

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

AUGUST 25, 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; Sandy Quickel – Recording Secretary; Jarrett Sweeney – Assistant Manager; Chris Raup; Glenn Raup; Bob Chicchi; Doug Gale; Donald Group, Sr.; Richard Cummins; Bob Beers; Howard Philips; Bob Geist; Tom & Ann Benje; Attorney Ralph Godfrey; Adele Kruegler; Dan Flohr; Martha Green; Mike Merrick; Joan Miller; Jim DeRoma; Steve Scheneca; Attorney Robert Saidis; Gideon & Evelyn Kauffman; Fiona Williston; Charlie Mallios; Dave Martin; Ron Hamilton; Brooks Williston; Tony Group; Ron Sharp; Donald Group, Jr.; Attorney Bill Duncan; Steve Gault; Sean Smyth – “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.

OPENING ANNOUNCEMENTS:

The Board & staff members introduced themselves.

MINUTES: 08/02/05 – SPECIAL MEETING:

Tom made a motion to approve the minutes, as written. Phyllis seconded, & the vote in favor was 3 to 0 (Ron was absent at this meeting & Bryan left early & abstained from voting).

08/11/05 – REGULAR MEETING:

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

ORDINANCE #05-07 MINIMUM LOT SIZES (Woodland- Conservation District) – Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. Tim explained that this ordinance will raise the minimum lot size from 10 acres to 25 acres to build upon in the Woodland-Conservation District. Public comment was taken.

Attorney Ralph Godfrey represented the Group family. Mr. Godfrey asked what the purpose of the ordinance is. Jim stated that it is to save mountain land in its present state. He cited the problems in the White Rock Development area with developing mountain land. Mr. Mislitsky stated that when the ordinance was amended in 1999, 10 acres was chosen with the thought that the acreage amount may be changed in the future. Mr. Godfrey questioned the reason for the change. Mr. Mislitsky said that he would have to look at the discussion that happened years ago

when the ordinance was being amended. Mr. Godfrey noted that the County Planning Commission recommended disapproval of the amendment & that their comments were just received on 8/22/05. Bryan stated that he is not comfortable with the increase from 10 to 25 acres. He feels it is too large. Mr. Godfrey stated that the ordinance may be challenged if approved. He also feels this would make land unusable, & would waste more land than save. Mr. Godfrey stated that this change could financially impact current owners. He recommended continuing the hearing in 30 days in order to review County's comments.

Charlie Mallios, 715 Sandbank Road, owns 2 parcels in Mt. Holly Springs (a 37 acre parcel & a 17 acre parcel). He said that a 1-acre parcel could sell for \$50,000 & that the larger the lot, the smaller the cost per acre for the lot. He suggested looking at the steep slope areas. He stated that he sold timber off of the 17-acre lot & received more \$ for the timber than the lot would have sold for. He also suggested considering the utilities factor. Bryan asked if the Township should consider the sliding scale factor. Mr. Mallios said yes. The County uses this concept.

Tom Benjey, E. Springville Road, commented on the County's comments & the sliding scale factor.

Dan Flohr, lives in Mt. Holly Springs Borough, but owns 40+ acres of land in the Woodland Conservation District in the Township. Years ago, his family transferred several hundreds acres of their 900 acres to the Nature Conservancy. He stated that he wanted to sell some land to pay for college tuition & to deed some lots to his children, but feels he will not be able to subdivide his remaining property if the acreage increases to 25 acres per lot. He feels this will create a hardship for the landowners. Jim asked Mr. Flohr if he received payment from the Nature Conservancy for his land. He replied yes, at a reduced value.

Don Group, Sunset Drive, developed ten lots in the Woodland Conservation District (Timber Lane). He said that he purchased 120 acres between Rts. 34 & 94 as an investment. This ordinance would make it impossible for him to develop the land, & would take 70%-80% of the income generated by developing the property. Mr. Group also spoke on behalf of Old Town Run Mountain Lodge. The lodge owns 1600-1800 acres, & wants to sell lots along Whiskey Spring Road due to people dumping items on the land. The Appalachian Trail took some of the land for their trail.

Mr. Mallios suggested buying development rights. It was decided to continue the hearing at the last meeting in September. Jim feels the County has some good ideas to consider. He feels the mountains are not meant to be built on. The hearing was closed, & will be continued on September 29th.

ORDINANCE #05-08 SPEED LIMITS – (Western Village Area) – Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. Brian stated that this ordinance will establish 25 mph speed limits in the Western Village area (Emerson, Garfield, Greenview, Webster & Viewmore Drives). There was no public comment.

Ron made a motion to approve Ordinance #05-08, as written. Bryan seconded, & the vote in favor was unanimous. The hearing was closed.

PUBLIC INPUT:

There was no public input.

SOLICITOR REPORT:

The Solicitor was authorized to develop a strategic plan to address the Captax issue both in court and out of court.

Bryan asked how soon S. Spring Garden Street could be made a one-way street. Brian stated that an engineering study will be done & he can report the findings at the next meeting. Mr. Mislitsky stated that to change the street to one-way, it will need to be done by ordinance. Consensus was given to staff to draft an ordinance, pending the outcome of the study.

Tom discussed Carlisle Crossing. He stated that Fairview Street is to be opened in time for school to start. Dave Martin, representing Carlisle Crossing, said that he paved the road to PennDOT specifications. The wearing course will be done on Friday & the road should be opened by Friday evening. He also noted that the mall lease level is at 95%, & that the out parcels are also moving forward. Attorney Robert Saidis sent a letter to the Township that the applicant for Carlisle Crossing will extend the maintenance period from 18 months to 36 months.

ENGINEER REPORT:

Bob Chicchi, 391 Chestnut Drive (Indian Hills, Phase 3) was present to discuss the school bus pickup issue. Portions of Hickory Ct, Chestnut Dr & Evergreen Dr are not dedicated to the Township & the buses will not enter these streets until they are dedicated. Streets in Phases 2 & 3 do not have 75% of the homes built yet & cannot be dedicated until this amount is achieved. Mr. Chicchi stated several concerns such as construction vehicles traveling on these roads to other lots, no continuous sidewalks to walk on, and children must walk or wait for the buses out of the sight of their homes & most are young children. The developer, Don Group, has offered to pave these sections if the Township allows him to do so without the required 75% completion. The homes are about 60% complete. Tom suggested asking Mr. Group to extend the maintenance period in order for him to pave these sections. Bryan saw no problem with doing so. Phyllis noted another problem with repairing a street in this development in the past. Mr. Group asked if the 18-month maintenance period will be extended after the 75% completion amount has been reached, & said he would have to check with his 2 partners on this issue. Adele Krugler, 11 Hickory Ct, commented on this issue. Her four children attend St. Patrick's. Phyllis commented that she will ask the school district why the cul de sacs are not being used. She heard that the buses are too long to use the cul de sacs. Ron made a motion to approve the street dedication request for Evergreen Drive up to Chestnut Drive (Indian Hills, Section 3), & over to & back to Shirley Lane & to extend the maintenance period to 36 months after the completion of 75% of the homes are built, & conditioned upon agreements to the Solicitor's & Engineer's satisfaction. Tom seconded, & the vote in favor was unanimous.

(BREAK)

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Ron made a motion to approve a 90-day time extension for Eastgate Professional Center (#05-23). Phyllis seconded, & the vote in favor was unanimous.

Ron made a motion to approve Resolution #05-20 to forward a sewage planning module to DEP for the Old Town Run Mountain Lodge Lot #6. Bryan seconded, & the vote in favor was unanimous.

Ron made a motion to approve Resolution #05-21 to forward a sewage planning module to DEP for Adobe Investments. Phyllis seconded, & the vote in favor was unanimous.

Ron made a motion to approve Resolution #05-22 to forward a sewage planning module to DEP for Jeffrey J. & Karen L. Schoolcraft. Bryan seconded, & the vote in favor was unanimous.

Bryan made a motion to approve Resolution #05-23 to forward a sewage planning module to DEP for Thomas S. Pedersen. Ron seconded, & the vote in favor was unanimous.

Consensus was given to schedule the Doug George, Matt & Nicole Zito & Cellco/Verizon Conditional Use Hearings for September 8th. Conditional Use Hearings will be held on September 29th for Doug & Jane Kiehl & Dawn Shughart.

RETURNING TO THE ENGINEER’S REPORT:

Brian has reviewed the proposed ordinance change submitted by Tom Benjey that deals with sinkholes. Brian feels the ordinance would have to be re-written in order to coordinate with Township Ordinances. One main concern is the requirement for staying 100 ft. away from sinkholes. This could affect developable & usable land. This ordinance would only cover existing sinkholes; not future ones that develop. Also, the section on using sinkholes as stormwater management areas would be prohibited. Brian offered to take the geological study for the Wheatstone plan & show how it would affect the plan. Bob Beers commented that Homeowner Associations should not have to be burdened with trying to mediate sinkhole issues. He pointed out that in some cases; an Association has not yet been formed. Tom Benjey suggested having the developer place a bond for situations like this. Tim added that sinkholes last forever. Brian was directed to do further research on this issue.

Ron made a motion to approve Resolution #05-19 accepting the dedicated right-of-way for the Phillips/Frey Tract No.1 for the PennDOT Allen Road project. Bryan seconded, & the vote in favor was unanimous.

Brian reported that all items remaining in Phases 3 & 4 of the Westgate plan (#99-29) have been completed & the streets are ready for acceptance of street dedication. Portions to be dedicated are on Westgate Drive & Parkway Drive. Bryan made a motion to approve Resolution #05-25 & to begin the maintenance period for Westgate Phases 3 & 4. Ron seconded, & the vote in favor was unanimous.

Phyllis made a motion to release the security for the Lisa Goodyear plan (#01-30). Ron seconded, & the vote in favor was unanimous.

MANAGER REPORT:

Barb submitted information on becoming a member of the West Shore Council of Governments (COG). Through the GOG, Consultant Dan Cohen will assist North & South Middleton Townships to negotiate an agreement with Verizon who is coming into the area with cable

services. Jim asked for the meeting schedule. He was told they will meet monthly on the 3^d Monday. Tom & Bryan offered to attend the meetings. Bryan offered to participate in the GOG discussions on the telecommunication issues. Barb will be the staff member to attend. Tom made a motion to participate in the West Shore COG after having read the by-laws & to appoint himself as the elected official & Barb as the appointed official to represent the Township & to participate in the Verizon package. Ron seconded, & the vote in favor was 4 to 1 (Jim was opposed).

A resident (Charisse Niles) from Misty Meadows asked for approval to close Jane Lane for a block party on September 10th from 2 pm to 9 pm. This street is not completely dedicated. The Township's approval would be for the dedicated portion of the road. Tom made a motion to approve the street closing as indicated. Ron seconded, & the vote in favor was unanimous.

PSP Sgt. Steven Junkin is leaving the Carlisle Barracks to take a position in Gettysburg. Jim made a motion to approve Resolution #05-24 expressing the Township's thanks & appreciation for his help he gave to the Township. Tom seconded, & the vote in favor was unanimous. Tom asked Barb to contact Sgt. Junkin to attend a meeting in the future to express the Township's appreciation to him.

The Humane Society Contract has been received. The cost is not to exceed \$3,000. Tom made a motion to approve the contract not to exceed \$3,000. Ron seconded, & the vote in favor was unanimous.

SUPERVISORS' DISCUSSION:

There was no discussion.

#04-30 SABLE CHASE – Preliminary Subdivision & Land Development:

Attorney Bill Duncan represented the applicant. The applicant proposes to construct 64 townhouses on 11.90 acres behind Rillo's Restaurant. Access will be obtained from Petersburg Road & a new road that accesses Pine Street adjacent to the Rillo's parking lot. Mike Merrick, 30 Pine Street expressed traffic concerns with the proposed development. He also stated that there are no speed limit signs on Pine Street. Another concern was landscaping. Brian suggested placing a privacy fence on the property instead of planting trees. Mr. Merrick said he would prefer a fence. Mr. Duncan said he would check with the applicant on this issue. Brian noted that if a fence is installed instead of the trees, the plan would not have to be changed. Brian raised another issue – a monetary contribution towards a signal at the York Road & Petersburg Road intersection. Mr. Merrick commented on the stormwater management plan. He commented on a storm drain near I-81 that drains into a sinkhole. He said that the ground doesn't slope as needed. Brian stated that the plan meets the requirements for stormwater management. Steve Schenca of Traffic Plan & Design, spoke of the trip study that was performed. The study projected 400 trips per day within a 24-hour period. The level of service at the York & Petersburg Road intersection is "F" which indicates a failing level of service, & this plan would add to the failing service level.

Jim made a motion to table the plan until the September 8th meeting. Bryan seconded, & the vote in favor was unanimous.

#05-19 P.F.S. CAPITAL INVESTMENTS, LLC – Final Land Development:

The applicant proposes to construct a 3,200 s.f. office building with parking, utilities & stormwater management on Lot 15 of the Hillmount subdivision along Westminster Drive. Jim asked if the standard curb & sidewalk note will be placed on the plan.

Modifications: Preliminary Plan; Landscape Architect Certification on Landscape Plan; Hedgerow for parking within 100 ft. of street; Sidewalks; Runoff Capture Design Storm; & Upgrade road to current specifications. Bryan made a motion to approve the modifications as submitted. Tom seconded, & the vote in favor was unanimous.

Bryan made a motion to approve #05-19, subject to the applicant’s acceptance of staff comments & adding a note to the plan stating that curbs & sidewalks will be installed within 6 months if requested by the Board of Supervisors. Tom seconded, & the vote in favor was unanimous.

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 8:45 PM. Phyllis seconded, & the vote in favor was unanimous.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Thomas E. Faley, Chairman

Bryan A. Gembusia, Vice Chairman

Phyllis W. Givler

James N. Baker

Ronald L. Reeder