

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

**APRIL 28, 2005**

**PRESENT:** TOM FALEY, PHYLLIS GIVLER, JIM BAKER, BRYAN GEMBUSIA, RON REEDER; – SUPERVISORS; Rich Mislitsky – Solicitor; Barbara Wilson – Manager; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Len Lobaugh; Kay Owens; Rick Reighard; Janet Hoffman; Barbara Kennedy; Ruth Vanasdalan; Helen Gale; Ron Hamilton; Pam Fisher; Attorney Jim Hughes; Brian Reisinger; Philip Horne; Howard Phillips; Bob Beers; Bob Geist; Frank Burrows; Richard Cummins; Martha Green; Tom & Ann Benjey; Doug Glass; Michael Berk; Eric Harkreader – “The Sentinel”, Andrea Ciccocioppo – “The Patriot News”.

Chairman Tom Faley called the meeting to order at 6:00 pm.

**PLEDGE OF ALLEGIANCE:**

Chairman Tom Faley led the audience in the pledge of allegiance.

**MOMENT OF SILENCE:**

A moment of silence was observed for the passing of resident Ann Winton.

**OPENING ANNOUNCEMENTS:**

The Board & staff members introduced themselves.

**MINUTES: 04/14/05 – REGULAR MEETING:**

Phyllis made a motion to approve the minutes, as written. Ron seconded, & the vote in favor was 4 to 0 (Jim was absent at this meeting).

**#05-04C GLOBAL RENEWAL - Conditional Use Public Hearing:**

Mr. Mislitsky reopened the hearing. The issue of concern was the agreement between the adjacent church & Global Renewal regarding parking. The church is allowing Global Renewal to use 6 parking spaces in their parking lot. A satisfactory agreement needs to be worked out. Len Lobaugh, representing Global, stated that settlement on this property has been delay twice, but is now scheduled for May 3<sup>rd</sup>. A previous agreement that was submitted was not satisfactory to the Township & did not protect either party.

Jim made a motion to approve #05-04C, subject to a perpetual agreement between the 2 parties & to the satisfaction of the Solicitor. Mr. Lobaugh asked if the document is transferable because the church is not willing to transfer the parking rights to another occupant other than Global. Mr. Mislitsky stated that if Global moves, the parking must be satisfied by another means. Tom asked if the agreement is an easy fix. Mr. Lobaugh stated that the church did not like the language that the Solicitor drafted. Mr. Mislitsky stated that a sentence could be added that if Global Renewal moves, the parking agreement is null & void. Ron seconded, & the vote in favor was unanimous.

**SOLICITOR REPORT:**

The Court has rescheduled hearings for the Keystone plan.

The injunction was filed against the Capital Tax Collection Bureau. The judge ruled that Captax must give the Township access to all files.

**ENGINEER REPORT:**

There has been an ongoing problem with stormwater management at the Netherby Development. The downstream property owner has been receiving more concentrated water than before development. Several meetings have been held with several parties, but no action has been taken. Ron made a motion to stop issuing building permits for Netherby, Phase 1 until the stormwater management issue is resolved. Phyllis seconded, & the vote in favor was unanimous.

Robert Kluck, 308 Zion Road, is placing a shed on his property. He is adjacent to PPG & the land is zoned industrial. This is an expansion of a non-conforming use. The residential use was conforming prior to the zoning change. Mr. Kluck is asking that the Zoning Hearing Board fees be waived. He will still apply for a special exception. Tom made a motion to waive the Zoning Hearing Board fees. Phyllis seconded, & the vote in favor was unanimous.

Life Lion would like to construct an enclosed passageway between 2 structures at the airport (which is zoned commercial). Airports are only allowed in the industrial zones. This becomes an expansion of a non-conforming use. Life Lion is asking for the Zoning Hearing Board fees to be waived. Bryan made a motion to waive the Zoning Hearing Board fees. Phyllis seconded, & the vote in favor was unanimous.

The YMCA of Carlisle is requesting a waiver of the land development requirement for the construction of athletic fields on the Church of God property. They must obtain approval from DEP & the Cumberland County Conservation District. Through those permits, erosion control & stormwater management measures will be taken. There are 2 issues of concern. One, if a plan is not submitted, the LeTort Regional Authority will not see the plan. The land is at the headwaters of the LeTort. Two, access to Rockledge Drive may not meet access spacing or sight distance requirements. Jim made a motion to approve waiver of land development plan for the YMCA athletic fields conditioned upon approval of the LeTort Regional Authority & removing the trees both onsite & the adjacent landowners to improve safe sight distance to the satisfaction of the engineer. Tom seconded, & the vote in favor was unanimous.

Ron made a motion to approve Resolution #05-12 forwarding the Lawrence Smarr Planning Module to DEP. Phyllis seconded, & the vote in favor was unanimous.

Ron made a motion to approve a 60-day time extension for the Lawrence Smarr plan (#04-25). Tom seconded, & the vote in favor was unanimous.

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

No report was given.

**MANAGER REPORT:**

A request was received from a resident at 498 Petersburg Road asking the Township to install warning signs near their home warning motorists that there is a handicapped child in that area. The letter also states that cars constantly speed in that area. Barb will notify the State Police to patrol that area, & the Township will install the signs as soon as possible.

**PUBLIC INPUT:**

Dick Cummins asked about the hearing at the next meeting. A hearing will be held to consider an ordinance amendment in the Neighborhood Zone. Brian stated that the developer applied for a proposed change for this zone.

Mr. Eppley discussed the flooding problem in the Midland Drive/Pine Road area. He feels the problems are caused by the Westgate & Southview developments. Brian was given direction to develop a plan to try to resolve the flooding problems.

**#05-03 CARLISLE REGIONAL MEDICAL OFFICES – Final Minor Subdivision:**

Pam Fisher represented this plan. The applicant proposes to reconfigure a previously approved 6-lot subdivision on a public road that was never dedicated. The site is located on Dunwoody Drive. The new plan proposes to join 4 of those lots so there are 3 lots accessing a private shared access driveway. This plan was approved as a conditional use. Jim asked if there will be sidewalks. Pam said that this is a medical office & people will be driving to the site. Internal sidewalks are included.

**Modifications:** Preliminary Plan; EIA Report; LeTort Regional Authority Review; Stormwater Management Plan; Erosion & Sedimentation Plan; Grading Plan; Landscape Plan; Recreation Fees; Prohibition of shared access; Sidewalks; Curbs & Gutters. Tom made a motion to approve the modifications. Bryan seconded, & the vote in favor was unanimous.

Bryan made a motion to approve #05-03, subject to the applicant's acceptance of staff comments. Tom seconded, & the vote in favor was unanimous. Brian explained the plans to upgrade Alexander Springs Road.

**#05-04 WALNUT BOTTOM MEDICAL CENTER LLC – Final Subdivision:**

Attorney Jim Hughes represented this plan. The applicant proposes to take Lot 3B of the previously approved Walnut Bottom Medical Center & subdivide it into 2 lots (3B-1 & 3B-2). The site is being built at the corner of Sprint Drive & Walnut Bottom Road.

**Modifications:** Preliminary Plan; Stormwater Management Plan; Erosion & Sedimentation Plan; Grading Plan; Landscape Plan; & Shared access to commercial lots. Tom made a motion to approve the modifications. Ron seconded, & the vote in favor was unanimous.

Tom made a motion to approve #05-04, subject to the applicant's acceptance of staff comments. Ron seconded, & the vote in favor was unanimous.

**#05-06 McCOY BUSINESS CENTER LOT 11 – Final Minor Land Development:**

Pam Fisher represented this plan. The applicant proposes to construct an 11,550 s.f. community commercial center building with a 58 space parking lot, & was approved as a conditional use. The site is along Commerce Avenue behind the State Police facility.

**Modifications:** Preliminary Plan; Landscape Plan certified by a Landscape Architect; Parking island every 10 spaces; Road Access requirements; Parking within 10 feet of building; Sidewalks; Curbs & Gutters; Location of street trees; & Driveway spacing & sight distance. Tom made a motion to approve the modifications. Phyllis seconded, & the vote in favor was unanimous.

Tom made a motion to approve #05-06, subject to the applicant's acceptance of staff comments. Bryan seconded, & the vote in favor was unanimous.

**#05-10 DWAYNE & ANNA RHOADES & THE PA CONFERENCE ASSOCIATION OF 7<sup>TH</sup> DAY ADVENTIST, INC. – Final Minor Subdivision:**

Brian explained the land swap. The applicant proposes to subdivide off an 8.22 acre portion of the lot which contains the Fair Oaks School & add it to a 5.18 acre residential lot along Petersburg Road.

**Modifications:** Recreation fees; EIA Report; LeTort Regional Authority review; Stormwater Management Plan; Erosion & Sedimentation Plan; Grading Plan; & Landscape Plan. Ron made a motion to approve the modifications. Phyllis seconded, & the vote in favor was unanimous.

Bryan made a motion to approve #05-10, subject to the applicant's acceptance of staff comments. Tom seconded, & the vote in favor was unanimous.

**SKETCH DEBBIE SWARNER:**

The applicant is proposing subdividing 5 lots along Rockledge Drive. Three of the lots will access a rural residential lane. Driveway spacing is an issue with this plan. Also, the site is adjacent to the YMCA's ball fields that are being constructed on the Church of God property. There are some trees on the Swarner property that are blocking sight distance. The trees should be removed to improve the sight distance. Brian Reisinger (Brehm-Lebo) said that the applicant is agreeable to removing the trees. The majority of the Board was in favor of this plan. Jim is not in favor of the rural residential lane concept of the plan.

**SUPERVISORS' DISCUSSION:**

Tom wished Eric Harkreader (Sentinel reporter) the best in his upcoming marriage.

Bryan commented on the bad road condition of Route 174. The Township was never notified about the storm drain problem work being done on the road. Doug Gale stated that Penn DOT patched the road today.

Jim stated that the next Open Space meeting will be on May 18<sup>th</sup>. He also stated that if the stone house on the Carlisle Crossing site is listed on the historic registry, it can not be torn down.

Tom noted problems with the Exit 48 & 49 study's recommendations. He is worried about when the focus is placed on 1 municipality.

Ron commented that the study would strip the Township of 45 acres of commercial land & add more high-density residential to the Township. No other municipalities will be giving up anything. He is not happy with the report. Phyllis added that she was disappointed in the turnout & input on this issue.

Pam Fisher questioned when a conditional use hearing could be scheduled for the Eastgate Professional Center. It will be held on May 26<sup>th</sup>.

Marti Green commented on the Exit 48/49 meeting held recently. She feels that Gannett-Fleming did not send out notification early enough for attendance purposes.

**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 the meeting at 7:50 PM. Ron seconded, & the vote in favor was unanimous.

**WITNESS:**

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**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

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Thomas E. Faley, Chairman

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Bryan A. Gembusia, Vice Chairman

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Phyllis W. Givler

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James N. Baker

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Ronald L. Reeder