

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
MARCH 15, 2005
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ROLL CALL	<p>SUPERVISORS – Robert Schopfer, Kevin Zinn, Calvin Hipp, Jeffrey Murphy, and Robert Faulkner</p> <p>ATTENDEES – Dianne Price, Faye Romberger, Mark Hilson, Jennifer Hipp, Mike Baim, John Herrold, Esther Warehime, Levi Filepas, Brad Pealer, Peggie Williams, Robert Schrift, Carrie Schrift, Doug Speck, Jill Speck, Robert Watkins, Richard L. Fyler, James Saltzer, Connie Trostle, Marlin Trostle, Rhoche Cullings, Carol Turner, Gordon Cullings, Brad Fyler, Deana Weaver, Beth Shoop, Jeff Betzel, Debbi Betzel, Traci Cook, Al Gruger, Joann Fyler, Kim Anderson, John Lenahrn, Catherine Pealer, Elaine Nubler, Greg Lebo, Lois Conrady, Rachel Conrady, Maureen Wilson, Lorin Weigard, Doug Zook, Eric Johnston, Joe Guty, Ron Rudy, Terry Burger, Joanne Fyler, Kim Anderson, Joh L, Catherine Pealer, Elaine Nublic, Greg Lebo, Lois Conrady, Rachel Conrady, Robert Schrift, Carrie Schrift, Maureen Wilson, Ron Rudy, Terry Burger, and Bill Turner</p>
CALL TO ORDER	<p>Chairman Robert Faulkner called the regularly scheduled meeting of the Carroll Township Board of Supervisors to order at 6:31 p.m. The location of the meeting is at the Carroll Township Municipal Building, 555 Chestnut Grove Road, Dillsburg, Pennsylvania.</p>
EXECUTIVE SESSION	<p>Chairman Faulkner announced that the Board of Supervisors held a brief executive session prior to the start of the meeting to discuss pending legal matters.</p>
PUBLIC HEARING OPENED FOR ORDINANCE 2005-168	<p>It was moved by Supervisor Zinn, seconded by Supervisor Schopfer, and unanimously carried to open the Public Hearing for Ordinance Number 2005-168 at 6:32 p.m.</p> <p>Mark Hilson gave a brief introduction to Ordinance Number 2005-168.</p>

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PUBLIC HEARING
FOR ORDINANCE
2005-168
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Chairman Faulkner asked for a show of hands who are expecting to comment during the public comment period. There are six people expecting to speak and Chairman Faulkner asked them to please stand and state their names. They were Bill Turner, Deana Weaver, Brad Pealer, Richard Fyler, John Herrold, and Doug Zook. Chairman Faulkner asked the Secretary to call the names when it was their turn to speak. Please call the first speaker.

1. Deana Weaver, 47 Dogwood Lane, stated that Ordinance Number 2005-168 will permit by right a Super Center larger than 100,000 square feet. Non-restrictive ordinance only requires a 50' setback for the smallest of buildings, which is 40,000 square feet, and only provides a 150' setback from adjoining properties (100,000 square foot building). This ordinance is an over extension of our current ordinance as far as traffic. She stated that 100,000 square foot stores are not needed and the size limitations could be placed on a Conditional Use or Special Exception. This would allow the Board of Supervisors to customize each business that would what to come into Carroll Township. There are 9.23 sq. miles of flood plan in the area of the proposed shopping center. This shopping center sits right in the middle of this flood plan. She would like to see the Board of Supervisors enter into an Abandonment Ordinance.
2. Bill Turner, 28 Spend-A-Buck Drive, asked why the Township can't improve Ordinance Number 2004-164. Permit the shopping centers to be built by a Conditional Use or Special Exception. The appeal could be better and would add protective language. Why can't the Board improve Ordinance Number 2005-168 to add commercial building size limitation, building reuse requirements, as well as measuring the economic impact of these projects, building abandonment requirements, as well as developer funding for emergency first responder funding and control zoning.
3. Brad Pealer - pass

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4. Richard Fyler, York Road, is concerned by the traffic. Traffic funnels from Camp Ground Road, Spring Lane Road, Williams Grove Road, and Route 74 (York Road) in this area. Installing a traffic signal would only back up the traffic in this area. When there are heavy rains these areas have flooding problems. There has been several accidents and lawn damage from these accidents.
5. Doug Zook, Spend-A-Buck Drive, stated that at the Northern York Joint Comprehensive Plan meeting held in June 2004 he addressed sample ordinances and in July 2004 he submitted sample ordinances language to the Board of Supervisors. August 2004 he questioned when action would be expected on these sample ordinances. He would like to see the Board of Supervisors make the Ordinance stronger, put a cap on the size of the building, control the transportation container, traffic congestion, and make Shopping Centers a Conditional Use or Special Exception instead of by right. Delay the adoption of this Ordinance to make it stronger and still have the protection of Ordinance 2004-164.
6. John Herrold, Esquire, representing the Carroll Citizens Smart Growth. Mr. Herrold appeared before this Board in December before the adoption of Ordinance Number 2004-164. He is appearing again tonight to ask the Board of Supervisors to delay the passage of Ordinance Number 2005-168. His clients have several concerns about Ordinance Number 2005-168. They are concerned that this Ordinance allows Shopping Centers use by right in the Commercial Highway District. They are concerned about the Shopping Centers use by right must only comply with the minimum standards as set forth in the Carroll Township Zoning Ordinance. His clients are concerned by allowing Shopping Centers as a use by right the Township has lost the opportunity to impose specify standards to regulate shopping centers and protect the interest of the Township residents. They believe that by allowing Shopping Centers by use of right the Township has lost several opportunities to control the growth in Carroll Township. They believe by allowing Shopping Centers by a Special Exception Use allows the Township many opportunities to oppose specify

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standards on proposed developments. The Township could require fire standards, limit the size of stores, environmental impacts, limit hours of operation, screening, and parking standards. Special Exception Use is reserved for those land uses that have an impact on the district or the whole township. Mr. Herrold's clients feel it is in the best interest of the residents of Carroll Township that the developer should be required to submit an application for a Special Exception. A Conditional Use is also available which the Board of Supervisors would hear the matter instead of the Zoning Hearing Board. Mr. Herrold, on behalf of his clients and concerned citizens here tonight, is requesting that the Board of Supervisors do not take any further action on this proposed amendment tonight. That the Board revise the proposed amendment to allow the Shopping Centers use only by Special Exception or Conditional Use instead of use by right. That the Board appoint a Citizens Committee to assist the Board to develop standards for Shopping Centers as a Special Exception or Conditional Use. Then hold another public hearing to receive public comments on the revised proposal.

PUBLIC COMMENT
CLOSED

It was moved by Supervisor Murphy, seconded by Supervisor Hipp, and unanimously carried to close the public comment period.

ADOPT
ORDINANCE
2005-168
SHOPPING CENTERS

It was moved by Supervisor Murphy, seconded by Supervisor Hipp, and unanimously carried to adopt Ordinance Number 2005-168 an ordinance amending, changing and modifying the Carroll Township Zoning Ordinance by providing for and establishing regulations as follows: Commercial-Highway (C-H) District Regulations, specifically as to Permitted Uses; Definitions, specifically as to Definition of "Shopping Center"; Common Regulations applying to non-residential districts, specifically as to outdoor storage areas for transportable containers; and Supplemental Regulations, specifically as to Shopping Centers.

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BOARD COMMENT Chairman Faulkner asked Supervisors Murphy and Schopfer to get with the Township Engineer and several Members from the Planning Commission to review the information received tonight and report back to the Board.

Supervisor Schopfer stated that a lot of the items brought up tonight are in this Ordinance as well as in the previous Ordinance 2004-164 that was challenged by this Citizens Group.

Supervisor Zinn feels if the Township rescinds Ordinance Number 2005-168 the Township would be taking several steps backward. We now have a starting point and we can now add to the Ordinance to make it better.

CLOSE PUBLIC HEARING It was moved by Supervisor Schopfer, seconded by Supervisor Zinn, and unanimously carried to close the Public Hearing at 7:30 p.m.

Chairman Faulkner announced that we will be going into the regular meeting at this time and will accept any public comment at this time on any matter except on Ordinance 2005-168.

PUBLIC COMMENT Mike Baim, manager of Morris Pipe, is here tonight for some help. Last Friday one of his haulers was fined \$18,000.00 for using Ore Bank Road that has a weight limit of 10 Ton. All of his haulers use Ore Bank Road to Siddonsburg Road to his business. He is wondering how he can get trucks to his business. Right now he will have to send his trucks to York Springs to turn around and come back to Dillsburg, because no one will tell him where he can turn around. Mr. Baim had a meeting with Chief Francis today.

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APPROVAL OF
MINUTES

It was moved by Supervisor Schopfer, seconded by Supervisor Hipp, and unanimously carried to approve the following Board of Supervisors Meeting Minutes as submitted:

1. December 20, 2004 Public Hearing Minutes
2. December 21, 2004 Meeting Minutes
3. January 3, 2005 Re-organizational Minutes
4. January 10, 2005 Work Session Minutes
5. January 20, 2005 Meeting Minutes
6. February 7, 2005 Work Session Minutes
7. February 15, 2005 Meeting Minutes
8. March 7, 2005 Work Session Minutes

APPROVAL TO
PAY THE BILLS

It was moved by Supervisor Hipp, seconded by Supervisor Zinn, and unanimously carried to approve the payment of the bills up to and including March 15, 2005 in the amount of \$54,169.48.

POLICE REPORT

Chief John Francis presented the Police Report for February 2005.

Chief Francis stated that the speeding device on the trailer is from a grant. He also stated that he, Supervisor Zinn, and Cpl. Wargo had attended a Tazer Demo.

SELL POLICE
VEHICLE

It was moved by Supervisor Zinn, seconded by Supervisor Schopfer, and unanimously carried to sell the 1994 Chevy Caprice to HACC for \$2,000.00.

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ORE BANK ROAD
AND YELLOW
BREECHES PUMP
STATIONS
WAIVER

It was moved by Supervisor Schopfer, seconded by Supervisor Hipp, and unanimously carried to grant the waiver request on Section 708.b to substitute the standards of a Driveway for those of an Access Drive for the Ore Bank Road and Yellow Breeches Pump Station with the following conditions:

1. That the Ore Bank Road Pump Station driveway is paved and maintained as a paved driveway;
2. That the Yellow Breeches Pump Station driveway is paved from proposed Burlington Drive to the railroad crossing prior to issuance of building permits for lots 38 and 65 (lots adjoining the driveway) for Silverton Manor, and is maintained as a paved driveway.

PRELIMINARY
PLANS FOR
WINDY HEIGHTS

It was moved by Supervisor Murphy, seconded by Supervisor Schopfer, and unanimously carried to grant the following five waivers as per the February 10, 2005 Review Memorandum prepared by Mark Hilson, P.E.

1. SWMO Section 401.7.A (1) – pertaining to maximum water depth in Stormwater detention basins #2 – The maximum water depth in a Stormwater detention basin shall not exceed six (6) feet. The 100-year water depth reaches 6.46 feet and the 50-year water depth reaches 6.19 feet in Basin #2.
2. SWMO Section 401.7.A(1) – pertaining to maximum water depth in Stormwater detention Basins #3 – The maximum water depth in a Stormwater detention basin *shall not exceed six (6) feet. The 100-year water depth reaches 7.10 feet and the 50-year water depth reaches 6.49 feet in Basin #3.*
3. SLDO Section 703.c.3 – pertaining to straight course at intersections.
4. SLDO Section 703.j – pertaining to access by panhandle design.
5. SLDO Section 715.e.9 – pertaining to trees and vegetation

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PRELIMINARY
PLANS FOR
WINDY HEIGHTS
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It was moved by Supervisor Schopfer, seconded by Supervisor Zinn, and unanimously carried to conditionally approve the Preliminary Subdivision Plans for Windy Heights contingent upon addressing all the following comments in the February 10, 2005 Review Memorandum prepared by Mark Hilson, P.E.:

1. All certificates must be signed and sealed. (Section 501.b.6)
2. The submittal and evidence of approval from Dillsburg Borough regarding Grouse Lane and other limits of work extending into the Borough must be forwarded to the Township. (Section 501.C(4)(u))
3. When an approval letter is received from DAA indicating that there is no existing or projected organic or hydraulic overloads now or in the next 5 years, the Township can consider an exemption request for sewage planning. Or, provide a complete sewage planning module. (Section 502.a)
4. Provide a letter of approval from Dillsburg Area Authority for the extension of proposed sewer and water mains to the development. (Section 502.b)
5. Include the Old York Road improvements into the phase I of the phasing plan.
6. We acknowledge that the applicant is requesting that the obtainment of the PennDOT Declaration of Adequacy and Highway Occupancy Permit (HOP) be made as a condition of Preliminary Plan approval. We concur that this approval is appropriate as a condition; however, the Township does require the submittal of the actual HOP plans. Furthermore, there must be coordination between the existing and proposed Stormwater facilities and the installation of curb and sidewalk along Old York Road (Sections 307).
7. We acknowledge the Applicant's offer of a \$16,640 contribution toward signal construction. This is based on a \$130,000 signal cost. An opinion of probable construction cost is attached that shows the signal cost including all items appurtenant thereto is \$232,000. That makes the applicant contribution \$29,696.00

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PRELIMINARY
PLANS FOR
WINDY HEIGHTS
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8. All additional permits as required by local, state, and or federal agencies, tabled on Sheet 1, must be submitted for review. (Section 303.1.G)
9. We acknowledge that the applicant has submitted a copy of the Post Construction Stormwater Management Narrative for NPDES Requirements for Windy Heights. A copy of the Stormwater Discharge NPDES Permit shall be submitted to Carroll Township for review and the applicant must submit evidence of receipt of the NPDES Phase II permit for construction activities. In addition, the Erosion and Sedimentation Control Plan (E&SC) must be submitted to the Township. E&S approval from the York County Conservation District is required as part of preliminary planning, and proposed BMPs should be indicated on the plan. The obtainment of E&S approval can be made a condition of Preliminary Plan approval. (Sections 303Ee and 401.8).
10. We acknowledge that the applicant has added yard inlets. The grading to the inlets is a good first attempt. The yard swale at the rear of lots 150 through 154 should go towards inlet I-Z; the swale leading to inlet I-C (near lot 54) should extend to the rear of lot 59; the swale leading I-JJ should extend to the rear of lot 156; add an inlet between lot 165 and 170; provision must be made to drain the back yard of lot 15 and surrounding area; add an inlet at lot 79/80; add a yard swale along the rear of lots 77 & 78. (Section 401.6.E)
11. We acknowledge that the applicant has proposed additional inlets in the area of the 48" culvert; the new inlets must be added to the Storm Sewer Table in the Stormwater management report and on the plan along with a profile for each added to the plan.
12. A slope of 4:1 must be maintained in the area of the outlet control structure of Stormwater Basin #2.

Mr. Eric Johnston accepted the conditional approval on behalf of Harry Fox, Jr.

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FINAL LAND
DEVELOPMENT
PLANS FOR
LOBAR INC.
STORAGE BLDG.

It was moved by Supervisor Faulkner, seconded by Supervisor Murphy, and unanimously carried to grant the following waiver requests as per the February 9, 2005 Comment Memorandum prepared by Mark Hilson, P.E.:

1. Section 501.b.1 – pertaining to Site Context Map
2. Section 502.b – pertaining to Erosion Control Plan
3. Section 708.e – pertaining to Curbs – interior of site.

It was moved by Supervisor Schopfer, seconded by Supervisor Murphy, and unanimously carried to waive Section 708.a 2 & 7 pertaining to Paving of Vehicular Parking Areas contingent upon adding a note to the plan that the area must be paved and Stormwater Management facilities constructed upon notification by the Township, should the use of the area differ from construction vehicle/material storage.

It was moved by Supervisor Schopfer, seconded by Supervisor Murphy, and unanimously carried to waive Section 708.d pertaining to Sidewalks contingent upon the sidewalk being extended to Barlo Circle and that the plans are revised to show that.

It was moved by Supervisor Schopfer, seconded by Supervisor Murphy, and unanimously carried to conditionally approve the Final Land Development Plans for Lobar, Inc. Storage Building contingent upon addressing the following comments in the February 9, 2005 Comment Memorandum prepared by Mark Hilson, P.E.:

1. All certificates must be signed and sealed (Delete the 6th BOS signature line). (Section 501.b.6)
2. Provide an estimate of, and then establish financial security for completion of public improvements.
3. Provide a fee in lieu of dedication of recreational area. The current fee is \$1000/acre, or fraction thereof, located within the Township. (Section 706.c.3)
4. Provide a legal description for the dedication of Old Mill Road Right-Of-Way.

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FINAL LAND
DEVELOPMENT
PLANS FOR
LOBAR INC.
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5. The plan must note that the curb is to extend to meet and match the existing curb in the area of Hardees and that the paving section for widening is 1 ½" ID-2 Wearing, 3" BCBC and 8" 2A, over a compacted subgrade.
6. Provide lot line markers at the dedicated right-of-way line.
7. Revise the Landscaping plan according to the markup enclosed with this letter, and reference it on the over sheet.

Mr. Steve Marguess accepted the conditional approval on behalf of Lobar, Inc.

FINAL SUBDIVISION
FOR LESLEY AND
FRANK BAIR
TIME EXTENSION

It was moved by Supervisor Schopfer, seconded by Supervisor Hipp, and unanimously carried to accept the extension granted by Lesley & Frank Bair until May 17, 2005 to review their Final Subdivision Plans.

HOLLY HILLS
SURETY RELEASED

It was moved by Supervisor Murphy, seconded by Supervisor Hipp, and carried to release \$159,551.10 from the Holly Hills project surety as per February 23, 2005 Review Memorandum prepared by Mark Hilson, P.E. This will be a reduction of surety from \$1,242,367.84 to \$1,082,816.74.

Supervisor Schopfer abstained from the vote, because his Employer did the engineering for this project.

SOUTH MOUNTAIN
ESTATES PHASE II
SURETY RELEASE
DENIED

It was moved by Supervisor Schopfer, seconded by Supervisor Zinn, and unanimously carried to deny Donco Construction, Inc. request to release \$2,000.00 from the South Mountain Estates Phase II Letter of Credit #276 to cover the completion of the swale in Phase I.

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SOLICITOR
COMMENTS

Jennifer Hipp, Esquire, stated the Ordinance Number 2005-168 Shopping Center was addressed at the Public Hearing.

The Township is working very hard with Mr. Gearhart to settle this Agreement. The outstanding issues are:

1. Updated Construction Cost; and
2. Signed Agreement

The stay action expires this month on March 17, 2005. Carroll Township will continue to work to resolve this matter.

RESOLUTION
2005-11
EQUESTRIAN
MANOR HOUSE
NUMBERING
SYSTEM

It was moved by Supervisor Zinn, seconded by Supervisor Schopfer, and unanimously carried to adopt Resolution Number 2005-11 setting the Official House Numbering System for Equestrian Manor Development as submitted by the Developer.

SELL HIGHWAY
EQUIPMENT TO
MONAGHAN
TOWNSHIP

It was moved by Supervisor Murphy, seconded by Supervisor Zinn, and unanimously carried to sell the following Highway Department Equipment to Monaghan Township:

1. 1986 Ford F-150 4X4 Pick-Up Truck with Myers Snow Plow for \$1,500.00
2. Blaw Knox RW35 Road Widener for \$1,000.00

HMMS YOUTH
SOCCER ASSOC.
TOURNAMENT

It was moved by Supervisor Murphy, seconded by Supervisor Hipp, and unanimously carried to authorize HMMS Youth Soccer Association to use the Township Soccer fields for their Tournament contingent upon working out the schedule with Dillsburg Area Soccer Club and providing the Township with a copy of their Certificate of Insurance.

CARROLL MANOR
PUMPING
SCHEDULE

No action was taken, but the Board of Supervisors stated that the Ore Bank Road Pump Station is at least one year off. The Board of Supervisors will revisit this matter in July to see if the pump station construction has begun.

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RESOLUTION
2005-12

SOUTH MOUNTAIN
PHASE III HOUSE
NUMBERING
SYSTEM

It was moved by Supervisor Murphy, seconded by Supervisor Schopfer, and unanimously carried to adopt Resolution Number 2005-12 setting the Official House Numbering System for South Mountain Estates Phase III as per submitted by the Developer.

COMMITTEE
REPORTS

Police - Supervisor Zinn stated that the room is completed in the Police Department.

Recreation – Supervisor Faulkner stated that they will be meeting tomorrow night.

Dillsburg Area Authority – Mark Hilson stated that DAA is working on their Chapter 94 Report and they are scheduling the sewer projects.

ADJOURNMENT

It was moved by Supervisor Zinn, seconded by Supervisor Schopfer, and unanimously carried to adjourn the meeting at 8:11 p.m.

Respectfully submitted,


Faye L. Romberger, Secretary