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FACSIMILE COVER SHEET

DATED: 3/9/09

TO:

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FROM:

J. Dwight Yoder

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MESSAGE: See Correspondence

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March 9, 2009

VIA FACSIMILE

Carroll Township Board of Supervisors
Carroll Township Municipal Building
555 Chestnut Grove Road
Dillsburg, PA 17019

Re: South Mountain Commons

Dear Board of Supervisors:

I understand that you will be reviewing a request by Lobar Properties for another three month extension for Lobar to submit new land development plans for the South Mountain Commons Development. We are completely opposed to this request and ask that the Supervisors take official action to deny the plans based upon the specific reasons set forth in Judge Linebaugh's September 10, 2008 decision. As you know, Judge Linebaugh concluded that the subdivision plan submitted by Lobar violated the requirements in the Township's ordinances and, therefore, the Board should have denied the plan. Lobar has had six months to address the Judge's decision, but has failed to do so. Mr. Hedin provides no reason for requesting another three month extension nor indicated what work, if any, Lobar has done since last September. Furthermore, Lobar has not made any submissions to the Township since Judge Linebaugh's decision.

If it was not apparent before, it certainly is now clear that Lobar is simply trying to avoid the application of the current provisions of the SALDO and Zoning Ordinance. That is not a legitimate basis for seeking and granting endless continuances. In fact, in my opinion to further delay taking action on this plan violates the provisions of the MPC, the Township's SALDO and undermines the integrity of the amendments the Supervisors adopted last year. The Supervisors have an obligation to the community to adopt ordinances that protect the safety, health and welfare. To allow a developer to circumvent important zoning amendments by manipulating the process undermines this very purpose and sets a very dangerous precedent. It is important to note that these plans were dated June 6, 2005 and have not been revised since April of 2007.

The Supervisors gave Lobar every opportunity to address Judge Linebaugh's decision, but Lobar has refused to do so. It is now time for the Supervisors to take action on Lobar's subdivision plans for South Mountain Commons by denying the plans based on the reasons set forth in Judge Linebaugh's decision.

Thank you for your consideration of this matter.

Gibbel Kraybill & Hess LLP
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CELEBRATING 30 YEARS – 1977-2007

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Very truly yours,


J. Dwight Yoder

JDY/kasm

cc: Steven A. Stine, Esquire (via facsimile)
David R. Getz, Esquire (via facsimile)
Clients (via email)