YORK TOWNSHIP

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The September 22, 2026, meeting of the York Township Zoning Hearing Board was called to order by James Barnes, Chairman.

Those in attendance were:

James Barnes, Chairman
John Myers, Vice Chair
Anthony Patano, Secretary
Jesse Snyder, Asst. Secretary
Timothy Salvatore, Member
Jeffrey Rehmeyer, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF JULY 28, 2026

The Zoning Hearing Board minutes of the July 28, 2026, meeting were approved.

DECISIONS OF JULY 28, 2026

The Zoning Hearing Board decisions of the July 28, 2026, meeting was approved.

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Appl. 2026-10: TRC Acquisitions, LLC, c/o Eugene Umansky, requests a Variance of Section 265-402.F to allow for a reduction of: 1) minimum lot area from 6500 sf to 5000 sf, 2) minimum lot width from 65 feet to 50 feet, and 3) minimum lot frontage from 50 feet to 43 feet, on property located at 3405 Springwood Road in a Residential Medium Density (RM) District.

Present: Attorney Riley Noetzel, Barley Snyder
Chirag Thakkar, Arna Engineering
Eugene Umansky, TRC Acquisitions, LLC

MOTION: On Appl. 2026-10: TRC Acquisitions, LLC, c/o Eugene Umansky, requests a Variance of Section 265-402.F to allow for a reduction of: 1) minimum lot area from 6500 sf to 5000 sf, 2) minimum lot width from 65 feet to 50 feet, and 3) minimum lot frontage from 50 feet to 43 feet, on property located at 3405 Springwood Road in a

Residential Medium Density (RM) District, that the application be denied.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: Jesse Snyder
MOTION PASSED UNANOMOUSLY

Appl. 2026-11: The Broadway Group, LLC, requests a Variance of the required minimum number of off-street parking spaces for retail development from 36 stalls to 23 stalls on property located at 2410 Cape Horn Road in a Commercial Shopping (CS) District.

Present: Attorney J. Stephen Feinour, Cohen Seglias
DeAnna Hyche, The Broadway Group, LLC
Chris Sheaffer, P.E., Larson Design Group

MOTION: On Appl. 2026-11: The Broadway Group, LLC, requests a Variance of the required minimum number of off-street parking spaces for retail development from 37 stalls to 23 stalls on property located at 2410 Cape Horn Road in a Commercial Shopping (CS) District, that the application be approved.
MOTION MADE BY: Jesse Snyder
SECONDED BY: John Myers
MOTION PASSED UNANOMOUSLY

ATTEST:

Anthony Pantano, Secretary

DECISION OF THE
YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2026-10

Hearing Date: September 22, 2026

Applicant: TRC Acquisitions, LLC c/o Eugene Umansky

Property Owner: John D. and Teresa C. Lambert Trust

Property: 3405 Springwood Road, Red Lion, PA 17356
UPI: #54-000-HJ-0036.A0-00000

Existing Zoning District: Residential Medium Density (RM) District

Relief Requested- Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-405(F)

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. Reilly Noetzel, Esquire, of the Barley Snyder Law Firm, was present on behalf of the Applicant.
3. Additionally, Eugene Umansky was present on behalf of the Applicant.
4. Chirag Thakkar was present on behalf of Arna Engineering and for the Applicant.
5. The Applicant is seeking a Variance from Section 265-405(F).
6. Attorney Noetzel provided overview regarding this Application, which included the following:
    a. The Applicant is seeking three types of variances for numerous properties, which variances include a reduction of (1) minimum lot area from 6,500 square feet to 5,000 square feet; (2) minimum lot width from 65 feet to 50 feet; and (3) minimum lot frontage from 50 feet to 43 feet (collectively the "Variances" or the "Relief").
    b. The Property is located 3405 Springwood Road in York Township.
    c. The Property consists of approximately 14 acres.
    d. The Applicant is proposing to construct 21 twin buildings, each of which would have two dwelling units, which would yield a total of 42 dwelling units.
    e. The Relief being requested consists of dimensional Variances.
    f. All of the proposed lots to be created on the Property need one or more Variances, except for one lot that needs none.
    g. The Property slopes from the rear to the front.
    h. The Property has limited road frontage.

i. The Applicant believes that condominium style ownership is not feasible, even though condominium style ownership may alleviate the need for some, or all, of the Relief requested.

7. Attorney Noetzel called Chirag Thakkar who testified as follows:
    a. He is employed by Arna Engineering.
    b. He has a Master of Arts in Civil Engineering.
    c. He is a licensed professional engineer and has been since 2007.
    d. He has testified to the Board previously, which was a reference to Application 2026-09.
8. Referencing the Variance Concept Plan that was submitted with the Application, engineer Thakkar testified as follows:
    a. The Property has limited frontage along Springwood Road.
    b. The Property has steep topography, falling from the Northwest to the East of approximately 75 feet.
    c. If this Property were developed to its maximum density, it could accommodate 67 units, in his opinion.
    d. The number of units being sought under this Application is the same number of units that were sought under Application 2026-09.
    e. The Variance Concept Plan includes a lot/dimension table, which highlights which of the 41 lots need Variances for lot frontage, lot width, and/or lot area.
    f. The table shows that 41 of the lots need a Variance of lot width, 16 of the lots need a Variance for lot frontage, and 21 of the lots need a Variance of lot area.
    g. The total number of Variances being requested per the lot dimension table on the Variance Concept Plan is 78.
    h. To develop this Property, the Applicant desires to create a tabletop area in its center upon which the units could be built.
    i. The driveway for all of the lots to access Springwood Road now lies along the eastern portion of the Property.
    j. The driveway location is intended to allow it to accommodate the increase in the heigh of the Property from Springwood Road towards the rear.
    k. The proposed Variances would not be detrimental to the health, safety, and welfare of the community.
    l. This proposed development would be permissible, in his opinion, if the project were a condominium.
    m. The goal of the Applicant is not to increase density of the development.
9. In response to questions, the Applicant provided answers as follows:
    a. The number of units contemplated in this Application is the same as the number of units that were contemplated in Application 2026-09.
    b. The Applicant has not done an analysis on the maximum number of units that could be put on the Property if no Relief were granted.
10. In response to questions of the Board as to why a condominium is not utilized, Mr. Umansky answers as follows:
    a. He believes that a condominium would be a logistical nightmare for the owners.
    b. He believes that the development itself would be "cleaner" without the extra layer of condominium documentation.
    c. He believes that mortgages may be more difficult to obtain if each of the units is subject to a condominium regime.
11. In response to a Board question, Mr. Umansky confirmed that he had not had an analysis completed as to how the Property could be developed without any of the requested Relief.

12. In response to a Board question regarding the proposed above ground/under ground basin for stormwater management, the Applicant confirmed that it was based upon a calculation but that the size might be able to be adjusted, which would in turn affect the Relief needed for proposed lots 19-24. The Applicant further indicated that the basin could shrink in the future.
13. Attorney Noetzel called Mr. Umansky, who stated his belief that engineer Thakkar provided relevant necessary testimony.
14. The Applicant was unable to answer the question as to whether or not this was the minimum Relief that was necessary, because it had not done a plan that would show development with no relief and the size of the basin remains uncertain.
15. In response to questions from the audience the Applicant answered as follows:
    a. The access drive in its new location is approximately 35 feet from the Property to the East.
    b. The trees along the access drive will be placed there if the development proceeds as envisioned in this Application.
    c. In addition to changing the location of the access drive, the common open space has been substantially reduced.
16. There was no testimony for or against the Application.
17. Lisa Frye, the Township zoning officer, recognized that his Application represented an evolution from Application 2026-09, which requested blanket Variances, which she was not in favor of.
18. Attorney Noetzel offered a closing and explained that he believed the Applicant had met the requirements for the Variances and reiterated that the Variances requested were dimensional.

CONCLUSIONS OF LAW

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

1. The Applicant is seeking an extraordinary number of Variances, specifically 78.
2. The Applicant has not proven that there is no possibility that the Property can be developed in strict conformity with the provisions of the Ordinance.
3. The Applicant has not proven that the authorization of the Relief is necessary to enable the reasonable use of the Property.
4. The Applicant has not proven that the Variances will represent the minimum number of variances that will afford relief and represent the least modification possible to the Ordinance.

Accordingly, Timothy Salvatore moved and Jesse Snyder seconded, to deny the requests of Variances of Section 265-405(F) to allow for reduction of: (1) minimum lot area from 6,500 square feet to 5,000 square feet, (2) minimum lot width from 65 feet to 50 feet, and (3) minimum lot frontage from 50 feet to 43 feet on the Property located at 3405 Springwood Road in a residential medium density (RM) Zone. The motion passed unanimously with James Barnes, John D. Myers, Timothy Salvatore, Anthony Pantano, and Jesse Snyder voting in favor of the motion to deny the relief.

WITNESS/ATTEST

Anthony Pantano, Secretary

YORK TOWNSHIP
ZONING HEARING BOARD

By:
James Barnes, Chair

10/27/26
Date

DECISION OF THE
YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2026-11

Hearing Date: September 22, 2026

Applicant: The Broadway Group, LLC

Property Owner: TMTT, LLC

Property: 2410 Cape Horn Rd, York, PA 17402
UPI: #54-000-39-0092.B0-00000

Existing Zoning District: Commercial Shopping (CS) District

Relief Requested- Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-806.B.34.

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. Stephen Feinour, Esquire, was present as attorney on behalf of the Applicant.
3. Deanna Hyche was present on behalf of the Applicant, the Broadway Group, LLC.
4. Christopher Sheaffer was present as engineer on behalf of the Applicant.
5. Attorney Fein indicated that the Applicant was seeking a dimensional Variance, specifically an authorization for less off-street parking spaces than are required by the Ordinance (the "Variance" or the "Relief").
6. Attorney Feinour provided an overview of the project as follows:
    a. The Applicant is proposing a single story retail store (the "Retail Store").
    b. The Retail Store would be 9,100 square feet in size.
    c. The Applicant proposes 23 off-street parking spaces to serve the Retail Store.
    d. The Applicant provided as Exhibit 1 a Revised Preliminary Site Grading Plan. Referencing that Plan, Attorney Feinour noted that the Property is burdened by numerous easements, to include a drainage easement, a gas easement, sanitary sewer easement, stormwater easement, and an access easement (collectively, the "Easements").
7. Attorney Feinour called Ms. Hyche who testified as follows:
    a. The Exhibit that was provided at the hearing had updated information in the lower left section regarding parking requirements.
    b. The Applicant thought they were a convenience store, but have now come to realize they are a retail use.
    c. The Retail Store will be a Dollar General store.
    d. The Applicant has worked with Dollar General for over 12 years.

8. Attorney Feinour continued to question Ms. Hyche, who focused on the materials submitted with the Application as follows:
    a. Included therein is an August 25, 2026 letter from Dollar General.
    b. Within it, Dollar General notes that it has over 21,000 stores in productive operation.
    c. Dollar General has a significant amount of data.
    d. Dollar General has developed a history to confirm that a retail store of this size would utilize 20 parking spaces, during the highest peak hours of sales.
    e. Accordingly, Dollar General believes that the 23 parking spaces proposed by the Applicant would accommodate and exceed the customer flow rate that the business will generate.
9. Attorney Feinour further questioned Ms. Hyche regarding another enclosure with the Application, as follows:
    a. TPD serves as traffic engineer for the Applicant.
    b. TPD concluded that the proposed Retail Store would, on average, need 10 parking spaces.
    c. Moreover, TPD believes that even during extraordinary periods of use, no more than 17 parking spaces would be needed.
    d. The average stay of customers at this facility is 10 minutes.
    e. Stores of this type are typically not destination locations but rather locations where customers would stop by briefly.
10. Attorney Feinour called Christopher Sheaffer, who testified as follows:
    a. He is an engineer licensed in the Commonwealth of Pennsylvania.
    b. He has been a licensed engineer since 2011.
    c. He has 20 years of land development experience.
    d. He graduated from Pennsylvania State University in 2005.
11. Attorney Feinour continued to question Engineer Sheaffer, who testified as follows:
    a. The Easements create considerable challenges to develop the Property.
    b. Development of the Property and development of the Retail Store would require the utilization of retaining walls, because the Property has a substantial slope at its rear.
    c. Parking along the side of the store furthest away from Rosslare Road is not feasible because there is not enough space.
12. In response to questions from the Board, the Applicant answered as follows:
    a. There is not space for additional parking on the southern side of the Retail Store, furthest from Rosslare Road.
    b. The proposed Retail Store is not the smallest prototype of Dollar General, but the next smallest prototype would still need zoning relief.
    c. The Applicant is not aware of the history regarding the Easements.
13. In response to the criteria for the Variance, the Applicant provided the following:
    a. The unnecessary hardship that exists is due to unique physical circumstances or conditions, including the size of the Property, the topography with the sloping, and the extraordinary number of Easements that burden the Property, and such unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provision of this chapter in the neighborhood or district in which the Property is located.
    b. Because of such physical circumstances or conditions, there is no possibility that the Property can be developed in strict conformity with the provisions of this Chapter and the authorization of a Variance is therefore necessary to enable the reasonable use of the Property.
    c. The unnecessary hardship is not being created by the Applicant.

d. The Variance, if authorized, will not alter the essential character of the neighborhood or district in which the Property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
e. The Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible to the regulation at issue.

14. There were no questions from the audience.
15. There was no testimony for or against the Applicant from the audience.
16. Lisa Frye, the Township zoning officer, indicated no concerns.

CONCLUSIONS OF LAW

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

1. The Property is located among other parcels that have already been developed, so its size is fixed.
2. The Property is subject to an extraordinary number of Easements.
3. Those Easements support infrastructure that serve the adjoining properties and will ultimately serve this one.
4. All variance criteria have been met.

Accordingly, Jesse Snyder moved, and John Myers seconded, to grant the Variance of the required minimum number of off-street parking spaces for retail development from 36 stalls to 23 stalls, on the Property located at 2410 Cape Horn Road in a Commercial Shopping (CS) Zone. The motion passed unanimously with James Barnes, John D. Myers, Timothy Salvatore, Anthony Pantano, and Jesse Snyder voting in favor.

WITNESS/ATTEST

Anthony Pantano, Secretary

YORK TOWNSHIP
ZONING HEARING BOARD

By: _____
James Barnes, Chair

10/27/26
Date

The Variance 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 Variance, pursuant to Section 265-1009. E. of the Ordinance.