

**SPRINGETTSBURY TOWNSHIP  
CONDITIONAL USE HEARING - CASINO**

**AUGUST 22, 2019  
APPROVED**

The Springettsbury Township Board of Supervisors held a Conditional Use Hearing on Thursday, August 22, 2019 at 6:30 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA.

**MEMBERS IN**

**ATTENDANCE:** Mark Swomley, Chairman  
George Dvoryak, Vice Chairman  
Charles Wurster, Assistant Secretary/Treasurer  
Robert Cox  
Justin Tomevi (Arrived 6:50 p.m.)

**ALSO IN**

**ATTENDANCE:** Benjamin Marchant, Township Manager  
Charles Rausch, Solicitor  
John Luciani, Civil Engineer  
Dennis Crabill, Environmental Engineer  
Dori Bowders, Manager, Administrative Operations  
Jessica Fieldhouse, Director of Community Development  
Nitza Sanchez-Bowser, Director of Human Resources  
Dan Stump, Chief, Police Department  
Lt. Todd King, Police Department  
Andy Hinkle, Manager, Information Systems  
Jean Abreght, Stenographer

**1. CALL TO ORDER**

**SWOMLEY** Chairman Swomley called to order the Conditional Use Hearing for the purposes of hearing requests to redevelop a vacant portion of the York Galleria Mall into a Category 4 Mini-Casino. He asked Solicitor Charles Rausch to provide the order for the hearing.

**RAUSCH** Solicitor Rausch presented the procedures for the Conditional Use Hearing as it was different from the regular Board of Supervisors meeting in the sense that the board was sitting as Judges and not Legislators. He verbalized the process and asked for anyone who wanted to be a party. For the record no one from the audience indicated they wanted party status. The board was provided with an exhibit list in preparation for the discussions.

All participants for testimony were sworn in.

**2. NEW BUSINESS**

- A. CU-19-03 – Request to Redevelop Vacant Portion of York Galleria Mall into a Category 4 Mini-Casino

**COURTNEY** Charles Courtney, of McNees, Wallace and Nurich provided the names of several individuals involved in the Mini-Casino. He named the following:

- Chris Rogers, Penn National Gaming and Mountain View Thoroughbred Racing Association (license subsidiary of Penn National).
- Chris Schwab, Transportation Resource Group
- Jim Murphy, JCJ Architecture
- Tom Englerth, Site Design Concepts

**COURTNEY** Mr. Courtney stated the reasons for the Conditional Use application was for the proposed Casino and Gambling facility to be placed in the former Sears space in the York Galleria Mall. The project presents an opportunity to revitalize the mall. The plans, traffic study application and materials had been vetted by the township staff, and the Planning Commission recommended approval.

**ENGLERTH** Tom Englerth, Site Design Concepts, Project Engineer explained the site plans. He had put the Conditional Use plans together for the project. The parcel is surrounded by Pleasant Valley and Whiteford Roads, both township roads, and Mt. Zion Road, a state highway. There are five entrances and exits into the mall currently; one on Mt. Zion Road, two on Whiteford Road and two on Pleasant Valley. The parking configuration on the west side will be changed. An approximately 3,000 square foot building addition will provide ingress and egress only, contain a stairwell and an elevator to provide access from the upper level parking lot. The second floor will not be part of this project. The intersection and the loop road will be reconfigured. Some additional trees and landscaping will be placed around the site. Cameras will be placed in the parking area. All requirements of the Zoning Ordinance will be met.

**SCHWAB** Chris Schwab, Engineer with Transportation Resource Group provided the board with a high level overview of the Transportation Impact Study and the recommended improvements. He noted the study included the driveways and intersections on Mt. Zion, Pleasant Valley and Memory Lane. The study revealed no physical construction improvements required under the off-site intersections. However, the study recommended the southwestern driveway with Whiteford Road be converted to a right-in, right-out. In addition, a concept plan for future signalization was presented. All approaches to have a left-turn lane with a shared through and right-turn lane on Whiteford Road. To the south, a left-turn lane will be converted with a shared right turn coming out of the mall. Some additional improvements will be made towards the back along the ring road to provide additional access for the bank, along with some internal improvements on the mall driveway to assist with traffic flow to the signal. The cost estimate includes improvements, signalization rights-of-way for Whiteford Road. The cost estimate

does not include the interior improvements outside the right-of-way. Total costs of improvements within the right-of-way of Whiteford Road: \$310,475. A landowner has contributed \$100,000 for future signalization. The applicant has agreed to pay the difference of \$210,475 to be used for signalizing improvements or other improvements designated by the township. Payment of the contribution and coordination of related improvements will be memorialized in a Development Agreement between the township, the mall owner and Penn National.

**MURPHY** James Murphy, JCJ Architecture, Hartford, Connecticut indicated he had been working with casinos and hospitality-type projects for many years. He is the architect for the project and spoke first on the proposed elevations for the project. The building will remain intact. The north side brick will be painted, the block below will be cleaned and patched. The loading dock with some mechanical equipment will be fenced off. The middle/west elevation will remain brick and painted, the block will be cleaned and patched. A decorative EIFS cornice will dress up the sides. The 3,000 square foot building addition includes a portes-cochère for covered parking or covered access to drive up to the Casino building itself, to the main entrance a vertical circulation element that will connect to the upper parking lot, up above with an elevator and an escalator inside.

Mr. Murphy explained the Sign Package for the project. There are a total of nine signs that are proposed. A pylon sign will be placed at the southwest entrance, four monument signs at each of the entrances and there is signage on the building. The pylon sign will go to the southwest entrance, is approximately 120 feet tall and 60 feet wide. It will have Hollywood Casino at the top and additional signage for a tenant to be determined later. All signs are internally illuminated. The next group of signs are the monument signs. Those will go at the primary entrances around the site. There are two and the larger entrances get a slightly large sign, approximately 20 feet by 11 feet. Two smaller monument signs internally illuminated are approximately 6 feet by 12 ½ feet wide. The next category of signs are the four signs that are on the building. Three are internally illuminated box signs. Two are mounted to the face –to the side of the building above the EIFS or above the cornice. The third sign is on the backside or on the north entrance of the building. The fourth sign on the building is a graphic display right adjacent to the main entrance. The application includes a request for modification to permit the sign package as proposed.

**WURSTER** Mr. Wurster questioned the signage that highlights the new construction where the escalator and elevator will be located. He asked for clarification of the interior lighting for the public safety features from the upper level down to the main level.

**MURPHY** Mr. Murphy responded that it will be a continuation of the Casino inside. The elevator will be duly illuminated from the upper area all the way down to the main Casino floor.

**COX** Mr. Cox questioned whether there would be someone to monitor the patrons that are coming to the Casino to make sure they are of the correct age.

**MURPHY** Mr. Murphy responded that it all would be part of Penn National's security.

**COX** Mr. Cox questioned whether it would flow into the main entrance or whether it would be a separately manned space, such as in the parking garage at Grantville where guards are there to watch that entrance.

**MURPHY** Mr. Murphy responded that it would all funnel into one entrance into the Casino and will be controlled.

**COX** Mr. Cox questioned the LED message sign and the other being the graphic display sign at the side of the building. He wondered if they were the same sign.

**MURPHY** Mr. Murphy explained that they are two different type of signs, but they are signage attached to the building.

**COX** Mr. Cox asked where the LED sign will be located.

**MURPHY** Mr. Murphy responded that there is one on the elevator tower and there is one on top of the portes-cochère and one on the face or the north side of the building, attached directly to the face of the building.

**COX** Mr. Cox thanked Mr. Murphy for the clarification.

**COURTNEY** Mr. Courtney clarified that this hearing is for Conditional Use Approval, for the Modification of the Landscaping Plan for Security Purposes, Modification for the Sign Package

### **3. PUBLIC COMMENT**

**LEASE** Louis Lease of Louie's Auto Service and Towing business in the township. He asked the board for consideration of the business owners who comply with the sign ordinance. He was concerned with the proposed signage for the Casino.

**GOOD** Kathy Good of Chanceford Township had been asked to read a statement for some people who live on Pelham Drive.

**RAUSCH** Solicitor Rausch asked for their names and addresses.

**GOOD** John and Peggy and Kathleen and her husband.

**KOPCHINSKY** Kathleen Kopchinsky responded 1740 Pelham Drive

**GOOD** Ms. Good stated they had been present during earlier discussions on the Casino. They had been told that an ordinance can be changed if the board approves it. There's an advertised public notice with a 30-day comment period followed by a public vote. They had not heard it advertised or seen any public notice. She asked when the vote was taken.

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- RAUSCH** Solicitor Rausch responded that it was not part of this hearing; however, his recollection was that it was in February or March. To his knowledge everything was done according to the law.
- WHITE** Robert White, 3323 Rodney Lane, Dover questioned whether the Casino will be non-smoking.
- COURTNEY** Charles Courtney responded that 50% of the gaming floor will be non-smoking, and 50% will be smoking.
- MEHRING** Lyn Mehring, Memory Lane Extended questioned whether the four-way stop sign will stay. She was concerned about the traffic.
- COURTNEY** Mr. Courtney responded that the four way stop sign won't change.
- LEASE** Bob Lease, 2596 Eastwood Drive, Haines Acres questioned whether the facility would be under any grandfather clauses in terms of fire walls, sprinkler systems, etc. for safety.
- FIELDHOUSE** Ms. Fieldhouse responded that they have to meet all of the current Uniform Construction Code Standards currently in place in the Commonwealth of Pennsylvania.
- KOPCHINSKY** Kathleen Kopchinsky, 1740 Pelham Drive asked when the vote was taken to allow gambling in Springettsbury Township. She asked who will be making the money.
- RAUSCH** Solicitor Rausch reiterated that the vote to add regulations for the Casino was taken in February or March of 2018. Regarding the money, Penn National, the Galleria Mall, owner of the property, the township will receive 2% of the slot machines and 1% of the gaming tables of revenue.
- TROXELL** Joyce Troxell, 1842 Ridgewood Road expressed concern about the traffic. She wondered how individuals in the township will benefit by having the Casino.
- RAUSCH** Solicitor Rausch responded that the revenues received from the Casino would go into the townships' General Fund, and it will be up to the board to determine its use.
- CUSTER** Tom Custer, 2580 Eastwood Drive questioned whether the Casino would be only on the first floor and whether there are plans for the second floor.
- RAUSCH** Solicitor Rausch responded that they only applied to be on the first floor. The second floor is owned by the Galleria Mall, and it will be their decision what they want to do with it.
- MARCHANT** Mr. Marchant stated that the first floor is the total capacity build out for a Category 4 Casino. The license would not allow any other expansion.
- COURTNEY** Mr. Courtney responded that he was correct.

**SWOMLEY** Chairman Swomley asked whether anyone else wished to speak. Hearing none he closed the testimony portion of the hearing.

**RAUSCH** Solicitor Rausch stated that the board, sitting as Quasi Judges, can deliberate in public or in Executive Session and come back on the record when a decision has been made. If more time is needed the board has 45 days to continue to review and further deliberate.

**The Board of Supervisors convened into Executive Session at 7:22 p.m.**

**The Board of Supervisors reconvened the Conditional Use Hearing at 7:34 p.m.**

**SWOMLEY** Chairman Swomley re-opened the Conditional Use Hearing for discussion of the signage piece. The board requested discussion about the maximum signage and what is allowed under the current ordinance versus the amount of signage that is being recommended.

**FIELDHOUSE** Ms. Fieldhouse stated that it is Identification Signage stipulated by the Zoning Ordinance and specifically for this location is the Commercial Highway. She noted there are two zoning districts: one is the Commercial Highway and the other is the Town Center Overlay. For the Commercial Highway a maximum of permanent sign area is 35 percent of the building front area or 10 percent of the street frontage. When staff enforces the Ordinance, they use the 35 percent of the building front area. It is length times height for one side of the building, and the maximum amount of signage is 35 percent of that number.

**DVORYAK** Mr. Dvoryak asked whether they had defined the building as the entire mall or the area that they are redeveloping and will occupy.

**FIELDHOUSE** Ms. Fieldhouse stated that there are two calculations done. First, the overall signage should not be more than 35 percent of one of the building walls. It is the entire mall, but shopping centers can also be considered for the store front, so it would then be 35 percent of that building wall area.

**COX** Mr. Cox asked how the sign ordinance affects monument signs.

**FIELDHOUSE** Ms. Fieldhouse responded that for Commercial Highway it states that the premises shall have no more than two free standing signs. The total freestanding signage on the premise shall not exceed 180 square feet.

**RAUSCH** Solicitor Rausch questioned whether that would apply to a shopping center or is a mall considered differently.

**FIELDHOUSE** Ms. Fieldhouse responded that these are the requirements for the Commercial Highway Zoning District. I believe the only legislation in the zoning Ordinance specific to a shopping center is at the beginning of the ordinance. The only other requirements for a shopping center is that the signage be done on a cumulative

basis, so that the overall will not be over the 35 percent and then each storefront is 35 percent.

**DVORYAK** Mr. Dvoryak questioned how different the number of signs would be if they weren't requesting modifications to the sign ordinance. How would the proposed signage be changed in order to comply with the ordinance as stated.

**FIELDHOUSE** Ms. Fieldhouse responded they would be limited to only two freestanding signs. Commercial Highway does allow for a Pylon sign so theirs would be acceptable. The height and size of the signage necessary for this use is more than is allowed in the ordinance. They would be limited to two freestanding signs and limited to 35 percent of the total front area of the mall.

**TOMEVI** Mr. Tomevi questioned whether any exceptions were made for the Yorktown shopping complex.

**LUCIANI** Mr. Luciani responded that the Yorktown received zoning relief for signage.

**COX** Mr. Cox asked whether the Planning Committee recommended the Conditional Use and the Signage Package because of the uniqueness of the use.

**FIELDHOUSE** Ms. Fieldhouse responded that absolutely the Planning Commission did approve the signage package and recommended approval to the Board of Supervisors. The language written for Gaming Casino Use in the zoning ordinance was known upfront that a modification would be necessary in order for signage to have the opportunity to review it on a case-by-case basis.

**RAUSCH** Solicitor Rausch asked whether Mr. Courtney had anything further to add to the discussion.

**COURTNEY** Mr. Courtney stated that there are two unique aspects about this project, the enclosed mall and the Casino. With regard to the taller Pylon sign, there is space on that sign for another tenant so it will benefit more than the Casino. A study was done for that sign to determine the height and size. The monument signs do provide some advertising for the Casino but they only serve a directive purpose. This isn't anything close to Las Vegas. It is more signage than for other type of uses, but this is a unique use in a unique format. That is the basis for treating it differently. The sign package was scrutinized as they desired the signage to be purposeful. The Planning Commission recommended approval. He believed the basis is the uniqueness of the mall.

**SWOMLEY** Chairman Swomley asked for any further discussion. Hearing none, the testimony was closed, and the board moved back into deliberation.

**MR. WURSTER MOVED FOR THE APPROVAL OF THE CONDITIONAL USE APPLICATION. THE APPLICANT HAS MET THE STANDARDS FOR A CASINO WITH REGARD TO THE TOWNSHIP ORDINANCE, SECTION 225.168.1. THEY HAVE MET THE CONDITIONS FOR THE CONDITIONAL USE AS OUTLINED IN SECTION 325.194.B, AND THEY HAVE MET THE CONDITIONAL USE UNDER ARTICLE 33 OF THE TOWN CENTER OVERLAY WITH MODIFICATIONS TO THE LANDSCAPING FOR SAFETY AND SECURITY AND TO THE SIGNS AS PRESENTED. MR. TOMEVI WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

**SWOMLEY** Chairman Swomley closed the Conditional Use Hearing at 7:45 p.m.

Respectfully submitted,

Doreen K. Bowders  
Secretary

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