

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
SPECIAL MEETING MINUTES
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It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to grant the waiver request for Section 705.h. pertaining to Double Fronting Lots. As proposed, two of the lots (Parcel one and two) would front on the relocated Route 74 and Old Route 74. One of the lots would front on US 15, and the relocated Route 74. It is correct that the prohibition of double fronting lots is more typically associated with residential subdivisions.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and carried to grant the waiver request for Section 715.b.3 pertaining to Maximum slope within a landscape buffer of 25%. A waiver is requested to exceed the maximum slope of 25% within a landscape buffer, to avoid wetland impacts in the area of relocated 74 and YMCA Drive. (The plan shows a 25% slope in the area of detention ponds 1, 2, and 4 per previous review letter.) It appears the 25% slope requirement could be met in some of the areas where wetlands would not be affected. Also, this waiver does affect the second northbound Relocated 74 through lane construction in that the roadway may encroach into some wetlands and possibly into some detention ponds unless the embankments are set at 3:1 instead of 4:1. The exact encroachment is not quantified. In general it seems reasonable to waive this requirement provided it is demonstrated that the area is minimized. This waiver request is for YMCA Drive area only.

Supervisor Turner voted no.

Dwight Yoder, Esquire, representing the Pealer's and Carroll Citizens for Sensible Growth, questioned if the waiver will minimized the wetland impact. Also, questioned if new Rt. 74 could be relocated further to the west. Mr. Yoder feels that the applicant should identify which waivers are a hardship due to the lay of the land and which are a self inflicted hardship to maximize the development site for this project.

David Getz, Esquire, representing JZCM, stated that PennDOT moved the intersection to this location to minimize the wetland impacts.

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It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to grant the waiver request for Section 708.b pertaining to Access Drive requirements. A waiver is requested to construct a 12' wide access drive without curbing to the proposed pump station. We have had two pump stations constructed recently. The access drive as proposed with this plan is consistent with both of those.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to conditionally grant the waiver request for Section 708.b pertaining to Access Drive requirement. As a separate issue, a waiver is requested to extend the existing access drives from the existing commercial uses along Rt 74 at the northern end of the site. Concerns have been raised over the plan regarding the two proposed commercial driveways and one residential driveway entering Rte 74 in close proximity, and on a curve. It seems that if the access can not be consolidated at this time, then notes on the plan obligating the property owners to execute necessary agreements, and identifying the future improvements and when they would apply would be prudent. If the consolidation of the access was worked out to the fullest extent possible as a condition of this waiver (excluding the Griffith property), the Board of Supervisors will conditionally grant the waiver request.

Dwight Yoder questioned where the zoning line runs along these properties.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to conditionally grant the waiver request for Section 708.e pertaining to Curb along existing street frontage. A waiver is requested to allow no curbing along US 15 north of the existing parcels (the paintball shop) on US 15. The waiver application points out that the area in question is adjacent to a conservation easement where development is restricted. The BOS at the last meeting indicated that a waiver of the requirement made sense provided a fee in lieu of the curbing was provided. The fee has been estimated at \$13,000. Therefore, the Board of Supervisors is

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granting the waiver request with the condition that the fee is paid prior to recordation of the final plan.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to conditionally grant the waiver request for Section 708.d. pertaining to Sidewalks. A waiver is requested from the requirement to provide sidewalks along existing and proposed streets. The plan now shows a pedestrian/multi-use trail. It is noted that some of the areas labeled trail are proposed to be mowed grass. The application includes two 11"x 17" plan views showing the various trail, sidewalks, and no sidewalk areas for reference. A cost opinion of the trails being proposed was reviewed and found that the cost of the trails is roughly equivalent to the cost of sidewalk. One issue that must be considered is that of ADA accessibility. It is important that access is provided along potential pedestrian routes which should include some accessibility through the conservation area and to any area north on US 15. If ADA compliance can be documented by changing some of the grass trails to an improved surface, then the Board of Supervisors will grant the waiver request with this condition.

Deana Weaver questioned who will maintain the trails and what if the LLP goes away.

David Getz stated whoever the owners of the Association or the property are responsible to maintain the trails. Owners cannot go away.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to grant the waiver request for Section 1202.e pertaining to Disturbance to Steep Slopes. A waiver is requested from the requirement restricting disturbance to steep slopes (15 to 25%). The plan proposes regrading a 0.3 acre portion of the site for relocated Route 74. Since the area in question is small, and there are no technical or construction issues related to regrading this area, the Board of Supervisors will grant the waiver request.

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Dwight Yoder stated this waiver request is for construction reasons instead hardship of site issues. He is recommending the waiver request not be accepted.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to grant the waiver request for Section 715.F. pertaining to Street Tree location. A waiver is requested to allow placement of trees other than within a treelawn along Route 15. The applicant proposes planting approximately 2 trees within the conservation easement for each required tree along US 15. Since this waiver applies only to US 15 and no other areas of the site, and since US 15 is not suited for street trees, the Board of Supervisors will grant the waiver request.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to conditionally grant the waiver request for Section 502.H pertaining to Jurisdictional Determination of wetlands by Army Corps of Engineers. A waiver is requested from the requirement to provide the JD by the USACOE for the extension of utilities to/from the site. Since the JD will be done by USACOE as a part of the permit process, the Board of Supervisors is granting the waiver request with the condition that the wetlands shown on the Warehime parcel be established as shown on the wetland delineation performed by GTS, as a minimum for all future development on that tract.

Dwight Yoder stated he didn't know that the West side of Old Route 74 was part of this subdivision plan.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and carried to grant the waiver request for Section 1202.1.c.1. pertaining to Disturbance to Wetlands. A waiver is requested from the requirement to avoid disturbance of wetlands. The project contains approximately 11 acres of wetlands, with approximately one-half acre being disturbed. The plan proposes the creation of approximately three and one-half acres of replacement wetlands. Since the design has minimized disruption of both wetlands and the buffer zone and

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includes substantial wetland replacement areas, the Board of Supervisors is granting the waiver request.

Supervisor Turner voted no.

Deana Weaver questioned the way the waiver requests are being handled. She stated that with this waiver it is to accommodate the plan not the hardship of the land. The Ordinances are set up to protect the public health, safety, and welfare of the community and it is the Supervisors charge to do so accordingly. The community is expecting the Supervisors to enforce these Ordinances to protect those residents that live in and near the flood plain. The area cannot sustain an additional 19,000 vehicles per day. She questioned if her taxes will go down. She asked the Supervisors if they would guarantee that our emergency services and traffic conditions are going to improve. She also submitted a petition against the plan with one hundred forty signatures, which includes fifty signatures from Carroll Township Residents.

Levi Filepas questioned Mrs. Weaver comment about the amount of vehicles per day. Taxes should decrease. Lobar has contributed more money to this community than anyone else. What has Giant done? He also stated that Wal Mart is the largest contributor of all of the retail stores. They were the largest contributor to the War World II Veterans Memorial in Washington D.C. They add to the communities. The increase in taxes from this property will take care of the emergency services.

Hank Snyder, Mayor of Dillsburg Borough, would like the Board to consider the cost to the Fire Company with this commercial property. He would hope, if this is passed, that the Township would make additional money available for the Fire Company, because over half of their calls are to Carroll Township.

Stan Binner stated he has been a resident of Carroll Township for over 40 plus year. He has read the article in the Banner. He does not know where they got their information. Mr.

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Binner stated he reads the newspaper daily. Silver Springs Police Department has a Police Report in the Harrisburg paper daily and he has not seen any fires or emergencies at the Wal Mart shopping centers in the last two or three years. But every day in a housing development they have robberies, fires, and someone is getting killed. If we don't get South Mountain Commons, we are going to get another housing development, which we don't need. He also stated he could get a thousand signatures that are in favor of the plan.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to grant the waiver request for SWMO Section 403.4 pertaining to 15' Riparian Buffer Zone from Wetlands. A waiver is requested from the requirement to provide a 15' wide riparian buffer zone from wetlands. Since the design has minimized disruption of both wetlands and the buffer zone, and since the most disturbance within the buffer zone is associated with wetland mitigation that is designed to enhance and expand the wetlands on the site, the Board of Supervisors is granting the waiver request.

Dwight Yoder stated this waiver request is for construction reasons instead of hardship of site issues. He is recommending that the waiver request not be accepted.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and carried to conditionally grant the waiver request for SWMO Section 401.2.A pertaining to No increase in volume of runoff from the 2 year storm. A waiver is requested from the requirement to provide no increase in the volume of stormwater runoff for up to the 2 year 24 hour rainfall. In the past the Township has granted a waiver of this requirement and accepted a fee in lieu of the improvement. In this case the volume of stormwater is based on the roadway impervious and good grass going to a poor grass coverage where excavation is occurring. This waiver does not apply to the future land development of the individual lots. The fee offered by the applicant is \$60,000. The Board of Supervisors will grant the waiver request with the condition that the fee is paid prior to recordation of the final plan.

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Supervisors Turner and Murphy voted no.

Brad Pealer stated the money amount is not enough. The amount offered would not replace his garage if there was a problem. Mr. Pealer trusts Mark Hilson and GTS that they have done their homework and worked this all out. Mr. Pealer stated he will be the first person to find out if this does work or not.

Supervisor Turner question if this fee has to be used in this development.

Mark Hilson and Chairman Faulkner stated that this fee in lieu of should be spent in this watershed.

Dwight Yoder stated the stormwater management and traffic are the two biggest concerns. The concern he has with this waiver is the applicant has only asked to manage the water for the relocated Route 74. Just the relocation of this road will increase the volume and could cause flooding.

Kate Mershimer questioned if this waiver request is for the road only, and would each lot developed be asking for the same waiver request. Ms. Mershimer feels we should not be granting waiver requests for runoff that could damage the community and the environment. She is requesting that the Board not grant this waiver.

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to grant the waiver request for SWMO Sections 401.7.A(10), 403.2 and 403.3. A waiver is requested from requirements to have traditional detention pond features to allow the on-line detention/retention flood control stream stabilization system. Items such as concrete box outlet structures, low flow channels, disturbance to the RBZ, etc, can not be accomplished with an on-line detention facility. The benefits of this facility were reviewed at a recent PC and BOS meeting, and include among other things provision of open water thereby diversifying wildlife habitat. Therefore, the Board of Supervisors will grant the waiver request.

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It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and carried to conditionally approve the Preliminary Subdivision Plans for South Mountain Commons contingent upon addressing all of the following comments in Mark Hilson's Memo dated March 29, 2007:

***SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE***

1. All certificates and signature blocks must be signed and sealed. (Section 501.c(5)(c).
2. Provide approval from YCCD for the E&SC plan. (Section 502.b and SWMO Section 303.1.E and 303.1.F(3)) Also, provide an approved NPDES permit and show all PCSWM (Post Construction Stormwater Management) plan requirements. (Section 502.b and 502.e and SWMO Section 303.1.G and Section 401.5 and 401.8)
3. Provide required permits for wetland encroachments and stream crossings. (SWMO Section 303.1.G)
4. Provide a copy of the complete revised planning module. The review fee for DEP must be paid, and the appropriate sections of the Module signed. The planning module, and the plan, must be revised to match the feasibility study. In other words, in order for the Township to adopt the planning module the service limits must be consistent with the feasibility study and comprehensive plan for sewer service areas, unless there is a sewage need area. (The service area shown on sheet 499 is correct, but it needs to be added to the planning module.) (Section 502.a.(1)).
5. Provide PennDOT HOP permit application drawings for all proposed improvements and provide PennDOT approved HOP. Revise the notes of the applicant's response to include only lot 10 as expressed at the BOS meeting, and revise note 57 to include condition with the Preliminary Plan.

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6. Show other utilities proposed on the site. (Provide the “W” series drawings that were previously included in the plan submittals and show the watermain at the edge of pavement per the note on the cover sheet. It appears feasible to install existing overhead electric underground. Previous responses indicated that it is not economically feasible to locate the overhead utilities underground. Provide documentation that verifies that the utility is not feasible to place underground per the response. The current response is that it is not an Ordinance requirement. The Ordinance does not distinguish between proposed and existing utilities, and it seems likely that modifications to the overhead utility will be necessary to service the proposed use.)
7. Grading/improvements are shown on existing lot 11. Provide an easement executed by the property owner for the construction on the property. The response is acknowledged that an “intent to exercise an agreement” is included. However the letter from Crain does not indicate an intent to exercise an agreement. It indicates a willingness of Lobar Associates to work with the property owner to resolve the situation. It is not recommended that the Township approve a plan without the express consent of the landowner.
8. Since the Warehime parcel contains a pump station, and since DAA requirements require a building to be constructed with the pump station, a land development plan must be prepared and approved by the Township for this subdivision plan to be approved.

TRAFFIC

9. The applicant shall execute the Traffic Signal Agreement as approved by the Township Solicitor and provided by the applicant in draft form which obligates the Developer to maintenance and repair of the two new on site signals.
10. Provide a plan and traffic study that addresses the review comments of Grove Miller dated March 27, 2007 to the Township’s satisfaction.

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11. All traffic improvements must be shown with the Preliminary Plan. (Section 714.e) (Response is acknowledged however, some proposed improvements are not shown on the plan, and some improvements may need to be modified once the Grove Miller traffic comments are addressed.)
12. The Preliminary plans now note that a second northbound lane is provided between the access drive signal and YMCA drive. If the BOS is inclined to conditionally approve the plan the note should be modified to ensure that this lane shall be placed toward the outside of the proposed road so as not to adversely affect the proposed median, and the note modified to indicate it is a condition of Preliminary Plan approval.
13. The right turn lane on US 15 appears to be too short. The length must be extended to allow vehicles to access the turn lane when through traffic is queuing at the signal. It appears there would be impacts to the existing access drive which enters US 15 at the end of the proposed right turn lane and it is unclear if sufficient existing right-of-way exists to make the turn lane long enough. The applicant is proposing a fee in lieu of making the lane longer. This may be a reasonable approach; however the fee offered will not cover the cost of the required improvement.
14. The short stacking distance for left turns from relocated 74 to YMCA Drive appears sufficient for the scope of this plan. However development of the Warehime parcel (see comment referring to Land Development Plan submittal of Warehime parcel) may cause the intersection to become deficient. Since it is an offsite intersection and Route 74 will become a Township road, the Township will not be in as strong of a position to have the intersection redesigned and improved. It may be possible to add a note to the plan and to the HOP application which would state that no action will be taken that will cause existing RT 74 to become a Township Road until such time as Land

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Development is completed for the Warehime and Lefever Parcels. It would be my understanding that PennDOT's refusal to accept the timing of this together with the Applicant's refusal to make the Township required traffic improvements to off-site intersections/roads would be a material change to the approved preliminary plan. Applicant shall develop lots consistent with the Traffic Study maintaining levels of service or making other Township required traffic improvements to off-site intersections or roads.

15. Concern has been raised about the right turns directly from the US 15 through lanes onto old Route 74, and right turns from existing Route 74 to US 15 southbound – especially given the very short distance to the proposed left turn lane to Baltimore Street. The intersection will have to be redesigned to limit access or eliminate the intersection. The design of this intersection will have to be provided to PennDOT as a part of the HOP process, and the Township must be included with all HOP submittal information. Ultimately this closure or modification of existing RT 74 and RT 15 intersection will be at the discretion of PennDOT. The modifications may include a right-in only with no right out or complete closure. If a right in is allowed, provision for right turns to get out of the through lanes should be included. If the BOS is inclined to provide a conditional approval, then a note on the current plan set to this effect should be included on the plan. Also all traffic improvements must be shown with the preliminary plan, so ultimately the Township will have a check to ensure the intersection is modified. (A note has been added to indicate the intersection will be modified and worked out in the HOP process, however the note must be modified to meet the lane configuration requirements of this comment).
16. The applicant has proposed making a 'fair share' contribution towards traffic improvements in the amount of \$390,000.00. All of the traffic

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improvements that are subject to this contribution are off site with the exception of the extension of the right turn lane at US 15 and all are shown on the attached spreadsheet. It is possible that PennDOT will compel the developer to construct all of the improvements as a part of the HOP, as opposed to participating in a share of the improvements. In that event, it should be construed that constructing the entire improvement is preferred, and satisfies the pro-rata share for that particular improvement.

Also, it is recommended the Board of Supervisors continue to budget towards the intersection improvements on a yearly basis, since we are aware of the projects' need.

17. Crane Properties must execute and submit the Crane Easement for these properties.

STORMWATER ORDINANCE

18. The proposed floodplain analysis is acceptable contingent upon applicant providing property owner permission, in a form acceptable to the Township Solicitor for the properties downstream from the abandoned railroad, must be obtained for all properties affected by the diversion of the 100-year overflow at existing Route 74.

Supervisor Turner voted no.

Mark Hilson's Comment No. 5

Dwight Yoder stated the Highway Occupancy Permit (HOP) application must be submitted to PennDOT in the Preliminary stage as per SLDO. He understands this has not happened yet. Wants to know why the HOP has not been submitted?

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Mike Adams a representative from Lobar Properties stated the plans that are attached to the study will be the plans that will be utilized for the HOP. The traffic impact study has already been approved by PennDOT.

Mark Hilson's Comment No. 7

Dwight Yoder objects to the Board of Supervisors taking action without a signed easement.

Mark Hilson's Comment No. 10

Dwight Yoder stated that he has concerns that the Township Engineer has not had the time to review Lobar's comments that were just sent in today to Grove Miller's comment letter dated March 27, 2007. He cannot see how the Board can take action tonight, when the comments were just received today. In terms to the traffic impact study, the SLDO makes it very clear what has to be in that study. Mr. Yoder stated Section 714.d.(2)(c), Existing Traffic Conditions, had not been done by the Applicant. They just want Lobar to do what the ordinance requires.

Jim Cullison, Trans Assoc., stated he disagrees with Mr. Yoder's comments.

Deana Weaver questioned the 2005 traffic data, when was this data taken 2004 or 2005.

Levis Filepas questioned if we are going to generate more traffic in this area then what is current on U.S. Rt. 15.

Mark Hilson's Comment No. 11

Dwight Yoder stated No. 11 was a waiver request.

Mark Hilson stated the comment stays and the waiver request was withdrawn. The comments will be shown on the plan. Mr. Hilson stated this should be shown in the minutes.

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Mark Hilson's Comment No. 13

Jim Cullison stated about 15% of the time stacking would block that right turn lane with the proposed 250' long. They feel that the extra 100 foot is not needed for that lane.

Dwight Yoder questioned what time of day this 15% stacking would occur.

Kate Mershimer stated that the Township should not be accepting any fee in lieu of and should make Lobar extend that right turn lane to 350'.

Mark Hilson's Comment No. 16

Dwight Yoder is concerned about the traffic with the build-out of the property. Are off site improvements anything not fronting lot 1? He is concerned about how this traffic study is being used.

Other Comments

Dwight Yoder objected to the conditional approval of the Preliminary Subdivision Plan.

David Getz stated he believes that they have addressed the traffic study issues. Mr. Getz accepted the conditions as discussed tonight.

EXECUTIVE
SESSION

Chairman Faulkner announced the Board will be going into Executive Session to discuss contract matters. No decisions will be made and they will not reconvene.

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ADJOURNMENT

It was moved by Supervisor Schopfer, seconded by Supervisor Graham, and unanimously carried to adjourn the meeting at 9:27 p.m.

Respectfully submitted,

Faye L. Romberger, Secretary