

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
CONDITIONAL USE APPLICATION 2023-003
FOR YORK LAND DEVELOPMENT LLC
941 YORK ROAD
ON A WAREHOUSE/DISTRIBUTION CENTER
HEARING MINUTES
NOVEMBER 30, 2023
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ROLL CALL SUPERVISORS – Tim Kelly, Dave Bush, and Brent Sailhamer

ZOOM ATTENDEE – Kelly Wall (Ms. Wall was allowed to participate in the hearing from the zoom platform.)

ATTENDEES Faye Romberger, Phillip Brath, P.E., Thomas Wargo, Chief, Brandon Slatt, Michael Pykosh, Esquire, Michael O'Connor, Esquire, Jessica Baim, Kevin Burke, Roxy Cressler, Wayne Kober, Robert Bergamasch, Frank Sirianni, Doug Word, Sherry Sirianni, Libby Loudenslager, Karn Chmiq, Joseph Martin, Elisha Riggins, Linda Null, Kristen Stagg, Gary Reihart, Craig Mellott, and Kevin Cummings

ZOOM ATTENDEES – James Hess, Chelsie Markel, and Hector Morales

Carroll Township’s Municipal Building was open to the public. The meeting was televised on Carroll Township’s Comcast Cable TV Channel 95 and via the Zoom platform.

CALL TO ORDER Chairman Kelly called the Carroll Township Conditional Use Application Hearing Appeal No. 2023-003 for York Land Development LLC – 941 York Road to order at 6:00 p.m. The location of the hearing is the Carroll Township Municipal Building, 555 Chestnut Grove Road, Dillsburg, Pennsylvania.

TURNED HEARING OVER TO SOLICITOR PYKOSH Chairman Kelly turned the hearing over to Solicitor Michael Pykosh to conduct the hearing. Solicitor Pykosh stated that this is a continuation of the November 09, 2023, hearing.

SWORN IN INDIVIDUALS Solicitor Pykosh stated that everyone that was sworn in on November 09, 2023, are still under oath to testimony tonight. No need to be sworn in again.

TESTIMONY FOR APPLICANT Adam Davis, Project Manager, gave testimony on the site plan pertaining to the subdivision, landscaping, lighting, etc., and the requested time extension.

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Solicitor Pykosh asked the Party Status individuals if they had any questions concerning Mr. Davis's qualifications as a Project Manager. The Party Status individuals all stated they didn't have any questions about his qualifications.

CROSS EXAMINE

Solicitor Pykosh asked the Party Status individuals if they had any questions for Mr. Davis.

Ms. Monighon stated not at this time.

Ms. Sirianni and Mr. Sirianni did have questions for Mr. Davis.

Solicitor Pykosh asked the Board and Township Representatives if they had any questions for Mr. Davis.

Supervisors Sailhamer, Kelly, Bush, and Wall did have questions for Mr. Davis.

Phillip Brath, Kevin Burke, and Brandon Slatt had questions for Mr. Davis.

RECESS

Solicitor Pykosh stated we are going to take a 10-to-15-minute recess. The hearing was reconvened at 7:41 p.m.

**TESTIMONY
FOR APPLICANT
CONTINUES**

Craig Mellott, P.E. Traffic Engineer. Mr. Courtney asked him if he was an expert in Traffic Planning and Mr. Mellott answered yes.

Solicitor Pykosh asked the Party Status individuals, the Board, and the Township Representatives if they had any questions about Mr. Mellott's qualifications. Everyone responded no.

Solicitor Pykosh stated that the Board will recognize Mr. Mellott as a qualified expert in Traffic Planning.

Mr. Mellott gave an overview of the traffic study that was done. He stated that five intersections were included in the

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study. After comments from the Board, they did go back and took another look at these intersections on a Friday.

CROSS EXAMINE

Solicitor Pykosh asked the Party Status individuals if they had any questions for Mr. Mellott.

Ms. Monighon, Ms. Sirianni and Mr. Sirianni did have questions for Mr. Mellott.

Solicitor Pykosh asked the Board and Township Representatives if they had any questions for Mr. Mellott.

Chairman Kelly and Supervisor Bush did have questions for Mr. Mellott. Supervisors Sailhamer and Wall did not have any questions at this time.

Phillip Brath, Kevin Burke, and Brandon Slatt had questions for Mr. Mellott.

Solicitor Pykosh asked if there were any follow-up questions for Mr. Mellott.

Mr. Sirianni did have a follow-up question.

**ADDITIONAL
TESTIMONY**

Mr. John Ortenzio was called to testimony again concerning the emergency responder's donation.

Solicitor Pykosh asked the Party Status individuals if they had any questions for Mr. Ortenzio.

Mr. Sirianni had questions for Mr. Ortenzio.
Ms. Sirianni and Ms. Monighon had no questions.

Solicitor Pykosh asked the Board and Township Representatives if they had any questions for Mr. Ortenzio.

Mr. Slatt made a statement about the Fire Tax.

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There were no questions from the Board or Township Representatives.

Solicitor Pykosh asked Mr. Courtney if he had any more questions. He did not.

Solicitor Pykosh asked if there were any closing remarks.

Ms. Sirianni, Mr. Sirianni, and Ms. Monighon all had closing statements.

Solicitor Pykosh opened the floor for public comments for the residents of Carroll Township.

Gary Reihart – 150 Ore Bank Road – is concerned about the Carroll Township Planning Commission Members asking the developer to give right-of-way for trail on the back of the property. This should not have been discussed at that level.

CLOSE TESTIMONY It was moved by Chairman Kelly, seconded by Supervisor Sailhamer, and unanimously carried to close the Testimony.

Upon request, the complete transcript is available for review as prepared by Roxy Cressler, Reporter. If you wish to purchase a copy of the transcript you will need to do so through Roxy Cressler.

DECISION It was moved by Supervisor Sailhamer, seconded by Chairman Kelly, and carried to approve the Conditional Use Application 2023-003 for York Land Development LLC, 941 York Road contingent upon the conditions in the Proposed Conditions Conditional Use Application – 941 York Road dated November 30, 2023 which is Exhibit A-9 numbers one through 17, plus paying the Special Tapping Fees at Dillsburg Area Authority, exhaust fans to be placed away from the Sirianni property, screening evaluations be provided, emergency gate be installed to access with the development of

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Lot 2, and with the respect to Section 450-705.F(1) to grant from one year to a three-year extension.

Supervisor Sailhamer – Aye.
Supervisor Wall – Nay.
Supervisor Bush – Aye.
Chairman Kelly – Aye.

Attorney Pykosh stated that a written decision will be issued by this Board within 45 days. Once this is issued, if you are a party to the action, you could appeal it within 30 days after that. With that we will conclude the hearing.

HEARING
CONCLUDED

It was moved by Supervisor Sailhamer, seconded by Chairman Kelly, and unanimously carried to conclude the hearing at 8:58 p.m.

HEARING
CONCLUDED

The hearing was concluded at 8:28 p.m.

Respectfully submitted,

Faye L. Romberger, Secretary