West Earl Township
Conditional Use Hearing
Creek Hill Development
August 28, 2012

In Attendance:

**Board of Supervisors**
Chairman: Dale Wissler
Vice Chairman: John Ford
Member: Harold Keppley, Jr.
Member: Richard Stover

Township Solicitor: Josele Cleary
Township Engineer: Cory Rathman, Becker Engineering representing Township staff

**Applicant:**
Attorney: Melvin Hess
Land Owner: George Hurst
Engineer: Mark L. Henise, ELA Group
CAD Design/Drafting: Matthew G. Muehling, Matthew Muehling Design & Drafting
Principal Applicant – Kenneth Homes: Kenneth Lee Carper
Principal Applicant – Kenneth Homes: Brian Gavin

**Others in attendance:**
Douglas Mast, 230 Rose Hill Road – recognized as a party
Phillip Leininger, 130 Rose Hill Road
Heather Auman, 144 Rose Hill Road
Rick Schoeder, 110 Rose Hill Road
Thomas Briggs, 431 Rose Hill Road
Richard Gauthier, Member of the West Earl Township Planning Commission

**Introduction**
Douglas Mast, 230 Rose Hill Road, requested to be recognized as a party to the hearing/applicant.

Moved by Vice Chairman Ford, second by Member Stover to recognize Douglas Mast of 230 Rose Hill Road as a party to the hearing/applicant. Motion approved unanimously.

A court stenographer was present to record the details of this hearing. The Township’s exhibits and the applicant’s exhibits have been recorded.

**Testimony - applicant**
- *Robert B. Gabriel* was sworn in/affirmed. Moved by Member Stover, second by Vice Chairman Ford to recognize Robert B. Gabriel as an expert witness in land development and planning. Motion approved unanimously. Robert Gabriel’s testimony was recorded by the stenographer. Questions from Township staff and audience members were addressed and recorded.
• **George Hurst** was sworn in/affirmed. Mr. Hurst is the title owner of the 55 acres of land on which the Creek Hill Development will be built. Mr. Hurst will retain approximately half of those acres after the development is finished.

• **Mark L. Henise** was sworn in/affirmed. Moved by Vice Chairman Ford, second by Member Keppley to recognize Mark Henise as an expert witness in traffic studies and control. Motion approved unanimously. Mr. Henise’s testimony was recorded by the stenographer. Questions from Township staff and audience members were addressed and recorded.

• **Keith Harner** was sworn in/affirmed. Moved by Vice Chairman Ford, second by Member Keppley to recognize Keith Harner as an expert witness in hydrology and storm water management. Motion approved unanimously. Mr. Harner’s testimony was recorded by the stenographer. Questions from Township staff and audience members were addressed and recorded.

• **Matthew Muehling** was sworn in/affirmed. Moved by Member Keppley second by Member Stover to recognize Matthew Muehling as an expert witness in residential development design. Motion approved unanimously. Mr. Muehling’s testimony was recorded by the stenographer. Questions from Township staff and audience members were addressed and recorded.

• **Kenneth Lee Carper, Jr.** was sworn in/affirmed. Mr. Carper is a principal applicant. Mr. Carper’s testimony was recorded by the stenographer. Questions from Township staff and the Township’s attorney were addressed and recorded.

• **Brian Gavin** was sworn in/affirmed. Mr. Gavin is a principal applicant. Mr. Gavin’s testimony was recorded by the stenographer.

• **Robert B. Gabriel** was called to answer questions from Township staff, The Township’s attorney and audience members.

**Melvin Hess,** attorney for the applicant, made a closing statement which was recorded by the stenographer.

Moved by Vice Chairman Ford, second by Member Wissler to accept into evidence exhibits A1 – A8. Motion approved unanimously.

Josele Cleary stated that the Board of Supervisors have 45 days in which to render their decision on this case. Testimony on this case was closed, however, the record will be held open for written submissions only. All written submissions must be received by September 10, 2012 and the Board must make a ruling on this case by October 8, 2012. These conditions were agreed upon by the applicant and the applicant’s attorney.

**Other Business – Board of Supervisors**

**Leola Produce Auction storm water management agreement** – Moved by Member Keppley, second by Member Stover to sign the Leola Produce Auction storm water management agreement. Motion approved unanimously.

**Adjournment**
Moved by Vice Chairman Ford, second by Member Keppley to adjourn the conditional use hearing at 10:06 p.m. Motion approved unanimously.