

YORK TOWNSHIP

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The April meeting of the York Township Zoning Hearing Board was called to order by James Barnes, Chair.

Those in attendance were:

James Barnes, Chair
John Myers, Vice Chair
William Descar, Secretary
Anthony Pantano, Asst. Secretary
Albert Granholm, Member
Jeffrey Rehmyer, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF MARCH 22, 2022

The Zoning Hearing Board minutes of the February 22, 2022, meeting were approved.

DECISIONS OF MARCH 22, 2022

The Zoning Hearing Board decisions of the February 22, 2022, meeting were approved.

MOTION MADE BY: Anthony Pantano
SECONDED BY: William Descar
MOTION PASSED UNANIMOUSLY

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Continued Application 2022-08 and 2022-10, Heartland Builders, Inc., requests 1) a Special Exception to establish a multi-family use (50-unit apartment building with 25 accessory garages), 2) a Variance for reduction of buffer planting strips consistent with Section 610 of the Subdivision and Land Development Ordinance, on property located at the northwest corner of the intersection of

York Stenographic Services, Inc.
2303 East Philadelphia Street, York, PA 17402 (717) 854-0077

York Township Zoning Hearing Board
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South Queen Street and Locust Hill Road in a Mixed Residential Commercial (MRC) District.

Present: Claudia Shank, Esquire
William Swiernik
Jay Provanco

MOTION: On Continued Application 2022-08, Heartland Builders, Inc., requests a Special Exception to establish a multi-family use 52-unit apartment on property located at the northwest corner of the intersection of South Queen Street and Locust Hill Road in a Mixed Residential Commercial (MRC) District, that the Special Exception be granted.

MOTION MADE BY: John Myers
SECONDED BY: Albert Granholm
MOTION PASSED UNANIMOUSLY

MOTION: On Application 2022-09 and 2022-10, Heartland Builders requests a Variance for reduction of building setbacks for apartment building accessory garages and a Variance for reduction of buffer planting strips consistent with Section 610 of the Subdivision and Land Development Ordinance, on property located at the northwest corner of the intersection of South Queen Street and Locust Hill Road in a Mixed Residential Commercial (MRC) District, that withdrawal of the applications be approved.

MOTION MADE BY: Anthony Pantano
SECONDED BY: John Myers
MOTION PASSED UNANIMOUSLY

Application 2022-11: Springwood LLC requests a Special Exception to establish a 150-unit Age-Restricted Community on property located along the north side of Springwood Road, approximately 500' west of the intersection of Duquesne Road and Springwood Road (also known as Bridgewater Lot 68) in a Residential High Density District.

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Present: Rob Lewis, Esquire
Kathy Conley

MOTION: To accept Kathy Conley as an expert witness.

MOTION MADE BY: Anthony Pantano
SECONDED BY: John Myers
MOTION PASSED UNANIMOUSLY

MOTION: On Application 2022-11, Springwood LLC requests a Special Exception to establish a 150-unit Age-Restricted Community on property located along the north side of Springwood Road, approximately 500' west of the intersection of Duquesne Road and Springwood Road (also known as Bridgewater Lot 68) in a Residential High Density (RH) District, that the application be approved.

MOTION MADE BY: Albert Granholm
SECONDED BY: William Descar
MOTION PASSED UNANIMOUSLY

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2022-08; 2022-09 and 2022-10
Hearing Date: March 22, 2022 and April 26, 2022
Applicant: Heartland Builders, Inc.
Property Owner: Sofrajo I, L.P.
Property: Isaac Court
UPI: #54-000-18-0123-00-00000
Existing Zoning District: Mixed Residential Commercial (MRC) District

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 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. Claudia Shank, Esquire, of the law firm of McNees Wallace & Nurick, LLC represented the Applicant. William Swiernik, of David Miller/Associates, Inc. was present on behalf of the Applicant. Jay Provanzo, of Heartland Builders, Inc. was also present. All were present on both hearing dates.
3. The Applicant is seeking a Special Exception for a Multi-Family Dwelling (the "Multi-Family Dwelling" or "Use") pursuant to Section 265-405.C.1., 265-649 and 265-1009.C. of the Ordinance (collectively the "Special Exception").
4. The Applicant was also initially seeking Variances for a reduction of building setbacks for apartment building and accessory garages pursuant to Application 2022-09 and a Variance for reduction of buffer planting strips consistent with Section 601 of the Subdivision and Land Development Ordinance, pursuant to Application 2022-10.
5. Attorney Shank presented 6 Exhibits, which included the following:
 - a. Exhibit 1 – A letter signed by Frank Messina, Partner of Sofrojo I, L.P., the Property Owner, acknowledging the existence of an Agreement of Sale with the Applicant and the Applicant's equitable ownership interest in the Property.
 - b. Exhibit 2 – Tax Parcel Information aerial photograph showing the Property and numerous properties surrounding it.
 - c. Exhibit 3 – A curriculum vitae for William M. Swiernik.
 - d. Exhibit 4 – A Special Exception Plan for a Multi-Family Dwelling, showing the proposed multi-family dwellings, accessories, locations and certain information in support of the Application.
 - e. Exhibit 5 – A summary sheet used to calculate required and proposed Minimum Lot Area, Required Play Area and Required Open Space.

- f. Exhibit 6 – A portion of Section 610 of the York Township Subdivision and Land Development Plan Ordinance (“SALDO”), with detail about Buffer Planting Strip C and a Table that shows proposed buffer planting strips based upon proposed uses or zoning and adjacent uses or zoning.
- 6. Attorney Shank indicated that the Applicant desires to amend its Application to increase the number of Multi-Family Dwelling units from 50 to 52.
- 7. Attorney Shank called Mr. Swiernik who testified as follows:
 - a. His curriculum vitae is shown as Exhibit 3.
 - b. He has 32 years of employment with David Miller/Associates, Inc.
 - c. He has a Bachelor of Arts in Landscaping Architecture.
 - d. He is a Registered Landscape Architect.
- 8. Attorney Shank asked that Mr. Swiernik be recognized as an expert in Landscape Architecture.

In response, on a Motion by John D. Myers, which was seconded by James Barnes, the Zoning Hearing Board recognized Mr. Swiernik as such an expert by unanimous vote, with James Barnes, John D. Myers, William Descar, Timothy Salvatore and Anthony Pantano voting in favor.

- 9. Attorney Shank focused on Exhibit 4, the Site Plan, and the following testimony was offered:
 - a. The Multi-Family Dwelling will be an apartment building that consists of 4 stories (the “Apartment Building”).
 - b. A portion of the Apartment Building will be below grade.
 - c. A portion of the Apartment Building will have covered parking.
 - d. The Apartment Building will include 52 dwelling units.
 - e. There will also be a free-standing commercial office building on the Property, to the South of the proposed Apartment Building (the “Office”).
 - f. There will also be parking throughout the Property.
 - g. Additionally, there could be a number of residential garages that will serve as parking spaces and storage areas for apartment occupants.
 - h. Access to the Property will be via Locust Hill Road (full access) and South Queen Street (right in and right out).
 - i. The Property consists of 5.89 acres.
 - j. The parking is based upon an assumed Apartment Building unit mix of 34 one-bedroom units and 18 two-bedroom units.
 - k. Parking is proposed per Exhibit 4, to include 138 spaces, while only 131 total spaces are required.
 - l. Specifically, there will be 105 Apartment spaces and 28 Office spaces.
 - m. For the Apartments, there will be 66 regular spaces, 19 covered spaces, and 25 garage spaces.
 - n. For the Office, there will be 28 regular spaces.
- 10. With regard to the Specific Criteria for a Multi-Family Dwelling in Section 265-649, the following was offered at the March 22, 2022 meeting:
 - a. The Minimum Lot Area necessary for the Use is 87,000 square feet, which is approximately 2 acres, and 5.9 acres is proposed.
 - b. Not all buildings will be setback only 50 feet from the Property line or street right-of-way, specifically the Apartment Building and garages and accordingly, a Variance was sought pursuant to Application 2022-09. Additionally, a Buffer Planting Strip consistent with Type C of Section 610 of the SALDO within said

50 feet is not proposed, and accordingly a Variance is sought pursuant to Application 2022-10.

- c. Lot width is 435 feet, which exceeds the 200 foot minimum.
 - d. The Use shall have 2 points of access from public streets, namely, Locust Hill Road and South Queen Street.
 - e. Landscaped, equipped play areas and open space shall be provided as shown on Exhibit 5 to include the following:
 - i. There is 1,400 square feet of required Play Area, and 1,400 square feet of Play Area is proposed.
 - ii. There is 29,600 square feet of required Open Space, and 30,000 square feet of Open Space is proposed.
 - f. The 4-story Apartment Building will not exceed the height limitation of the Ordinance.
11. With regard to the Variance requesting encroachment in the setback, the following was explained:
- a. On the North side of the Apartment Building, a 15 foot encroachment into the 50 foot setback was requested, leaving a 35 foot setback.
 - b. Similar relief was requested for garages to the North, West and Southwest of the Property.
 - c. The encroachment is necessary for parking and stormwater.
 - d. The rationale for the encroachment is the desire to shift the Apartment Building towards the rear, Northern section of the Property and away from the residential uses existing to the South and along South Queen Street.
 - e. Additionally, there was a desire to incorporate the Office Building in the "spirit" of the Mixed Use Zoning.
 - f. The garages were also intended to create a buffer between existing residential uses and parking for the Multi-Family Dwelling Use.
 - g. Specifically, the garages will constitute a structural separation and block headlights.
 - h. It was noted that surface parking could be done instead of the garages.
12. With regard to the Property itself, the Applicant noted as follows:
- a. It is difficult to subdivide or otherwise utilize the Western portion of the Property.
 - b. The configuration of the Property was not created by the Applicant.
 - c. The Property has an irregular shape.
 - d. The Property lacks a certain amount of road frontage.
 - e. The Property could be considered narrow.
 - f. It is challenging to utilize the Property efficiently.
13. In response to the General Standards for a Special Exception in Section 265-1009.C., 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.
14. The Property might provide connectivity to the land to its North in the future.
 15. In response to questions, the Applicant admitted that the Property could be developed in strict conformity with the Ordinance but it may not be as efficient in the opinion of the Applicant.
 16. However, strict conformity with the Ordinance may not maximize the distance between existing residential homes and the Proposed Apartment Building.
 17. Jay Provanzo provided testimony on the part of the Applicant as follows:
 - a. The one-bedroom units will be approximately 600 to 790 square feet.
 - b. The two-bedroom units will be approximately 1,000 square feet.
 - c. The encroachment along the rear of the Property is 15 feet in depth by 240 feet in width.
 - d. There is an overhead power line on the Property that will have to be relocated to the rear thereof.
 - e. The Uses proposed in the spirit of the Mixed Residential Commercial District.
 - f. There will be some sub-surface parking.
 - g. The Building will be secured.
 - h. There will be an elevator in the Building.
 - i. There will be package storage inside.
 - j. Each unit will have a washer and dryer.
 - k. There will be a Tot Lot for children to play.
 - l. The West side of the Property will be kept as open space.
 - m. The Building will be professionally managed.
 - n. The Applicant currently manages over 2,700 units.
 18. In response to questions, Mr. Swiernik indicated the following:
 - a. A plan could be done to evidence full compliance.
 - b. This plan maximizes the distance between existing residential homes and the Proposed Apartment Building.
 - c. Having the Apartment Building sit back further from the road maximizes the aesthetics of the Property as well.
 - d. The garage units are not necessary.
 - e. It is believed that the garage units are desired by renters, specifically, those individuals who might be downsizing and can utilize a garage to store a car, bicycle and more.
 - f. With regard to open space in the front of the Property versus the rear, it was desired to setback the Apartment Building further.
 19. In response to questions from the floor, the Applicant answered the following:
 - a. A traffic study will be done as part of the land development plan approval process.
 - b. The garages would be 24 feet deep, so they can be used for both parking of a vehicle and storage.

- c. The impact with regard to schools cannot be considered.
 - d. It is not anticipated that the one-bedroom apartments will have any children, although some of the two-bedroom units may have children.
 - e. It is expected that the rent will be approximately \$1,400 to \$1,500 per month for a one-bedroom and approximately \$1,600 to \$2,000 per month for a two-bedroom.
 - f. Only renters of apartments can rent garages.
 - g. Apartments were selected because the Property is zoned for it and may represent the highest and best use.
 - h. Single families could be done but not as readily.
 - i. Offices could be done but they may not be ideal either.
 - j. The Proposed Use will fit into the community because it is offering residential dwellings.
20. There was testimony from the audience against the Use, including Lawrence Rhoades, who noted that access to the Property is challenging and he is opposed to the project.

The Board recessed into an Executive Session.

Upon returning, counsel for the Applicant requested a continuance on all 3 Applications, 2022-08, 2022-09 and 2022-10.

On motion by Anthony Pantano, and seconded by William Descar, the continues were granted unanimously, with James Barnes, John D. Myers, William Descar, Timothy Salvatore and Anthony Pantano voting in favor. Alternate Al Granholm was present for the entire hearing, but did not vote on this motion.

21. On April 26, 2022, Attorney Shank indicated that Applications 2022-09 and 2022-10, which were seeking Variances, were to be withdrawn. She indicated the only Application remaining was 2022-08, which sought the Special Exception for the Multi-Family Dwelling.
22. Attorney Shank presented the Board with Applicant's Exhibit 7, which was an updated Plan for the Use.
23. Attorney Shank called Mr. Swiernik, who was reminded that he was under oath, who explained the following about the revisions to the Multi-Family Dwelling:
- a. The residential building was moved forward from the rear Property line such that it would be set-back at least 50 feet.
 - b. There would be placed within all set-backs, the 35 foot buffer as required by Section 265-649.B. of the Ordinance.
 - c. Some of the parking area in front of the residential building and behind the commercial building has been removed.
 - d. The number of units proposed in the Multi-Family Dwelling remains the same.
 - e. The mixture of units in the Multi-Family Dwelling remains the same.
 - f. There is no change in the amount of parking spaces, open space or play area.
 - g. The proposed garages have been removed from the Use and parking spaces put in their place.
 - h. Accordingly, the only change to the Project would be the removal of the garages and the forward movement of the residential building.
24. Attorney Shank asked Mr. Swiernik if all of the criteria for the Special Exception, both specific and general, had been met per prior testimony or now met, to which he answered in the affirmative.

25. There were no additional questions from the Board.
26. There were no questions from the audience.
27. There was no testimony for or against the Application from the audience.
28. The Zoning Officer, Lisa Frey, indicated that she had nothing further to add on behalf of the Township.

CONCLUSIONS OF LAW

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

1. Based upon the adjustments to the Use from the first hearing to the second hearing, the Applicant has met the specific criteria for a Special Exception pursuant to Section 265-649.
2. The Applicant has met the general criteria for a Special Exception pursuant to Section 265-1009(C).

Accordingly, John D. Myers moved, and Al Granholm seconded, to grant the Special Exception to establish a Multi-Family Dwelling Use, on the Property located at the Northwest corner of the intersection of South Queen Street and Locust Hill Road, in a Mixed Residential Commercial (MRC) District. The motion passed unanimously with James Barnes, John D. Myers, William Descar, Anthony Pantano and Al Granholm voting in favor of the motion.

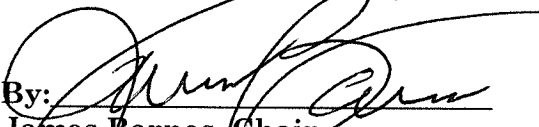
Then, Anthony Pantano moved, and John D. Myers seconded, to accept the withdrawal of Applications 2022-09 and 2022-10. The motion passed unanimously with James Barnes, John D. Myers, William Descar, Anthony Pantano and Al Granholm voting in favor of the motion.

WITNESS/ATTEST



 William Descar, Secretary

**YORK TOWNSHIP
 ZONING HEARING BOARD**

By: 

 James Barnes, Chair
 6/28/22

 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: 2022-11
Hearing Date: April 26, 2022
Applicant: Springwood, LLC
Property Owner: Springwood, LLC
Property: Bridgewater – Lot 68
UPI: #54-000-IJ-0273-A0-00000
Existing Zoning District: Residential High Density (RH) District

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the “Ordinance”) and pursuant to Section 265-403.C.1 and 265-505 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. Craig R. Lewis, Esquire, of the law firm Kaplan/Stewart represented the Applicant. Kathy Conley, of RGS Associates was also present.
3. The Applicant is seeking a Special Exception for an Age-Restricted Community (the “Age-Restricted Community” or the “Use”) pursuant to Sections 265-403.C.1 and 265-505 of the Ordinance (the “Special Exception”).
4. Attorney Lewis provided Applicant’s Exhibits which included the following:
 - a. Exhibit A-1 – The Application for Special Exception, which included the form itself and a supplemental document.
 - b. Exhibit A-2 – An aerial photograph of the Property with an overlay of the Age-Restricted Community Plan, done by RGS Associates and dated March 31, 2022.
 - c. Exhibit A-3 – Bridgewater Age-Restricted Community Net Area Plan.
 - d. Exhibit A-4 – Bridgewater Age-Restricted Community Open Space Plan.
 - e. Exhibit A-5 –Bridgewater Age-Restricted Community Parking Plan.
5. The Age-Restricted Community would be one portion of the entirety of the development known as Bridgewater, which includes a Golf Course, Accessory Building, (which includes a Restaurant) and a number of Single-Family Dwellings, on numerous lots, to include numbers 63, 64, 65, 66, 67 and 68, with the Age-Restricted Community to go on Lot #68. All of the uses are intended to function collectively and have some relationship with each other, most notably with regard to Open Space and the Golf Course.
6. Attorney Lewis provided some background information as follows:

- a. Bridgewater has 52 homes on the East side of the stream that runs through the center of it and another 156 homes are coming, also on the East side of the stream.
 - b. The Property upon which the Use is proposed is Lot #68, which is on the West side of the stream.
 - c. The Use is proposed on the back portion of the Property that is currently used for a portion of the Golf Course.
7. Attorney Lewis called Kathy Conley who provided testimony about her background as follows:
- a. She is employed by RGS Associates.
 - b. She has a Bachelor of Arts from the Pennsylvania State University.
 - c. She is an engineer in training.
 - d. She spent 4½ years employed by RGS Associates.
 - e. She has 25 years' experience in the field.
 - f. She is familiar with the Property.
 - g. She is also familiar with the Subdivision Land Development and Zoning regulations of York Township.

Attorney Lewis asked that Mrs. Conley be accepted as an expert in land development.

In response, Al Granholm moved, and John D. Myers seconded, the Zoning Hearing Board recognized Mrs. Conley as such an expert by unanimous vote, with James Barnes, John D. Myers, William Descar, Anthony Pantano and Al Granholm voting in favor of the motion.

8. Attorney Lewis questioned Mrs. Conley further:
- a. She confirmed that the background information that he provided was correct.
 - b. She explained that the gross site acreage is 42.46 acres.
 - c. She indicated that the Property's net site acreage is 38.56 acres.
 - d. She explained that the difference is 3.9 acres gross of easements and rights-of-ways that were removed to complete the calculation.
 - e. She explained that the Use would be on the West side of Bridgewater.
 - f. She explained current access to the Property is on Springwood Road.
 - g. She explained that the Property is in the Residential High Density (RH) District.
 - h. The Property does include some existing golf holes.
 - i. The Use will impact but not eliminate golf.
 - j. Golf will remain on the Bridgewater at large.
 - k. Any modification of the Golf Course itself would need to be completed by a Special Exception, as has been done in the past and is required by the Ordinance.
9. Attorney Lewis had Mrs. Conley focus on Exhibit A-2 and she testified as follows:
- a. 150 condominium units are proposed on the Property.
 - b. The roadway system accessing them would be private.
 - c. The primary point of access would be on Springwood Road.
 - d. There would also be an emergency access via Springwood Road.
 - e. The Pennsylvania Department of Transportation has been contacted about the proposed Use.
 - f. A traffic impact study will be done.
 - g. The Applicant established the scope of the traffic impact study.
 - h. The community would be age-restricted.

10. Focusing on Section 265-605 of the Ordinance, Attorney Lewis questioned Mrs. Conley who testified as follows:
 - a. The Property consists of more than 15 acres of gross lot area, which requires utilization of the Residential Conservation Development Standards per Section 265-660.
 - b. There should be a minimum of 40% Open Space/Recreation Area serving Bridgewater at large.
 - c. The Use will have a community center located on the Property. The total area of the center, included required parking, shall not exceed 25% of the required Open Space.
 - d. All provisions of the Federal Fair Housing Act as amended shall be met. A minimum of 80% of the dwelling units shall be permanently occupied by at least one person age 55 (55 or older) and a greater percentage may be restricted as part of the Declaration.
 - e. Each dwelling unit in the Age-Restricted Community shall be owned as a unit in the condominium, without individual lot lines. All internal streets shall be privately owned and maintained.
 - f. The Age-Restricted Community shall require the condominium association to maintain commonly owned areas, private streets and other common facilities. All residents of the development shall be required to pay necessary fees to the condominium association, with proper enforcement mechanisms as provided by State law. All condominium documents and declarations shall be reviewed and approved by the Township Solicitor. All documents shall be in conformity with the Pennsylvania Condominium Act and the provisions of the York Township Subdivision and Land Development Ordinance. All common open space shall be held as "Common Elements" or "Limited Common Elements".
 - g. Each dwelling unit and the community center shall be served by public water and sewer.
 - h. Each dwelling unit shall have no more than 2 bedrooms.
 - i. The density shall be 3.9 units per acre, which is less than the maximum of 12 units per net lot acre allowed in the RH District.
 - j. A community center (the "Center") shall be provided with community rooms and areas consisting of 5,600 square feet, whereas 1,500 is the minimum.
 - k. Parking shall be in accordance with Section 265-802 of the Ordinance.
 1. It shall also include an additional 0.5 spaces per dwelling unit to be interspersed throughout the development.
 2. 3 spaces plus 1 space for every 400 square gross floor area or fraction thereof of the Center. More specifically, 481 parking spaces are proposed and 317 are necessary. Section 265-806.A.6. requires 1.5 spaces per dwelling unit.
11. When focusing on the requirements of Section 265-660 of the Ordinance, Mrs. Conley testified that the Open Space would consist of 44.20 acres throughout the entirety of Bridgewater utilizing portions of Lots 63, 64, 65, 66 and 67. Calculations with regard to Open Space were highlighted on Exhibit 4, as Open Space in the RH District must be 30%, but 40% is necessary for an Age-Restricted Community.
12. The Open Space shall comply in all respects with Section 265-660, including accessibility throughout by the owners of all units.
13. In response to the General Standards for a Special Exception in Section 265-1009.C., 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.
14. In response to questions from the Board, Mrs. Conley confirmed the following:
- a. The Golf Course, after modification to allow for the Age-Restricted Community on Lot #68, would consist of no less than 9 holes, would be in compliance with the Zoning Ordinance, and would be allowed to be considered Open Space for the Age-Restricted Community pursuant to the provisions of Ordinance 2014-7, which amended Section 265-660 to allow Open Space to be used as a Golf Course facility.
 - b. All units in the Age-Restricted Community would be single story units.
 - c. She, and Attorney Lewis confirmed that adjustments to the Golf Course would need to be approved by the York Township Commissioners and the York Township Zoning Hearing Board.
15. In response to questions from the floor, the Applicant answered the following:
- a. The area around the existing residential dwelling at the Southernmost portion of the Property would consist of the Center, its pool, and some units.
 - b. The emergency access drive at that location would be gated.
 - c. Future access to the Use from the Northwest may happen.
 - d. The sewer connection for the Use would be to the main near the creek and under the Golf Course.
 - e. The Golf Course would constitute the Open Space.
16. When asked for testimony for or against the Application, there was testimony in opposition by Sriranganathan Chakravarthy who resides at 2606 Woodspring Drive. Mr. Chakravarthy voiced concern with regard to the amenities, including the Golf Course and Restaurant. He indicated that he is not in favor of the Use.
17. When asked, Lisa Frye, on behalf of the Township, indicated that there has been a considerable amount of planning done already with regard to the Use, and more planning will need to be done. Then, she indicated that she had nothing further to add.
18. Attorney Lewis asked that all Exhibits be accepted into the record, to which the Board agreed by unanimous consent.

CONCLUSIONS OF LAW

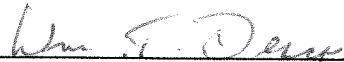
Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

1. The Applicant has met the specific criteria for an Age-Restricted Community in accordance with Section 265-605 of the Ordinance.
2. The Applicant has and shall meet the other Sections of the Ordinance referenced thereon, including Section 265-660, the Residential Conservation Development Standards, and Section 265-802 with regard to parking.
3. The Applicant has meet the general criteria for a Special Exception.

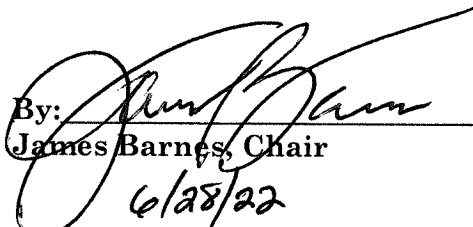
Accordingly, Al Granholm moved, and William Descar seconded, to grant the Special Exception to establish a 150-unit Age-Restricted Community on the Property located along the North side of the Springwood Road, approximately 500 West of the intersection of Duquesne Road and Springwood Road (also known as Bridgewater Lot 68) in a Residential High Density (RH) District. The motion passed with John D. Myers, William Descar, Anthony Pantano and Al Granholm voting in favor and James Barnes voting against the motion.

WITNESS/ATTEST

**YORK TOWNSHIP
ZONING HEARING BOARD**



William Descar, Secretary

By: 

James Barnes, Chair
6/28/22

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.