

MINUTES OF
SPRING GARDEN TOWNSHIP PLANNING COMMISSION
October 7, 2025

CALL TO ORDER: The monthly meeting of the Spring Garden Township Planning Commission was held on October 7, 2025, at 6:00 p.m.

Present: Scott Stevens
 Joel Sears
 Amy Mitten

Dawn Hansen, Zoning Officer
Dave Davidson, C.S. Davidson, Inc.
Robert Sandmeyer

PUBLIC COMMENT PERIOD:

- Roberta Boffo, 1080 Grandview Dr. – Asked how she can get the Planning Commission to make a recommendation to the Board of Commissioners.

APPROVAL OF MINUTES: Mr. Sandmeyer made a motion to approve the minutes of the July 1, 2025, meeting. Seconded by Mr. Stevens. Mr. Sears asked that a correction be made on page 6, bullet point 7 to change than to then. Motion amended to include the requested corrections. All in favor, motion carried.

ZONING HEARING APPLICATIONS:

- **Zoning Application 2025-08 – 505 Windsor St, Graham Packaging Holdings, LLC** – has filed an appeal to the Zoning Officers notice of violation issued August 18, 2025, to Zoning Ordinance Section 310-5(D), Uses with nuisance effect. *The property is located at 505 Windsor Street and is zoned I (Industrial Park).*
 - Ms. Mitten recused herself for personal reasons.
 - Mr. Stevens took over as co-chair of the meeting and asked for a statement from Graham Packaging.
 - Maryanne Garber, representing Graham Packaging, stated that they do not have any comments. They filed the appeal of the Notice of Violation from the Zoning Officer, and they set forth the basis of the appeal in their application. She is there to listen and answer questions. Their position is that based on the provisions of the ordinance and the provisions therein, there is not a violation associated with the facility. They want to be good corporate citizens, and they welcome the opportunity to sit down with the Zoning Officer and the Solicitor appointed to the matter. There are some recent developments including Graham's purchasing of the RG Group property which was the source of the complaints. Perhaps a workshop meeting would be in the best interest of everyone to make everyone comfortable. She said she would reach out to the Zoning Officer the next day.
 - The Zoning Officer directed Ms. Garber to connect with the Solicitor representing the Township on the matter.
 - Mr. Sandmeyer asked for a summary from the Zoning Officer to bring them up to speed.
 - The Zoning Officer explained that the Notice of Violation was sent on August 18, 2025, due to the nuisance effect of scuttle flies that is coming from the Graham Recycling facility. This has been an ongoing problem for at least three years. Graham has been cooperative in taking efforts to exterminate but it is not rectifying the problem. Residents and businesses are complaining about the nuisance, and the Township is asking Graham to take further efforts to rectify the issue.
 - Mr. Sandmeyer asked if there are several violations.
 - Mr. Davidson pointed out that there is only one violation. The argument is that the Notice of Violation was cited incorrectly which is whether they are causing the nuisance and this goes beyond one property owner.
 - Mr. Sandmeyer asked which Ordinance was used for the nuisance

- The Zoning Officer stated it was 310-5(D), Uses with nuisance effect.
- Mr. Sears clarified that the bugs are being seen as an objectionable factor referred to in the ordinance.
- The Zoning officer confirmed. It causes an adverse effect and makes it difficult for people to reasonably enjoy their homes and businesses in the Township.
- Mr. Sears asked what was inappropriate about the Notice of Violation, and why that would not be applicable.
- Ms. Garber stated there are several bases for the appeal; procedural infirmity is one of them, but they substantively challenge the Notice of Violation based on the language just read.
- Mr. Sears questioned Ms. Garber whether she thought that the insects were an objectionable factor.
- Ms. Garber said that when you look at the language of the ordinance the burden of proof is on the Township to prove that there is an objectionable factor that is a substantial adverse effect upon the reasonable enjoyment of properties. Her knowledge of the complaints is that there are many houses on that side of the Graham Recycling Center, which is largely in an industrial area. They didn't have any information on investigations that the Township has conducted to ascertain whether there are any other potential sources. The vicinity of the homes are not necessarily within the vicinity of the facility. There are many residents in that area that have not lodged complaints. The employees of the facility do walks around the neighborhood and speak with the neighbors. One of the businesses, if not the only business that complained, was the RG Group, which is immediately adjacent to Graham, and Graham has purchased that property. They have also submitted a Right-to-Know request to get information on other complaints and where they are located. There are other potential sources. The Township reached out to an expert at Penn State. Based on some of the communications shared with Graham, these scuttle bugs are everywhere, particularly where there is standing water. There is a quarry within the vicinity of the residential homes where the complaints are coming from. They want to be good corporate neighbors. They have looked at the issue at the facility, they have looked at programs, they have purchased the property from RG Group. They are in the process of retaining a different company to do treatments and have other ideas. There are plenty of sources for these types of bugs. Is Graham the only source?
- Mr. Sears stated that if they are not the problem, they are a problem.
- Ms. Garber said she doesn't know the answer to that. They are ubiquitous where there is standing water. Her understanding is that they are not flyers, but they scuttle, hence the name. Until they get the information regarding the complaints, there are possible other sources, and Graham is taking all reasonable efforts to address the issue. Their use is a legal use. The standard is not zero-impact as a use. Her thought is they are taking reasonable efforts to control any potential issue that may be emanating from their facility and that is what they would like to talk to the Township about.
- Mr. Sandmeyer asked how long this has been an issue.
- The Zoning Officer stated that she has been dealing with it since 2023.
- Mr. Sandmeyer asked why it has been brought before the Planning Commission. The Township should be handling this with the property owner.
- The Zoning Officer stated that the Township filed the Notice of Violation, Graham appealed the notice to the Zoning Hearing Board, and per our Spring Garden Township Zoning Ordinance any case being heard by the Zoning Hearing Board, including appeals, must go before the Planning Commission for a recommendation.
- Mr. Sandmeyer stated that he feels it is a blatant adverse effect upon reasonable enjoyment of the surrounding properties. He asked to hear from the Solicitor representing the Township.
- John Wixted, attorney for Spring Garden Township stated that this matter relates to this insect infestation that dates to 2023. There has been a lot of effort over the years by the Zoning Officer and others to try to correct the issue with pesticide treatments, but it hasn't abated the problem. Spring Garden Township consulted with an entomologist who confirmed that these are scuttle flies, and they arise from decaying organic material. What has been discerned from exterminators is that the source is likely these stored bales of plastic. This is a recycling plant, materials get brought in, they are in an open space with no

enclosure so when moisture and other organic material are in these recyclables, it serves as a breeding ground for these flies. The Township has tried to work with Graham. There have been prior Violation Notices sent, and the conditions would get better for a time and then deteriorate again. It seems to be cyclical. The problem dies down in October but by June it is in full swing again. It seems that from the complaints by RG Group this is one of the reasons they are moving out of the Township. They are selling their facility to Graham because of this. This is a significant problem. The Township wants to work with Graham. If you notice on the Notice of Violation the Township had asked for a plan from Graham by September 19th of this year and to come into compliance by the end of February of 2026. The Township has been reasonable. There have been suggestions from the Township of perhaps building an enclosure to keep the materials enclosed to prevent them from getting wet, and a place to control the flies. The Township is open to ideas and has asked Graham to come forward with a plan. It is too much of an issue, the Township was receptive to the concerns of the residents, and the Violation Notice was sent out on August 18, and on September 22 they filed their appeal that is scheduled for October 21, 2025. We feel now is the time to bring closure to this and solve the problem. Previous efforts have not been enough and there needs to be a better plan.

- Mr. Stevens asked for clarification as to whether a plan was submitted prior to September 19th.
- Attorney Wixted stated there was not a plan submitted, they filed an appeal. They are not in compliance with the dates set forth in the Notice of Violation.
- Mr. Sandmeyer asked if we have any ordinances regarding storage of this material that would regulate that it must be enclosed.
- The Zoning Officer stated that we have nothing in our ordinances, and it is not regulated by DEP or any solid waste authority because it is considered a manufacturing process.
- Mr. Sears asked if there are any DEP violations for this.
- The Zoning Officer stated there are no DEP violations.
- Mr. Sears asked if the scuttle flies are a health hazard.
- The Zoning Officer stated that according to Penn State, these are not insects that pose any threat to human health.
- Mr. Stevens asked if there was any property damage from the flies.
- The Zoning Officer said it depends on what you consider property damage. If you are referring to flies in your refrigerator and freezer, then yes.
- Mr. Sears asked if they do damage to plants.
- The Zoning Officer stated no, they pose no threat to plants.
- Mr. Sandmeyer had concerns about using all the pesticides to treat these insects and the effect it has on the environment. He asked if there was still time for action from Graham.
- Attorney Wixted explained that the Violation Notice that was sent was in two steps. One asked Graham to come forward with a proposal for how they were going to address the issue by September 19, 2025, and then by February 27, 2026, to implement the plan. He referred to his previous comment that the Violation Notice puts the onus on Graham to come up with the solution, but the Township has made suggestions and recommendations before. If they were going to build a structure to enclose the material, we recognize that would take time and that is why we gave them the extended date for compliance.
- Mr. Sears asked Attorney Wixted what Graham's attorney meant when she said the burden of proof was on the Township.
- Attorney Wixted stated that the appeal is vague on details, but he believes that they are stating that there has not been sufficient evidence to confirm Graham is the source of scuttle flies. It doesn't matter if it is the only source, it is a source, a significant source. There is evidence that they are coming from there, we know that Graham has had an exterminator there, that is sufficient to show that this is a problem originating from them. If they have evidence to the contrary, we are curious to see that.
- Mr. Sandmeyer says there needs to be deeper study into this.
- Mr. Sears asked what the Planning Commission's obligation is regarding this appeal.

- The Zoning Officer explained that they can make a recommendation to the Zoning Hearing Board to uphold the appeal, not uphold the appeal, or make no recommendation.
- Mr. Sears feels the Township has a good case, Graham is a source of these flies, and whatever has been done up to this point has not been successful. Residents have testified that there are flies in the refrigerator. The next step is to go out and tag these flies to track them to determine which source they came from, but we are not that extreme.
- Mr. Sandmeyer said if you want to make a recommendation, he will second.
- Mr. Sears so moved. Mr. Sandmeyer seconded. – Passed 3 - 0

Public Comment:

- Amy Mitten, 653 Mulberry St described how her and her neighbors are having problems with the flies in their houses where they cannot concentrate, they cannot eat, the flies are in their sandwiches. They do fly and they crawl on their faces, and toothbrushes and everything they own. They have been there for years. They must spray chemicals in their homes to give themselves a break from these tiny flies from getting into your eyes, your nose, and your mouth. It is unbearable.
 - Toni Lane, 652 Mulberry St. stated that the quarry has been there for 50 years, and they have never had a problem with insects from the quarry.
 - Mr. Sandmeyer said it is a good neighbor policy, and the industry needs to investigate this.
 - Mr. Davidson pointed out that the violation has a penalty of up to \$500 and each day constitutes a separate violation. So that lends some urgency to resolving this problem sooner rather than later.
- **Zoning Application 2025-09 – 7 S Belmont St., Molt LLC** - has filed a special exception request to Section 310-5.B, to allow a use not specified. Applicant is proposing a “drive-thru only fast-food restaurant”. Applicant also requests a variance to section 310-15.B required parking. *The property is located at 7 S. Belmont St. and is zoned C (Commercial).*
 - Katelyn Rohrbaugh, with Barley Snyder, representing Molt LLC, presented the special exception request.
 - The application is for a use not specified under section 310-5.B. or a variance from section 310-15.B for required parking for a restaurant.
 - The applicant is proposing a drive-thru only restaurant with no indoor seating, no outdoor seating, no walk-up orders, just a drive-thru. This is a use not otherwise provided for. The ordinance only defines dine-in and fast-food restaurants, not drive-thru only. The definition of fast-food restaurant is not applicable, especially regarding parking. Fast food is defined in the ordinance as one where the customer primarily orders and receives the food at an inside counter or an outside drive-up or walk-up window, including snack bars and ice cream stands with no internal seating. The parking required for a fast-food restaurant is based on the square footage of the restaurant which evidences the intent of the ordinance to indicate that some type of parking is required to retrieve their food. This is a distinct use as the customer will never be parking, getting out of their car, and retrieving their food. This use has slowly been emerging since Covid, has different needs from the site-plan perspective, and has a heavier focus on a smaller footprint with an extensive drive-thru with queuing rather than parking. She went on to describe the special exception criteria in that the property is in the commercial zone and restaurants are permitted in the commercial zone. The use will be less intensive than the previous car wash use and better suited to the residential neighborhood. It is on a collector street with no need for residents to traverse the residential streets. This proposed use meets all the requirements of the ordinance in section 310-74 related to fast-food restaurants, although the parking requirements are different. The ordinance requirements for a fast-food drive-thru lane must be 120 feet, whereas the proposed drive-thru only will propose a drive-thru lane of 200 feet and will allow for 12-14 cars stacked between two lanes completely on the property. The parking area for employees and the drive-thru area will be illuminated as required. The microphone and speaker for the drive-thru will be situated in the back of the property directed towards I-83 to muffle noise. They intend to comply with any sign and trash receptacle requirements. There will be no alcohol served at the premises. The only requirement not fulfilled in the fast-food

restaurant requirement is the parking requirement. The ordinance requires one spot for every 30-40 square feet which would require 30 parking spots plus one parking spot per employee on the largest shift so they would be required to have 34 parking spots on this property for their 900 square foot building. Since no one would be traversing into the building or up to a window, and they only intend to have four employees, realistically only four parking spots will ever be used. They are asking to be granted a special exception for a use not specified and recommend that only four parking spots for that use is sufficient. If you do not consider this a use not otherwise provided for, then we are asking for a variance to the parking requirements. She directed the Board to the site plan in the back of their packet for reference.

- Mr. Stevens asked what type of fast food would be sold, heat up or cooked?
- Themis Sacarellos, owner of Molt LLC, answered that it would be fresh, fast food. There will not be a lot of room for equipment, and it must be cooked fast. Items like chicken tenders and French fries. The site is challenging and in need of redevelopment. This would be a good use for this property. Food service is a changing environment, and you are starting to see more drive-thru restaurants.
- Mr. Stevens has concerns about where customers would park if they had to wait for food to come out.
- Mr. Sacarellos assured him that he has other restaurants, and he prides himself on speed to keep traffic moving. They are only going to have three employees, and they are proposing five parking spaces, so the extra spaces would accommodate anyone having to wait.
- Attorney Rohrbaugh pointed out that there is a proposed bypass lane so if someone needed to pull over, they could pull over in the bypass lane.
- Mr. Stevens asked some questions about direction of traffic on the map.
- Mr. Sacarellos explained that they come off Belmont to the second cut in the island to the drive-thru lane.
- Ms. Mitten asked the Zoning Officer what the pros and cons were to a special exception versus a variance.
- The Zoning Officer explained that a variance cannot be given based on financial need. This site is constrained, in a floodplain, and in need of redevelopment.
- Ms. Mitten asked what the long-term impact would be if they provide a special exception for a use not specified versus a variance. How would this affect ordinance updates?
- The Zoning Officer stated that a use not otherwise specified as a special exception would be a better option to start building criteria for a use that could be added to the zoning ordinance when it is updated.
- Mr. Davidson clarified that it was a special exception or variance.
- Attorney Rohrbaugh clarified that was correct.
- Mr. Davidson stated that first it needs to be determined that the use is not otherwise permitted in the ordinance. You could shoe-horn it into the fast-food restaurant because it reads primarily walk up or drive up. It could meet the definition, and you would need the variance. This is an odd site and that is what variances are all about. It's hard to do anything on this site.
- Attorney Rohrbaugh concurred with the Zoning Officer because the Board may be seeing this use again in the future.
- Mr. Sandmeyer questioned the engineer, Mike Scarborough, about how Beech Alley comes into play.
- Mr. Scarborough stated that it is a thoroughfare that is shared by York Little Theater and their property. It goes straight back to the creek. It is deeded to the property in the proposal.
- Mr. Sandmeyer asked if they could condemn it to create more parking spaces with one access for both properties and add more parking spaces across the back? It has been his experience that eliminating parking can cause issues because people will park in the lot and eat. This could create parking issues in the neighborhood.
- Mr. Scarborough said they would investigate it.
- The Zoning Officer explained that it has been used by York Little Theater and the property for years as a shared drive.
- Mr. Scarborough explained that it is purposeful that they do not have parking because they want people to drive up, get their food, and leave. They had looked at a variance for a loading space. Using the alley

allows a truck to pull into the alley and back into the loading dock and then exit. They also looked at a variance from the requirement for pedestrian walkways as no one would be walking into the building.

- Ms. Mitten has concerns about traffic on Belmont Street during rush hour.
- Mr. Scarborough said those issues would be addressed with PennDOT and during land development.
- Mr. Sandmeyer stated that if they did a variance, they would have to have several variances for loading zones and parking. But if they do it as a special exception, they don't need the variance.
- The Zoning Officer clarified that part of the special exception for a use not specified would include all the specifics for that use.
- Mr. Scarborough stated that the types of trucks delivering would be smaller, not tractor trailer-size loads.
- Mr. Davidson stated that regarding pedestrian circulation, the official Township map shows the Millcreek Greenway going somewhere through the vicinity which may be the sidewalk along the street.
- Mr. Sandmeyer asked if this property was going to be affected by the I-83 widening project.
- Mr. Scarborough stated that they are in contact with PennDOT and it is not included in the widening project.
- Mr. Scarborough explained that the site was challenging as most of the lot is in the floodplain and they worked hard to keep the elevation so that everything slopes away from the building and they are decreasing the impervious surface on the property as well.
- Mr. Sandmeyer made a motion to recommend for a special exception for a use not specified as a drive-thru only restaurant. Mr. Sears seconded the motion. All in favor, motion passed.

Subdivision/Land Development Plans: None

OTHER BUSINESS: None

Motion for adjournment by Mr. Stevens, seconded by Mr. Sandmeyer. Meeting adjourned at 7:09 pm.