

## MINUTES

### SOUTH MIDDLETON TOWNSHIP 520 PARK DRIVE BOILING SPRINGS, PA. 17007

JANUARY 18, 2007

**PRESENT:** TOM FALEY, RON REEDER, JIM BAKER, BRYAN GEMBUSIA, & RICK REIGHARD – SUPERVISORS; Richard Mislitsky – Solicitor; Barbara Wilson – Manager; Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer; Tim Duerr – Zoning Officer, Sandy Quickel – Recording Secretary, Brian Lewis, Attorney Jamie Strong, Dave Nesbit, Charles Breslin, Dick Cummins, Doug & Helen Gale, Sarah Tandle, Donald & Cathy Baker, Bob Geist, Pam Fisher, Jason Watson, Paul Slifko, Ray Tennyson, John Anderson, William Kollas, Charlie Mallios, Fawn Cassell, Andrea Ciccocioppo – “The Patriot News”, John Hilton - “The Sentinel”.

The meeting was called to order at 6:00 p.m. by Chairman Faley.

#### **PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was led by Chairman Faley.

#### **MOMENT OF SILENCE:**

A moment of silence was observed for longtime resident, John K. Bixler, Jr., who passed away.

#### **OPENING ANNOUNCEMENTS:**

Board & staff introduced themselves. Tom noted that the meetings are recorded.

#### **MINUTES: 12/14/06 Regular Meeting**

Ron made a motion to approve the minutes. Rick seconded, & the vote in favor was unanimous.

#### **01/02/07 Reorganization Meeting**

Bryan made a motion to approve the minutes. Ron seconded, & the vote in favor was unanimous.

#### **ORDINANCE #07-02 MASSAGE THERAPISTS REGISTRATION - Public Hearing:**

Mr. Mislitsky opened the hearing & stated the procedure. Tim explained the ordinance. He stated that there have been problems registering massage therapists in the past. This ordinance will make the owners responsible in registering their employees. There was no public input.

Bryan made a motion to approve Ordinance #07-02, as presented. Ron seconded, & the vote in favor was unanimous. The hearing was closed.

#### **#06-29 STONEHEDGE DEVELOPERS FINAL PRD REVISION – Public Hearing:**

Mr. Mislitsky opened the hearing & stated the procedure. Attorney Jamie Strong represented S&A Homes. This plan was approved previously, & is a revision to the Stonehedge PRD Phase 2 plan. The previous plan showed town homes in groups of 8. Mr. Strong stated that the revision will divide the buildings into 2 groups of 4 instead of 8. Brian stated that the Stonehedge Homeowner’s Association is satisfied with this revision.

Jim made a motion to approve subject to the applicant's acceptance of staff comments. Rick seconded, & the vote in favor was unanimous. The hearing was closed.

**#06-14 FORGEDALE CROSSING, SECTION 7 – Final Subdivision:**

This plan was tabled.

**#06-17 ROBERT M. FREY – Final Minor Subdivision:**

Pam Fisher represented this plan. The applicant proposes to subdivide an approximate 13 acre parcel into 3 separate parcels of approximately 2, 3 & 8 acres. The property is located between Alexander Spring Road & Commerce Drive. There will be a shared access right-of-way through the property. Brian pointed out that when the land development plan is submitted, the curbs & gutters will be built at that time. The Solicitor asked if the same note regarding installing curb & gutters will be the same for all 3 lots. Mrs. Fisher replied yes. The issue of bonding was raised. Brian said that the subdivision could be approved; then bonding can be posted for the land development plans. Ron feels a precedent will be set if the bonding is not done. Rick suggested following the procedure for bonding as done in the past. Dick Cummins asked where the site is located. He was told that it is west of the Pennsylvania State Police Barracks & the livestock market.

**Modifications :** Preliminary Plan, EIA report, Stormwater Management Plan, Erosion & Sedimentation Plan, Grading Plan, Landscape Plan, Recreation Fees (defer to land development), Show access in compliance with ordinance, Sidewalks, Curbs & Gutters, & Access standards for access drives. It was noted that the modification request for Section 502 g (EIA report) is incorrect on the plan & should be 501 g. Ron made a motion to approve the modifications as requested & to note the correction on Section 502 g should be 501 g. Tom seconded, & the vote in favor was unanimous.

Tom made a motion to approve #06-17, subject to the applicant's acceptance of staff comments. Ron seconded, & the vote in favor was unanimous.

**#06-18 CARLISLE HOTEL PARTNERS, LP – Final Minor Land Development:**

Pam Fisher represented this plan. The site is located at Commerce Drive & Alexander Spring Road. The applicant is proposing the construction of an 85 room hotel. Mrs. Fisher stated that there will be no snack bar within the hotel. A restaurant will be developed on Lot 2. Variances from the Zoning Hearing Board were obtained regarding Sections 1625 (4) & (6) of the Zoning Ordinance pertaining to the maximum building length of 150 ft. & the 50 ft. minimum building/parking area setback. The building length will be 167 ft. & the building/parking area setback will be in accordance with the standard setback requirements for that zoning district (I-3). One issue was curbing, but the applicant is withdrawing this modification request. The note will be taken off of the plan for curbing. Tom expressed concern that curbing will not be installed around a hotel. Brian stated that he does not foresee people walking along that area. The Solicitor asked if the standard sidewalk note will be placed on the plan. Mrs. Fisher replied that the note is on there, they are just withdrawing the modification for curbing. Jim asked if the road will be private or public & built to Township road specifications. Mrs. Fisher replied it is a driveway; not a road. Cathy Baker asked if a restaurant is planned. Mrs. Fisher replied no; not on this plan, but 1 is planned for the future. The following modifications were withdrawn: Section 706 b (screening required for parking perpendicular to & within 100 ft. of a public road,

Section 708 (curbs & gutters), & Section 716 c (2) (d) (Upgrade roadway to current standards). It was noted that Section 708 (curbs & gutters) is needed for the Commerce Drive portion.

**Modifications:** Preliminary Plan, Modified EIA report, Landscape Architect certification on landscape plan, Parking facilities within 10 ft of property line, Island every 10 spaces in parking lot, Access drives not to exceed 35 ft, Sidewalks, Run-off values, Calculations for peak discharge. Ron made a motion to approve the modifications requested & to exclude Sections 706 b, 708, & 716 c (2) (d), & to require Section 708 (curbs & gutters) for the Commerce Drive portion of the project. Bryan seconded, & the vote in favor was unanimous.

Tom made a motion to approve #06-18, subject to the applicant's acceptance of staff comments, & subject to the location of the curbing. Bryan seconded, & the vote in favor was unanimous.

**#06-21 CARLISLE FORGE – Final Minor Subdivision:**

This plan was tabled.

**#06-24 WESTGATE, PHASES 5, 6 & 7 – Final Subdivision & Land Development:**

Fawn Cassell, William Kollas, & Charlie Mallios were present. The applicant proposes the completion of Phases 5, 6 & 7 of the existing development. Westgate Drive & Parkway Drive will be extended, & a new road will be created. The site is on 32 acres & 70 lots are proposed. Bryan told Mr. Kollas that the detention ponds are in great shape & he appreciates the work done to them. However, one concern is the Homeowner's Association. Seventy percent (70%) of the lot owners have to be in the association. Mr. Kollas said that he has hit the 70% mark. Mr. Kollas referred to his letter dated January 18, 2007 to Herbert, Rowland & Grubic regarding the homeowner's association. Mr. Mislitsky noted 2 other areas of concern. He asked Mr. Kollas if the proper homeowner's association documentation was recorded. Mr. Kollas replied yes, it was recorded & date stamped. Secondly, if the residents of Phases 1 & 2 are not in the association, are the residents of Phases 3 & 4 responsible for Phases 1 & 2. Mr. Kollas replied yes. Mr. Mislitsky asked Mr. Kollas to submit documentation on this statute of law stating such. Mr. Mislitsky asked who would be responsible if the homeowner's association shirk their responsibility. Mr. Kollas said he would be responsible. Brian stated that any work on someone else's property will need an easement agreement or the property owners must sign the plan.

**Modifications:** Effect of changes in the ordinance, Final Plan to conform to Preliminary Plan in all aspects, Landscape plan certified by a Landscape Architect, & Curbing to be PennDOT Type 'C'. Bryan made a motion to approve the modifications. Ron seconded, & the vote in favor was unanimous.

Bryan made a motion to approve #06-24, subject to the applicant's acceptance of staff comments, submittal of the Homeowner's Association documentation, & subject to addressing the Kendalls & Fishers as owners who must sign the plan or an easement agreement. Tom seconded, & the vote in favor was unanimous.

**#06-26 EXEL, INC. – Final Subdivision & Land Development:**

Bill Swanick represented the plan. The applicant proposes to subdivide the Royer tract (north of I-81) & east of Allen Road. Several warehouses will be constructed on 215 acres. Mr. Swanick

stated that this plan is identical to the preliminary plan. Tom asked Mr. Swanick if the problem with the deer herd located on the site has been taken care of. Mr. Swanick replied that the deer herd situation is being worked on. Ron asked if the park area issue has been resolved with Carlisle Borough. Mr. Swanick replied yes. There are no modifications.

Bryan made a motion to approve #06-26, subject to the applicant's acceptance of staff comments. Ron seconded, & the vote in favor was unanimous.

**#06-27 DEBRA L. SECREST – Final Minor Subdivision:**

Sarah Tandle represented this plan. The applicant proposes to subdivide a 3 acre parcel along Adams Road & Walnut Bottom Road into 3 one acre parcels. Tim noted that the driveway spacing requirement was an issue, but has been worked out. The proposed driveway for Lot #3 was lined up with an existing driveway.

**Modifications:** Preliminary Plan, Existing & proposed contours & USGS benchmark, stormwater management plan, Erosion & Sedimentation plan, Grading plan & Landscape plan. Tom made a motion to approve the modifications. Bryan seconded, & the vote in favor was unanimous.

Tom made a motion to approve #06-27, subject to the applicant's acceptance of staff comments. Rick seconded, & the vote in favor was unanimous.

**EMERGENCY SERVICES REPORT:**

The report was accepted, as submitted. Ron noted that all 3 fire companies run about the same number of calls in the Township. Ron thanked the volunteers for their service.

**RECREATION REPORT:**

The report was accepted, as submitted.

**ROADMASTER REPORT:**

The report was accepted, as submitted.

**S.M.T.M.A. REPORT:**

No report was given.

**SOLICITOR REPORT:**

Mr. Mislitsky reported that he will recuse himself on discussion of the Trammel Crow plan. He is trying to locate another Solicitor to represent the Township. Attorney Clayton Wilcox has responded that he would represent the Township. Tom made a motion to authorize hiring Clayton Wilcox as Solicitor at the rate of \$135.00/hour. Ron seconded, & the vote in favor was unanimous.

It was decided to schedule the Trammel Crow Conditional Use hearing on February 22, 2007 at 7:05 p.m. Tom said that Attorney Nathan Wolf, who is representing the Concerned Citizens of Dickinson Township, is requesting the hearing convene on March 8<sup>th</sup>. He is also asking for party status. Tom stated that the hearing must convene on February 22<sup>nd</sup> due to time restrictions. Brian said that a hearing must be held 60 days after the application is filed, & March 8<sup>th</sup> would be past

the 60 day time frame. Dickinson Township resident, Charles Breslin, asked if the applicant would grant a time extension for March 8<sup>th</sup>. Bryan stated that Mr. Wolf can send a letter requesting the time extension, but the hearing will convene on February 22<sup>nd</sup>. Otherwise, the plan would be deemed approved without the benefit of a hearing. Mr. Breslin said that he was told that Mr. Wolf would be notified when the application was received. Ron said that if Mr. Wolf cannot attend on the 22<sup>nd</sup>, he should send another representative. Barb stated that the Township has not received a letter from Mr. Wolf requesting notifications of any hearings in this matter prior to Mr. Wolf's 1/17/07 correspondence.

**ENGINEER REPORT:**

The applicant for the Villas Estates, Section 2 (#05-40) has requested a 90 day time extension until May 7<sup>th</sup> to meet conditions of plan approval. Ron made a motion to approve the time extension. Tom seconded, & the vote in favor was unanimous.

A security release has been requested for Drew Stoken (#04-20). As built plans have been submitted & all issues have been addressed. Bryan made a motion to approve the security release. Ron seconded, & the vote in favor was unanimous.

The applicant for PFS Capital Investments, LLC (#05-19) has requested a release of security. Jim made a motion to approve a security release in the amount of \$40,016.50. Tom seconded, & the vote in favor was unanimous.

Jim made a motion to deny the security release request for Carlisle Crossing, Lots 5 & 6 (#06-02 & #06-03) since as built plans have not been submitted. Bryan seconded, & the vote in favor was unanimous.

The applicant for Alexander Spring Professional Center (#04-24) has requested a release of security. As built plans have been submitted & all issues have been addressed. Jim made a motion to approve the security release. Ron seconded, & the vote in favor was unanimous.

**ZONING/PLANNING/CODES ENFORCEMENT REPORT:**

Tom made a motion to approve Resolution #07-01 to forward the Traditions of American/Anderson Planning Module to DEP. Bryan seconded, & the vote in favor was unanimous.

The applicant for the White Rock Acres Preliminary Subdivision has granted a time extension until June 30<sup>th</sup> to take action on the plan. Jim made a motion to approve the time extension until June 30, 2007. Bryan seconded, & the vote in favor was unanimous.

Robert & Elizabeth Griffin have appealed the Zoning Officer's determination that Zoning Hearing Board approval is required for the expansion of the Cherub Learning Center into an accessory structure. Tim is requesting the Township Solicitor represent Tim Duerr & Tim Stout at the next Zoning Hearing Board meeting on February 12<sup>th</sup>. Ron made a motion to have the Township Solicitor represent Tim Duerr & Tim Stout in the Griffin Zoning Hearing Board case. Rick seconded, & the vote in favor was unanimous.

The applicant for the Hooke & Suter Conditional Use plan has granted a 60 day time extension to hold a hearing. Jim made a motion to approve the 60 day time extension. Rick seconded, & the vote in favor was unanimous.

Consensus was given to advertise public hearings for the Trammell Crow Services, Inc. (Sparks Tract Lot #3) Conditional Use. The hearings will be advertised for 7:05 p.m. on February 22, 2007.

Jim made a motion to approve Resolution #07-02 approving the building & zoning permit fee schedule. Ron seconded, & the vote in favor was unanimous.

**MANAGER REPORT:**

Barb noted the Yellow Breeches EMS & Union Fire Company's annual banquets, & to let her know if anyone is attending. The remainder of the report was accepted, as written.

**PUBLIC INPUT:**

Doug Gale, Derbyshire Drive, asked about the Carlisle Forge plans. Both plans will resume at the February 8<sup>th</sup>. He also asked about work being done at Fairview Street & York Road. He was told that it might be someone surveying.

Dick Cummins, Greenfield development, asked for an update on the Captax lawsuit issue. He was told that an audit is in progress, but no date has yet been set for a final report.

**SUPERVISORS' DISCUSSION:**

Jim stated that he attended a meeting on the air quality. He noted that Chuck Breslin is on the air quality control board. Mr. Breslin (Dickinson Twp resident) stated that there is statewide legislation being considered regarding "anti-idling". He said that by 2010, the state must be in compliance with federal requirements or lose funding. Jim made a motion to support the air quality control board's proposed legislation by sending a letter of support. Tom seconded, & the vote in favor was unanimous.

**BILLS FOR PAYMENT:**

Bryan made a motion to pay the bills, as submitted. Ron seconded, & the vote in favor was unanimous.

**ADJOURNMENT:**

Ron made a motion to adjourn the meeting at 7:45 p.m. Tom seconded, & the vote in favor was unanimous.

**WITNESS:**

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Sandra A. Quickel, Secretary

**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

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Thomas E. Faley, Chairman

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Ronald L. Reeder, Vice Chairman

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Bryan A. Gembusia, Member

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James N. Baker, Member

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Walter G. Reighard, Member