

MINUTES

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

FEBRUARY 23, 2006

PRESENT: BRYAN GEMBUSIA, TOM FALEY, JIM BAKER, RON REEDER, 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; Attorney Tiffany Cartwright; John Weidner; Tom Porsch; Richard Moore; Bob Winters; Bruce & Connie Lowe, Shah Mathias, Steve Dell, Frank Burrows, Bob Geist, Dave Mark Eyer, Tom Benjey, Doug Baker, Eric & Sandy Orke, Kay Owens, Paul Slifko, Ray Tennyson, Martha Green, Eric Vorodi, Michele Miller, Pete Fair, John Melham, Duff Manweiler, Pam Fisher, Brown Vincett, John Hilton – “The Sentinel”; Andrea Ciccocioppo – “The Patriot News”.

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

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chairman Gembusia.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Bryan announced that the Township will be holding meetings on review of the comprehensive plan at 4:00 p.m before the regularly scheduled Supervisors’ meetings. Any comments from the public should be in writing & submitted to the Township by April 15th.

MINUTES: 02/09/06

Ron made a motion to approve the minutes, as written. Tom seconded. Jim noted a change to be made regarding the discussion on the neighborhood dispute between Robert Griffin & Tracy Houston. He said for the Township to stay out of the dispute as long as it doesn’t interfere with sight distance. Ron made a motion to approve the minutes as amended. Rick seconded, & the vote in favor was unanimous.

#06-03C MERRICK & FAIR – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. The applicant is requesting conditional use approval to change an existing use for a gasoline sales & convenience store to automobile sales. The tire facility & automobile repair garage will continue to operate as it currently exists. The location is 901 Walnut Bottom Road in the Commercial District next to I-81. Tim stated that the underground gasoline tanks will have to be removed. Mr. Fair stated that DEP requires the removal of the tanks within 1 year of the closing date. The Solicitor suggested placing that stipulation as a conditional of approval. Brian stated that the Township should receive a copy of

the compliance letter from DEP when the tanks are removed. Tom feels this use is less intrusive & will generate less traffic than the current use. Jim commented that at their other site (Holly Pike) there are a lot of cars for repair & for sale. Mr. Fair stated that a lot of the cars belong to Graham Buick. There was no public input.

Tom made a motion to approve #06-03C, subject to the applicant's acceptance of staff comments, subject to removing the gas tanks & subject to the Township receiving a confirmation letter from DEP that the tanks have been removed. Ron seconded, & the vote in favor was unanimous. The hearing was closed.

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

Mr. Mislitsky continued the hearing from January 26, 2006. A court stenographer was present & the transcript will be the official record of the meeting. Shah Mathais & John Melham were present. The Solicitor asked the applicant to address the issue of a possible connector road. He also noted that he has spoken to municipalities in York County regarding other developments by Mr. Mathais. Mr. Mathais addressed this issue. Mr. Mislitsky also noted that the Township would probably require a letter of credit for security purposes instead of a bond. Mr. Melham distributed drawings depicting the traffic patterns. Mr. Mislitsky stated that the Township will want to be present when the developer presents these plans to PennDOT. Public input was taken.

Tom Benjey, Springville Road, presented a photo (Exhibit #T-4) showing a For Sale sign for the commercial section of this property. He also had questions on traffic.

Doug Baker, 531 York Road, is the adjacent property owner. He asked several questions.

Duff Manweiler, 124 S. Ridge Road, wanted to know what land the developer owns. He also said that conditions should be placed on plans, & if the developer doesn't like the conditions, he should come back with a new plan.

Ray Tennyson, 50 Lisburn Road, invited the Board to visit his property which is next to the Carlisle Forge property.

Martha Green, 28 Derbyshire Drive, had questions about a possible connector road.

Mr. Mathais will provide a 100 day time extension to the Township when he submits the revised plan. The hearing is recessed until March 30, 2006.

#06-02S TRADITIONS OF AMERICAN – Sketch:

Attorney Tiffany Cartwright discussed the indemnification agreement that the Township has required of the applicant. She is requesting that the Board rescind the agreement due to causing funding problems through the bank. The bank views the agreement as a contingent liability & marketing problem. Brown Vincent stated that there are a lot of aspects in funding an adult development with a bank. Tom asked if anyone has ever asked for this clause before. Mr. Vincent stated that no one statewide has requested it. Jim asked Mr. Vincent if he has purchased

the land. Mr. Vincent replied that he has an option to buy. He has not had settlement, but is the equitable owner. Ron made a motion to rescind the indemnification agreement contingent upon Wachovia Bank stating that they will not fund the project. Tom seconded. Rick said that the bank said “might” not fund the project. It isn’t 100% clear that they won’t fund it. Also it was noted that 80% of the residents must have 1 person age 55+. This requirement is required by state & federal law. Rick asked how this requirement will be administered. Mr. Vincent stated that 1 development in Lehigh has 100% over age 55. The homes are targeted towards senior buyers with no children. Duff Manweiler questioned whether this indemnification agreement is needed. The Solicitor said that an agreement is always a good idea, but may not be needed for this. Ron withdrew his motion & Tom withdrew his second.

Ron made a motion to eliminate the indemnification agreement unconditionally. Tom seconded, & the vote in favor was unanimous.

Mr. Vincent explained the sketch plan. The parcel is located along Ridge Road & Lindsey Road. There are 154 single family dwellings, 36 duplexes & 60 townhouses proposed. Tom asked if the applicant will retain the 14 acres across the road. Mr. Vincent said that area can be turned over to the Township. Tom said he felt it was better to give that area to the Homeowners Association to maintain. Michele Miller of the Appalachian Trail Conservancy said the Conservancy would be willing to take title or obtain an easement to this land. Brian stated that this land is part of the plan’s 40% required open space & can not be deeded separately. An easement could be placed on the land for the Appalachian Trail. Mr. Vincent said he is concerned about the appearance of the open space. He does not want it overgrown with weeds. Jim said that the intersection at York Road & S. Ridge Road is narrow & will get a lot of traffic from this area. He suggested the applicant review this area for any traffic concerns. Pam Fisher of Dawood Associates said that a complete traffic study is being completed for 4 surrounding areas. Ron said he likes the design of the development & that there are no cul de sacs. He also commented that the design layout is great for emergency services access. He would like to see the open space area kept open. Tom feels this type of development serves the area, & will take pressure off of the school district. Duff Manweiler asked the Board to look at the issue of Ridge Road not being sufficient to handle this amount of traffic. He also said that he would prefer gravel paths instead of paved for walking paths. Eric Orke, 122 S. Ridge Road, asked about the price range of the units. Mr. Vincent said that the prices have not been set since there are 3 model types, but the high \$190,000 to mid \$200,000 are being looked at, with additional costs for extras.

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:

Mr. Mislitsky reported that the issue with Capital Tax Collection Agency is still ongoing. Tom commented that the Township can not use Capital Tax again. He asked Paul Slifko, School Board President, to revisit this issue with the school board since there are new people on the board as far as having the School District change their tax collection agency. Tom suggested possibly finding another agency with no ties to the current situation that both the Township & School District could use as an agency.

ENGINEER REPORT:

Brian researched the issue of posting “No Thru Traffic” signs on Fairfield Street. He said there is nothing in the Vehicle Code or the Pennsylvania Code that authorizes a municipality to place this type of sign or to restrict traffic on any road. This would make the signs unenforceable. Jim added that a court case in New Jersey struck down the case because the signs were unenforceable. Ron made a motion not to continue researching the “No Thru Traffic” signs to be placed in the Carlisle Manor development. Tom seconded. Rick said that if this area is posted, other areas will want the same signs. Jim said that if we could post the signs legally, we would. The vote in favor was unanimous.

PennDOT is requesting that the new segment of Westminster Drive from York Road to Forge Road to be a state road. This land was dedicated to the Township under a subdivision plan. Brian suggested the way to accomplish this transfer is a “turnback” which would swap the roads without any money exchanging hands. Jim made a motion to participate in a turnback with PennDOT to trade the portion of Westminster Drive from York Road to Forge Road for the existing PennDOT right-of-way north of the intersection of Forge Road & Westminster Drive. Ron seconded. Rick questioned the Township’s control of the access. Brian said that this would not be affected. Rick also suggested placing “No Trucks” signs up at the cul-de-sac on Forge because trucks are turning around at this spot. The vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Jim made a motion to approve a 90 day time extension for the Villas Estates, Section 2, Final Subdivision. Ron seconded, & the vote in favor was unanimous.

The Global Renewal Conditional Use did not have adequate parking, plus the conditional use was approved with the condition that only 900 s.f. of the building was to be used for the proposed office use unless the applicant found another parking alternative that would provide the required number of spaces. A new alternative has been found with the Boiling Springs Bible Chapel that will allow the entire building to be used in accordance with parking requirements. A new conditional use decision should be written. Jim made a motion to rewrite the conditional use decision subject to staff conditions. Tom seconded. Ron asked what would happen if the church is sold & is not a party to the agreement. Tim said he would write a condition that both parties must be involved or the agreement is null & void. The vote in favor was unanimous.

The Township's SEO has implemented a new fee schedule (the first fee increase in 8 years) for his services. Tom made a motion to approve Resolution #06-05 approving a new Building, Zoning & Sewage Enforcement fee schedule. Ron seconded, & the vote in favor was unanimous.

The Planning Department noticed that the zoning ordinance requires open space to be conserved by the cluster development provision be restricted from development for 20 years. They recommended that it be changed to "in perpetuity". Consensus was given to advertise a zoning amendment to incorporate this change & to reduce the required percentage to cluster from 25% to 20%.

Ron made a motion to approve Resolution #06-07 forwarding the Bret J. Whitcomb planning module to DEP. Tom seconded, & the vote in favor was unanimous.

Consensus was given to schedule public hearings for the following conditional uses – Hollinger Group & Carlisle Church of the Brethren in Christ Church (to be scheduled in April). AFC Washco-Carlisle Crossing Lots 7 & 8, Holly Pike Animal Hospital & Community Baptist Church (to be scheduled in March).

Tim reported that Carlisle Borough is asking the Township to consider rezoning the Wam property (near Giant Lane).

MANAGER REPORT:

Regarding the Community Thanks program, the Township will offer a 50% reduction on residential building permits & certain recreation programs for a \$5-\$10 reduction depending on their cost for emergency services responders. The staff will do further research to see if an additional discounts can be offered. Ron made a motion to approve participation in the Community Thanks program. Jim seconded. Rick asked if anymore discounts could be offered. Ron suggested waiting to see how many people take advantage of the program. Paul Slifko stated that the school district will look into possible discounts; possibly free passes to certain events. The vote in favor was unanimous.

The South Middleton Fire Company has asked the Township to prepare a resolution honoring Ed Tanger for 50 years of service to the fire company. Rick made a motion to approve Resolution #06-06 honoring Ed Tanger for his years of service to the fire company. Tom seconded, & the vote in favor was unanimous.

Representatives from the County will be present at the April 27th meeting to demonstrate the new voting system.

PUBLIC INPUT:

There was no public input.

SUPERVISORS’ DISCUSSION:

Jim stated that he submitted a letter requesting health insurance coverage for him & his wife. He also feels that public input should be at the beginning of the meeting.

Bryan stated that he has received a complaint for a resident on James Road asking for the street light to be moved. Brian stated that it would cost approximately \$1,000 to move the light 50 feet. Brian will contact the electric company to see if they will move the light at no charge.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Tom made a motion to adjourn at 8:55 p.m. Rick seconded, & the vote in favor was unanimous.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Bryan A. Gembusia, Chairman

Thomas E. Faley, Vice Chairman

Ronald L. Reeder

James N. Baker

Walter G. Reighard