He noted they retained Tom Austin of TRG to evaluate the driveway sight distance and have determined there is more than adequate sight distance for the new driveway to service Lot #1 which is where Mr. Stambaugh would be building. The one-acre lot on the lower part of the property already has a driveway for which a permit was issued by PennDOT. Mr. Faircloth indicated the only remaining item needed is a permit from PennDOT for the driveway on Lot #1 which requires an approved subdivision plan to make application to PennDOT for the driveway.

SWOMLEY Chairman Swomley commented Alcott Road was changed to be a right-in, right-out due to the danger in the area and the number of accidents on that section of road. He questioned why a driveway on the opposite of the road from Alcott Road would be safer.

AUSTIN Mr. Austin responded from the beginning of the proposed project they evaluated the issue of whether they could obtain adequate sight distance based on the PennDOT and Township criteria. He stated based on detailed field measurements and being on the side of the road where the proposed driveway is shown on the plan, as Mr. Faircloth attested, they determined they have adequate sight distance. He noted they feel totally confident they have the necessary sight distance to

provide a safe location for a driveway and the applicant will be able to obtain a PennDOT permit.

STAMBAUGH Mr. Stambaugh stated he called Mr. Austin to ascertain if they would be able to put in a second driveway on the property with PennDOT requirements. He noted Mr. Austin laser shot the site with the proposed driveway location as well as where the current one is located and reported both exceeded the sight distance by a significant amount. He confirmed from his side of the road he can see the entire way down the hill.

FAIRCLOTH Mr. Faircloth pointed out on the Alcott Road side there is a house on the north corner which causes sight difficulties pulling out from the house. He noted there are no structures or obstacles to impede the clear sight distance for the proposed new driveway.

KING Chief King agreed that section of the roadway is heavily traveled at certain times of the day. Although he did not personally view the property with the sight distance, he trusted the measurements are correct and true. He confirmed they do have a problem with Alcott Road because of the house on that side of the road.

BISHOP Mr. Bishop asked if sight distance is the only criteria to determine whether another driveway is safe.

AUSTIN Mr. Austin stated from a traffic standpoint at what PennDOT looks at, sight distance is the key safety factor. If sight distance is not sufficient to make it safe, PennDOT will deny the application and restrict turn movements. He noted the other consideration is the parcel has 600 ft. of lot frontage, and this is a minimum use residential driveway not a traveled road. He noted from his view for a long lot frontage it would be unreasonable to expect two large lots with a total of 600 ft. of frontage to share one driveway. They believe it is a reasonable request to propose a second driveway to Lot #1, with the factor they can provide and exceed the necessary site distance at the proposed driveway.

STAMBAUGH Mr. Stambaugh also pointed out in his position he has security concerns, and it will be necessary for him to have a private driveway which will be secured with a gated fence.

WURSTER Mr. Wurster stated he had confidence in the sight design. He looked at the street view on Google Maps and affirmed he could see to the top of the hill.

MR. WURSTER MOVED WITH REFERENCE TO SD-2021-0013 STEVEN D. STAMBAUGH & LOUIS A. DUNCAN TO APPROVE THE FOLLOWING WAIVERS

AND MODIFICATIONS AS LISTED ON THE PLAN SUMMARY. SECONDED BY MR. COX.

Discussion was held:

BISHOP Mr. Bishop questioned the rationale of some of the waivers and was confused by the items they are requesting to be waived. He stated he is concerned about the process used to determine which waivers are appropriate for the development of the site.

Discussion was held regarding the need for the waivers to approve the subdivision plan to allow the applicant to make application to PennDOT for the new driveway.

MR. WURSTER MOVED WITH REFERENCE TO SD-2021-0013 STEVEN D. STAMBAUGH & LOUIS A. DUNCAN TO AMEND THE PREVIOUS MOTION BY STRIKING WAIVER REQUIREMENT 4. §289-26 MONUMENTS NOTING ALL MONUMENTS HAVE BEEN SET AND WITH THE FOLLOWING WAIVERS AND MODIFICATIONS:

- 1. § 289-10.A.(2)(d),(e),(f),(h) & (i). – Preliminary Plans; Procedure**
A waiver has been requested to not provide a photometric plan, landscaping plan, stormwater plan, a traffic impact study and a letter stating that an erosion control plan has been filed with York County.
- 2. § 289-11.C.(1),(2),(5),(7). – Preliminary Plans; Specifications**
A waiver has been requested to not submit of a feasibility study, environmental impact studies, stormwater management plan and erosion control plan.
- 3. § 289-13.A. - Final Plan Scale**
Modification has been requested to provide the final plan scale at 1"=30' instead of to allow for increased plan readability.
- 5. § 289-31. – Curbs and Gutters**
A modification has been requested and a 6-month note placed on the plan stating when the applicant is in receipt of written notice from the Township for installation of these improvements.
- 6. § 289-32. – Sidewalks**
A modification has been requested and a 6-month note placed on the plan stating when the applicant is in receipt of written notice from the Township for installation of these improvements.
- 7. § 289-36. – Streetlights**
A modification has been requested to not install streetlights for this two-lot subdivision plan. A 6-month note will be placed on the plan stating when the

applicant is in receipt of written notice from the Township for installation of these improvements.

- 8. § 289-41.A.(4). – Direct Access to an Arterial or Collector Road
A waiver has been requested to allow access to Mt. Zion Road via a proposed driveway for Lot #1. The required notice that a Highway Occupancy Permit has been requested to PennDOT.**
- 9. § 289-41.J. – Access Drive
A waiver has been requested to allow access to Mt. Zion Road via a proposed driveway for Lot #1. The required notice that a Highway Occupancy Permit has been requested to PennDOT**

MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

MR. WURSTER MOVED WITH REFERENCE TO SD-2021-0013 STEVEN D. STAMBAUGH & LOUIS A. DUNCAN TO APPROVE THE PLAN SUBJECT TO THE FOLLOWING CONDITIONS AS OUTLINED ON THE PLAN SUMMARY:

- 3. § 289-11.B.(24). Parcels of land proposed to be dedicated or reserved for public use. A fee in-lieu will be offered for recreation.**
- 5. § 289-12.A.(5)(a),(b),(c), and (d). - It is the applicant's responsibility to provide copies of the following, as appropriate, together with proof of the submittals to the Township:
a. (b) One copy to the District Office of the PennDOT for its review, comments and/or permitting where a proposed subdivision abuts or will be traversed by an existing or proposed commonwealth highway.
b. (c) One copy to the County Soil and Water Conservation District for erosion and sediment control review and letters of adequacy.
The applicant is awaiting PennDOT HOP approval.**
- 6. § 289-12.C. - Guarantee. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition or improved as may be required by the Subdivision and Land Development Ordinance, and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this chapter have been installed in accordance with this chapter. The site plan should show improvements per § 289-12.C. All improvements should be financially bonded.**
- 7. § 289-12.H. - Highway Occupancy Permit.
Any plan which will require access to a highway under the jurisdiction of the PennDOT shall not be finally approved unless the plan contains a notice that a**

highway occupancy permit is required pursuant to § 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law,"[1] before driveway access to a commonwealth highway is permitted.

Highway Occupancy Permit (HOP) must be approved before finalized subdivision. For the proposed driveway on Lot 1, a PennDOT Highway Occupancy Permit (HOP) is required for any driveway connected to a PennDOT road (Mt. Zion Road). If the proposed driveway is removed from the plan, an access drive connecting lot 1 to the roadway must be installed and paved per access road per Section 325, Article XXV Off-Street Parking, Loading and Unloading of the township ordinance.

- 9. § 289-27.C. - Driveway and access drive entrances or aprons within the street right-of-way shall be surfaced to their full width, the type of surface to be concrete as specified by the engineering specifications for streets. A 6-month note will be placed on the plan stating when the applicant is in receipt of written notice from the Township for installation of these improvements.**

The applicant is awaiting issuance of a driveway permit from PennDOT as Mt. Zion Road is a state road and requirements for paving will be set forth by PennDOT when the minimum use driveway permit is issued.

SECONDED BY MR. COX. MOTION UNANIMOUSLY PASSED.

D. CU-2022-0005 - Gabriel Brothers Plaza, 1200 Greensprings Drive

The requested modifications/waivers were reviewed as listed on the plan summary.

MR. WURSTER MOVED WITH REFERENCE TO CU-2022-0005 PARAMOUNT PORTFOLIO LMS TIC #1, LLC TO APPROVE THE 15 MODIFICATIONS/WAIVERS AND THE SITE MASTER PLAN AS LISTED ON THE PLAN SUMMARY. SECONDED BY COX. MOTION PASSED. (1 NAY)

MR. WURSTER MOVED WITH REFERENCE TO CU-2022-0005 PARAMOUNT PORTFOLIO LMS TIC #1, LLC TO APPROVE THE CONDITIONAL USE AS PRESENTED TO INCLUDE THE FLEXIBILITY OF THE DEVELOPER TO BRING IN AND REMOVE TENANTS IN COMPLIANCE WITH ALL TOWNSHIP REGULATIONS WITHOUT REQUIRING A REPEAT CONDITIONAL USE APPLICATION. IN ADDITION, TO ALLOW SIGN CHANGES IN DEMISING INTERIOR WALLS. SECONDED BY COX. MOTION UNANIMOUSLY PASSED.

10. COMMUNICATION FROM SUPERVISORS

BISHOP Mr. Bishop commended Chairman Swomley and Mr. Wurster for their diligent efforts to get through the subdivision and land development plan section of the agenda considering the horrible, terrible, and awful Staff work they had to deal with.

11. COMMITTEE REPORTS

There were no Committee Reports.

12. SOLICITOR'S REPORT

RAUSCH Solicitor Rauch commented given the concept of transferring tenants in and out with material work should not apply with just this situation and going forward that should be a policy. He indicated the language of the ordinance is ambiguous with the Town Center Overlay. He pointed out Section H referring to "change of use" which is the trigger for doing exterior work. He suggested the Board and Staff discuss revising that portion of the Town Center Overlay provisions, to include signage as well.

13. MANAGER'S REPORT

HODGKINSON Mr. Hodgkinson had no further report.

14. ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2022-36 - Authorizing Appointment of Deputy Tax Collector - Thomas Dwyer

MR. BISHOP MOVED FOR THE ADOPTION OF RESOLUTION NO. 2022-36. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY PASSED.

- B. Resolution No. 2022-37 - Authorization to Enter into Utility Relocation Cost Sharing Agreement with PennDOT for Mt. Zion Road Resurfacing Project

MR. BISHOP MOVED FOR THE ADOPTION OF RESOLUTION NO. 2022-37. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY PASSED.

- C. Resolution No. 2022-38 - Accepting Offer of Dedication for Conifer Court and Winterberry Drive in the Pleasantrees Phase II Residential Development

MR. DVORYAK MOVED FOR THE ADOPTION OF RESOLUTION NO. 2022-38. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY PASSED.

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REGULAR MEETING**

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APPROVED**

15. OLD BUSINESS

There was none.

16. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 9:43 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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