

CARROLL TOWNSHIP

South Mountain Commons plans denied

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Staff Reporter/Dillsburg Banner

The 5-year battle to bring a major commercial center to Northern York County hit another stumbling block on June 8 when Carroll Township supervisors denied approval of the preliminary plans at South Mountain Commons, a 130 acre complex proposed for property at the junction of Routes 74 and 15.

"This could have gone differently," said supervisor Bob Faulkner after the meeting.

"It was the way they [the developers] went about it," supervisor Nancy Livingston said.

She was referring to the 9 months of silence from the developer, Lobar Associates, which followed a Sept. 2008 court decision remanding the supervisors to revisit their April 2007 decision to approve this plan. The board has been waiting to see a new version of the plan addressing the issues brought up by Judge Steven Linebaugh, who ruled that the supervisors wrongly gave three waivers to the plan.

On the evening the plan was to be acted upon, Lobar sent three representatives, two of which had never been seen before by the township, to make a last minute plea.

"I can't speak for the board," said township manger Dianne Price, "but they shouldn't have sprung this on the board. It didn't help their case."

Attorney George Pallas, of the New Jersey based law firm Cohen, Seglias, Pallas, Greenhall and Furman, spoke on behalf of Lobar stating that Lobar felt the judge had made

the correct decision on the three items he found fault with 9 months ago, but they interpreted the judge's decision to say that these items were to be dealt with during the land development plan or the final plan approval process.

"These issues should be treated as three more conditions on the plan," said Pallas.

He also explained that Lobar was not opposed to these issues, nor were they taking them lightly, but felt these items could be dealt with at a later time and not during the subdivision stage where the developers were merely delineating the lots. Pallas explained Lobar had not contacted the township because they had felt no need to.

But according to township Engineer Mark Hilson, Lobar representatives had spoken to him several times last fall in regards to some ordinances they would like the township to pass. Hilson said each of these ordinances would have benefited the developer. Lobar's suggested ordinances were not acted on by the township, there had been no contact since then and no updated plans submitted addressing the judges concerns.

Supervisor Paul Walters asked Pallas to understand that the supervisors were upset by the lack of good faith communication or action.

Pallas also argued that the supervisors should not let the loud objections of Carroll Citizens for Sensible Growth hold up this plan any longer. He referred to them as "the

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See SMC

unincorporated group with the number of members that have never been known" who supported growth "in what they believe is the rural characteristics of the township." But he contended that their real problem was with a proposed Wal-Mart.

He said their opposition to the rumored Wal-Mart was unfounded as no contract with Wal-Mart had been signed and no money had changed hands between Wal-Mart and Lobar. Then, after a glance to Lobar's owner Lee Eichelberger, Pallas extended an offer to CCSG to make arrangements for a meeting with Wal-Mart personnel in Fentonville, Ark., to express any concerns the group or anyone else might have, should Wal-Mart ever inquire about coming to South Mountain Commons.

Pallas encouraged the board to pass the plan, telling them that Lobar had already invested \$89,000 in reviewing the plan and was willing to continue the fight.

Brad Pealer of CCSG rebutted the comment about "no Wal-Mart" by passing out copies of a real estate listing, dated May 18, 2009, for the western section of the proper-

ty to be used for SMC. The listing shows a complete build out of the plan, including a Wal-Mart, which is also listed as an incentive for purchasing the piece.

But he explained the Wal-Mart was not the focus of his group's opposition to the plan. "Any plan that needs 24 waivers is just putting a round peg in a square hole. This project doesn't belong on that piece of land."

He also asked why, if Lobar agreed with the judge's concerns and felt they were so minor, had Lobar not dealt with them in the last 9 months.

Deana Weaver, also of CCSG, defended the township supervisors, who she said had tough decisions to make. She pointed out that Hilson had spent several years developing ordinances that were in the resident's best interest, and had even won an award for his efforts. She chastised Lobar for not doing their due diligence over the last 9 months and for showing up at this night's meeting, without warning and with new council who felt the need to make threats.

Then she too vowed to keep fighting as long as she

felt she had positive feedback from the residents and felt CCSG was fighting in the best interest of the community.

She also pointed out that the land that Lobar had "over zealously developed" cannot withstand the stormwater impact of "the seven lane boulevard that will relocate Route 74, let alone the rest of the build out."

Katrina Bradley was the lone voice from the audience that expressed a desire for the plan. She said she was new to the area, but felt it would be of "a great benefit to the city of Dillsburg" to have a commercial area such as this.

In the end, in spite of Pallas's explanation that passing the plan and preserving the status quo would be a "win for the developer, a win for the township and win for the residents," the board made a unanimous decision to deny the plan.

"If we had heard these arguments earlier and had time to consider them, this might have had a different outcome," said Livingston after the meeting. "I believe in this project, but they should have been talking to us all along."