

MINUTES

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

NOVEMBER 9, 2006

PRESENT: BRYAN GEMBUSIA, TOM FALEY, JIM BAKER – (Absent), RON REEDER, RICK REIGHARD – Supervisors, Barbara Wilson – Manager, Richard Mislitsky – Solicitor, Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Secretary, Ron Hamilton, Craig Mellott, Susan Whaley, Darryl Kirsco, Phyllis Givler, Alan Galbraith, Bill Wolf, Robert Winters, Steve Dell, Ray Tennyson, Greg Lebo, Roger Hoffman, Don & Cathy Baker, Bob Geist, Paul Slifko, Mark & Doreen Mullen, Clair Brehm, Attorney Robert Saidis, Tom Benjey, John Anderson, Pam Fisher, Richard Moore, Charles Carothers III, Charles Carothers IV, Corey Carothers, William Aiello, George Lulos, Steve Rose, Tom Houf, John Snyder, Ann Benjey, John Hilton – “The Sentinel”, Andrea Ciccocioppo – “The Patriot News”.

Chairman Gembusia called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

Chairman Gembusia led the audience in the pledge of allegiance.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Chairman Gembusia noted that the meeting is recorded. He also added that tonight will be the first hearing for the comprehensive plan & zoning ordinance amendments. He explained the procedure for commenting.

MINUTES: 10/26/06

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

#06-17C HOOKE, HOOKE, AND ECKMAN – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing. The applicant was not present. The applicant is proposing to establish a commercial center containing 2 buildings, one of which is existing. Mixed use businesses are proposed. The site is on Walnut Bottom Road. Additional parking & the additional building will be located behind the existing building. There was no public comment. Rick questioned the impervious coverage. Tim said that they are in compliance with the coverage.

Tom made a motion to reschedule the hearing for November 30th & to notify the applicant to attend. Ron seconded, & vote in favor was 4 to 0. The hearing was closed.

ORDINANCE #06-07 BRAKE RETARDERS – (Trindle & York Roads) – Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. Brian stated that there are no changes made to the ordinance since he presented it at the last meeting. This ordinance will prohibit the use of brake retarders on tractor trailers from the Township line 1 mile east on Trindle Road & from one-half mile southeast on York Road. Mark Mullen, Petersburg Road, suggested making the ordinance township wide instead of just areas. Phyllis Givler, Forge Road, agreed. Brian was authorized to determine other areas of the township where brake retarders could be prohibited.

Tom made a motion to approve Ordinance #06-07, as written. Rick seconded, & the vote in favor was 4 to 0. The hearing was closed.

#05-41 BRET J. & PEGGY SUE WHITCOMB – Final Minor Subdivision:

Pam Fisher was present for this plan. Ms. Fisher said that the applicant proposes to subdivide approximately 10 acres off of a 100 acre farm for a single family dwelling. The property is along West Old York Road.

Modifications: Preliminary Plan; Stormwater Management Plan; Grading Plan; & Landscape Plan. Tom made a motion to approve the modifications. Ron seconded, & the vote in favor was 4 to 0.

Tom made a motion to approve #05-41, subject to the applicant's acceptance of staff comments. Ron seconded, & the vote in favor was 4 to 0.

#06-15 TRADITIONS OF AMERICA (ANDERSON) – Preliminary Subdivision:

The applicant proposes to subdivide a parcel which surrounds the Otterbein Church on Forge Road. The plan proposes 53 lots to be built on 28 acres. Pam Fisher stated that the Zoning Hearing Board granted a special exception to build 36 townhouses on the Brandt along Forge Road. The main issue of concern is placing a stub street to the adjacent property. Ms. Fisher questioned eliminating a driveway at the Brandt property, or Brian suggested a right-in/right-out at the Brandt property. The traffic study indicates that a traffic signal would be warranted at this intersection at the 10-year build out period. The Township has met with PennDOT to discuss the traffic signal issue. Ms. Fisher feels the 6-acre site is too small for a stub street. Brian said that a private street system is prohibited per the ordinance. The applicant would need a waiver to allow a private street system on the plan in order to connect to a stub street. Steve Dell, Traditions of America representative, said that 3 lots were offered to the Otterbein Church for additional parking. Discussions were held with the church to discuss access to the property.

Rick made a motion to table plan #06-15 until December 14th. Ron seconded, & the vote in favor was 4 to 0.

#06-16 RITE AID – Final Minor Subdivision & Land Development:

Sue Whaley & Roger Hoffman of Rite Aid, & Craig Mellott, engineer, were present to discuss the plan. Ms. Whaley stated that the NPDES permit has not yet been approved. Two issues to be determined are the vacation agreement of a portion of Forge Road cul-de-sac, & a monetary contribution for a future traffic signal at Forge Road & Westminster Drive. Rite Aid's projected traffic generation is anticipated to be 3% to 6%. The approximate cost of a traffic signal is \$150,000. The approximate cost towards a traffic signal for generating 3% to 6% of traffic is about \$4,500 to \$9,000. Tom commented that if a waiver for curbs/sidewalks is granted, Rite Aid would save approximately \$10,000 to \$12,000. Tom asked if they would be willing to add this savings cost to their contribution share of \$9,000. Ms. Whaley stated that Rite Aid is concerned about the community. They did a traffic study, which costs \$10,000, & was not required of them. They have also offered to contribute the left-turn signal (estimated to be about \$6,000), & have drafted the vacate agreement saving the Township legal fees. She feels Rite Aid has made a contribution above & beyond those issues. She also said that they requested the waiver of the curb/sidewalks because of the grade of the property. It would not be a safe location for a sidewalk. It was noted that the sidewalk waiver request only applies to the Forge Road cul-de-sac area. After further discussion, Mr. Hoffman offered a donation of \$15,000. Cathy Baker, Forge Road, commented on the traffic pattern. Mark Mullen, Petersburg Road, asked about the proposed entrance.

Modifications: Preliminary Plan, Sidewalks along Forge & York Roads, & Curbing along Forge & York Roads. Tom made a motion to approve the modifications. Ron seconded, & the vote in favor was 4 to 0.

Tom made a motion to approve #06-16, subject to staff comments, approval of the NPDES permit, & subject to approval of the vacate agreement. Rick seconded. Ron amended the motion by adding subject to the \$15,000 voluntary contribution by Rite Aid. Rick seconded, & the vote in favor was 4 to 0.

(BREAK)

#06-19 CARLISLE MEDICAL PROPERTIES, LLC/Dr. Wallace Longton – Final Land Development:

Brian stated that the applicant is proposes to construct 10 additional parking spaces at the new offices along Sprint Drive & Walnut Bottom Road.

Modifications : Preliminary Plan, Site Boundary shown, EIA Report, LeTort Regional Authority Review, Erosion & Sedimentation Plan, & Landscape Plan. Tom made a motion to approve the modifications. Ron seconded, & the vote in favor was 4 to 0.

Tom made a motion to approve #06-19, subject to the applicant's acceptance of staff comments. Ron seconded, & the vote in favor was 4 to 0.

COMPREHENSIVE PLAN & ZONING ORDINANCE AMENDMENTS – Public Hearing:

Tim gave a summary of the proposed major changes to the Zoning Ordinance & explained a few examples of the changes. Brian explained further changes to the Ordinance. The Comprehensive plan changes included population projections, removal of the Neighborhood District & focused on open space conservation. Tom Benjey, E. Springville Road, asked about clustering. Tim stated that it remains the same, but has a new name (growth boundary). Brian stated that recommendations from the Open Space Committee were considered. He explained the concept & the change in the sliding scale concept. Steve Rose, owner of Rose Metals System asked questions about reducing impervious coverage in the I1 zone & TDR's. Mr. Rose suggested keeping the impervious coverage at 60% instead of reducing the amount. Pam Fisher agreed with Mr. Rose. She stated that a lot of small commercial lots are at 50% impervious coverage & would have to apply to the Zoning Hearing Board in order to install sidewalks. John Anderson, Forge Road, asked how to determine a TDR for a 100 acre farm as per the sliding scale. He was told that 6 TDR's could be converted from a 100 acre farm.

The hearing will reconvene on November 30th from 7:00 p.m. to 8:00 p.m.

SOLICITOR REPORT:

No report was given.

ENGINEER REPORT:

Resident Harold Guy has requested a longer period between pumping their on-lot septic tank. Ron made a motion to deny a time extension for pumping septic systems. Tom seconded, & the vote in favor was 4 to 0.

The applicant for DMM Enterprises (#03-34) has requested a release of security for the plan. Brian stated that there are a few unresolved issues with this plan. Ron made a motion to deny the security release. Rick seconded, & the vote in favor was 4 to 0.

A security release has been requested for the Steve Boore plan (#04-19). Brian stated that everything is in order with this plan. Ron made a motion to approve the security release. Tom seconded, & the vote in favor was 4 to 0.

A security reduction was requested for the Pedersen Subdivision (#05-27) in the amount of \$14,006.00. Tom made a motion to approve the security reduction. Ron seconded, & the vote in favor was 4 to 0.

The geotechnical engineer for Walnut Bottom Grove submitted an outline of the studies that they plan to perform on the project to comply with the Wellhead Protection requirements. The study is different from the completed studies on the Parkview, Georgetowne & Traditions of America sites. The Township's consultant (Mike Nawrocki) has reviewed the study & deemed it adequate. Rick suggested maintaining consistency with the studies. Consensus was given to table action on this item until a later date.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

The following plans have requested 90-day time extensions:

Carlisle Church of the Brethren in Christ – Final Minor Land Dev.

Carlisle Reformed Presbyterian Church – Final Minor Land Dev.

West Shore Properties – Final Minor Land Dev.

Carlisle Regional Medical Offices – Final Minor Sub.

Carlisle Regional Medical Offices – Final Minor Land Dev.

New Beginnings Loft – Final Minor Land Dev.

Eastgate Professional Center – Final Minor Land Dev.

Tom made a motion to approve 90-day time extensions for the above listed plans. Bryan seconded, & the vote in favor was 4 to 0.

Greg Lebo was present to discuss the modification request for Debra Seacrest for a 3 lot subdivision on Adams Road. Mr. Lebo stated that road frontage is adequate & there are connections for water & sewer. Driveway spacing is an issue. Two waivers will be requested. One is for Section 716c (5)(c) to upgrade an abutting street, & the other waiver is for Table 716-1(1c) to construct a driveway with less than the required 360 feet of access spacing. Driveway #1 will only be used for ingress because the sight distance is poor, & the egress will be eliminated. The applicant needs a waiver to allow driveway #3 to be installed to use that for access on Lot #3. Ron feels that the second access from Lot #2 be eliminated, & the access for Lot #3 should be aligned with the driveway across the street. Lot #2 will be closing the northern driveway entrance & allowing the southern entrance on Lot #2. On Lot #3, the driveway will have to align with the driveway across the road on Adams Road.

Bryan made a motion to approve modification of requirements as requested. Tom seconded, & the vote in favor was 4 to 0.

MANAGER REPORT:

There were no Board volunteers to sit on the County's Land Preservation Board.

Union Fire Company has offered to donate a car for use by the Emergency Services Administrators. The car is free of charge, but they are asking for reimbursement for the radio in the car. Tom made a motion to accept the vehicle from Union Fire Company. Bryan seconded, & the vote in favor was 4 to 0.

The 2007 meeting calendar has been prepared. It was suggested to combine the meetings on January 11 & 25 to January 18th. Reorganization is on January 2. Rick made a motion to approve the 2007 calendar with the amended January schedule. Tom seconded, & the vote in favor was 4 to 0.

The County's Municipal Planning Advisory Agreement for 2007 is ready for approval. Ron made a motion to approve the agreement as presented. Tom seconded, & the vote in favor was 4 to 0.

Barb requested an Executive Session at the end of the meeting to discuss a personnel issue.

SUPERVISORS' DISCUSSION:

Ron noted that basketball hoops should be moved off of the roads due to complications with snow removal. A resident will be liable if there is damage to the snow removal equipment.

PUBLIC INPUT:

Mark Mullen, Petersburg Road, commented on the zoning ordinance changes & asked if other people will be allowed to speak. He was told there will be another hearing on November 30th.

Paul Slifko, Lindsey Road, commented about property tax reform & stated that there will be a meeting at the Iron Forge School on November 16th at 7:00 p.m. to discuss this issue.

2007 BUDGET – TENTATIVE ADOPTION:

The budget will be on display for 20 days prior to final adoption. Tom made a motion to tentatively adopt the 2007 budget. Ron seconded, & the vote in favor was 4 to 0.

BILLS FOR PAYMENT:

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

The meeting was adjourned into Executive Session at 8:42 p.m. The topic of discussion was personnel. Executive Session was adjourned at 9:08 p.m. & the regular session was reconvened. Bryan made a motion to take personnel actions as discussed. Ron seconded, & the vote in favor was 4 to 0.

ADJOURNMENT:

Ron made a motion to adjourn at 9:10 p.m. Tom seconded, & the vote in favor was 4 to 0.

ATTEST:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Sandra A. Quickel, Secretary

Bryan A. Gembusia, Chairman

Thomas E. Faley, Vice Chairman

Ronald L. Reeder, Member

James N. Baker, Member

Walter G. Reighard, Member