

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

March 30, 2023

PRESENT: RICK REIGHARD, SHELLY CAPOZZI, BRYAN GEMBUSIA, RON HAMILTON, DUFF MANWEILER – SUPERVISORS, Cory Adams – Manager, Jarrett Sweeney – Assistant Manager, Tim Duerr – Community Development Director, Brian O’Neill – Engineer, Ali Wood – Recording Secretary, Bryan Salzmann – Solicitor, Rich Longenecker, Janet Longenecker, Martin Simek, Pam Fisher, John Snyder, Josh Barrell, Harry Berger, David Connors, Matt Caffrey, Chad Zimmerman, Mark Eyer, Tracy Aichele, Steve Aichele, Marianne Dell, Ann Benjey, Tom Benjey, Justin Doty, Steven Rose, Aubrey Shenk, Kelly Thompson, Marcus McKnight, Rob Slaybaugh, and Margie Stewart

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

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chairman Reighard.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Chairman Reighard announced that the meeting is recorded and to turn off cellular phones. He also added that an executive session was held from 5:00-6:00 p.m. to discuss personnel, real estate and possible litigation.

MINUTES: 3/9/23 (Regular Meeting):

Ron made a motion to approve the minutes. Duff seconded, and the vote in favor was 5-0.

PUBLIC INPUT:

Mark Eyer, Tanger Road, recommended adding some bike racks to the Township parks and facilities. He also expressed concerns about multiple dead ash trees on Mountain Road, specifically between 373-389 Mountain Road, and requested that they be taken down to avoid them falling and causing power outages. Lastly, he recommended the removal of 5 tree of heaven trees that are loaded with spotted lanternfly eggs, also in that area. Rick requested that Cory bring the tree concerns to Kurt’s attention. Duff stated that he will discuss the bike rack recommendation at the next Parks and Recreation meeting.

#20200020 – ACTION ON CONDITIONAL USE APPLICATION BY FALLING SPRINGS INVESTORS, L.P. (GEORGETOWNE)

Chairman Reighard explained that the Applicant, Falling Springs Investors, LP, filed its conditional use application on June 29, 2020, seeking conditional use approval for a large-scale residential development and Receiving Area for Transferable Development Rights in the R-M zone. Hearings were held on the following days in 2022: March 31, April 28, May 26, June 30, July 14, August 25, September 8, October 3, and October 27. There were 46 separate written documents that were reviewed by the Board and made part of the record as exhibits. The

Applicant remains subject to a 2009 conditional use approval regarding development in the wellhead protection zone and all conditions of approval set forth therein. The Board heard public comment on November 10, 2022. After receiving legal advice from Attorney Kurt Williams of the solicitor's office during multiple executive sessions, the Board has been presented by its solicitor with a proposed written decision that includes a comprehensive list of proposed conditions of approval. Chairman Reighard explained that the proposed written decision approves the two (2) conditional use applications with 25 separate conditions which he will summarize. He added that the full list of conditions is set forth in the proposed written decision.

Chairman Reighard's summary is as follows:

- All uses shall comply with Zoning Ordinance Table 1405(7), as applicable.
- Removal of the hump on Springville Road.
- Realign Springville Road to a "T" intersection with stop signs.
- Design and construct integrated sidewalk system within the Proposed Development.
- All conditions of the 2009 conditional use approval shall apply.
- Widen S. Ridge Road to 28' with new paving.
- Applicant shall make a voluntary contribution of at least \$176,400 toward off-site traffic improvements, payable over the first four (4) phases of the development.
- Applicant shall not utilize slant curbs within the Proposed Development.
- Applicant shall implement the recommendations of Earth Resource Associates report dated July 3, 2008.
- Applicant shall include a Plan Note on the Preliminary Plan that states that the WP District educational information and any restrictions relative to wellhead protection are provided for in the recorded Declaration of Covenants and Restrictions for Georgetowne and in each homeowner deed.
- Applicant and its successors and assigns shall not utilize blasting on the Property.
- No topsoil shall be removed from the Property.
- Lineaments shall be covered with clay, engineered soil, or other impervious material with a minimum of 25 feet on either side.
- Applicant shall comply with all requirements of Township Ordinance No. 2016-6.
- Applicant shall implement the hydrogeologic conditions of approval from Exhibit GeoServices 1 dated October 7, 2022.
- Applicant shall ensure that the condominium association maintains financial security of at least \$50,000.00 to guarantee future sinkhole repairs within the development.
- Applicant will enact a public outreach and educational program as part of the recorded declaration plans for the association to include training and outreach for all residents and employees of the Association and its maintenance contractors.
- The requirements of SALDO §1108.a. are imposed as a condition of approval with strict compliance therewith required during the subdivision and/or land development process.
- Developer shall reimburse the Township for the cost of an independent geologist or engineer to monitor compliance with all conditions of approval related to construction within the Karst geology of the Property.
- Finally, the conditions will include other typical conditions customarily made a part of this Board's conditional use decisions.

Bryan G. made a motion to approve the Falling Springs Investors, LP conditional use application filed with the Township on June 29, 2020, subject to the conditions set forth in the proposed written decision. Shelly seconded, and the vote in favor was 5-0.

Bryan S. added that the written decision will be mailed to the Applicant the following day, a copy will be mailed to all parties, and that it will be posted on our website. He also added that the Applicant and/or Objectors have 30 days from the date of the mailing date of the written decision to appeal to the Cumberland County Court of Common Pleas.

#20220023 – HERITAGE VILLAGE – Sketch Plan

Stacy MacNeal, Attorney with Barley Snyder, was here to represent the applicant and discuss the plan. She also introduced the following members of her team who were also in attendance; Matt Caffrey (Berks Homes Representative), Chad Zimmerman (Design Professional with Dawood Engineering), and Beth Cole (Associate). Ms. MacNeal noted that they have participated in a few meetings with staff, held a community meeting with nearby residents, and received input from the planning commission at the January meeting.

The property is approximately 150 acres located on Lisburn Road, zoned high density residential. The applicant is proposing to develop a large scale residential development with 179 single family detached dwellings, 279 single family attached dwellings, and 288 apartments. The development would be a walkable community with interactive open space, a community center, and buffering/screening that goes above the Township requirements. It would also include interconnectivity to the future buildings around the development and offer a connection to the existing walking/biking path on the Connector Road all the way to Fairview Street. The internal street network would be set to Township standards and eventually dedicated to the Township once completed. As for the access in/out of the development, the applicant plans to utilize the Connector Road as much as possible, however are open to suggestions for Fairview Street and especially for Lisburn Road.

Duff asked if the project will be completed in phases. Ms. MacNeal stated that yes, the west side of the Connector Road is phase 1, and the east side is split up as phase 2 and 3. Duff also asked how the trails will be constructed within the phases. Ms. MacNeal stated that that exact details on the trails and community center have not been decided, but they do plan to incorporate trails into each phase. Shelly asked if any playgrounds are planned? Ms. MacNeal stated that it has not yet been discussed in detail, but there most likely will be a tot lot. Rick asked for clarification on the section of the plan listed as “potential access with adjoining property”. Ms. MacNeal stated that it is open to discussion, but it can offer a vehicle interconnection or stay strictly a biking/walking path. Brian O. stated that we can provide a 50-foot easement so that if at some time we want to make it a road, we can, but if we still don’t want it, then we can keep it as a walking/biking path.

The Board had a discussion in regards to clarification from the PC comments in reference to the access to Lisburn Road. Ms. MacNeal stated that there have already been some changes noted to accommodate the PC comments, but assured that the applicant wants to work with the Township and its goals. She also added that the applicant wants to avoid vehicle access onto Lisburn Road and Fairview Street, but has discussed emergency access via those roads. Conversation in regards to past plans and conditions also arose. Brian O. replied that as part of the traffic study for the Connector Road, a condition was that an easement should be obtained for a neighboring property. He stated that an easement has not yet been acquired, but when the land development plan comes in, it will be discussed and addressed at that time.

Bryan S. asked about the water and sewer connections. Ms. MacNeal stated that in addition to traffic, the water and sewer is probably the next thing that they will be focusing on. Shelly asked for additional information in regards to the dwellings. Ms. MacNeal replied that the apartments

are planned to be rentals and the attached homes are designed that they could be rented or sold. She added that the apartments are 3 stories and they are planning for at least 2 parking spaces per unit. Shelly did point out some concern with school busses accessing the apartment buildings and suggested that the applicant meet with the school district.

Mr. Benjey, Springville Road, asked if there will be any recreation fields. Ms. MacNeal replied that there will be open space for play, but no actual playing fields.

Kelly Tennyson, Lisburn Road, stated that she lives in the farmhouse that they had previously mentioned and unfortunately were unaware of the community meeting. She also added that she is very interested in discussing the plans for Lisburn Road and the plan for buffer zones around her property. Ms. MacNeal apologized for the miscommunication about the meeting and assured that they would like to meet and be open with the Tennyson's throughout the planning process.

Ms. MacNeal thanked the Board and residents for their time and looks forward to working with everyone in the future.

EQUIPMENT RENTAL BID

Cory explained that this bid is our yearly bid for equipment rental and tree trimming. There were a total of 3 bidders, which are listed in the bid minutes. Staff is recommending awarding the bids to the lowest bidders.

Shelly made a motion to approve the bid minutes. Ron seconded, and the vote in favor was 5-0.

Duff made a motion to award the bid to the lowest bidders; Cumberland Valley Tree Service and Schlusser's Paving. Bryan G. seconded, and the vote in favor was 5-0.

EMERGENCY SERVICES REPORT:

The report was accepted as submitted. There was a brief discussion on the recent mountain fires that have been occurring in the area.

RECREATION REPORT:

Approved as submitted. Cory pointed out that we are anticipating work to begin taking place at Spring Meadows Park to include 2 athletic fields, a large playground, and an adult fitness circuit. He recognized Sarah, Brian O., Jarrett, and GMS for all of their hard work on this project. He also added that the Youth Sports Committee recently met and that the summer newsletter is mailing out soon.

PUBLIC WORKS/ROAD REPORT:

Approved as submitted.

SOLICITOR REPORT:

There was no solicitor report.

ENGINEER REPORT:

Brian O. explained that he had one more temporary construction easement to approve for the Boiling Springs Pedestrian and Safety Improvements project. He added that he never got a signed agreement from Doris Holt, so he has removed the sidewalk work on her property and

resubmitted the PennDOT permit without it. He added that if the agreement eventually gets signed, we may be able to add it back in.

Ron made a motion to approve the temporary construction easement for Linda Norman at 202 W. First Street. Duff seconded, and the vote in favor was 5-0.

Brian O. added that we also had to obtain some easements for the Pine School Road Bridge Replacement. Those included permanent and temporary easements from the following: Caroline and Robert Moore (211 Pine School Road), Peters Orchard, and Ben Sweeney.

Bryan G. made a motion to approve the easements. Shelly seconded, and the vote in favor was 5-0.

The Township received a request for a security release for Goodman Logistics Center (Carlisle), #20150012. Brian O. explained that the project involved the construction of two warehouses on the northwest corner of the Allen Road and I-81 intersection. He added that they have submitted an as-built survey and everything appears to have been constructed according to the plan; therefore, he is recommending the release.

Shelly made a motion to approve the security release for Goodman Logistics Center (Carlisle), #20150012. Ron seconded, and the vote in favor was 5-0.

The Township also received a request for a waiver of land development to reconfigure the parking lot to convert an existing building into a medical office on behalf of Carlisle Endoscopy. The impervious coverage is being reduced, so no additional stormwater management is necessary. Brian O. added that the location is at the corner of Alexander Court and Alexander Spring Road. He also added that staff does recommend, however, would prefer the waiver be conditioned upon recording a plan with the Recorder of Deed's office.

Duff made a motion to approve the waiver of land development for Carlisle Endoscopy conditioned upon recording a plan. Bryan G. seconded, and the vote in favor was 5-0.

Brian O. attached a Stormwater Management Operation and Maintenance Agreement for the Saint Patrick School Steam Addition. He stated that it has the Township's standard language with specific maintenance and operations procedures for the actual measures which are being used. He added that he has reviewed it and is recommending approval.

Ron made a motion to approve the Stormwater Management O & M Agreement for Saint Patrick School Steam Addition, #20220027. Duff seconded, and the vote in favor was 5-0.

Lastly, the Township received a request for a reduction in the amount of security for Cambria Place, #20220006 based upon the percentage of items that have been constructed so far. The amount of the reduction would be \$915,861.43.

Bryan G. made a motion to approve a reduction of security in the amount of \$915,861.43 for Cambria Place, #20220006. Shelly seconded, and the vote in favor was 5-0.

COMMUNITY DEVELOPMENT REPORT:

Time extensions have been granted for the following plans:

- Westmooreland Phase I Final Subdivision & Land Development Plan #20170007 – June 28, 2023
- 28 Westminster Drive Final Minor Land Development Plan #20210003 – June 9, 2023
- Rogelio & Kelly Perez Conditional Use #20230005 – May 26, 2023

Shelly made a motion to accept the time extensions. Ron seconded, and the vote in favor was 5-0.

Tim explained that on March 16, 2023, the Township received an application for the Agricultural Security Area. This application was previously approved and recorded in 1995. Due to a clerical error, the applicant must reapply in order to be granted into the State land preservation program. A public notice, stating that the Township received an application, was advertised on March 22, 2023. In order to hold an Agricultural Area Security meeting, the Board of Supervisors will need to appoint the new committee members. They are as follows: Timothy Shughart, Matthew Steiman, Corey Carothers, Shelly Capozzi (BOS representative), and Bryan Gembusia (resident).

Duff made a motion to approve the Agricultural Security Area appointments. Bryan G. seconded, and the vote in favor was 5-0.

Tim also explained that the draft decision for the Dickinson College Conditional Use has been provided for their review. If there are no comments, the decision is ready for the Chairman's signature.

MANAGER REPORT:

Cory explained that the Township is in the process of negotiating for the acquisition of two residential properties near the Airport. It is our intention to eventually receive reimbursement from the Commonwealth, if/when we do acquire them. A requirement, to receive such a reimbursement, would be receiving an appraisal from a PennDOT-certified appraiser.

Ron made a motion to approve appointing at least 2 PennDOT-approved appraisers for the acquisition of properties near the Carlisle Airport. Duff seconded, and the vote in favor was 5-0.

Cory also explained that the Township received a request from Salzmann-Hughes for an increase in the timeframe of the retainer for their work related to the Carlisle Airport, through 2025. He added that the extension is due to the ongoing work related to that project.

Bryan G. made a motion to approve the Salzmann-Hughes retainer. Shelly seconded, and the vote in favor was 5-0.

The Township also received a request from GMS Funding Solutions for an increase in their retainer for work related to the Carlisle Airport (similar in rationale to the Salzmann-Hughes' request). Rick added that GMS has helped with the acquisition of over \$11 million in grants.

Shelly made a motion to approve the GMS Funding Solutions contract amendment. Ron seconded, and the vote in favor was 5-0.

In November 2022, the Parks and Recreation Board recommended officially naming the property at 4 East Front Street, “Children’s Lake Park”. This is the parcel on which the former ATC building stands. Action from the Board will make the recommended name the official name.

Duff made a motion to approve the naming of Children’s Lake Park. Bryan G. seconded, and the vote in favor was 5-0.

Lastly, Cory stated that the Township and Authority were both successful in their recent grant application under the State’s Local Share Account. The Township will receive \$500,000 for the Fair Oaks Community Center project and the Municipal Authority will receive \$750,000 for the South Spring Garden Street Water Line Extension project. Cory added his appreciation to Bryan Salzmann, GMS, Township staff such as Kurt, Brian O. and Sarah; as well as to our legislative delegation, in particular Senator Rothman and Representative Kutz.

PUBLIC INPUT:

Janet Longenecker, York Road, asked if the Wolf Farm Soccer Fields Conditional Use hearing was still scheduled for April 13th, even though the lot alteration was denied. Tim stated that yes, it is still scheduled; and added that it was 2 separate applications, so they stand alone during the approval process. Mrs. Longenecker stated that she will be out of town and asked if there was a way to call or zoom in. The Board replied that unfortunately there is not.

SUPERVISORS DISCUSSION:

There was no supervisor’s discussion.

BILLS FOR PAYMENT:

Ron made a motion to pay the bills. Duff seconded, and the vote in favor was 5-0.

ADJOURNMENT:

Bryan G. made a motion to adjourn the meeting at 7:02 p.m. Shelly seconded, and the vote in favor was 5-0.

WITNESS:

Ali Wood

Ali M. Wood, Recording Secretary

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Walter G. Reighard

Walter G. Reighard, Chairman

Shelly L. Capozzi

Shelly L. Capozzi, Vice Chairperson

Bryan A. Gembusia

Bryan A. Gembusia, Member

R. Duff Manweiler

R. Duff Manweiler, Member

Ronald P. Hamilton

Ronald P. Hamilton, Member