

PENN TOWNSHIP BOARD OF SUPERVISORS
100 Municipal Building Road
Duncannon, PA 17020-1100

Henry A. Holman, Jr., Chairman

Charles H. Stoner, Vice Chairman

Robert E. Shaffer, Sr., Supervisor

MINUTES OF AUGUST 22, 2007
Cummings Conditional Use Hearing

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The Penn Township Board of Supervisors (PTS) met on Wednesday, August 22, 2007 at 6:30 p.m. in the Municipal Building to conduct a Conditional Use Hearing for Dr. Cary Cummings III. Chairman Henry Holman, Jr., Vice-Chairman Charles Stoner, and Supervisor Robert E. Shaffer, Sr. were in attendance. Other personnel present were Helen Klinepeter (Secretary), Susan Long (Treasurer), Rich Wagner (Solicitor), Max Shradley (Engineer), and John Madden (Zoning Officer). A stenographer was present to transcribe the hearing.

VISITORS

William Grow, Professional Land Surveyor, representing Dr. Cary Cummings III
David Hollabaugh, representing Extendicare, owner of Stonebridge Health and Rehab Center
Ed/Gail Hoak, 16 Rupp Road
John Leiter, 418 Newport Road
Floyd/Barb Taylor, 571 New Bloomfield Road

CONDITIONAL USE HEARING FOR DR. CARY CUMMINGS III

Chairman Holman convened the hearing, announced that it was being recorded to aid in preparation of the minutes, and then turned it over to Solicitor Wagner.

The Solicitor asked the stenographer to swear-in Secretary Helen Klinepeter. He asked the Secretary if, in her position as secretary, she had advertised a hearing for purposes of conditional use for Dr. Gary Cummings and how it was done. The Secretary replied that the hearing was advertised in the *Duncannon Record* on August 2 and August 9, 2007. When told that she had proof of publication, the Solicitor asked that it be submitted as Township Exhibit #1 for inclusion into the record.

The Solicitor asked for the application filing date and was told the application for the conditional use hearing was filed on June 29, 2007. He noted that this evening's hearing date was within sixty days of the filing of the application.

The Solicitor asked if the Penn Township Planning Commission (PTPC) had submitted to the PTS a review of the conditional use request. The Secretary responded that the PTPC had reviewed the request at its August 20, 2007 meeting and had submitted a written recommendation to the PTS dated August 22, 2007. The Solicitor asked that the PTPC letter of August 22, 2007 be submitted as Township Exhibit #2.

The Solicitor then asked if the PTS had any questions about the Secretary's performance of duties concerning the conditional use hearing. There were no questions.

The Solicitor asked if the applicant was represented at the hearing. William Grow stated that had prepared the exhibit plan. The Solicitor asked Mr. Grow if he had any questions concerning the advertising procedures for this evening's hearing, or any objections to either of the Township exhibits entered so far. Mr. Grow responded in the negative.

The Solicitor asked if there was any party present who wished to make comments later in the hearing. The following people indicated their desire to speak:

- Dave Hollabaugh, representing Extendicare.
- Mrs. Floyd Taylor, 517 New Bloomfield Road, adjoining property owner.
- Ed Hoak, 16 Rupp Road, adjoining property owner.
- Susan Smith, 14 Rupp Road, adjoining property owner.

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At this time the Solicitor turned the hearing over to the applicant's representative. Mr. Grow stated that a conditional use was needed to construct a hemo-dialysis facility on the property. He explained that the facility would be approximately 5,000 S.F. and would be situated on a 17-acre parcel with a 30-foot private access easement from Extendicare.

At this time the first and revised plans, as well as the response letter to the Engineer's comments, were entered as Applicant Exhibits 1, 2, and 3.

The Solicitor asked Mr. Grow if he would like the Applicant's Exhibits to be accepted for consideration by the PTS. Mr. Grow responded in the affirmative.

COMMENT PERIOD

All parties were sworn-in before their testimony.

Mrs. Floyd Taylor – Mrs. Taylor questioned how the facility would be accessed since she and her husband gave the ground to the nursing home to use as a private driveway

David Hollabaugh – Mr. Hollabaugh replied that Extendicare has agreed to offer conditional access to the hemo-dialysis facility through land that it owns. The Solicitor offered his understanding that Dr. Cummings would be offered access off of SR 274 through Extendicare property.

Mr. Hollabaugh stated that Extendicare has no vested interest or financial stake in the proposed hemo-dialysis facility. He went on to explain that approximately thirty Perry County residents must go outside the county for dialysis treatment and that Extendicare had looked into offering the services at Stonebridge. However, insufficient capabilities of the wastewater treatment plant (WWTP) caused Extendicare to approach Dr. Cummings. He noted that Dr. Cummings has constructed several hemo-dialysis facilities in the mid-state area

Mr. Hollabaugh continued that the facility would only be open 8-10 hours per day with no evening or midnight traffic.

Ed Hoak – Mr. Hoak asked what provisions would be made for the waste materials from the facility. Mr. Hollabaugh responded that an on-lot WWTP would be constructed on the site. The Solicitor interjected that this evening's hearing was solely to hear testimony to decide if a conditional use should be granted for this property. The developer will still need to submit a plan addressing access, stormwater run-off, and water and septic issues.

Mr. Hollabaugh stated that Extendicare shared the visitors' concerns. He explained that the safety of the sixty residents in Stonebridge was important and that Extendicare was concerned about water, septic, and waste disposal issues.

Floyd Taylor – Mr. Taylor asked for more information on access to the facility and questioned how there could be more than three accesses off a private road. He expressed concern about the amount of traffic that would be using the road. The Solicitor informed Mr. Taylor that the right-of-way issue was premature for tonight's hearing. He explained that tonight's hearing was to take comments to help the PTS decide if a conditional use should be permitted. If such use is granted, the developer would then submit a plan detailing access to the facility.

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Dave Hollabaugh – Mr. Hollabaugh submitted a letter of support from Extendicare. It was entered into the record as Extendicare Exhibit #1.

ADJOURNMENT

With no further comments to be offered, the Solicitor asked that the hearing be adjourned, stating that he would explain the time frame after adjournment.

At 6:55 p.m., there was a Holman/Shaffer motion to adjourn the Cummings Conditional Use Hearing. Motion passed by unanimous vote of the PTS.

FINAL COMMENTS

The Solicitor announced that the PTS now has 45 days to make a decision, after which the decision will be submitted to the applicant and to each party of interest. He recommended that, if any party wishes to appeal that decision, they consult with legal counsel on the procedure to be followed.

Submitted,

Susan E. Long
Recording Secretary