

MINUTES

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

OCTOBER 26, 2005

PRESENT: TOM FALEY, PHYLLIS GIVLER, JIM BAKER, RON REEDER – (absent); BRYAN GEMBUSIA – (absent) – SUPERVISORS; Richard Mislitsky – Solicitor; Barbara Wilson – Manager; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Sandy Quickel – Recording Secretary; Attorney Phil Spare; Jeff Ammerman; Bob Winters; Rick LeBlanc; Dave Madary; Doug & Helen Gale; Debi Ealer; Tom Benjey; Frank Burrows; Bob Geist; Ron Hamilton; Paul Slifko; Sean Smyth – “The Sentinel”.

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

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chairman Faley.

MOMENT OF SILENCE:

A moment of silence was observed.

MINUTES: 10/13/05

No quorum was present to vote on the minutes. Jim had left the meeting early & did not want to vote on them. They will be voted on at the next meeting.

SOLICITOR REPORT:

Mr. Mislitsky stated that the proposed Turkey Hill plan has submitted a conditional use application showing ingress & egress onto the new Westminster Drive. He cautioned the Board that attention to detail is needed for this plan due to the ingress & egress.

The Board should be reviewing the proposed Carlisle Forge plan in November. This is a large-scale plan with a possible connector between York & Trindle Roads. There has been concern over issues with the developer with other projects. The Solicitor was authorized to contact the developer’s attorney to pose some questions regarding the developer’s history. Tom stated that he does not want another scenario like what happened with the Washco group. Jim stated that any plan proposing 500 homes should be scrutinized very carefully.

The attorney for CAPTAX has filed another motion in order to delay the proceedings. Another status conference will be held on November 10th.

ENGINEER REPORT:

The following security release was recommended for Oldfield Partnership (Summerfield #00-28). The security was for a portion of Eastgate Drive & has been completed & gone through the

maintenance period. Tom made a motion to approve the security release. Phyllis seconded, & the vote in favor was 3 to 0.

A deed for acceptance of street dedication for Carlyn Drive has been submitted to the Township. This road is off of Stonehedge Drive. Jim made a motion to approve Resolution #05-32 accepting Carlyn Drive for street dedication. Phyllis seconded, & the vote in favor was 3 to 0.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Jim made a motion to approve a 90-day time extension for Old Town Run Mountain Lodge Lot 6 Final Minor Subdivision. Tom seconded, & the vote in favor was 3 to 0.

The school district will require a variance from the number & size of signs they would like to place on their property. They have requested that the Zoning Hearing Board fees be waived for this application. Any permit fees may also be waived. Jim made a motion to waive the number & size of the signs. Tom seconded, & the vote in favor was 3 to 0. (Note: the Board can not waive requirements of the Zoning Ordinance. A zoning variance is still needed). Jim made a motion to waive the permit fees. Tom seconded, & the vote in favor was 3 to 0.

Consensus was given to advertise a public hearing for a zoning amendment regarding certain uses in the I-3 & V Districts.

MANAGER REPORT:

The Township has been asked to participate in a study for a regional yard waste/composting facility. One possible site for a facility is off of Army Heritage Drive. Tom made a motion to participate in the study at no expense to the Township. Phyllis seconded. Jim does not feel that this site is a good location for this type of facility. The vote in favor was 3 to 0.

Regarding the Equiterra project, Tom made a motion to approve the Cumberland Task Force discussion regarding the Equiterra project. Jim seconded, & the vote in favor was 3 to 0.

Kurt Uhler has been working with a teacher from Cumberland Valley School District to provide some job training for his life skills students. The intended project is to adopt the Whitlinger Trail & make it a credit course for the students. The Township insurance carrier will be notified for any possible liability issues. Jim made a motion to approve this activity. Tom seconded, & the vote in favor was 3 to 0.

SUPERVISORS' DISCUSSION:

Jim stated that the South Middleton Fire Company should benefit from the Fireman's relief fund. Union Fire Company & Citizens Fire Company do not share their portions with South Middleton. He also feels that citizens do not want substandard roads in an age-restricted development.

Phyllis thanked Paul Slifko & Bob Winters for waiving the school district's portion of the real estate transfer tax for the Leaman farm.

PUBLIC INPUT:

Tom Benjey, Springville Road, had questions about the Netherby discussion from the September 29th meeting. The issue was clarified for him.

School Board President Paul Slifko thanked Phyllis for her kind words, & thanked the Township for waiving the application/permit fees for their sign variance request.

Jim asked for an update on the sinkhole ordinance. Brian said that he will soon be able to further review it. Jim said he will give Diane corrections to the Planning Commission minutes when he spoke about an issue.

#04-25 LAWRENCE SMARR – Final Subdivision:

This plan has been held up due to needing approval for several items (NPDES permit, planning module, etc). The applicant proposes to subdivide an 87.7 acre parcel into 2 lots along Bonnybrook Road. Lot 1 would be 83.8 acres, with a proposed dwelling. Lot 2 would be 3.9 acres & contain an existing house & garage. The existing driveway will be abandoned & both lots will connect to a proposed rural residential lane.

Modifications : Preliminary Plan & As-built plans. Tom made a motion to approve the modifications. Phyllis seconded. Jim said he is not in favor of rural residential lanes. The vote in favor was 3 to 0.

Tom made a motion to approve #04-25, subject to the applicant's acceptance of staff comments. Jim seconded, & the vote in favor was 3 to 0.

#05-22 BOILING SPRINGS HIGH SCHOOL – Final Land Development:

Engineer Dave Madary represented the plan. The applicant proposes to construct 3 building additions (classroom, administrative & multi-purpose) onto the existing high school building. There will be 4 parking lot expansions done in order to replace the parking taken up by the additions. They are north & west of the middle school, east of the middle school, north of the high school & east of the elementary school. DEP approval was just received & only minor modifications need completed.

Modifications: Island in parking lot every 10 spaces; Curbs & Gutters; Runoff Capture – requires infiltration; Requires 50% of existing paving be considered for stormwater management calculations; 40 ft. screen buffer around parking areas abutting residential uses; Modified EIA report; & Wellhead Protection requirements. Jim made a motion to approve the modifications. Tom seconded, & the vote in favor was 3 to 0.

Jim made a motion to approve #05-22, subject to staff comments. Tom seconded. Resident Debi Ealer had concerns about this plan. She first stated that there has been improved traffic flow since a traffic control person is assisting with the traffic. Her main concern is that a traffic study was not done. There was a site study done, but it is different than a traffic study. Ms. Ealer stated that there was no traffic study performed when the Yellow Breeches Middle School was

built. She said that Springville Road cannot handle the traffic like Forge Road can & Springville Road is now the main entrance to the campus. She stated that buses exit off of Springville Road; not Forge Road. Other concerns included the conditions for the Yellow Breeches School has not been met; she has never been contacted regarding a buffer that was to be planted according to the conditional use decision of 12/15/98. Ms. Ealer stated that the shrubs that were planted are too far apart to provide adequate screening. The service road was paved to a certain point, but the remainder of the road is stones, the trash trucks use this road & they pick up trash very early (2:00 a.m.) at the school. Mr. Madary stated that this plan shows a significant landscape buffer. Paul Slifko stated that the service road was amended in order to access playing fields to the rear of the campus. Ms. Ealer also added that this is a party area. Paul suggested installing a gate at the service road. Ms. Ealer also noted that the cafeteria was moved & the main entrance was changed. Mr. Slifko stated that the bus pickup was moved for safety concerns. Ron Hamilton stated that if installing a gate is contemplated, to contact the Emergency Services representatives, either himself or Doug Glass. Tim said that this road serves as a fire lane. Jim advised the school district representatives to contact Ms. Ealer on any updates regarding this plan. Phyllis mentioned the issue of financial security. Attorney Phil Spare asked if the Township could waive the requirement to post financial security. Brian O'Neill recommended that the Board not waive this requirement. If waived, there is no recourse to make sure the projects are completed as required. Mr. Mislitsky asked if there is another alternative. Mr. Spare said that the school could be cited for any violations. Mr. Spare suggested working out another alternative with the Township Solicitor instead of posting financial security. If an alternative can not be worked out, the school will post the bond. Mr. Slifko added that the school is using the same engineering firm on this project as in the past, & they are aware of the old issues that need resolved. The vote in favor was 3 to 0.

BILLS FOR PAYMENT:

Jim made a motion to pay the bills, as submitted. Tom seconded, & the vote in favor was 3 to 0.

ADJOURNMENT:

Phyllis made a motion to adjourn at 7:02 p.m. Tom seconded, & the vote in favor was 3 to 0.

WITNESS:

Absent – Ron & Bryan

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Thomas E. Faley, Chairman

Bryan A. Gembusia, Vice Chairman

Phyllis W. Givler

James N. Baker

Ronald L. Reeder