

## MINUTES

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

JANUARY 26, 2006

**PRESENT:** TOM FALEY, JIM BAKER, RON REEDER, RICK REIGHARD, BRYAN GEMBUSIA (absent) – SUPERVISORS; Richard Mislitsky – Solicitor; Barbara Wilson – Manager; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Sandy Quickel – Recording Secretary; Jarrett Sweeney – Assistant Manager; Mary Zeigler; Attorney Marcus McKnight; Michael Collins; Doug Gale; Ray Tennyson; Tom Porch; Ron Hamilton; Howard Phillips; Bob Geist; Bob Winters; Deb Swarner; Ron Madison; Phyllis Givler; Attorney Nathan Wolf; Greg Lebo; Martha Green; George Stapleton; Rob Heinlen; Paul & Sandra Slifko; Pete & Susan Cusoni; Ray Shaffer; Von Jaymes; Pat Devlin; Diane Hollinger; Sean Smyth – “The Sentinel”; Andrea Ciccocioppo – “The Patriot News”.

The meeting was called to order by Vice Chairman Faley at 6:03 p.m.

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

The pledge of allegiance was led by Vice Chairman Faley.

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

A moment of silence was observed.

#### **OPENING ANNOUNCEMENTS:**

Board & staff members introduced themselves.

**MINUTES:** 12/15/05 – No quorum was present to vote.

01/03/06 (Reorganization)

Ron made a motion to approve the minutes, as written. Rick seconded, & the vote in favor was 4 to 0.

#### **PRESENTATION – Chesapeake Bay Alliance:**

Pat Devlin, Local Government Advisory Committee, presented a plaque & a sign to the Township for its leadership & dedication to protecting & restoring part of the Chesapeake Bay watershed. Diane Hollinger accepted the award on behalf of the Township & was commended for her involvement with this project. The Township has received the gold level status award. Ms. Devlin noted numerous projects such as the Township’s recycling program & wellhead protection ordinance that helped achieve this award.

#### **#05-08C CARLISLE FORGE – Conditional Use Public Hearing:**

Mr. Mislitsky continued the hearing. A court stenographer was present & the meeting transcript will be the official record. Developer Shah Mathis (Jewel Realities LLC) & Engineer John Melham were present. The stenographer swore in the witnesses. Attorney Nathan Wolf who is

representing the Tennyson family entered his appearance for the record. Tom asked Mr. Mathis if he is in control of the Otto tract. Mr. Mathis said yes, but explained that he has a contract to purchase the property & has a closing date. Tom noted that the option for the Otto tract is listed under a different name other than Jewel Realities LLC. The Township was alerted to problem developments in the area by Mr. Mathis. Mr. Mathis clarified issues. The Board had questions. Mr. Melham addressed the traffic issue in relation to a possible connector road. Attorney Marcus McKnight representing Tom & Ann Benjey entered his appearance for the record. The Benjey's drawings were labeled T-1 & T-2 & were entered into the record. A letter dated 12/14/05 from Barry Hoffman of PennDOT was entered into the record as T-3. After some discussion, the consensus of the Board was to hire a traffic engineer to review the area. Public input was taken.

Doug Gale, Derbyshire Drive, is opposed to locating a connector road across from Mayapple Drive. Mary Zeigler, Allen Street, feels that there should be a connector road from Forge Road to York Road. Attorney Wolf stated that he doesn't want Lisburn Road turned into a connector (this would be in his client's yard). Marti Green, Derbyshire Drive, expressed concern that the Planning Commission recommended a connector road. She feels the demand in traffic would constitute the Township needing a police force (not the State Police). **(Break)**

Bob Winters, Liberty Court, said that he has never been surveyed as to whether they approve of a connector. He is not in favor of a connector through Mayapple Drive. Susan Cusoni, 1 Derbyshire Drive, said that she was not surveyed & opposes an intersection through Mayapple. She said that there are 200 golf carts that cross Mayapple Drive, people walking their dogs & vehicles do not obey the speed limit. Peter Cusoni, 1 Derbyshire Drive, said there seems to be confusion on the connector road between the developer & engineer. Phyllis Givler, 1326 Forge Road, asked what the size of the property is & how many homes. She was told the parcel is on 200 acres & there will be approximately 581 homes. She is concerned about emergency service vehicles servicing the development. She also asked if the name (Carlisle Forge) could be changed since this parcel is not in Carlisle & is located in South Middleton.

Jim made a motion to authorize an area-wide traffic study, including the applicant's study & to continue the conditional use until the traffic study is completed. Jim feels that a study could determine the number of homes that could be built. Ron seconded. Rick feels that a traffic study will not tell how many homes can be built. Ron said that traffic studies will not identify the problem areas. Jim withdrew his motion.

Jim made a motion to authorize hiring a traffic engineer to review the traffic study of the plan. Mr. Mislitsky stated that the applicant has 100 days to present their case from tonight. It was decided to continue the hearing in a month. Ron feels that whoever the Township hires as a traffic engineer reviews the applicant's traffic study. Rick suggested the center of the study be focused around Exit 47, & that the Township's study should be done independently of the applicant's study. The Solicitor suggested that the traffic engineer review the applicant's study first, & then if there are indications that it should be studied beyond their study, it can be reviewed at that time. Ron seconded, & the vote in favor was 4 to 0. The hearing will be continued on February 23<sup>rd</sup>.

**EMERGENCY SERVICES REPORT:**

The report was accepted, as submitted.

**RECREATION REPORT:**

The report was accepted, as submitted.

**ROADMASTER REPORT:**

The report was accepted, as submitted.

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

No report was given.

**SOLICITOR REPORT:**

The report was accepted, as submitted.

**ENGINEER REPORT:**

The applicant for DMM Enterprises (#03-34) has requested a reduction in security. Brian noted several problems with this plan that need to be corrected. Jim made a motion to deny the security reduction. Ron seconded, & the vote in favor was 4 to 0.

The applicant for Indian Hills, Section 3 (#02-02) has requested a reduction in security in the amount of \$30,353.54. Ron made a motion to approve the security reduction. Rick seconded, & the vote in favor was 4 to 0.

The Township is holding \$7,700 for several remaining items in Indian Hills, Section 1 (#93-11). The items have been completed. Rick made a motion to release the security. Ron seconded, & the vote in favor was 4 to 0.

The Township is holding \$8,000 for related work for the Carlisle Evangelical Free Church (#99-16). The church has submitted parking lot plans & included a survey. No as-builts are needed since this was done. Ron made a motion to release the security. Rick seconded, & the vote in favor was 4 to 0.

The developer for the warehouse project on the Phillips & Frey Tract 1 (#04-16) is requesting a second entrance for cars to separate the employee parking & the truck entrance. They plan to relocate a second emergency access & make it permanent. Jim made a motion to approve a waiver for the access spacing requirements & for preliminary plan submittal. Ron seconded, & the vote in favor was 4 to 0.

The applicant for Limestone Creek (#05-08) has granted the Township a time extension until 3/31/06. Jim made a motion to approve the time extension until 3/31/06. Rick seconded, & the vote in favor was 4 to 0.

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

The owner of Lemoyne Sleeper is requesting a modification from the Subdivision and Land Development Ordinance to waive the requirement for submittal of a land development plan. The owner is proposing to construct a 900 s.f. warehouse addition onto the existing impervious area & will not have an effect on stormwater. Jim made a motion to approve a waiver of the land development process. Ron seconded, & the vote in favor was 4 to 0.

Consensus was given to hold conditional use hearings for AFC Washco Carlisle Crossing Lots 5 & 6 on February 9. A conditional use hearing for Merrick & Fair will be held on February 23.

**MANAGER REPORT:**

The Parks & Recreation Board has approved the Memorandum of Understanding (MOU) between the South Middleton Youth Baseball Association & the Township regarding the concession stand agreement. Item # 5 was changed to reflect that a flat fee will be paid instead of a percentage of the concession stand's sales. Jim made a motion to approve the MOU for concession stand operation. Ron seconded, & the vote in favor was 4 to 0.

The agreement between the Township & the Cumberland Valley School District is ready for finalization. This agreement will allow the special needs class to perform work at the Wittlinger Trail. Jim made a motion to approve Resolution #06-02 approving the agreement. Ron seconded, & the vote in favor was 4 to 0.

Ron made a motion to approve Resolution #06-03 to allow the Township to participate in the PACC (PA Capital City) Automotive & Equipment Contract to purchase a new dump truck. Tom seconded, & the vote in favor was 4 to 0.

Ron made a motion to approve the membership & activities of the Special Fire Police as submitted. Rick seconded, & the vote in favor was 4 to 0.

A joint meeting between the Supervisors & the Planning Commission will be held on February 9 at 4:30 p.m. to discuss strategic planning.

**PUBLIC INPUT:**

There was no public input.

**SUPERVISORS' DISCUSSION:**

Jim commented that there were not many people at the meeting when Dr. Masland spoke about air quality. He suggested placing public input at the beginning of the agenda. Barb said that some changes may be made to the agenda in the future.

Rick mentioned that residents had good comments during the Carlisle Forge plan. He also said that the Township does not "survey" residents on plans. Ron clarified that the Mayapple group spoke to certain residents, but not to the residents on Liberty Court. Marti Green, Derbyshire Drive, noted that an internal survey was done in the Mayapple development. Rick also

mentioned that cars do not affect the air quality, but the pollution comes from soot from diesel engines.

**#05-08 LIMESTONE CREEK – Preliminary Subdivision/Land Development:**

This plan was tabled.

**#05-30 HAROLD S. & DEBRA S. SWARNER – Preliminary Subdivision:**

Greg Lebo & Deb Swarner were present for the plan. The applicant proposes to subdivide a 32 acre tract along Rockledge Drive to create 3 building lots for single family home on a rural residential lane & 2 other separate lots. Jim asked if the road will be a private road. Ms. Swarner said it will be a rural residential lane. Jim feels the road should be upgraded to a township road. Ms. Swarner is removing the stumps along the road.

**Modifications:** EIA report; Landscape plan; Access spacing; Upgrade road to current standards; 5 lot subdivision with a rural residential lane, only 3 access lane; & As-built plans. Tom made a motion to approve the modifications. Ron seconded. Jim feels that the rural residential lane concept should be removed from the ordinance because the plans that have been approved with rural residential lanes have not met the intent of the rural residential lane concept. It was intended to allow farmers to be able to build a home for their children. He feels the concept has gone beyond that & is allowing undevelopable land to be developed. Rick agreed with Jim. Barb pointed out that Ms. Swarner is subdividing the land for her son to own a lot. The vote in favor was 4 to 0.

Tom made a motion to approve #05-30, subject to the applicant's acceptance of staff comments. Ron seconded, & the vote in favor was 4 to 0.

Mr. Lebo mentioned the comment stating that if a modification request is granted for upgrading the existing roadway to current specifications, then a note should be placed on the plan stating "the owner of these lots, upon notification by the Township, shall be responsible for upgrading the roadway to Township specifications within 6 months of the date of notification. The cost of this installation shall be at the owner's expense. The Township shall not be responsible for any costs". Brian stated that the Township is planning to upgrade Rockledge Drive in the future. The Board was split as to whether to leave this note on the plan. (Rick & Jim wanted the note left on. Tom & Ron want the note removed). It was decided that this note would be moot since the Township will be upgrading the road. Ron made a motion not to require the notification concerning the upgrade to be placed on the plans due to the fact that the Township has already begun the process of upgrading Rockledge Drive. Rick seconded, & the vote in favor was 3 to 1 (Jim was opposed).

**BILLS FOR PAYMENT:**

Jim made a motion to pay the bills, as submitted. Tom seconded, & the vote in favor was 4 to 0.

**ADJOURNMENT:**

Tom made a motion to adjourn at 8:25 p.m. Rick seconded, & the vote in favor was 4 to 0.

**WITNESS:**

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**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

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Bryan A. Gembusia, Chairman

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Thomas E. Faley, Vice Chairman

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Ronald L. Reeder

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James N. Baker

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Walter G. Reighard