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

PLEDGE OF ALLEGIANCE:
The pledge of allegiance was led by Chairman Faley.

MOMENT OF SILENCE:
A moment of silence was observed.

OPENING ANNOUNCEMENTS:
The Board & staff introduced themselves.

MINUTES: 09/08/05
Phyllis made a motion to approve the minutes of 09/08/05, as written. Tom seconded, & the vote in favor was 4 to 0 (Ron was not present at this meeting & abstained).

UPDATE – CARLISLE CROSSING:
Dave Martin of Granger updated the Board on the progress of this project. He said that the traffic signals have been turned on, & the paving is complete. Brian added that the signage & line striping need to be completed; then the certificate of occupancy can be issued when these items are done. Mr. Martin thanked everyone who has endured the changing traffic patterns during the construction period. The Kohls store should be open for business next week.

UPDATE – HALLOWEEN PARADE:
Barb stated that the VFW has cancelled the parade due to not being able to pay special fire police for traffic control. The Township will hold the parade on the trail at SMT Park. The goal is to cover the costs completely with donations. The approximate cost will be between $2,500 to $4,000. Tom expressed his gratitude to the Township for holding this event.
UPDATE – MEMORIAL DAY PARADE:
Tom stated that the same issue with traffic control involving the fire police has threatened the cancellation of this parade. Tom made a motion to authorize the Township to coordinate with & pay an outside firm for special fire police for traffic control for the Memorial Day Parade. Phyllis seconded, & the vote in favor was unanimous.

#05-09C MATT & NICOLE ZITO – Conditional Use Public Hearing:
Attorney Allshouse reconvened the hearing. The Zitos were present. The hearing was continued so the applicant could provide more detailed information for the conditional use. Jim stated that the Planning Commission approved the plan & he will support approval of it. He said he has talked to Mr. Zito & he indicated that he would be willing to change the use of the property if it would be eventually turned into a rental unit. There was no public input.

Jim made a motion to approve #05-09C, subject to the applicant’s acceptance of staff comments & the condition that Mr. Zito will seek Township approval if unit is turned into a rental unit. Ron seconded. Tim said that Mr. Zito supplied a drawing of the proposed unit. All items that needed to be addressed are in the drawing. Tim noted that the depth of the parking lot is shown as 17 ft, & that 18 ft. is required. Mr. Zito presented photos of several issues & concerns. He feels the application submitted was accurate & fully documented. He also feels the off-street parking is adequate & can accommodate 3-4 cars. He addressed the emergency services issue by stated that responders can access the alleyway & behind his house. The trash hauler’s vehicles can access the alleyway. Mr. Zito does not feel property values will decrease due to the garage being converted into an apartment. He will be installing siding on the block garage & wants to invest money into the property.

Rick Reighard, Whitley Court & Planning Commission member, asked if someone will live there full-time. Mr. Zito said not always. Family members will stay there when they are visiting.

Attorney Tony DeLuca asked several questions as to the size of the Zito’s house, the number of bedrooms. The house is 3,600 s.f. & has 5 bedrooms. He asked a few more questions.

Dick Cummins, Greenfield development, stated that he knows where the property is at & feels this is a reasonable proposal.

Ron had questions on the floor plan as to the location of doorways. Mr. Zito said that the doors are existing, & that he is only building inside the garage. He stated that some doors & windows will be closed up. Ron asked if Mr. Zito is still operating a Bed & Breakfast. Mr. Zito replied no. Ron mentioned that a motor home is blocking the alley, & his concern for emergency service responders not being able to access the property. Nicole Zito said that their bedroom is on the 3rd floor & asked Mr. Reeder if they wouldn’t be able to get to that floor of the house.

Pat Barnes clarified one of the photos. Jim Barnes said that the Zitos have to park the cars at an angle to fit them in. Mr. Zito said that he does not use the alley as a parking area. He uses the driveway. Jim Baker suggested asking the fire chief to see if he can get a fire truck into the
alley. Mr. Stapleton declined comment. Mrs. Barnes stated that there is a concrete wall on the property opposite the alleyway that would hinder maneuverability. Mrs. Garman also added that the alley is not plowed in the winter. Dr. Zito stated that he lives in Florida for 6 months & would only spend 3 to 3-1/2 weeks at a time at his son’s house.

In summary, the Board’s concerns involve mainly safety issues. They include: 1) that the alley is blocked by vehicles; 2) the alley has no winter maintenance; 3) that emergency service equipment may not fit in the alley if an emergency occurs; 4) that access is limited to one vehicle with no turning radius due to a nearby cement wall; 5) the Board expressed concern on not risking lives by having hard to get to buildings occupied in case of emergencies; (people sleeping in them as opposed to temporary use) 6) there were minor parking issues; 7) there is no guarantee as to determining the amount of time it would be occupied & 8) the drawing submitted failed to show where the doors were located or which doors would be closed off.

Jim made a motion to approve #05-09C, subject to the fire company being able to get emergency vehicles into the property. There was no second.

Ron made a motion to reject #05-09C. Bryan seconded, & the vote in favor was 4 to 1 (Jim was opposed). The hearing was closed.

(BREAK)

PUBLIC INPUT:
Tom Benjey, Springville Road, asked about the sinkhole ordinance he submitted. He was told that this will be addressed on the Engineer’s report.

#05-07 ORDINANCE #05-07C MINIMUM LOT SIZES (Woodland-Conservation District) – Public Hearing:
Attorney Allshouse reconvened the hearing. The proposed ordinance would amend the minimum lot size to 25 acres in the Woodland-Conservation District for single-family detached dwellings. This would be an increase from 10 acres. There was discussion on whether to table the proposed ordinance or to continue it. Ron suggested deferring action until the comprehensive plan review begins. Tom made a motion to post-pone the ordinance amendment indefinitely. Ron seconded, & the vote in favor was unanimous. Dan Flohr asked if the Board could notify property owners that would be affected if this issue appears in the future. He was told that the newspapers are used as a form of notification.

PUBLIC INPUT WAS CONTINUED:
Bob Winters, Liberty Court, complimented the Board on the good decisions that they make. He thanked the Board & staff for the tremendous jobs that they perform.

Bob Beers, Stonehedge, echoed Mr. Winters’ feelings. He said that the residents at Stonehedge are grateful for the efforts the Board puts forth in issues/problems.
John Weidner, Zion Road, expressed his dismay at the intersection at Fairview Street & Trindle Road. He feels that Fairview Street has a bad curve to it.

Doug Glass, Hilltop Drive, stated that Army Heritage Drive needs to have street addresses for EMS responders in case of emergencies.

Mark Mullen who owns a property at 319 York Road stated that the paving done at the Blacksmith Lane has a 7 inch drop & has a rough layer. Brian stated that he will look at this site.

#05-11C DOUG & JANE KIEHL – Conditional Use Public Hearing:
Attorney Allshouse opened the hearing. The applicant proposes to move his current business from York Road to the Holly Pike. The plan is to construct (in 3 phases), a retail area & full service “Wellness Center”. The remainder of the improvements will be completed in a period of 7 years. Construction of each successive phase will depend upon the financial success of the previous phase. Ron questioned the total impervious coverage. Tim stated that it is under the requirement amount. Ron also asked if there are 3 deeds to the 3 tracts. Mr. Kiehl replied that there is only 1 deed for all 3 tracts. The issue arose as to whether or not the applicant should apply to the Zoning Hearing Board now or later. The Kiehls stated that they have already received approval from the Zoning Hearing Board. The parking lot will have to be adjusted based on different scenarios listed per Tim. It was noted that the Planning Commission suggested the plan should be completed in 5 years instead of 7 years. There was no public input.

Bryan made a motion to approve #05-11C, subject to the applicant’s acceptance of staff comments, & if not completed after 7 years, the approval is only good for the stages completed. Ron seconded, & the vote in favor was unanimous. The hearing was closed.

#05-12C DAWN M. SHUGHART – Conditional Use Public Hearing:
Attorney Allshouse opened the hearing. Dawn Shughart was present. Ms. Shughart is requesting conditional use approval for an 11,000 s.f. community commercial center. The center will be leased for a mixture of commercial uses to include retail sales, office space & physician/dentist offices. The property is at 1156 Walnut Bottom Road. Dick Cummins, Greenfield development asked where the site is located. It will be in the Dunham’s Flooring building. There was no other public comment.

Bryan made a motion to approve #05-12, subject to the applicant’s acceptance of staff comments. Ron seconded, & the vote in favor was unanimous. The hearing was closed.

S.M.T.M.A. REPORT:
No report was given.

SOLICITOR REPORT:
No report was given.
ENGINEER REPORT:

Brian has reviewed & revised the submitted proposal to the impervious coverage restriction in the Westgate Development. The owners of lots greater than or equal to 0.29 acres may ask for relief from the impervious coverage restriction. The exemption can be up to a 25% increase, with the possibility of raising the impervious limit from 2,300 s.f. up to 2,875 s.f. for larger lots. Permission will only be granted for one exemption per lot. Ron asked if the increase percentage can be 10% or 15%. He was told yes; up to 25%. Tom made a motion to approve an exemption allowing a one time exemption up to 25% for impervious coverage. Phyllis seconded, & the vote in favor was unanimous.

Brian has reviewed the sinkhole remediation ordinance submitted by Tom Benjey. The ordinance suggests a 100 ft. buffer around sinkholes. Brian presented a drawing of a development showing how this would affect the usable land. Tom agreed that 100 ft. is too large of an area & would not be practical. Ron feels that 25 ft. would be sufficient. Phyllis agreed. Brian listed 6 items that would be addressed in this ordinance. Jim suggested 40 ft. Brian will present another drawing depicting 50 ft. & 75 ft. Consensus was given to proceed with the 6 items listed in Brian’s report. They include 1) Definition of sinkhole; 2) Requirement for study prior to development to identify sinkholes; 3) Development of a mitigation plan for new sinkholes & prevention plan; 4) Create a buffer around existing which would prohibit the construction of buildings, drainage facilities, streets, utilities, parking lots, septic fields, etc., 5) Prohibit use of areas as stormwater management areas, & 6) Notifications to property owners through deeds, etc. about the potential sinkhole hazards & availability of sinkhole insurance.

Brian has received an update on the Netherby stormwater management from Attorney Bob Saidis. Their plan is to 1) Hire a new contractor to fix some things that they think the previous contractor did not construct correctly; 2) Obtain a temporary easement from Grace Steigleman until the problem is fully resolved, 3) Resolve the issues with the Benjeys in another forum, & 4) Request the moratorium be lifted after the ponds adjustments have been made. Bryan suggested placing a time limit on the temporary easement. Consensus was given to proceed as outlined.

The developer for Sunrise Meadows, Phases 1 & 2 (#94-01 & #02-04) has requested a release of security. Brian stated that several trees have died. There is also an issue with the quality of topsoil that was placed on a resident’s property, and grading the property. Jim made a motion to deny the security release until these issues are resolved. Ron seconded, & the vote in favor was unanimous.

The developer for the Ty-Ara Storage plan (#00-39) has requested a release in security. Ron made a motion to approve the security release. Bryan seconded, & the vote in favor was unanimous.

A security reduction was requested for Summerfields, Phase 3 (#04-13) in the amount of $86,623.40. Bryan made a motion to approve the security reduction. Tom seconded, & the vote in favor was unanimous.
A portion of Stonehedge Drive has been offered for dedication to the Township. Tom made a motion to approve Resolution #05-31 accepting a portion of Stonehedge Drive. Ron seconded, & the vote in favor was unanimous.

**PLANNING/ZONING/CODES ENFORCEMENT REPORT:**
Jim made a motion to approve a 60-day time extension for Church of God/St. Patrick’s Church Final Minor Subdivision. Tom seconded, & the vote in favor was unanimous.

Ron made a motion to approve Resolution #05-28 forwarding the Michael Marhevka planning module to DEP. Phyllis seconded, & the vote in favor was unanimous.

Ron made a motion to approve Resolution #05-30 forwarding the Mountain View Terrace planning module to DEP. Bryan seconded, & the vote in favor was unanimous.

Jim made a motion to approve a 90-day time extension for Indian Hills, Section 4 Final Subdivision. Bryan seconded, & the vote in favor was unanimous.

Consensus was given to schedule conditional use public hearings for the Walnut Bottom Grove plan & the Traditions of America.

Doug George is requesting relief from payment of the fee to obtain the revised conditional use. Mr. George had a slight modification added to his previous conditional use. Tom made a motion to approve a waiver of the fee for his second conditional use. Bryan seconded, & the vote in favor was 4 to 1 (Ron was opposed).

Red Robin Restaurant is requesting approval for PaDOT to erect a logo sign advertising their business. Ron made a motion to approve erection of the logo sign. Bryan seconded, & the vote in favor was unanimous.

**MANAGER REPORT:**
The IRS has increased the reimbursable mileage rate to 48.5 cents effective September 1st. Tom made a motion to approve the mileage rate increase to 48.5 cents. Bryan seconded, & the vote in favor was unanimous.

The Minimum Municipal Obligation (MMO) has been requested from our retirement plan. The arbitrary amount of 4.5% has been chosen to submit to PMRS for their calculations. Tom made a motion to approve the amount for the MMO submission. Phyllis seconded, & the vote in favor was unanimous.

The foreign fire insurance money is due to be received soon. Ron made a motion to approve Resolution #05-29 authorizing its distribution to the responding fire companies. Bryan seconded, & the vote in favor was unanimous.
Gary Turnbaugh has resigned. Phyllis made a motion to accept the resignation with regret. Tom seconded, & the vote in favor was unanimous. This position will be filled after the hiring freeze is lifted.

Barb has received a call from Attorney Ivo Otto stating that the Keystone/Prologis lawsuit is being withdrawn.

(BREAK)

SUPERVISORS’ DISCUSSION:
Jim asked if the drainage problem on Sunset Drive has been resolved. Brian stated that a drainage pipe has been located & he has met with DEP to resolve the issue. The goal is to get less water flowing down Pine Road & Sycamore Drive. Jim also asked about Mr. Warner’s property along Rt. 174 relative to the drainage issues Mr. Warner raised. Brian stated that S & A Homes will eventually ask for the road to be dedicated, so the issue will need to be resolved before that, but the issue has not been resolved at this point.

Tom commented on the question that will be placed on the November ballet regarding Open Space. There was confusion regarding the length of time the tax will be collected. He said it will be 3 years & will stop after that time period.

Phyllis said that she has received complaints regarding the new intersection at Fairview Street. Brian said that the signals will help with the traffic flow. Ron added that the signal should help slow down the traffic on York Road.

#05-08 LIMESTONE CREEK – Preliminary Subdivision/Land Development:
Attorneys Steve Tiley & Rob Frey were present. The applicant proposes to construct 181 new lots on 100 acres along South Spring Garden Street. Thirteen acres are along the LeTort Spring Run. Of the 13 acres, there will be 1 lot for the existing house of approximately 1.62 acres & the remaining 11.26 acres will remain as open space/recreation area. There will be 56 semi-detached duplex units & 125 detached single family homes. Ron discussed the modification request of Section 716 b.(6) – Upgrade South Spring Garden Street with curbs/sidewalks. He said he could not support this request to eliminate curbs/sidewalks. The other Board members concurred.

Ron made a motion to reject the modification request for Section 716 b (6) – Upgrade South Spring Garden Street with curbs/sidewalks. Tom seconded. Mr. Tiley stated that curb & sidewalk will be installed along the eastern side of S. Spring Garden Street. He said he felt that the Township did not want sidewalks. It was felt that a sidewalk without curb would be the best solution & would help with stormwater runoff. Mr. Tiley stated that no sidewalk is planned along Watercrest Drive. They don’t want to encourage people to walk along there due to it not leading to nowhere in particular. It was noted that the traffic to the quarry is also heavy. The vote in favor was unanimous. Ron suggested that the Board have the discretion to request sidewalks at a later date. The applicants were told to design the sidewalk in order to preserve as many trees as possible & to construct a concrete sidewalk. The plan was tabled. The Board also
expressed that they would be agreeable to granting the waiver of Section 703 A (4), Street intersection on a curve.

### #05-18  ROY M. & MARYL L. LEAMAN – Final Subdivision:
The applicant proposes to subdivide 81.602 acres into 8 lots. Lots 1 & 1A are to be purchased by the Township to add 66 acres onto the SMT Park. This area is south of the existing park between the park & Tanger Road. South of Tanger Road is a portion of the tract that is approximately 15 acres that will be subdivided into 4 residential lots with lot additions onto Lots 2 & 7.

**Modifications:** Preliminary Plan; Landscape Plan; EIA Report; Recreation Fees; Upgrade of existing road & Limits 3 lots on a rural residential lane. The 4th lot will be allowed off of the rural residential lane. Jim expressed his concern with problems with rural residential lanes. He feels any problems are passed onto the lot owners. Tom made a motion to approve the modifications. Ron seconded, & the vote in favor was unanimous.

Tom made a motion to approve #05-18, subject to the applicant’s acceptance of staff comments. Phyllis seconded, & the vote in favor was unanimous.

Ron made a motion to request that South Middleton School District waive the real estate transfer tax fee on the Township’s port of the parcel. Phyllis seconded, & the vote in favor was unanimous.

### #05-23  EASTGATE PROFESSIONAL CENTER – Final Land Development:
The applicant proposes to construct a 2-story office building on Eastgate Drive. A 135-space parking area, utilities, landscaping & stormwater management is also proposed.

**Modifications:** Preliminary Plan; Landscape Architect Certification on Landscape Plan; Vehicular parking screening; Parking islands every 10 spaces; Runoff Capture Storm; Modified EIA report; Driveway access spacing; & to allow replacement trees smaller than 2” caliper. Tom questioned the 2” caliper for trees. Tom made a motion to approve the modifications. Bryan seconded. Ms. Garcia stated that it is only being requested for 39 trees. The vote in favor was unanimous.

Tom made a motion to approve #05-23, subject to the applicant’s acceptance of staff comments. Phyllis seconded, & the vote in favor was unanimous.

### #05-05S  THE CENTER AT ROCKY MEADOWS – Sketch
Pam Fisher introduced David Loring, CEO of Equiterra Properties to discuss the sketch plan. The parcel lies within Dickinson & South Middleton Townships & Carlisle Borough. Only a small portion of the parcel is within the Township. A hotel & restaurant are planned for the part that lies in the Township. Tom noted that Carlisle Borough had some zoning issues with the plan. Tim stated that each municipality has different zoning. The staff agreed that not including restaurants in this zone was an oversight. This plan would require a zoning amendment to
include restaurants in the zoning district. The applicant is working with PaDOT to see if this plan fits into the Exit 44 study. Mr. Loring was told to approach the Municipal Authority regarding water & sewer services. Full build-out of the project is anticipated to be 5 to 7 years. Business would also include medical offices, small business, etc.

Phyllis left the room at this time.

BILLS FOR PAYMENT:
Ron made a motion to pay the bills, as submitted. Bryan seconded, & the vote in favor was 4 to 0.

ADJOURNMENT:
Bryan made a motion to adjourn at 9:05 p.m. Ron seconded, & the vote in favor was 4 to 0.

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