

**BOROUGH OF CARROLL VALLEY
SPECIAL COUNCIL MEETING
TUESDAY, MAY 18, 2004 – 7:00 P.M.
SKI LIBERTY CONFERENCE ROOM**

MINUTES

Council President Laura L. Scudder called the meeting to order at 7:00 P.M. Ms. Scudder led the Pledge of Allegiance. The attendance was as follows:

BOROUGH COUNCIL MEMBERS

Present

Laura L. Scudder, President
Kristin S. Jones
Raymond Rabenold
Steven J. Semiatin
Thomas P. Wolf

BOROUGH OFFICIALS, ETC.

James R. Becraft, Mayor
Hilary R. Fortenbaugh, Borough Manager
Barbara M. Hertz, Borough Secretary
Howard Rodriguez, CEO/LDC
Thomas R. Campbell, Solicitor

Absent

Roger W. Butt
N. Kenneth Lundberg

This hearing was recorded by a court stenographer for a verbatim record. The following are the minutes as recorded by the Borough Secretary.

PUBLIC HEARING

The Council President turned the forum over to Solicitor Campbell to moderate the public hearing. Mr. Campbell stated for the record that this is the date, time and place advertised for the public hearing on the application for preliminary development plan/subdivision approval submitted by Eluma, Inc. known as “The Crest at Carroll Valley”. The purpose of the hearing is to take testimony as evidence from the citizens and public comment from the developer and the Borough engineer. It is not meant to be an open dialogue or debate of the issues with Borough Council. He said Council is to listen to the testimony and present questions to those providing evidence but not necessarily debate.

He asked if anyone wished to be heard on the subdivision.

Mr. Chuck Sioberg of Martin & Martin Inc., Planning Consultant who prepared many of the documents for the development plan, made comments describing the cluster concept. He stated the project is zoned R-1, 107 building lots each at least ½ acre, the residual land will be open space with some buffer between K Section. The homes will be served by the Carroll Valley Wastewater System and individual wells. Dry hydrants will be installed for fire protection and the homeowners association will maintain them along with the open space, which was designed by a landscape architect. They will try to

preserve the woodland. He said Sanders Road would be realigned with two entrances to the development. This will be done in cooperation with Liberty Township. Under an agreement with the Borough, Mr. Sioberg said access from Trout Run Trail would be done as the last part of the project. Representatives of Eluma, Inc. were present to answer questions.

Howard Rodriguez, Zoning Officer, stated the preliminary development plan meets all the Borough zoning and land development requirements.

Steve Loss of C. S. Davidson, Inc., Borough Engineer, said the subdivision is environmentally friendly and technically sound. Mr. Ed Kaplan commented that he thought this is a PRD because it has a homeowners association, and the engineer told him this is a subdivision under Pennsylvania law. Mr. Kaplan had concerns about a political block by the homeowners association. He hoped the developer would install fire sprinkler systems in addition to the dry hydrants.

Pete Wyman, 36 Ski Run Trail, expressed concern with additional traffic on Trout Run Trail because his understanding was this would be a fire access road for emergency only.

Jim Bebko, 64 Ski Run Trail, asked if the project would overload the sewer system and require a larger or new plant at the expense of everybody. He wanted to hear from the Sewer and Water Authority what the outlook is 20 years from now for a water system. He questioned water quality and use with the additional individual wells.

Jale' Dalton, 8 Gingell Road, and Doris Normand, 80 Ski Run Trail, declined to speak saying their questions had just been addressed.

John Washburn, 27 Warren Trail, recalled that there have been at least three lawsuits by the developers and their predecessors regarding reserve sewer capacity. He said they now require 107 EDU's and asked if they are required to pay the hookup fees in advance? What will tapping fees be and who will inspect the lines? He said one factor in the lawsuit was noise from Ski Liberty.

Pamela Fowler, 9 Persimmon Trail, asked how would the infrastructure on roads handle the traffic. Her second question was how will property taxes be affected and noise be handled.

Sue Henderson, representing Ski Liberty, stated that Eric Flynn the General Manager was out of town but asked her to express their concern about disclosure to buyers regarding the ski operations. She said there are snowdrifts, noise, night-lights and increased traffic flow. Mr. Ed Kaplan indicated the Planning Commission is requiring such a disclosure.

Mr. Campbell said the Planning Commission prepared a letter to Council recommending conditional approval listing 24 conditions. Laura Scudder read the entire letter. A copy of the letter is attached and identified as Exhibit A.

Mr. Campbell had prepared a Letter of Agreement addressed to Mr. Sioberg listing the conditions as read by Ms. Scudder and it was signed prior to the beginning of the public hearing. A copy of the letter is attached identified as Exhibit B.

Thomas Wolf, Council member, moved that the above documents be available to the public at the Borough Office. Mr. Campbell said the motion was not needed and the documents are public information. Mr. Wolf stated that when the Council meets on June 15, there would be an opportunity for Council members to suggest additional conditions to the approval. Mr. Campbell confirmed that is correct that Council could approve the plan with or without conditions or deny the approval.

Dee Davis, 26 Black Bass Trail, asked when the first request for this development was considered by the Borough. Ms. Scudder said it was received June 27, 2003. Ms. Davis had heard nothing about the development. Mr. Campbell responded that the Planning Commission had been reviewing the proposal at their meetings, all of which were open to the public. He stated the Council is now considering it and they must take action at the next regular meeting or the plan is deemed approved by virtue of no action. Mr. Kaplan stated the Planning Commission minutes are available on the website and at the Borough office. He listed some of the items, which were considered during the process. Ms. Scudder said this item was presented on ACTV several times and at the community meeting at the high school last year. There was a question from the audience whether there would be any more developments like this and Mr. Rodriguez stated currently there are no large parcels zoned for residential.

Gary Simpson, 5154 Fairfield Road, asked what would the developer give to the community?

John Washburn suggested a separate sewer and water agreement with the developer, spelling out tapping fees, monthly rates, sewer maintenance, etc.

Fern Bodmer, Fruitwood Trail, expressed concerns with traffic at Rt. 16 and 116. She suggested a traffic light.

Doris Normand, 80 Ski Run Trail, said during the drought wells were affected. Mrs. Normand asked what is the duration of the construction? Mr. Jim Jost, Eluma, Inc., answered it could be 2 – 6 years subject to the market. She also was concerned about streetlights.

Cheryl Hutchinson, 22 Ski Run Trail, urged Council to have the Trout Run Tr. access for fire and emergency only for safety reasons.

Kip Hamilton, 18 Novice Run Trail, also was concerned for walkers around Lake Kay and suggested a walkway on Ski Run Trail. He agreed with Mrs. Hutchinson that Trout Run Tr. should be used for emergency only. Mr. Hamilton asked about the affect on the school and Mr. Jost felt because these will not be starter homes it will be minimal. Mr.

Rodriguez addressed this question. He said information based on a Penn State study would suggest 60-75 students and Dr. Miller, Fairfield School Superintendent, agrees.

Pam Fowler again expressed concern regarding traffic and noise.

Frank Tylus, Bunny Trail, was surprised by the size of the homes and felt problems could arise.

There were no other comments.

***K. Jones moved, R. Rabenold seconded, that the public hearing be adjourned at 8:17 P.M. Motion carried unanimously.

Barbara M. Hertz, Borough Secretary