

YORK TOWNSHIP

190 Oak Road, Dallastown, Pennsylvania 17313

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The September meeting of the York Township Zoning Hearing Board was called to order by John Myers, Vice Chair.

Those in attendance were:

John Myers, Vice Chair
William Descar, Secretary
Anthony Pantano, Asst. Secretary
George Cronin, Member
Glenn Myers, Member
Timothy Salvatore, Member
Jeffrey Rehmyer, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF AUGUST 24, 2021

The Zoning Hearing Board minutes of the August 24, 2021, meeting were approved.

DECISIONS OF AUGUST 24, 2021

The Zoning Hearing Board decisions of the July 27, 2021, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES, APPEALS

Application 2021-13, Stefan VonStein, Ashley VonStein, Carl VonStein and Jackie VonStein request a Special Exception per Section 265-1009.B to establish a multi-generational home with two independent living spaces with separate and common ingress/egress for occupancy by owners, family, and guests of the property and/or occupants on property located at 850 Stine Hill Road, Dallastown, PA in a Residential Agricultural (RA) District.

York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

York Township Zoning Hearing Board
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Present: Carl VonStein
 Stefan VonStein

MOTION: On Application 2021-13, Stefan VonStein, Ashley VonStein, Carl VonStein and Jackie VonStein request a Special Exception per Section 265-1009.B to establish a multi-generational home with two independent living spaces with separate and common ingress/egress for occupancy by owners, family, and guests of the property and/or occupants on property located at 850 Stine Hill Road, Dallastown, PA in a Residential Agricultural (RA) District, that the application be approved.

MOTION MADE BY: Timothy Salvatore
 SECONDED BY: Anthony Pantano
 MOTION PASSED UNANIMOUSLY

Continued Application 2021-12, Burkentine and Sons Builders, Inc. request a Special Exception to establish Multi-Family Dwelling use on property located along the north side of Springwood Road at the intersection of Pauline Drive (113.03 acres) in Mixed Residential Commercial (MRC) and Residential High Density (RH) zoning districts.

Present: Paul Minnich
 Todd Kurl
 Mickey Thompson

MOTION: On Continued Application 2021-12, Burkentine and Sons Builders, Inc. request a Special Exception to establish Multi-Family Dwelling use on property located along the north side of Springwood Road at the intersection of Pauline Drive (113.03 acres) in Mixed Residential Commercial (MRC) and Residential High Density (RH) zoning districts, that the application be approved.

CONDITIONS: That the total number of dwelling

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units will not exceed 65 as designated on the
concept plan.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: John Myers


MOTION: To amend the original motion to include
a condition that all of the designated open space
be covered by conservation easement including
that portion of the property located west of 83.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: William Descar
MOTION PASSED UNANIMOUSLY

MOTION: To grant the Special Exception subject
to two conditions (1) the limit of units at 65
and (2) the imposition of the conservation
easement on the area designated as open space in
the area to the west of 83.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: John Myers
MOTION PASSED 4-1 (Glenn Myers voted negatively)

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2021-12

Hearing Date: August 24, 2021 and September 28, 2021

Applicant: Burkentine and Sons Builders, Inc.

Property Owner: Spartan Asset, LLC

Property: 2305 Springwood Road, UPI #54-000-II-0026-00-00000
2301 Springwood Road, UPI #54-000-II-0026-A0-00000
2335 Springwood Road, UPI #54-000-IJ-0263-00-00000
Springwood Road, UPI #54-000-IJ-0263-B0-00000
Springwood Road, UPI #54-000-IJ-0269-00-00000
Camp Betty Washington Road, UPI #54-000-IJ-0264-C0-00000
Camp Betty Washington Road, UPI #54-000-IJ-0265-00-00000
Camp Betty Washington Rear Road, UPI #54-000-IJ-0266-00-00000

Existing Zone: Mixed Residential Commercial (MRC) and
Residential High Density (RH) Zones

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-403.C.7 and 265-405.C.1 thereof.

FINDINGS OF FACT

Based upon the evidence presented, and its evaluation of the credibility of the witnesses, the Board finds as follows:

1. The foregoing information and the Application, including its attachments, are incorporated by reference.
2. Paul Minnich, Esquire, of the law firm of Barley Snyder represented the Applicant. Additionally, Mickey Thompson, Esquire, Land Development Manager and in-house counsel of the Applicant was also present. Finally, Kathy Conley of RGS Associates, the project engineer appeared on August 24, 2021 too.
3. The Applicant is seeking a Special Exception for a Multi-Family Dwelling on all of the Property identified above, pursuant to Section 265-403.C.7 and 265-405.C.1 of the Zoning Ordinance, since the Properties are in both the Mixed Residential Commercial (MRC) and Residential High Density (RH) Zoning Districts (the "Special Exception").
4. The project at large is to be called Beckett Woods and would consist of a Mixed Use Building, Townhomes, Apartments and amenities, with 668 units proposed (collectively the "Project" or "Beckett Woods").
5. Attorney Minnich called Kathy Conley who provided the following information about her education and experience:
 - a. She has been employed by RGS Associates for 4 years.
 - b. She has over 25 years of subdivision and land development experience in York County.

- c. She has a Bachelor of Science in Civil Engineering from the Pennsylvania State University.
 - d. She is routinely involved in the preparation, submission and prosecution of subdivision and land development plans.
 - e. In her role as Client Manager, she is involved in the review of such plans in accordance with the applicable ordinances.
 - f. She and her team believe that the Application as submitted meets the requirements under the Ordinance for a grant of a Special Exception.
6. Attorney Minnich provided the following Exhibits to the Board:
- a. Exhibit 1 – An aerial photograph with an overlay of the proposed development, known as Beckett Woods, which drawing is dated August 24, 2021.
 - b. Exhibit 2 – Another aerial photograph of Beckett Woods, focused on the portion of the Property upon which there will be improvements, which drawing is dated July 26, 2021.
 - c. Exhibit 3 – Includes a number of photographs or illustrations of the following:
 - i. Mixed Use Building.
 - ii. Townhouses.
 - iii. Garden Style Apartment Building (3 story).
 - iv. Four-Story Apartment Buildings.
 - d. Exhibit 4 – First and last page of an Agreement of Sale between Spartan Assets, LLC (the Property owner) and Burkentine & Sons Builders, Inc. and/or assigns (the Applicant).
7. Focusing on Exhibit 1, Attorney Minnich questioned Kathy Conley who provided information as follows:
- a. The Property is bounded on the West by Interstate 83.
 - b. The Property is bounded on the East by a golf course, formerly known as Springwood, now part of Bridgewater.
 - c. The Northern portion of the Property consists of forested land and is bounded by forested lands.
 - d. Springwood Drive is located to the South of the Property.
8. Focusing on Exhibit 2, Kathy Conley provided additional explanation to include the following:
- a. The Mixed Use Building would be adjacent to Springwood Road and Interstate 83 (Green Buildings).
 - b. The Townhomes would be along the Western portion of the Property, adjacent to Interstate 83 (Purple Buildings).
 - c. The Three-Story Walk-up Apartments are shown in the center of the Property (Dark Brown Buildings).
 - d. The Four-Story Apartment Buildings (which would have elevators) are shown on the Northern and Eastern boundary of the Property (Light Brown Buildings).
 - e. There are 2 points of access to the Property along Springwood Road. The first would be opposite Pauline Drive. The second would be the existing driveway, which would become a right-in and right-out point of access.
 - f. There is a stream along the Property that shall be restored. The Applicant will be seeking funds as reimbursement for the cost of stream restoration.
 - g. There will be buffering along the stream to protect flora and fauna.
 - h. There is currently an existing crossing of the stream, which will be upgraded.
 - i. Two new stream crossing are proposed.
 - j. The connection of the Property to the adjacent golf course will be improved.

- k. All work related to the stream would be subject to joint permits with the Pennsylvania Department of Environmental Protection and the United States Army Corp of Engineers.
 - l. The commercial use in the Mixed Use Building is expected to be a café.
 - m. Adjacent to the Mixed Use Building will be a Clubhouse Building (also shown in Green).
9. With regard to the specific requirements for a Multi-Family Dwelling in Section 265-649, the following was offered:
- a. The minimum lot area shall exceed 1 acre and be sufficient for the Ordinance.
 - b. All buildings shall be set back a minimum of 50 feet from the Property lines or streets rights-of-way. A buffer planting strip consistent with Type C of Section 610 of the York Township Subdivision and Land Development Ordinance shall be planted within said 50 feet.
 - c. The lot width shall exceed the minimum of 200 feet.
 - d. The Multi-Family Dwelling complex shall have 2 points of access from public streets, namely, Springwood Road. All units shall be accessible from interior private streets only.
 - e. The minimum landscaped and equipped play areas and open space are scheduled to be acceptable per the Ordinance.
 - f. The maximum building height requirement of the Ordinance shall not be exceeded.
10. Attorney Minnich called Attorney Thompson who testified about himself as follows:
- a. He has been an attorney for 22 years.
 - b. Previously he served as solicitor for Zoning Hearing Boards in Lehigh Valley.
 - c. He also served as Chief Operating Officer and in-house counsel for a developer in Lehigh Valley.
 - d. He has been with Burkentine & Sons Builders, Inc. since February, 2020.
 - e. He was involved in the preparation of the Application.
 - f. He reviewed the Application in conjunction with the Ordinance.
 - g. He believes the Application as presented meets the criteria for a Special Exception.
11. Attorney Minnich questioned Attorney Thompson who provided additional testimony as follows:
- a. Beckett Woods is proposed to be a project that is up-scale, if not luxurious.
 - b. The Applicant is also proceeding with other projects pursuant to prior approvals granted by York Township Zoning Hearing Board.
 - c. They may have some portions of Beckett Woods be for individuals 55 or older.
 - d. With regard to the Mixed Use Building, it will likely be called Burkentine Station.
 - e. In addition to the commercial use, the café, on the first floor, there are expected to be 5 apartment units on each of the second and third floors.
 - f. The building will be of an unusual architectural design, as shown on Exhibit 3.
 - g. On another project in New Freedom Borough, the first floor user in a similar building is a microbrewery.
 - h. The Community Center that will be adjacent to the Mixed Use Building will have a gym, swimming pool, play areas and more.
 - i. It is expected that the Community Center will also have an Amazon hub for pick-up and delivery of packages.
 - j. It is contemplated that there will likely be cold storage in the Four-Story Apartment Buildings too.
 - k. There will also be courtyards with those Four-Story Apartment Buildings.

- l. The Applicant shall own and manage the Property.
 - m. The restored stream is expected to be an amenity that people will enjoy.
 - n. The Applicant has the Property under contract as evidenced by Exhibit 4.
 - o. Attorney Thompson reminded the Board that the York Township Board of Commissioners changed the zoning of the Property to RH in 2016 to allow higher density.
12. In response to questions, the Applicant answered as follows:
- a. There is expected to be no development on the upper portion of the Property that is forested.
 - b. The Property does include some land on the West side of Interstate 83 that will be used for calculations, but not developed in any way.
 - c. The units on the Property will be rental only, but nothing will be offered for sale.
 - d. Some initial trip calculations were completed.
 - e. It is expected that the intersection at Pauline and Springwood will be signalized.
 - f. While the Township is studying the Springwood/Pauline signal at that intersection, the Applicant will need to study and permit the final leg, which will be the Beckett Woods point of access.
 - g. The Applicant will complete the requisite road improvements too.
13. Attorney Minnich moved for Exhibits 1 through 4 to be admitted to the record, which occurred without objection.
14. At the first hearing, there was nobody present in the audience, so there were no questions for the Applicant or testimony for or against the Applicant.
15. The Applicant was aware of the prior decision involving the Property and the Conditions therein, Decision 2016-18.

Attorney Minnich requested a continuance, to allow the Applicant the opportunity to further develop calculations related to the specific requirements for a Multi-Family Dwelling in Section 265-649.

Tony Pantano moved to grant the continuance as requested, and Glenn Myers seconded the Motion. Then, Jim Barnes, John Myers, Glenn Myers, William Descar and Anthony Pantano voted in favor of granting the continuance.

16. Paul Minnich, Esquire, Mickey Thompson, Esquire and Todd Kurl of RGS Associates were present on behalf of the Applicant at the September 28, 2021 hearing.
17. Attorney Minnich provided a brief summary of the testimony provided during the August 24, 2021 hearing.
18. Attorney Minnich then called Attorney Thompson who testified as follows:
- a. No dimensional zoning relief is being requested in this Application.
 - b. He summarized all of the buildings that would comprise the Project, referencing Applicant's Exhibit 1.
 - c. He indicated that some of the buildings, particularly the Four-Story Apartment Buildings may be designed for residents 55 or older.
 - d. He confirmed the intention of the Applicant to retain all wooded areas shown on any of the Exhibits.
19. Attorney Minnich presented additional Exhibits to the Board to include the following:
- a. Exhibit 5 – Net Area Exhibit for Beckett Woods.
 - b. Exhibit 6 – Open Space Exhibit for Beckett Woods.
 - c. Exhibit 7 –Parking.

20. Attorney Minnich called Todd Kurl who provided the following information about his education and experience:
 - a. He is a licensed landscape architect.
 - b. He graduated from West Virginia University.
 - c. He has been in the land development field for 18 years.
 - d. He has been with RGS for 11 years.
 - e. He was involved in the preparation of Exhibits 5, 6 and 7.
21. Attorney Minnich questioned Mr. Kurl about Exhibit 5, who testified as follows:
 - a. The Gross Site Acreage is 113.03 acres.
 - b. The Net Site Acreage, as calculated per the Ordinance, is 76.21 acres.
 - c. Assuming that all units were 3 bedrooms, the minimum Net Lot Area would need to be 39.31 acres.
 - d. Accordingly, the Minimum Net Lot Area required by Section 265-649(a) of the Ordinance is met.
22. Attorney Minnich questioned Mr. Kurl about Exhibit 6, who testified as follows:
 - a. The Ordinance requires 23.34 acres of Open Space per Section 265-649(E), and the Open Space as shown on Exhibit and for the Project is 67.45 acres.
 - b. Section 265-449(E) requires Equipped Play Areas of 1.26 acres, again assuming that all units are 3 bedrooms.
 - c. The Exhibit shows that the Project will have 1.59 acres of Equipped Play Areas.
 - d. Mr. Kurl noted that the assumption of 3 bedroom dwelling units was intended to utilize the most restrictive option of the Ordinance.
23. Attorney Minnich spoke to Mr. Kurl about Exhibit 7, who testified as follows:
 - a. The Project will have 46 garages.
 - b. There are a total of 1,484 parking spaces on the Exhibit for the Project.
 - c. Accordingly, there will be 1,530 parking spaces.
 - d. Assuming 192 dwellings are 1 bedroom or 1 bedroom with a den and 493 dwellings are two or three bedroom, then there needs to be 1,274 parking spaces, plus an additional 20%, for a total of 1,529 total parking spaces.
 - e. For the Townhome units, the driveway is considered to be a parking space.
 - f. Accordingly, sufficient parking will be provided for the unit mix referenced above.
24. In response to questions, the Applicant confirmed that secondary access to the Project would be on the lower portion but above the floodway.
25. There were no additional questions for the Applicant.
26. There was no testimony for or against the Applicant.
27. On behalf of the Township, the Zoning Officer indicated that the Property involved presents a difficult site for development purposes but the Township is comfortable with what is proposed so far, although much more subdivision and land development planning will need to be done.
28. In response to the General Standards for a Special Exception in Section 265-1009, the following was provided:
 - a. The intended purpose of the proposed Use is consistent with the Township's development objectives as established in the Comprehensive Plan.
 - b. The proposed Use is in the best interest of properties in the general area, as well as the community at large, when viewing the proposed Use in relationship to and its potential effects upon surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation.

- c. The proposed Use is suitable for the Property in question and is designed, constructed and will be operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and generation of traffic.
 - d. There are adequate and available utility services and facilities, such as sanitary and storm sewers, water, fire, police and other public facilities and the ability of the Township to supply such services.
 - e. The proposed Use has adequate ingress, egress, interior circulation of pedestrians and vehicles, off-street parking and accessibility to the existing Township street system.
 - f. The Use shall be in conformance with all applicable requirements of the Ordinance and, where applicable, in accordance with the Township's Subdivision and Land Development Ordinance.
29. The following Conditions were discussed and the Applicant agreed to the Conditions with regard to the grant of any relief:
- a. There shall be no more than 685 units on the Property.
 - b. A conservation easement shall be placed upon all of the Open Space of the Project as shown in the Exhibit.
(Collectively the "Conditions")

CONCLUSIONS OF LAW

Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

- 1. The Applicant has met the specific criteria for a Special Exception for Multi-Family Dwellings per Section 265-649.
- 2. The Applicant has met the general criteria for a Special Exception per Section 265-1009(c).
- 3. The grant of any zoning relief shall be subject to the Conditions.

Accordingly, Timothy Salvatore moved, and John D. Myers seconded, to grant the Special Exception, subject to the Conditions, to establish Multi-Family Dwelling use on the Property located along the North side of Springwood Road at the intersection of Pauline Drive in the Mixed Residential (MRC) and Residential High Density (RH) Zones.

Before there was a vote on the Motion, there was a Motion to Amend by Timothy Salvatore, and seconded by Anthony Pantano, that the Conservation Easement required by the Conditions shall also include all of the Property that is to the West/opposite side of Interstate 83. The motion to amend passed with John D. Myers, William Descar, Timothy Salvatore, Anthony Pantano and Glenn Myers voting in favor of the motion to amend.

The initial Motion, as amended, which modified the Conditions that there be no more than 685 dwelling units on the Property and that there be a conservation easement recorded with regard to all Open Space in the Project and on all Exhibits, as well as the land West of Interstate 83, was passed, with John D. Myers, William Descar, Timothy Salvatore and Glenn Myers voting in favor of the motion as amended and Anthony Pantano voting against the motion as amended. Accordingly, the motion, as amended passed.

WITNESS/ATTEST

Wm. T. Descar
William Descar, Secretary

YORK TOWNSHIP
ZONING HEARING BOARD

By: John D. Myers
~~James Barnes, Chair~~
John D. Myers Vice-Chair
01/25/2022
Date

The Special Exception granted herein shall expire if the Applicant fails to, where required to do so, obtain a Permit, submit a Land Development Plan or commence work within six (6) months of the date of the authorization of the Special Exception, pursuant to Section 265-1009. E. of the Ordinance.

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2021-13

Hearing Date: September 28, 2021

Applicants: Stefan VonStein, Ashley VonStein, Carl VonStein
and Jackie VonStein

Property Owners: Carl, Jacqueline, Sefan and Ashley VonStein

Property: 850 Stine Hill Road
UPI: 54-000-FJ-0026-H0-00000

Existing Zoning District: Residential Agricultural (RA) Zone

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Sections 265-364.B. and 265-1009(B).

FINDINGS OF FACT

Based upon the evidence presented, and its evaluation of the credibility of the witness, the Board finds as follows:

1. The foregoing information and the Application, including its attachments, are incorporated by reference.
2. Carl VonStein and Stefan VonStein were present as Applicants and Property Owners.
3. The Applicants are seeking approval of a multi-generational home (the "Home"), which approval would be in the form of a Special Exception for a use not otherwise provided for elsewhere in the Ordinance, pursuant to Section 265-304.B. (the "Special Exception").
4. As part of the Application for the Special Exception, the Applicants also provided a two-page narrative and a number of articles about the increase in multi-generational, homes and the benefits thereof.
5. The Applicants provided background information with regard to the necessity for the Home, as follows:
 - a. The Home will allow 2 independent living spaces with separate and common ingress/egress for occupancy by owners, family and guests of the Property occupants.
 - b. The Applicants include Mother, Father, Son and Daughter-in-Law.
 - c. The Son and Daughter-in-Law have children as well.
 - d. The Home will offer numerous socio-economic benefits to all who reside in it.
 - e. The Home will look like a single-family dwelling.
 - f. The Home will utilize shared utilities, driveway and parking areas, common spaces and garages.
 - g. A key feature of the Home is that it will provide independent living for the Applicants and their children, to include areas to allow for separation and privacy, as well as areas that can be used in common in a familial setting.

6. The Applicants noted that on this Property, in the Zone referenced above, there could be constructed a single-family dwelling, a single-family dwelling with an accessory apartment, a single-family dwelling with an accessory farm dwelling, a single-family dwelling with an apartment and accessory farm dwelling, a group home, a rooming house, or a domiciliary care home, either by right or Special Exception.
7. The Applicant noted that the Home, as proposed, has remarkable similarities to those uses, subject to the explanation in the Application and in particular the Articles.
8. The Applicant provided a number of drawings as Exhibits to include the following:
 - a. Exterior views of the front, rear and sides of the Home.
 - b. A drawing showing the first floor of the Home.
 - c. A drawing showing the second floor of the Home.
 - d. A drawing showing the basement area of the Home.
 - e. The Final Subdivision Plan for Phase III of Stein Hill Estates.
9. The Applicant indicated the following:
 - a. There would be no lease in place for any member of the public or for any third parties to reside in the Home.
 - b. With regard to the Floor Plans, the first floor would include a Kitchen, Living Room, Master Bedroom, Master Bath, Closet, Bath, Office, Laundry, Foyer, Covered Patio and 2 Car Garage area that would be 1 dwelling unit (the "In-Law Area").
 - c. Additionally on the first floor there would be a second dwelling unit (the "Main Area") with Great Room, Kitchen, Living Room, Foyer, Powder Room, Mud Room, Covered Porch, Deck, Covered Deck and a 2 Car Garage.
 - d. The Main Area would also access via steps to the second floor a Master Bedroom, Master Bath, Closet, Bedroom #2, Bedroom #3, Craft Room, Bath and Office.
 - e. The Main Area would have 1,193 square feet on the first floor and 1,343 square feet on the second floor.
 - f. The In-Law Area on the first floor would consist of 1,434 square feet.
 - g. The Main Area garage would be 480 square feet.
 - h. The In-Law garage would be 488 square feet.
 - i. The Main Area basement would be 1,193 square feet.
 - j. The Home would be setback on the lot, well over 500 feet, as the main area of the lot sits further from Stein Hill Road.
10. With regard to the General Standards for a Special Exception in Section 265-1009(c), the Applicant offered the following:
 - a. The intended purpose of the proposed Use is consistent with the Township's development objectives as established in the Comprehensive Plan.
 - b. The proposed Use is in the best interest of properties in the general area, as well as the community at large, when viewing the proposed Use in relationship to and its potential effects upon surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation.
 - c. The proposed Use is suitable for the Property in question and is designed, constructed and will be operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and generation of traffic.
 - d. There are adequate and available utility services and facilities, such as sanitary and storm sewers, water, fire, police and other public facilities and the

ability of the Township to supply such services. Electricity will be provided and other utilities, including water and sewer will be addressed on-site.

- e. The proposed Use has adequate ingress, egress, interior circulation of pedestrians and vehicles, off-street parking and accessibility to the existing Township street system.
 - f. The Use shall be in conformance with all applicable requirements of the Ordinance and, where applicable, in accordance with the Township's Subdivision and Land Development Ordinance.
11. With regard to Section 265-304(A), the Applicant confirmed:
- a. The Home will be similar to uses that are permitted or allowed by Special Exception for the Property in the Zone.
 - b. The Home would meet all Ordinance requirements applicable to the Zone.
 - c. The Home would not constitute a public or private nuisance.
12. The following Conditions were discussed and Applicant agreed to the Conditions with regard to the grant of any zoning relief:
- a. The Property would not be subdivided at any time in the future to create an additional building lot, although a subdivision to allow a portion of the land to be attached to an adjacent property could be approved by the Township.
 - b. The Property and the Home would not be converted to condominium-style ownership, such that the Property would be one parcel, with the Home upon it, owned in fee simple.
 - c. There would be no rental to any third parties for purely residential purposes (however, a caretaker could reside in the Home and receive such lodging in exchange for services rendered in caring for the Property, Home and/or occupants thereof).
- (Collectively the "Conditions").
13. From the Township perspective, the Zoning Officer indicated that there were no concerns.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

1. The Home as proposed is similar to other uses as permitted or allowed by Special Exception for the Property in the Residential Agricultural Zone.
2. The Applicant has met all criteria for a Special Exception, including those set forth in Sections 265-304.B., 265-1009(B) and 265-1009(C).
3. The grant of relief, however, must be subject to the imposition of the Conditions.

Accordingly, Timothy Salvatore and Anthony Pantano seconded, to grant the Special Exception pursuant to Section 265-1009 (B) and Section 265-304.B., subject to the imposition of the Conditions, to establish a multi-generational home with two independent living spaces with separate and common ingress/egress for occupancy by owners, family and guests of the Property and/or occupants on the Property located at 850 Stine Hill Road, in a Residential Agricultural (RA) District. The motion passed unanimously with John D. Myers, William Descar, Timothy Salvatore, Anthony Pantano and Glenn Myers voting in favor of the motion.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD

Wm. T. Descar
William Descar, Secretary

By: John J. Myers
James Barnes, Chair
John J. Myers, Asst. Chair
01/25/2022
Date

The Special Exception granted herein shall expire if the Applicant fails to, where required to do so, obtain a Permit, submit a Land Development Plan or commence work within six (6) months of the date of the authorization of the Special Exception, pursuant to Section 265-1009. E. of the Ordinance.