

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Susan M. Smith :
 :
 v. : No. 939 C.D. 2025
 : Argued: September 14, 2026
 York Township Zoning Hearing Board, :
 Dallastown Area School District, and :
 York Township :
 :
 Appeal of: Dallastown Area School :
 District :

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
 HONORABLE STACY WALLACE, Judge
 HONORABLE STELLA M. TSAI, Judge

OPINION

BY JUDGE WALLACE

FILED: October 19, 2026

The Dallastown Area School District (School District) appeals from the order of the York County Court of Common Pleas (Common Pleas), dated July 14, 2025, that reversed the decision of the York Township (Township) Zoning Hearing Board (Board), mailed November 8, 2024. At issue in the appeal is whether an access drive (Access Drive) the School District installed, connecting York Township Elementary School (School) to Merrin Road, required review under the Township's Subdivision and Land Development Ordinance of 2012 (SALDO) and whether the Access Drive was located, designed, and constructed to allow the safe passage of traffic under the SALDO and the Township's Zoning Ordinance of 2012 (Zoning Ordinance). After careful review, we reverse.

BACKGROUND

The School District submitted a zoning permit application for the construction of the Access Drive, dated July 19, 2024. Lisa Frye, the Township’s Zoning Officer (Zoning Officer), approved the application and issued a zoning permit that same day. At the time, there was only one entrance onto the School’s property, located at South Queen Street. Reproduced Record (R.R.) at 419a-21a. The School District intended to add a second entrance for the purpose of addressing congestion and safety concerns. *Id.* Although the School District considered potential locations for the Access Drive other than Merrin Road, it deemed those locations “unsafe and/or unworkable due to topographical concerns and the inability to obtain the necessary property interests.” *Id.*

Susan M. Smith (Smith), a resident of Merrin Road, appealed from the Zoning Officer’s decision on August 16, 2024. Smith contended the Access Drive violated the requirements of the SALDO as incorporated through the Zoning Ordinance. She cited Section 265-803 of the Zoning Ordinance, requiring that “[a]ccess drives and driveways shall be located and constructed in accordance with the requirements of the SALDO.” R.R. at 561a.¹ According to Smith, the Access Drive violated Section 512(A) of the SALDO, which provides:

The following standards shall apply to driveway and/or access drive construction in any subdivision and/or land development:

A. In order to provide a safe means of access, all driveways and access drives shall be located, designed and constructed in such a manner as not to interfere or be inconsistent with the safe passage of traffic. . . .

¹ Similarly, Section 265-503 of the Ordinance provides that “[a]ll [a]ccess [d]rives shall be located in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of a street. All access drives shall be designed and constructed in accordance with the requirements of the [SALDO].” R.R. at 478a.

Id. at 728a.

The Board held a hearing on September 24, 2024, by which time the School District had already installed the Access Drive. During the hearing, a question arose regarding whether the Access Drive qualified as “land development,” which would require the review of a land development plan under the SALDO. *See* Section 103 of the SALDO, R.R. at 630a; Section 507 of the Pennsylvania Municipalities Planning Code (MPC),² 53 P.S. § 10507. The Board’s solicitor expressed particular concern on this point, asserting “the threshold question here is really is this land development that requires this proposed [A]ccess [D]rive to go through the standard procedures and channels established by the SALDO.” R.R. at 136a-37a.

Further, the Board heard detailed testimony regarding the safety of the Access Drive, beginning with the Zoning Officer. Addressing her decision to issue a zoning permit, the Zoning Officer agreed she considers “the immediate intersection” where an access drive is located to ensure safety, rather than “a half a mile down the road.” *Id.* at 105a-06a. She explained:

In looking at the application that they filed and looking at the ordinances and confirming with our solicitor. He and I looked at this several times before the issuance of the permit and the determination was that they had met the criteria of the ordinances. The [Access Drive] was at a safe location. It wasn’t -- it had clear sight access. It wasn’t impeding anyone else’s driveway. Therefore, the determination was to issue them the permit.

Id. at 96a-97a.

Next, Smith presented the expert testimony of Mickey Cornelius (Cornelius), “a certified professional traffic operations engineer and . . . road safety professional”

² Act of July 31, 1968, P.L. 805, *as amended*.

at Traffic Group, Incorporated. R.R. at 119a. Cornelius contended a safety analysis should not be limited to the immediate intersection where an access drive is located but “also should include does the existing road provide for safe passage of vehicles because if it doesn’t then it’s just throwing safety out altogether and saying we don’t care that they have to go through an unsafe area.” *Id.* at 124a. Regarding traffic that the Access Drive would generate on Merrin Road, Cornelius explained:

We did not do counts at the school, so we don’t have specific numbers, but if we use national averages we know that the elementary school according to once again the [School D]istrict web site accommodates approximately 475 elementary students, and according to the Institute of Transportation Engineers Trip General Manual . . . a certain use 475 student elementary school could generate well over 100 vehicle trips going in in the morning peak hour and slightly less than that, approximately just over 100 in a week day afternoon peak hour when the students are being picked up. And certainly some of those trips would include school buses or van trips that may still be using the Queen Street access, but given the number of students it wouldn’t be unreasonable to assume that you could have almost 100 motorists driving in Merrin Road during [a] 15, 30 minute window to drop off children and then again close to that in the afternoon to pick them up.

Id. at 129-30a.

Cornelius testified Merrin Road is narrow, with widths ranging from 15 to 22 feet, and a width of 18 feet is usually necessary to “allow the passage of two vehicles comfortably.” R.R. at 125a-26a. Cornelius reported vehicles park along the side of Merrin Road, “so it creates a situation where you have road width that doesn’t allow two-way travel in many sections.” *Id.* at 127a. Additionally, Cornelius reported he observed pedestrians walking on Merrin Road, but there are no sidewalks and “little to no shoulders along the road.” *Id.* at 126a-28a. Cornelius conceded “narrow streets provide for slower traffic,” but he explained widths of less than 18 feet would be “an issue if it’s not just a small residential subdivision.” *Id.* at 157a.

Cornelius testified the potential hazards on Merrin Road would include “a lot of sideswipe crashes, unlikely head on crashes because the speeds would be low, but certainly pedestrian, [and] bicycle crashes.” R.R. at 131a. Cornelius insisted he was “not here to say that Merrin Road couldn’t be used, but . . . there should have been an evaluation as to what improvements need to be made to make it safe because under existing conditions it’s not safe to introduce that additional traffic.” *Id.* at 129a-33a, 154a. When asked if his opinion would change if the number of vehicles using the Access Drive was lower, Cornelius replied “[i]t would certainly change the numbers. It’s not going to change the conclusion.”³ *Id.* at 151a.

The School District presented testimony from its Superintendent, Joshua Doll (Doll). Doll explained the School District added a “turnaround” to the Access Drive, which would “allow individuals to turn around instead of perhaps . . . backing out of Merrin Road.” R.R. at 177a. Doll explained the School District would also install a gate. *Id.* at 175a. According to Doll, the School District intended to use the Access Drive for only one-way traffic by parents during pick-up and drop-off times but may change its policy in the future. *Id.* at 174a-75a, 189a-90a.

Further, the School District presented expert testimony from Thomas Englerth (Englerth), a site designer and professional land surveyor with Site Design Concepts, which the School District retained for the Access Drive project. Englerth described the decision to add a gate and a turnaround to the Access Drive and then to widen the turnaround so garbage trucks could use it. R.R. at 199a-200a. In addition, Englerth described the School District’s planned queuing scheme for the Access Drive, which would begin at Merrin Road as two lanes and then narrow to one lane at “an existing gate . . . up near the playground.” *Id.* at 200a-01a. He explained:

³ Smith testified briefly to discuss her concerns and reasons for pursuing the appeal. R.R. at 163a-68a.

So right now we have 530 feet of roadway from the property line to the second gate where one car can get through. On those 520 linear feet of driveway it's two lanes so we have two lanes queueing there. Once they go through, once cars zipper in and go through the gate there's another 150 feet to the doorway where they unload, and at that point I believe they have six cars in there as well, so all total we can get -- well, we can get 50 cars in there on this driveway very easily through the double stacking and the single stack at the door. And that's 25 feet per vehicle which I believe that's industry standard

Id. at 201a.

Englerth testified he believed the Access Drive complies with Section 512(A) of the SALDO, reasoning Section 512(A) applies “strictly to the access point and not necessarily to the road you come out onto.” R.R. at 203a. Moreover, he explained “the narrowness of Merrin Road could be classified as unsafe at some level. . . . it is a minor issue to overcome when you have people driving at slow speeds and already familiar with that type of condition.” *Id.* at 208a.

Finally, the School District presented the expert testimony of Jon Seitz (Seitz), a professional traffic engineer at Transportation Resources Group, which the School District also retained for the Access Drive project. Seitz testified he observed parent drop-off and pick-up procedures without the Access Drive. R.R. at 218a-22a. Seitz observed parents begin to arrive at 8:04 a.m., and a “maximum queue of 31 vehicles” was present at 8:31 a.m., about the time the doors to the School opened. *Id.* at 219a-20a, 251a. He recalled that, within “five or six minutes, that dissipated and the queue was zero. . . cars did continue to arrive.” *Id.* at 220a. Seitz recalled the situation was the same in the afternoon, except there was a maximum queue of 29 vehicles. *Id.* at 220a-21a.

Seitz addressed Merrin Road's narrowness, explaining there are other narrow roads in the Township that "experience much higher traffic volumes than this." R.R. at 225a-26a. Seitz continued:

And I will certainly not disagree with their engineer that Merrin Road is narrow at some points too. I think it was brought up, and I'll bring this up again that narrow roads though do bring in slower speeds. It is a form of traffic calming and I do feel there's going to be a familiarity. The people that live on Merrin Road and the drivers that drop off their children every day will have that familiarity. It's not new people introduced to it. They will have familiarity. I do feel that the turnaround is also a safety measure the school is -- I think that, you know, if a trash truck comes or another large vehicle comes and sort of dead ends, there's no cul-de-sac there to turn around, it does provide a safe place to turn around, so I do feel that is a safety enhancement.

Id. at 226a-27a. Seitz testified he did not specifically review Section 512(A) of the SALDO "through this process." *Id.* at 231a. However, he agreed the Access Drive is "reasonably safe."⁴ *Id.* at 227a-28a.

The Board denied Smith's appeal and affirmed the Zoning Officer's decision to issue a zoning permit for the Access Drive at a meeting on October 22, 2024, and mailed its written decision to that effect on November 8, 2024. The Board concluded the School District was not required to submit a land development plan because "the Access Drive does not involve large-scale development of land and does not rise to the level of 'Land Development' as defined by the SALDO, the MPC, or interpretive caselaw." R.R. at 423a. In addition, the Board addressed Smith's argument that the Access Drive presents safety problems, explaining it "considered not only the point at which the Access Drive connects with Merrin Road, but the entire length of Merrin Road as well." *Id.* The Board reached the following relevant conclusions:

⁴ The hearing also included public comment.

55. The Access Drive does not alter the pre-existing physical conditions of Merrin Road, including its narrowness.

56. While the Access Drive will likely cause increased traffic on Merrin Road, this traffic will be primarily in one direction and will be limited to narrow windows of time.

57. Those motorists who will be using Merrin Road are likely to be familiar with the conditions, the width, and the speed limit of Merrin Road.

58. The widths of Merrin Road will likely have a calming effect on traffic speeds.

59. With the car queueing scheme that has been implemented, it is unlikely that queued vehicles will back up onto Merrin Road.

60. [The School District's] installation of a turnaround area near the Access Drive only increases the overall safety of Merrin Road.

61. To the extent that the width of Merrin Road is problematic, residents can move vehicles and other property currently located along the edge of Merrin Road.

62. While not every aspect of Merrin Road is ideal, the Access Drive cannot be said to interfere or be inconsistent with the safe passage of traffic.

Id. at 423a-24a.

Smith appealed to Common Pleas, which did not take additional evidence. By order dated July 14, 2025, Common Pleas reversed the Board. First, Common Pleas considered whether the Access Drive qualifies as “land development” that requires review of a land development plan under the SALDO. Common Pleas Op., 7/14/25, at 28-32. Common Pleas reasoned “land development” under the SALDO is “large-scale development of land” and “implicates many legitimate governmental concerns affecting the general public, such as sanitary sewer, water, storm water management, parking areas, driveways, roadways, curbs and sidewalks.” *Id.* at 30 (quoting *Upper*

Southampton Twp. v. Upper Southampton Twp. Zoning Hearing Bd., 934 A.2d 1162, 1168-69 (Pa. 2007)) (underlining omitted). Common Pleas reasoned an access drive may not always qualify as “land development,” but the Access Drive in this case did because of its “context, scale, effect . . . and its impact on safety.” *Id.* at 32. Common Pleas explained, in relevant part:

In applying the caselaw definition of land development to the large-scale analysis in this case, the proposed [A]ccess [D]rive implicates many of the legitimate government concerns affecting the public generally listed above including stormwater management, parking, or in this case, queuing areas, and driveways or roadways. The consequence of which was the requirement of a lot development plan. . . . [T]he construction of the proposed [A]ccess [D]rive, which is around 680 feet in length, changes and increases the amount of impervious surface. The [A]ccess [D]rive is a two-lane road that’s 24 feet wide making it even wider than Merrin Road, itself. The [Access D]rive implicates a change in stormwater management, impacts queuing through the provision of a double lane [A]ccess [D]rive meant to accommodate the stacking of 50 cars, and represents a significant change in traffic flow.

The [A]ccess [D]rive will connect to the terminus of Merrin Road which, in effect, extends a public township road across school property to a busy State highway that sees 20,000 trips per day. The [A]ccess [D]rive will divert some school traffic from the current South Queen Street access point to the intersection of Leader Heights Road and Merrin Road, a substandard road that predates current standards and is barely suitable for the two-way traffic. While the School District indicates that initially, it will allow only parent traffic to use the [A]ccess [D]rive, flowing in one direction, the testimony and evidence shows that if there is a closure on South Queen Street, then all school traffic, for a school of over 400 students including buses, vans, and parents will use the new [A]ccess [D]rive.

Id. at 31-32 (citation and quotation marks omitted).

Common Pleas next considered whether the Access Drive would interfere or be inconsistent with the safe passage of traffic in violation of Section 512(A) of the

SALDO. Common Pleas Op., 7/14/25, at 32-36. Common Pleas emphasized what it described as a lack of evidence that the Access Drive complies with Section 512(A). *Id.* at 34-35. Common Pleas also emphasized that the Zoning Officer and Englerth considered the safety of the Access Drive where it connects to Merrin Road but not “the flow of traffic through Merrin Road or the Leader Heights intersection.” *Id.* at 35. Common Pleas continued:

Here, the School District has built an [A]ccess [D]rive that has the effect of extending a public road to South Queen Street with its 20,000 vehicles per day. School traffic will now be rerouted, initially under the School District’s self-imposed conditions of one-way only traffic at limited times by parents only. Yet, if there should be an emergency or a closure on South Queen Street, then school traffic, including school buses, vans, and parental traffic will be routed through the new [A]ccess [D]rive with the Township and the [School] District having made no or minimal consideration of the safe passage of traffic beyond the immediate point of connection between the [A]ccess [D]rive and the terminus of Merrin Road. Additionally, the School District has reserved the right to change the way it uses the new [A]ccess [D]rive altogether in the future.

In summary, evidence before the Board was that neither the Zoning Officer, the Township Engineer, nor the School District’s engineer reviewed the Lot Development Plan for the proposed [A]ccess [D]rive for compliance with section 512A of the SALDO, and the only expert testifying for the [School] District who did, testified the Merrin Road is unsafe. Given the foregoing, there was not substantial evidence before the . . . Board such that a reasonable mind might accept as adequate to support the conclusion that the [A]ccess [D]rive has been located, designed, and constructed in a way that does not interfere or is not inconsistent with the safe passage of traffic and that the Zoning Officer fulfilled her obligations.

Id. at 35-36 (footnote omitted).

The School District timely appealed to this Court. The School District asserts the Access Drive is not “land development” as defined in the SALDO and MPC and

“does not implicate the concerns of large-scale developments that necessitate formal land development plans.”⁵ School District’s Br. at 7-12. Further, the School District asserts substantial evidence supports the Board’s decision, and Common Pleas failed to defer to the Board’s findings. *Id.* at 7, 10-15. The School District argues Common Pleas abused its discretion by substituting its judgment and view of the evidence for that of the Board. *Id.* at 7-8, 12-15.

Regarding Section 512(A) of the SALDO, the School District argues the only relevant consideration is whether a subject access drive “is designed and constructed in compliance with applicable building standards so that traffic entering and exiting from the owner’s property may do so safely,” and there is no need for the applicant or the Township to “consider off-site issues outside of the applicant’s control.” School District’s Br. at 8-9, 16-20. The School District argues Common Pleas should have construed any ambiguities in favor of the least restrictive use of land and the School District as the landowner. *Id.* at 7-8, 15-17. To the extent off-site issues are relevant, the School District maintains Smith did not meet her burden of proving the Access Drive would be harmful. *Id.* at 18-20.

DISCUSSION

Common Pleas did not take additional evidence below. Thus, our review “is limited to determining whether [the Board] abused its discretion or erred as a matter of law.” *Bird v. Zoning Hearing Bd. of Mun. of Bethel Park*, 320 A.3d 843, 848 n.8 (Pa. Cmwlth. 2024), *appeal denied*, 333 A.3d 303 (Pa. 2025). We will find an abuse

⁵ In their joint brief, the Township and Board suggest this issue is now moot because the Township Commissioners approved a land development plan that included the Access Drive while this appeal was pending. Township and Board’s Br. at 18 n.4. Because of the timing, there is no evidence in the record to support this assertion. Moreover, it is unclear whether receiving the Commissioners’ approval would render this issue moot insofar as resolving the issue may affect ongoing or future proceedings related to the Commissioners’ decision.

of discretion if substantial evidence does not support the Board’s findings of fact. *Id.* To the extent the School District’s appeal requires us to interpret an ordinance, this raises “a question of law for which our standard of review is de novo and our scope of review is plenary.” *Weiler v. Stroud Twp. Zoning Hearing Bd.*, 300 A.3d 1121, 1126 (Pa. Cmwlth. 2023). Stated differently, we do not defer to the decisions below, and we may review the entire record in reaching our conclusion. *Mercury Trucking, Inc. v. Pa. Pub. Util. Comm’n*, 55 A.3d 1056, 1082 (Pa. 2012).

Land Development

We begin by considering whether the Access Drive requires review of a land development plan. Section 265-1002 of the Zoning Ordinance provides the Zoning Officer should grant a permit when the application conforms “to the provisions of all pertinent local laws” and she is “satisfied that the proposed work and/or use conform to the provisions of this [Zoning] Ordinance and all laws and ordinances applicable thereto.” *See* R.R. at 573a. Section 301(A) of the SALDO directs that, “[w]henver a subdivision or land development is desired in [the] Township, a plan for the layout of such subdivision or land development shall be prepared, filed and processed” as required under the SALDO. *Id.* at 637a. Section 103(A)(1) of the SALDO vests the Township Commissioners with “authority to approve or disapprove all Subdivision and/or Land Development Plans.” *Id.* at 630a. In relevant part, the SALDO defines “Land Development” as follows:

Land Development: Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two or more residential or nonresidential buildings, whether proposed

initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features

R.R. at 786a.⁶

Our Supreme Court’s decision in *Upper Southampton Township* is instructive. That matter involved a proposal to construct six billboards on four commercial lots. *Upper Southampton Twp.*, 934 A.2d at 1163. The Court held this proposal was not “land development” as defined in the MPC and the relevant ordinance.⁷ *Id.* at 1167. Importantly, the Court observed the MPC “speaks to developments on a large scale.” *Id.* at 1168. The Court reasoned:

The MPC, when viewed as a whole, clearly is intended to apply to the allocation of land in such a way that issues related to public use,

⁶ In addition, the SALDO defines “Improvements” as follows:

Improvements: Those physical additions, installations and changes required to render land suitable for the use intended, including but not limited to grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street trees.

R.R. at 786a.

⁷ The MPC’s definition of “Land Development” is substantively the same as the definition in the SALDO in this matter. *See* Sections 107(a) and 503(1.1) of the MPC, 53 P.S. §§ 10503, 10107(a). Our Supreme Court analyzed the portion of the definition involving “the division or allocation of land or space.” *Upper Southampton Twp.*, 934 A.2d at 1167.

water management, sewers, streets and the like must be addressed. Consistently with this focus, the case law typically involves the division of a tract of land into smaller parcels for the construction of either residential or commercial buildings. We believe that it is precisely this kind of large-scale development of land, with an inevitable and concomitant effect on the public generally, that is contemplated by the MPC

Again, although it is not determinative that billboards are not specifically mentioned among the examples of matters that qualify as land development, the absence of that example is consistent with the statutory focus, in land development plans, upon large-scale issues such as the location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The type of division or allocation of land contemplated by the MPC—*e.g.*, a housing development, condominiums, or building groups—implicates many legitimate governmental concerns affecting the general public, such as sanitary sewer, water, storm water management, parking areas, driveways, roadways, curbs and sidewalks. The construction of a billboard simply does not give rise to any of those concerns. To read the statute otherwise would be unreasonable. Further, as appellant notes, the fact that a land development plan is not required for such a contemplated use does not mean that local authorities have no say in enforcing other zoning and licensing laws. . . .

Id. at 1168-69 (citations and quotation marks omitted). This Court has continued to emphasize the “large scale” nature of land development and its impact on matters of governmental concern. *See Borough of Moosic v. Zoning Hearing Bd. of Borough of Moosic*, 11 A.3d 564, 568 (Pa. Cmwlth. 2010); *Smith v. Ivy Lee Real Est.*, 326 A.3d 1064, 1073 (Pa. Cmwlth. 2024).

Here, the addition of an access drive cannot generally be described as a “large-scale development.” *Upper Southampton Twp.*, 934 A.2d at 1168. Further, contrary to Common Pleas’ reasoning, we discern nothing remarkable regarding the “context, scale, effect,” or public safety impact of this Access Drive in particular that warrants such a characterization. *See Common Pleas Op.*, 7/14/25, at 32. Our Supreme Court

did not hold in *Upper Southampton Township* that any improvement to land becomes “land development” simply because it has some relationship to issues like traffic and stormwater. Instead, our Supreme Court recognized that “land development” under the MPC generally refers to “construction of residences or buildings that give rise to concerns regarding the provision of municipal services such as water management, streets, public convenience and the like.” *See Upper Southampton Twp.*, 934 A.2d at 1169.

The Access Drive in this matter connects a preexisting school to a preexisting public road. The Access Drive does not create additional traffic but merely redirects a portion of existing traffic through a different entrance onto School property. Even this is limited under the School District’s current plan, which would permit one-way traffic on the Access Drive only twice per day on school days. The Access Drive will likely affect stormwater runoff, but the record indicates the School District was able to address this issue simply by installing a “trench drain.” R.R. at 200a, 326a. Based on the record, any impact on municipal services was negligible and did not transform the Access Drive into the equivalent of a large-scale land development project. *See Upper Southampton Twp.*, 934 A.2d at 1169. Thus, the Board correctly concluded the School District was not required to submit a land development plan.

Substantial Evidence

The remaining question is whether the Access Drive is safe and complies with Section 512(A) of the SALDO. As the finder of fact, the Board was “the sole judge of the credibility of witnesses and the weight to be afforded their testimony,” and we may not substitute our appraisal of the evidence for that of the Board. *Oxford Corp. v. Zoning Hearing Bd. of Borough of Oxford*, 34 A.3d 286, 295 n.9 (Pa. Cmwlth. 2011). The Board’s findings are binding if there is substantial evidence to support

them. *Conshohocken Borough v. Conshohocken Borough Zoning Hearing Bd.*, 261 A.3d 582, 592 n.5 (Pa. Cmwlth. 2021). This Court must view the evidence in a light most favorable to the party that prevailed before the Board, granting “the benefit of all reasonable inferences arising from the evidence.” *Lawrenceville Stakeholders v. City of Pittsburgh Zoning Bd. of Adjustment*, 247 A.3d 465, 473 (Pa. Cmwlth. 2021).

The School District contends Section 512(A) of the SALDO does not apply to off-site issues related to traffic congestion on Merrin Road. We need not address this question, however. Accepting for the sake of argument that Section 512(A) applies to off-site issues, our review of the record would amply support the Board’s findings and require that we reverse Common Pleas. Cornelius testified the Access Drive will not be safe without improvements to Merrin Road. R.R. at 129a-33a, 154a. He cited the narrowness of Merrin Road and its lack of shoulders and sidewalks. *Id.* at 125a-28a, 131a. In contrast, Seitz agreed Merrin Road is “reasonably safe,” explaining the narrowness of Merrin Road will have a “calming” effect, and similarly narrow roads in the Township experience higher volumes of traffic. *Id.* at 225a-28a. It was within the Board’s discretion as the fact-finder to place greater weight on Seitz’s testimony. Although Seitz testified he did not specifically review Section 512(A) “through this process,” his testimony indicates the Access Drive will allow for the safe passage of traffic. *Id.* at 231a.

Notably, Cornelius estimated the Access Drive would generate “almost 100” trips each morning and again each afternoon by parents dropping off and picking up their children. R.R. at 129-30a. The testimony regarding actual traffic counts at the School was less alarming, with Seitz explaining he observed a “maximum queue” of 31 vehicles dropping off in the morning and 29 vehicles picking up in the afternoon. *Id.* at 219a-21a. Even Smith during her own brief testimony explained that when she

“observe[d] the car rider line . . . there was 56 cars,” well below Cornelius’s estimate. *Id.* at 167a. Cornelius testified a lower number of trips would not change his ultimate conclusion, but this discrepancy nonetheless supports the Board’s decision to grant his testimony limited weight. *See id.* at 151a.

CONCLUSION

Based on the foregoing, the Access Drive is not “land development” and does not require the submission of a land development plan. We also conclude the record contains substantial evidence to support the Board’s findings and its decision that the Access Drive complies with Section 512(A) of the SALDO. As a result, we reverse Common Pleas’ order dated July 14, 2025.

STACY WALLACE, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Susan M. Smith	:
	:
v.	: No. 939 C.D. 2025
	:
York Township Zoning Hearing Board,	:
Dallastown Area School District, and	:
York Township	:
	:
Appeal of: Dallastown Area School	:
District	:

ORDER

AND NOW, this 19th day of October 2026, the order of the Court of Common Pleas of York County, dated July 14, 2025, is **REVERSED**.

STACY WALLACE, Judge