

**SPRINGETTSBURY TOWNSHIP  
CONDITIONAL USE HEARING – CU-2021-0005**

**SEPTEMBER 9, 2021  
APPROVED**

The Springettsbury Township Board of Supervisors held a Conditional Use Hearing on Thursday, September 9, 2021 at 6:00 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 via Zoom

**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  
Terry Hummel, Director of Finance (Zoom)  
Todd King, Police Chief  
Dan Hoff, YAUFR Chief  
Abby Gibb, Communications Manager  
Jean Abreght, Stenographer

**1. CALL TO ORDER**

**SWOMLEY** Chairman Swomley called the Conditional Use Hearing to order.

**2. NEW BUSINESS**

A. CU-2021-0005 – Request to Allow Proposed Fast-Food Restaurant with Drive-Thru-Nalley Fresh, York Marketplace Shopping Center

**RAUSCH** Solicitor Charles Rausch swore in all individuals who planned to testify during the Conditional Use Hearing.

**DELLINGER** Chris Dellinger, Herbert, Mullin & Grubick, spoke for the plan representing the Landowner, J. C. Barr, Inc. He stated that the proposed plan is for a Nalley Fresh Restaurant, a new concept in healthy fast-food. It is proposed to place the restaurant in the York Marketplace Shopping Center, which is in the Town Center Overlay District. A Master Plan had been submitted focusing on a 400-square foot drive-through only restaurant. The restaurant is to be placed between the front of Lowe’s and the Crunch Fitness facility. Mr. Dellinger indicated a number of items of supplemental information that had been addressed in their planning process:

- Drive-through que analysis shows available stacking for 16 cars.
- Cooking to be done off-site, assembled, warmed and served at this facility.
- Half the concrete island removed and replaced with sidewalk; remaining areas landscaped.
- Pre-fabricated modular building placed in former two-way aisle; angled parking
- Connecting to public utilities, sanitary sewer, water.
- No indoor seating; picnic tables in a green area with benches, etc.
- Use of existing lighting unchanged.
- Enclosed area will house trash containers; will use existing dumpsters in the shopping center.
- Building owned by J. C. Barr; pad lease used of the actual footprint; copy to be provided to the Township.
- Should the restaurant fail, J. C. Barr will restore the area back to its previous condition; lease between landlord and tenant (separate agreement to be created.)
- Removal of trees creating sight distance; planting of ornamental shrubs.
- Net reduction in impervious surface.
- Canopy adds square footage to approximately 913 sf.
- Bicycle rack to be placed.

The Developer requested the following from the Township:

- Approval of Conditional Use for the 400 sf Nalley Fresh Restaurant
- Relief of parking for the shopping center (traffic/parking study done)
- Total of 1,337 parking spaces in the shopping center; requirement is 1,495
- Nalley Fresh requests reduction of parking spaces by 33; 191 less than required.
- Relief/waiver from a separate Land Development Plan; providing a Site Development Plan and obtaining a Building Permit.
- Attached Signage to be a function of the building square footage; handled through a separate zoning application; submit through Building Permit Application.
- Entranceway into shopping center needed repairs for potholes, etc.

### **3. PUBLIC COMMENT**

**GIBBS** Dakota Gibbs, 4169 Greywood Drive questioned whether the goal of the Town Center Overlay is to maintain walkability.

**RAUSCH** Solicitor Rausch responded that, in general, yes, one of the goals of the Town Center Overlay Is to increase walkability and pedestrian access.

**GIBBS** Mr. Gibbs noted there should be more of a focus on servicing a high-volume of traffic of cars instead of focusing on a restaurant.

**RAUSCH** Solicitor Rausch responded that the Board would consider his comments and that will be part of the deliberations for consideration.

**GIBBS** Jonathan Gibbs, 4169 Greywood Drive, questioned whether the developer had run virtual simulations. He asked how fire and police will access the location if the parking lot is full.

**DELLINGER** Mr. Dellinger responded that they had not done any truck-turning simulations.

**SWOMLEY** Chairman Swomley noted that the Township had run simulations of how fire trucks would get around a building and through a parking lot; not necessarily a restaurant.

**4. ADJOURNMENT**

**SWOMLEY** Chairman Swomley closed the Hearing at 7:04 p.m.

Respectfully submitted,

Doreen K. Bowders  
Secretary

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