

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting

October 17, 2012

Call to Order: Vice Chairman, Chuck Nicholson called the meeting to order at 7:31pm.

Roll Call:

Present: Mayor Phil Barbaro, Bill Carter, Frank Goss, David McCreery, Chuck Nicholson, Eugene Shoultz, Wayne Swanson, Ed McKeever, Jeanne White

Absent: Rich Tondo

Also present were the Board's professionals: Leah Furey Bruder, Planner-Bach Associates, Corey Gaskill, Engineer-Fralinger Engineering, and Joan Adams, Solicitor, Adams & Adams.

Open Public Meeting Act: read by the Board Secretary

Flag Salute: led by Vice Chairman, Chuck Nicholson

Announcements:

- Notice to Public and Applicants: Board policy is no new business will commence after 10:30 pm and all testimony will stop at 11:00 pm, except for individuals wishing to speak during the general public session.
- **Approval of minutes:**
 - August 15, 2012

Mr. Nicholson moved to approve the minutes of August 15, 2012. Seconded by Mr. Shoultz. With all other members in favor, the motion was carried.

- **Nomination & Appointment of Chairman & Vice Chairman for the remainder of 2012**

Mrs. White moved to open nominations for Chairman, seconded by Mr. Nicholson. With all members in favor the motion was carried.

Mayor Barbaro moved to nominate Chuck Nicholson for the position of Chairman for the remainder of the 2012 year, seconded by Mr. Carter. With no other nominations, Mrs. White moved to close the nomination for Chairman, seconded by Mr. Carter.

Roll Call:

Voting in favor: Barbaro, Carter, McCreery, Nicholson, Shoultz, Swanson, White, McKeever
Against: Abstain 8-yes, 0-no, 0-no

Mr. Nicholson moved to open nominations for Vice Chairman, seconded by Mayor Barbaro. With all members in favor, the motion was carried.

Mrs. White moved to nominate Bill Carter for the position of Vice Chairman for the remainder of the 2012 year, seconded by Mr. Mayor Barbaro.

With no other nominations, *Mr. Swanson moved to close the nomination for Vice Chairman, seconded by Mr. Shoultz. With all members in favor, the motion was carried.*

Roll Call:

Voting in favor: Barbaro, Carter, McCreery, Nicholson, Shoultz, Swanson, White, McKeever
Against: Abstain 8-yes, 0-no, 0-no

Mayor Barbaro swore in the new Chairman, Vice Chairman and new board member, Frank Goss.

➤ **Old Business: None**

➤ **New Business: Silvergate**

Silvergate Associates - represented by attorney, Robert Baranowski of the firm, Hyland Levin LLP. Nicholas Casey, VP of development, Silvergate Associates, was also present.

Mr. Baranowski explained the board granted a GDP extension of 4 years or to May 16, 2016 by resolution 2011-20. There was question as to whether the extension approval was for preliminary applications or instead both preliminary and final applications by the extended deadline.

Judge Curio has remanded this back to the Planning Board for a hearing on the question of whether the Board intended the Plaintiff (Silvergate Associates) to file applications for preliminary development approvals by the end of the term of the GDP or to instead require the filing of applications for final development approval by the end of the term of the GDP.

Mr. Casey gave a brief overview of the Silvergate project for the new board members along with reasons for the delays they have encountered.

Mr. McCreery moved to open to the public, Seconded by Mr. White. With all members in favor, *the motion was carried.* With no comment from the public, *Mr. Shoultz moved to close the public portion, seconded by Mr. Swanson.* With all members in favor, *the motion was carried.*

Mr. Carter made a motion to clarify the conditions imposed as part of the extension of term of the GDP granted by the board earlier this year and memorialized by resolution 2011-20 to state that the applications for final development approval of each phase of the GDP must be filed for review by the Board no later than May 16, 2016. Seconded by Mr. McCreery.

Roll Call:

Voting in favor: Barbaro, Carter, McCreery, Shoultz, White

Against: Swanson, McKeever, Goss **Abstain:** 5 yes, 3 no

➤ **General Public Portion**

Mr. Carter moved to open the general public portion, Seconded by Mr. McCreery. With all members in favor, *the motion was carried.* With no comment from the public, *Mrs. White moved to close the general public portion, seconded by Mr. Nicholson.* With all members in favor, *the motion was carried.*

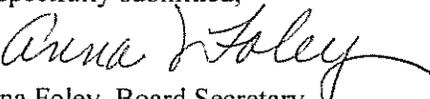
Board Secretary reminded the board the next scheduled meeting is on Wednesday, November 14, 2012, which is the second Wednesday of the month. The board rescheduled the November meeting date at their reorganization meeting held this past January, as the regular meeting date of the third Wednesday fell on November 21st, which is the day before Thanksgiving.

➤ **Adjournment:**

Mrs. White moved to adjourn, Seconded by Mr. McCreery.
With all members in favor, *the motion was carried.*

Adjournment time: 8:42 pm

Respectfully submitted,


Anna Foley, Board Secretary