

## MINUTES

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

JUNE 14, 2007

**PRESENT:** TOM FALEY, RON REEDER, RICK REIGHARD, BRYAN GEMBUSIA, JIM BAKER – (absent) – Supervisors, Jarrett Sweeney – Assistant Manager, Richard Mislitsky – Solicitor, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Secretary, Linda Larson, Ray Tennyson, Fawn Cassel, Pam Fisher, Nate Diehl, Paul Rudrigues, Steve Bisbee, Darren Spotts, Gary Hastings, Doug & Helen Gale, Howard Phillips, Bob Geist, Bob Beers, Ken Kieber, Robert & Janel Shipp, Donald L. Baker, Donald Baker, Cindy Dunbar, Paul Slifko, Eric Johnnton, Bill Brown, Claire Brehm, Rosie Redmond, Tom & Ann Benjey, Marty & Kathy Tate, Dick Moore, John Hilton – “The Patriot News”, Andrea Ciccocioppo – “The Patriot News”.

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

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

Chairman Faley led the audience in the pledge of allegiance.

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

A moment of silence was observed.

#### **OPENING ANNOUNCEMENTS:**

Chairman Faley noted that the meeting is recorded. Board & staff introductions were made.

#### **MINUTES: 05/31/07 Regular meeting**

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

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

Mr. Mislitsky reconvened the hearing. A court stenographer was present & the transcript will be the official record. The plan was denied, & the hearing was closed.

#### **ORDINANCE #07-04 Zoning Ordinance Amendment (Conditional Use Applications) – Public Hearing:**

The Solicitor opened the hearing & stated the procedure. This ordinance will be readvertised due to a section missing in the ordinance. The hearing was closed.

#### **#06-14 FORGEDALE CROSSING, SECTION 7 – Final Subdivision:**

This plan was tabled.

#### **#06-21 CARLISLE FORGE – Final Minor Subdivision:**

The applicant proposes to subdivide the commercial portion (53.682 acres) of Carlisle Forge off & combine several of the lots zoned RH into one lot. Pam Fisher represented the applicant. Ms. Fisher asked that the plan be tabled until the end of the month. Ron said he has a problem with the modifications requested. Ms. Fisher noted that the plan was submitted before her company

became involved with the project, & they would like to try to eliminate some of the modifications.

Ron made a motion to deny the requested modifications. Rick seconded, & the vote in favor was 4 to 0.

Tom made a motion to deny plan #06-21, based on the Board's refusal to grant various waivers rendering the plan deficient. Ron seconded, & the vote in favor was 4 to 0.

**#06-20C TRAMMEL CROW SERVICES, INC. – (Sparks Track Lot #3) –  
Conditional Use Public Hearing:**

The hearing was reconvened. A court stenographer was present & the transcript will be the official record. The hearing will reconvene on July 12, 2007. The hearing was closed.

**#07-01 103 MIDWAY DRIVE – Final Land Development:**

The applicant proposes to convert the former Carlisle Sports Complex (Conner Club) off of the Holly Pike into a storage facility. Conditional Use approval was previously granted. Tim stated that a note needs to be revised to state that the proposed fire service water supply tank shall be designed to provide the required fire flow required by the Fire Inspector & the Township. Ron questioned where the underground tanks will be placed. Tim pointed the area out on the plan.

**Modifications:** Preliminary Plan, Traffic Impact Study, EIA report, Hedge row on parking perpendicular to a public street, No parking is allowed within 10 feet of building, Sidewalks, & Access Spacing. Bryan made a motion to approve the modifications. Ron seconded, & the vote in favor was 4 to 0.

Bryan made a motion to approve #07-01, subject to the applicant's acceptance of staff comments. Rick seconded, & the vote in favor was 4 to 0.

**SOLICITOR REPORT:**

No report was given.

**ENGINEER REPORT:**

S & A Homes have revised the traffic study to determine if the proposed turn lane on Forge Road could be eliminated for the Forgedale Crossing, Section 6 (#06-12). Penn DOT wants the Township to monitor the intersection of Mayapple Drive & Forge Road & install a traffic signal when needed. S & A Homes agreed to contribute an additional \$22,050 towards this. They have already given the Township \$98,000 towards roadway improvements in the Forge Road corridor. S & A Homes representative, Steve Bisbee, asked the Board to issue a letter to Penn DOT stating that the Township will monitor this area. Also, a condition on Section 6 states that the houses could not be occupied until the roadway is built. Mr. Bisbee would like to be able to have occupancy permits issued if S & A can't get the roadway permit & construction. He would like 3 homes occupied by August & 3 homes by October. Ron asked for a \$25,000 contribution. Rick asked how the Township would monitor this intersection to Penn DOT's satisfaction. Brian stated that a traffic study could be done. Public input was taken. Don Baker, 616 Forge Road, suggested that S & A could hire someone to complete study at no or minimum cost to the Township. Don Baker, 308 Forgedale Drive, noted several issues with S & A Homes. He said

that no occupancies should be given until this issue is resolved. He added that there are areas that need to be graded & that stormwater basins have been turned over to the Homeowners Association, but are not completed. Mr. Bisbee stated that S & A Homes has not done well working in this Township. He said that he is new on the job & is working on these issues. Rick said that he has been alerted to several problems, & feels that no occupancy permits should be issued. Ron made a motion to send a letter to Penn DOT as requested in exchange for a voluntary contribution of \$25,000. Rick seconded. Janel Shipp, 615 Forge Road, asked if this contribution would be applied towards lighting & paving. Rick stated that Forge Road is a state road, & that Penn DOT stopped the paving along Forge because of this issue with the turn lane.

Don Baker said that Penn DOT never tied the paving into the end of his driveway. Brian said that once the letter is sent, this will help them finish this project. Clare Brehm, 617 Forge Road, stated that she has not seen any improvements completed by S & A Homes. The vote in favor was 4 to 0.

Tom made a motion to accept a time extension until September 27, 2007 for the Forgedale Crossing, Section 7 (#06-14). Ron seconded, & the vote in favor was 4 to 0.

Bryan made a motion to release the security for Westgate, Phases 3 & 4 (#99-29) & Phases 1 & 2 (#93-28 & #98-07). Rick seconded, & the vote in favor was 4 to 0.

A request was submitted to install a 4-way stop sign at the intersection of Shirley Lane & Hamilton Road. There are stop signs on Shirley, but not Hamilton. A traffic study would have to be conducted. After reviewing information from LTAP, Brian concluded that this intersection would not meet the criteria for a 4-way stop. He feels that if a study is done, the stop signs would probably be placed on Hamilton instead of Shirley. This would cause more speeding since Shirley would become the through street. Ron stated that he is aware of only 1 accident in the 6-1/2 years that he lived in this development. It was a school student that did not stop at the stop sign. He also feels that this would encourage speeding on that road. Consensus was given to authorize Brian to send a letter to the resident stating this information & supplying the information regarding 4-way stops.

Clair Murphy, 256 Whiskey Springs Road, has requested a waiver to place a logging road that does not meet the required access spacing. There is access at another location. Ron made a motion to deny the waiver request. Bryan seconded, & the vote in favor was 4 to 0.

Notification was received from Penn DOT that they will be eliminating the “passing zone” on York Road at Mayapple, but there will be no change in the speed limit.

The cost to perform a traffic study at the Marsh/Rockledge Drives intersection will cost \$2,500. Consensus was given to obtain the study (regarding stop sign placement).

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

Rick made a motion to approve a 95-day time extension for the White Rock Acres Preliminary Subdivision plan. Bryan seconded, & the vote in favor was 4 to 0.

Ron made a motion to approve a 90-day time extension for the Michael Marhevka Final Minor Subdivision plan. Tom seconded, & the vote in favor was 4 to 0.

Bryan made a motion to approve a 90-day time extension for the Townes at Summerbridge Preliminary Subdivision plan. Ron seconded, & the vote in favor was 4 to 0.

Ron made a motion to reapprove the RW Associated Holdings, LLC Final/Minor Subdivision plan #06-13 in order to meet conditions of plan approval. Tom seconded, & the vote in favor was 4 to 0.

The owner of the P. Hastings Corporation/BP (Walnut Bottom Rd) is requesting a modification to waive the requirement for submitting a formal land development plan. The applicant is proposing to construct a walk-in freezer & cooler to the rear of his property which would create an additional 160 s.f. of impervious coverage. Tom made a motion to deny the waiver for a land development plan. Bryan seconded. Rick asked if any additional noise would occur. Gary Hastings said that there could be additional noise. Bob Beers, Clifton Terrace, suggested that the owner submits a clearer plan to avoid excess noise & possibly screening so the coolers would not be visible. The vote in favor of denial was 4 to 0.

The Building/Zoning Permit fee schedule has been amended to add a foundation only permit & to clarify fees required for adding habitable space to an unfinished basement area. Rick made a motion to approve Resolution #07-13 approving the amended fee schedule. Bryan seconded, & the vote in favor was 4 to 0. Rick asked if this applies only to commercial projects. Tim replied yes.

The Anile's Restaurant & R.W. Associates Holding LLC Conditional Use Decisions are ready for Board signatures.

**MANAGER REPORT:**

Tom made a motion to approve the annual the street closing of Sheeley Lane as requested for the Labor Day block party on September 3<sup>rd</sup> from noon to 8:00 p.m. Ron seconded, & the vote in favor was 4 to 0.

The Civic Association has submitted a request for the Township to assist with cleaning Children's Lake. Assistance is needed to remove weeds in the water. Tom made a motion to approve assistance with weed removal at the lake. Rick seconded, & the vote in favor was 4 to 0.

Due to Captax releasing money owed the Township, transfer of funds needs to be done to replenish money that was borrowed from reserves. The total is approximately \$300,000. Tom made a motion to authorize the transfer of funds when available. Bryan seconded, & the vote in favor was 4 to 0. Bryan noted that Captax has paid the Township the \$460,000 owed to us.

**PUBLIC INPUT:**

Bob Beers, Clifton Terrace, thanked the Board for standing firm with a developer that admits to their own wrongdoing.

Don Baker, 308 Forgedale Drive, agreed with Mr. Beers. He asked the Board to keep turning down their requests until the issues are resolved.

Doug Gale, Derbyshire Drive, asked for clarification on the Marsh/Rockedge Drives stop intersection. Tom explained the issue.

Bob Geist, Clifton Terrace, commented on the same intersection. He noted that people are really speeding in that area.

**SUPERVISORS' DISCUSSION:**

Ron asked if Monroe Township solicited staff's input regarding the age restricted housing development proposed along Rt. 174. Brian replied no.

Bryan noted that the Letort Regional Authority was holding 2 meeting regarding trailways. Brian said that he attended the meeting on June 12<sup>th</sup> & that he & 4 consultants were the only attendees.

Rick noted that the first workshop will be on July 14<sup>th</sup> at 7:00 a.m. He also stated that another joint meeting with the Municipal Authority will be held on June 15 to discuss the Act 537 plan.

Ron thanked the Board for allowing him to attend PENN State Extension meetings. There will be another meeting in July.

**BILLS FOR PAYMENT:**

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

**ADJOURNMENT:**

Rick made a motion to adjourn the meeting at 7:29 p.m. Bryan seconded, & the vote in favor was 4 to 0.

**ATTEST:**

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Sandra A. Quickel, Secretary

**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

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Thomas E. Faley, Chairman

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Ronald L. Reeder, Vice Chairman

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Bryan A. Gembusia, Member

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James N. Baker, Member

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Walter G. Reighard, Member