

Public Hearing

Motor Freight Terminal Conditional Use Hearing

June 11, 2009

The North Middleton Township Supervisors held a continued public hearing on June 11, 2009 at the Township Municipal Building, 2051 Spring Rd., Carlisle, PA 17013. Chairman Robert Reisinger called the hearing to order at 6:30 p.m. Board members present: Vice Chairman Harry Kelso, Supervisor Richard Bucher, Supervisor Robert Shearer, Solicitor Mark Allshouse, and Recording Secretary, Tracy Gates.

Visitors: **See Attachment #1**

The Pledge of Allegiance to the American Flag opened the meeting.

Administrative Issues:

North Middleton Township received a letter from PPL requesting that the letter be added to the hearing records as a Township exhibit since PPL has concerns regarding easement issues etc. Solicitor Allshouse did state that he would submit the first page as a Township Exhibit #18. Mr. Lucas did raise an objection for the record.

Solicitor Allshouse has commented that he would not be available for the July 9th hearing and asked that it be rescheduled. New hearing dates have been scheduled:

July 9, 2009 has been cancelled.

Wednesday, July 29, 2009 at 6:30 p.m.

Wednesday, August 12, 2009 at 6:30 p.m.

Since there will be more than 45 days between this hearing and the next hearing scheduled for July 29th, the applicant has agreed to waive this issue as outlined in the MPC on this specific occasion.

Mr. Moore inquired as to whether he had the right to submit another report based on the revised/new site plan. Mr. Moore proceeded to request permission from the applicant and no decision was made at this time, the request is pending. Solicitor Allshouse explained that currently Mr. Moore is limited to cross examination, but that his request is pending.

Mr. Wolfe drew attention to the transcripts from March 13, 2009, where he was given the opportunity to re-examine any revised site plans. Solicitor Allshouse once again commented that this is a pending issue in light that he does not have a revised plan in front of him and that Mr. Wolfe should readdress the issue at a later time, once a revised plan is in hand.

Hearing:

Mr. States was asked to retake the stand for further cross examination by Mr. Wolfe. Mr. States did reaffirm his oath. Mr. Wolfe proceeded to ask Mr. States questions regarding the Penn Dot report and the requirements for a right turn lane and the phase plan. The Supervisors then asked questions of Mr. States. Supervisor Bucher asked questions concerning Penn Dot's strike off letter. Supervisor Shearer asked questions regarding the analysis used to determine the need for a right turn lane. Vice-Chair Kelso asked if the strike off letter from Penn Dot was ever submitted into evidence. He also asked further questions about the analysis determining the need for a right turn letter and the concern that peak hour traffic studies may not have been done the most effectively. He then questioned as to why the first report did not contain the traffic accident reports and the second report does. Chairman Reisinger did not have any questions. Mr. Lucas did not have any redirect. Mr. Wolfe did have questions and was allowed to ask questions only to testimony that was provided as a result of the Supervisor's questions. Mr. States was excused.

Mr. Lucas moved for exhibit #77 to be added to the record. No objections were made and the exhibit was submitted.

Mr. Lucas called Mr. Dawood to the stand. Mr. Dawood was sworn in. Mr. Lucas proceeded to ask questions of Mr. Dawood pertaining to exhibit A-78, last revision date June 4, 2009. He explained the phase plans and the changes that occurred from the last revision. Mr. Moore asked Mr. Dawood about the plan showing fuel. Mr. Dawood explained that this was an error on the plan and stated that the site does not have a fuel pump or fuel tank. Mr. Moore also asked questions concerning the lighting and elevations for storm water run-off. Mr. Wolfe asked questions of Mr. Dawood. He inquired about the entrance design. Mr. Wolfe also asked if the drive-way would be sufficient to accommodate an exiting and entering truck at the same time. Mr. Dawood explained that this is a preliminary drawing and that Penn Dot would review the plan and issues changes that would be mandated based on Penn Dot's requirements. Mr. Wolfe asked questions surrounding the "access" road. He also asked questions about the repair facility projected to be made a part of the site. He posed questions to Mr. Dawood with reference to the lighting plan and for a definition of a "foot candle". Supervisor Bucher and Shearer did not have any questions. Vice-Chairman Kelso asked about the number of employee parking spaces, the lighting plan, and asked questions regarding porous pavement. Chairman Reisinger had no questions. Mr. Dawood was dismissed.

Mr. Lucas recalled Mr. Chris Peters. His oath was reaffirmed. Mr. Lucas asked Mr. Peters about the age of the trucks that would be parked on the site. He also asked Mr. Peters about the law prohibiting idling. Mr. Peters stated that due to this law the operations of this type of facility have been affected. Mr. Lucas distributed exhibits 80 A & B and questioned Mr. Peters in reference to these exhibits. Mr. Peters then answered questions pertaining to Dr. Bascom's previous testimony surrounding the particulates in emissions from the diesel fuel. Mr. Lucas questioned Mr. Peters concerning fuel regeneration, passive or manual. Mr. Lucas provided exhibit A 82 to Mr. Peters and questioned him with regards to the exhibit. Mr. Lucas provided exhibit A 83 to Mr. Peters and then questioned him with regards to the exhibit. Due to the time, Mr. Peters was asked to step down.

Chairman Reisinger motioned for the hearing to be continued until July 29, 2009. Supervisor Bucher seconded motion and the motion carried.

The meeting adjourned at 9:04 p.m.

Respectfully Submitted,

Deborah Ealer

Tracy Gates
Recording Secretary