

**MIDDLESEX TOWNSHIP
SUPERVISORS MEETING
10 SEPTEMBER 1997**

OFFICIALS PRESENT: SUPERVISORS:	Robert Eppley Joe Capuano Chuck Shughart
SOLICITOR:	Keith Breineman
POLICE:	Chief Barry Sherman
ZONING OFFICER	Mark Carpenter
SECRETARY:	Gail Jensik
RECREATION:	Bob Snyder, Greg Coon
FIRE CHIEF:	Ed Beam
PLANNING	
COMMISSION:	Vic Stabile Bruce Bistline Tracy Gleim Ed Kessler

CALL TO ORDER AND PLEDGE TO THE FLAG

The meeting was called to order at 7:10 PM in the new Municipal Building by Chairman Robert Eppley. Mr. Ron Lucas then led the assembly in the pledge to the flag.

APPROVAL OF MINUTES

On a motion by Mr. Capuano which was seconded by Mr. Shughart, the Board voted unanimously to approve the minutes of 6 and 29 August as submitted.

AUTHORIZE PAYMENT OF BILLS

On a motion by Mr. Shughart, seconded by Mr. Capuano and passed unanimously, the Board approved payment of bills represented by the bill list for August, summarized as follows:

General Fund: checks #6270 through #6354, inclusive, for a total of \$82,124.530

Escrow Fund: checks #127 through #129, for a total of \$2,643.33

Capital Reserve for Recreation: check #134 for \$2,485.47

Sewer Fund: check #261 for \$312.18

General Capital Reserve: checks #535 through #541, inclusive, for \$13,619.53

CITIZEN PARTICIPATION

None

REPORTS

SOLICITOR: Mr. Brennenman reported that he was to meet with representatives from TV Cable of Carlisle on Thursday morning, 11 September to discuss the proposed franchising agreement between TV Cable and the Township. He also reported that he was working with Chief Beam to develop an ordinance addressing hazardous materials.

ENGINEER Mr. Grove reported that he had finished the traffic study of Ridge Road and would be submitting a report to the Board recommending a speed limit of 30 MPH for that road with speed advisory and reverse curve signs on two sections. Mr. Grove also addressed the Sunday Trust request for reduction of security and recommended that the amount of security be reduced by \$165,474.77 to \$45,959.64. Mr. Capuano moved to approve the reduction in required security as recommended by the Township Engineer. Motion seconded by Mr. Shughart and passed unanimously. Mr. Grove also informed the Board that Taylor Enterprises wishes to begin paving on both Appaloosa Way and Fieldstone Drive next Week. Mr. Capuano moved to approve final paving of Fieldstone subject to guarantees approved by the Township Engineer. Motion seconded by Mr. Shughart and passed unanimously.

POLICE. Presented by Chief Sherman and ordered to file. Tom Wonsiewicz, president of Lane Enterprises, Inc., commended Chief Beam and the members of the volunteer fire companies that responded to the recent fire at the Lane facility. He expressed his appreciation for their prompt response which, he felt, contained the fire and prevented the loss from being any greater than it was. Both Messrs. Eppley and Shughart also commended Chief Beam for his work on behalf of the Township.

ZONING: Presented by Mr. Carpenter and ordered to file.

RECREATION: Mr. Snyder reminded everyone that the Fall Festival will be on the 20th of September and explained the different events that will take place.

FIRE/EMC: Presented by Chief Beam and ordered to file. The Chief described the pre-planning for I-81 closures due to haz-mat incidents. He also commented on the excellent cooperation of the Lane Metals personnel and the excellent work of the fire companies and thanked Rickey's Barbeque for supplying food to the firefighters.

SECRETARY: Ms. Jensik reported that the agreement between Taylor Enterprises and the Township concerning Appaloosa Way has been submitted for execution, but that we have not yet received the Letter of Credit as required by the Board.

SUBDIVISION AND LAND DEVELOPMENT

Mayberry Preliminary / Final Subdivision Plan and Sewage Planning Module - Represented by John and Lisa Mayberry. Mr. Grove indicated that the sight distance on Ridge Road was now adequate. On a motion by Mr. Capuano which was seconded by Mr. Shughart and passed unanimously, the Board approved waivers for the following:

1. separate Preliminary and Final Plans
2. sidewalks
3. curbs
4. Traffic Impact Study
5. Stormwater Management Plan
6. Street Trees

Then, again on motions by Mr. Capuano which were seconded by Mr. Shughart and passed unanimously, the Board approved first the Sewage Planning Module for the Mayberrys and then the Preliminary / Final Plan with the above waivers and subject to DEP approval of the Planning Module.

NEW BUSINESS

Lane Enterprises Modification of Requirement Request - Represented by Pam Fisher of Fisher Mowery Rosendale and Associates and attorney Steve Fishman. After determining that both Messrs. Grove and Carpenter as well as the Planning Commission had recommended in favor of the

request, Mr. Capuano moved to grant the modification of requirements with respect to a Land Development Plan for the 9,177 ft. expansion. Motion seconded by Mr. Shughart and passed unanimously.

1998 MMO's for Police and Non-uniform Pension Plans - Ms. Jensik presented to the Board the following Minimum Municipal Obligation amounts for 1998. Non-uniform - \$9,010, and Police - \$31,987.

Railroad Crossing on Claremont Drive - Mr. Shughart mentioned that he had received complaints of poor sight distance on Claremont Drive at or near the railroad tracks due to crops and / or brush near the tracks. The Board directed Chief Sherman and Ms. Jensik to address the problem.

HEARING ON ZONING ORDINANCE AMENDMENT

At 7:43 PM, Mr. Eppley turned the meeting over to Mr. Brenneman who announced the hearing, established procedural guidelines and then turned the meeting back to the Chairman. Mr. Eppley then recognized the following persons who commented as indicated:

John Mumma, owner of a business at 1255 Claremont Road, commented that when he had purchased his property it was in an industrial district and he feels that the Township has no right to change the nature of the district. Mr. Mumma indicated that he considers any further restriction to be equivalent to a "taking" of his property. He further said that he considers the proposed amendment an act of "harassment", and that the Planning Commission did not address the issues that he had brought to their attention, in particular, outside storage and illumination.

Jay Layman, Old Stone House Road resident, commended the Planning Commission for its "thoughtful and deliberate" recommendations concerning the proposed amendment. He then explained that the changes (with respect to warehousing / distribution centers) are a response to the appellate court's decision which brought to light the need for redefinition or clarification of some areas in the ordinance.

Jane Crosswhite, 475 Hollowbrook Road, commended the Board and the Planning Commission for their efforts both to maintain a buffer zone between residential and industrial uses and, also, to "protect the quality of life" in the community.

Victor Stabile, 255 Old Stone House Road, member of the Planning Commission, responding to Mr. Mumma, indicated that the Commission did discuss the issues raised by Mr. Mumma and made recommendations to the Board concerning those issues.

Richard Mills, 1218 Claremont Road, said that he is concerned about increased traffic, especially truck traffic, on Claremont Road and urged the Board to approve the amendment.

Cassius Mullen, 241 Old Stone House Road, said that he too is very concerned over increased traffic as well as more accidents and decreased property values that could result from more trucking facilities in the area and urged the Board to approve the amendment.

Jim Peiper, 253 Old Stone House Road, indicated that he too is very concerned about potential traffic problems, in particular, the increased risk to children who must travel the roads daily to and from school and who also use these roads to ride their bicycles. He supported passage of the amendment.

Bill Dann, 22 Tiffany Drive, stated his concerns over the potential loss of value of his investment in his property as well as the danger from having bicycles and pedestrians sharing the same roads with large volumes of trucks. He opposed approval of any more trucking facilities and supported passage of the amendment.

Kim Dederer, 85 Hoover Road, related that she enjoys walking along Hoover, Old Stone House and South Middlesex Roads, but already has difficulty at times because of the traffic. She too opposed

approval of any facilities which would generate more truck traffic and supported passage of the amendment.

Chip Fenton, 187 Old Stone House Road, urged approval of the amendment.

John Gleim, North Middlesex resident and Stover Drive business owner, explained his concern over the potential loss of value of his property. He said that the proposed amendment would restrict the use of his property and urged the Board to reject it.

Dave Osswald, 98 South Middlesex Road, urged approval of the amendment.

Charles Shenk, 99 South Middlesex Road urged approval of the amendment because of the traffic and noise level considerations.

Bob Frey, co-owner of property in the LI District, suggested that since his property along Claremont Road is serviced mainly by Harmony Hall Road and is "basically self-contained", its impact on the residents in the southern half of the Township would be minimal. He indicated that he felt the proposed amendment was too hastily drawn and contained "trick definitions". He urged the Supervisors to table it and find other ways to balance the needs of residents and businesses.

Ron Lucas, Eckert Seamans Chemin and Mellott, representing Dermody Properties of Reno, Nevada, who is interested in purchasing the property presently owned by Messrs, Frey, Reed and George to build and lease warehouse / distribution centers, urged the Board to both abandon their appeal in the Equilibrium Equities matter and to table the amendment.

Carolyn Glace, 210 Old Stone House Road, indicated that she was in favor of the amendment in order to restrict the increase in truck traffic.

David Stoner, 1201 Claremont Road, supported passage of the amendment because he felt that if distribution centers are allowed to be built along Claremont Road, truck drivers will use Claremont if they think it is more convenient whether they are supposed to or not.

Marjorie Mills, Claremont Road resident, urged passage of the amendment because she believes that permitting distribution centers in the LI District would compound the existing traffic problems.

John Lake, Bernheisel Bridge Road resident, referred to Rt. 11 as a "grand canyon" which divides the Township. He went on too say that the addition of one or more distribution centers would make an already bad situation worse and would have a definite negative impact on property values and safety.

Randolph Reese, owner of Cumberland Woodcrafters on Stover Drive, indicated that he opposed the amendment as well as any other action which might restrict his ability to use his property or might cause him to become a non-conforming use.

Liz Settle, 1233 Claremont Road, reported that trucks "fly" past her home on Claremont Road, both day and night. She urged the Board to approve the amendment to prevent even more trucks which would, she believes, make an already unsafe situation worse.

Jerry Duffie, attorney for Applied Industrial Technologies, Inc., formerly Bearings, Inc., 1103 Claremont Road, indicated that Bearings, Inc. built its facility as a conforming use and told the Township that it planned on expanding to as much as double its initial size. Now it faces becoming a non-conforming use which could drastically affect its ability to expand to meet its needs. Mr. Duffie urged the Board to table the amendment.

Becky Peiper, 253 Old Stone House Road, urged the Supervisors to approve the amendment, indicating that she feels that pollution of the environment is an issue here. She also commented that there are no guarantees that anyone, whether home owner or businessman, will be able to sell his property to whom or for the amount that he would like, and that some risk taking is not only a part of business but also a part of life.

Adam Weinstein, owner of Equilibrium Equities, which proposes to develop a warehouse / distribution center on South Middlesex Road, asked whether the proposed amendment was really good for the Township. He indicated that he believed that the remaining permitted uses could be more intensive with respect to truck traffic, than the deleted uses. He claimed that the Planning Commission and Board of Supervisors were shown a sketch plan of his proposed facility which was the same as the Preliminary Plan, and approved the former while disapproving the latter.

Joseph Dorbian, owner of Ritner Steel, Inc., 131 Stover Drive, indicated that he believed that increased traffic on secondary roads such as Claremont Road was inevitable as the LI District develops.

Cindy Gleim Poole, 216 North Middlesex Road, commented that small businesses in the LI District, such as her father's, have been good neighbors to the Township, and that she feels it would be wrong to restrict them by approving this amendment.

Steve Tiley, attorney for Pine Hill Properties, indicated that his client opposes the proposed amendment, because it could make some potential uses non-conforming and thereby limit the development of their property. Mr. Tiley also said he believes the real concern of residents to be traffic, not type of land use, and that proposed solutions ought to address the real problem.

Sandra Barr, 7 Tiffany Drive, indicated that she feels that this area already has "its share" of trucking and related facilities and doesn't need more or the pollution that goes with them. She supported the amendment.

Marilyn Seig, 12 Tiffany Drive, supported approval of the amendment commenting that the area has enough trucks and she does not want to see taxes go to rebuild roads for more trucks.

Jay Layman, Old Stone House Road resident, said he wanted to reemphasize that the proposed amendment was not just an emotional appeal from local residents nor was it a "quick response" to a specific development proposal, but rather it includes updated definitions and clarification of the original intent of the Zoning Ordinance and that development of the amendment had taken more than one year.

Scott Seig, 23 Tiffany Drive, supported the amendment, commenting that common sense should be able to tell people what a truck terminal is, and that they are not appropriate in this area.

John Mumma, owner of a business on Claremont Drive, reiterated his belief that businesses provide the "lion's share" of taxes to the Township and that warehouses are entirely different from truck terminals.

Dave Arnold, 371 Shady Lane, commented that he works at Applied Industrial Technologies, Inc. and is afraid that A.I.T. will move its facility elsewhere if this amendment is passed causing him to lose his job.

Ted Lutz, co-owner of Pine Hill Industrial Park, commented that he felt that his facility had inadvertently been caught up in the controversy and he hoped the amendment would not be passed or should it be, that there might be some way to exempt his property.

Ann Cunningham, 3436 Spring Road, suggests that the Board look into allowing warehousing by Special Exception which would make any application go before the Zoning Hearing Board.

Tracy Gleim, Sherwood Drive resident and farmer, commented that businesses often pay for road improvements but that residential developments do not, even though they cause similar increases in traffic.

At 9:30 the hearing was declared closed, at which time Mr. Eppley moved to table the Zoning Ordinance amendment for further study. Mr. Capuano seconded the motion which was passed with Messrs. Eppley and Capuano voting in favor and Mr. Shughart voting against. At 9:31 PM, the meeting was adjourned.