

CUMBERLAND TOWNSHIP PLANNING COMMISSION
Minutes of the March 8, 2012 Regular Meeting

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairperson Jim Henderson. The meeting was recorded.

ATTENDANCE

Present were Jim Henderson, (*Chairperson*) Barry Stone, (*Vice Chairperson*) Stephen Tallman, Carl Athey, Dennis Hickethier, Ben Thomas, (*Township Manager*), William Naugle (*Township Code Enforcement/Zoning Officer*), Michele Long (*Secretary*).

APPROVAL OF AGENDA

Mr. Henderson asked for any additions or changes to the current Agenda. Being none Mr. Henderson asked for a motion to approve the agenda for the current evening's Planning Commission Meeting. **Mr. Hickethier made a motion to approve the March 8th, 2012 Agenda as it was written. 2nd by Mr. Tallman.**

Vote: Yea-5 Nay-0 Motion carried.

APPROVAL OF MINUTES

Approval of the Minutes from the February 9th Planning Commission Meeting. **Mr. Athey made a motion to approve the minutes of the February 8th, 2012 Meeting. 2nd by Mr. Hickethier.**

Vote: Yea-5 Nay-0 Motion carried.

PUBLIC COMMENT

Jean Stone from 1745 Mummasburg Road thanked the Commission for the dialogue that they give with the public.

Peggy Keating-Butler from 1805 Mummasburg Road spoke of Concentrated Animal Operations (CAO)/Concentrated Animal Farm Operations (CAFO) within the Agriculture-Residential (AR) Zoning District.

Mr. Henderson stated that at the last meeting that the Commission erred with a motion being brought to the floor without an item being on the agenda to be reviewed. Mr. Henderson asked the Commission to set aside this particular motion as this same item is on the Agenda to be covered at tonight's meeting.

Mrs. Stone stated that this item was not on the Agenda for tonight.

Mr. Henderson read from the current Agenda, Requested from the Board of Supervisors, Request for Section 27-402 to be modified to permit "concentrated animal operations" in "A" districts only, instead of "A" and "AR" districts as presently written.

Mrs. Stone and Mr. Tallman stated that this is a different item. Mrs. Stone stated this is the citizen's item which was submitted as an application for amendment and Mr. Tallman's item was an item that he submitted and the wording was different.

Mr. Tallman stated that within the minutes of the last meeting it stated that Mr. Hickethier wanted to make a recommendation on how the Planning Commission felt on CAO's in the AR district and if this was appropriate for the meeting. He was told that this would be appropriate under new business. Mr. Tallman added that this is what his proposal was based on.

Mr. Thomas preferably requested to Mr. Henderson that he had an agenda item to take care of and to deal with that agenda item directly as was requested by the Board of Supervisors and move on.

Mr. Stone indicated that the citizen's request for amendment text change is not the same as what Mr. Tallman submitted.

Mr. Tallman stated that the motion he submitted was to be more generic in purpose and more aimed at the overall zoning and was not aimed directly at the Keller Farm or person(s) directly.

Mr. Henderson said that the motion was to remove CAO's from the "AR".

Mr. Athey agreed with Mr. Henderson and stated that this Commission voted to recommend this to the Board of Supervisors by a 3-2 vote.

Mr. Henderson added that he has been advised by the Solicitor that due to this item not being on last month's agenda it was not appropriate to have a vote at the last meeting. Mr. Henderson asked the Commission if they wanted to reaffirm that at this time.

Mrs. Stone argued that this item was not on the agenda for tonight.

Mr. Stone stated that the Solicitor informed him that this item would be voted on again at this meeting.

Mr. Thomas affirmed that the Chairperson has made this request but it is up to the Commission if they want to revisit this item. However if the Commission does not want to revisit this we cannot keep debating it.

Mr. Henderson asked for a motion to revisit this item.

Mr. Hickethier made a motion that the item regarding CAO's in the "AR" district be revisited from last month's meeting.

2nd by Mr. Athey.

Mr. Stone stated he was recusing himself from the vote.

Vote: Yea-3 (Athey, Henderson, Hickethier) Nay-1 (Tallman)

Stone Recused.

Motion Carried.

Mr. Tallman made a motion for a recommendation to the Board of Supervisors to enact a modification to the Zoning Ordinance to remove from Permitted Uses-Agricultural (27-402) the CU classification for "Concentrated Animal Operations" for the A/R district only (not from the A). 2nd by Mr. Hickethier.

Mr. Stone stated he was recusing himself from the vote.

Vote: Yea-2 (Tallman, Hickethier) Nay-2 (Athey, Henderson)

Stone Recused.

Motion did not pass.

ACTIVE BUSINESS

Cumberland Township Zoning Text Amendment(s)

Reviewing the previously tabled items, Section 26 & Section 27, of the Chapter 27 Amendments to the Cumberland Township Zoning Ordinance

The Commission reviewed the comments that Mr. Henderson compiled from his extensive review of the MPC, the existing Zoning and the proposed changes to the zoning in regards to Sections 26 & 27.

Mr. Stone recused himself.

Mr. Hickethier made a motion bring the Section 26 & 27 items back to the table for discussion. 2nd by Mr. Tallman

Vote: Yea-4 Nay-0 (Stone Recused)

Motion Carried

Mr. Hickethier asked for verification on the information from the spreadsheet submitted by the citizens.

Mr. Tallman asked for the dialogue from the citizens.

The Commission conducted dialogue with the citizens.

Mr. Tallman made a motion to table Section 26 & 27 until the next meeting pending the drafting of the resolution and/or ordinance changes. 2nd by Mr. Hickethier.

Vote: Yea-4 Nay-0 (Stone Recused)

Motion Carried

Cumberland Township Subdivision & Land Development Ordinance Text Amendment(s)

Mr. Naugle gave an update on the previously tabled item of the Cumberland Township Subdivision and Land Development Ordinance proposed Text Amendments, Section 22.507.2.A2 adding that the County needs to get further information to the Township before this item can be reviewed.

NEW BUSINESS

HACC Parking Lot Expansion

Harrisburg Area Community College is seeking a variance to Section 27-603 of the Zoning Ordinance for the expansion of a parking lot that is over the required maximum impervious coverage allowed in the MX zoning district along with not meeting the minimum area setback from the tract perimeter.

Mr. Mitch Kemp with Snyder, Secary & Associates the Engineer for the project gave a brief description of the project and their needs for their request.

The Commission discussed the impervious coverage and setbacks with the project.

Mr. Athey made a motion to recommend approval of the variance to the Zoning Hearing Board. 2nd by Mr. Stone.

Vote: Yea-5 Nay-0 Motion Carried

NEW BUSINESS

REQUEST OF THE BOARD OF SUPERVISOR'S (Section 27.2001.5):

Cumberland Township Citizen's Proposed Zoning Text Amendment(s)

1. Request for Section 27-402 to be modified to permit "concentrated animal operations" in "A" districts only, instead of "A" and "AR" districts as presently written.
2. Request to amend Section 27-1903 for hearings by standardizing the distance for certified mail notice to all properties within 1,000 feet and by adding the timeframe of 30 days prior to the date of the hearing for conspicuously posting of the affected tract.
3. Request to amend Section 27-401.7.B Conditional Use to add a separate category for "AR" Districts increasing the minimum acres for housing of animals (swine, cattle, sheep, goats, horses, fowl) from 25 acres to 100 acres; and increasing the minimum setback distance from 200 feet to 1,000 feet.

Mr. Stone recused himself from the Commission Table

Mr. Henderson stated that the second item is an item that was already tabled in the previous active business from tonight's meeting and would not need to be discussed. The Commission agreed.

The Commission reviewed Item #1. Mr. Hickethier asked how this differed from the motion that was made at the beginning of this meeting. Mr. Tallman stated that Adams County has made suggestions of how they deal with CAO's within the County which is different because their zoning types are different than our zoning types. Mr. Tallman read the letter from Adams County into the record and stated these are the recommendations by the County and would hope these are being looked at by our Supervisors. Mr. Tallman also stated that if he made another

recommendation that it would be the same recommendation as was voted on earlier in this meeting.

Ms. Elizabeth Magner of Belmont Road spoke of not wanting CAO's or CAFO's within the AR zoning district.

Peggy Keating-Butler of 1805 Mummasburg Road gave the reasons why CAFO's should not be in the AR zoning district.

Sandra Dixon spoke of odors from CAFO's and the effect on children.

Mr. Hickethier questioned the 1,000' set back stating that if you take 100 acres and put it in a square you get 2,090' and you set back 1,000' each way you end up with a square of 90' x 90' for the actual operation. He was questioning how this would be possible.

Mr. Stone did not agree and gave his explanation for the setback and how it would work. Mr. Stone felt that 1,000' was reasonable.

Mr. Henderson stated that he understood everyone's concerns but he would like to wait for the public hearing so that every property owner will have the option to come and look at these changes that are recommended and have the opportunity to participate in the public comment.

Mr. Athey stated that he feels the need for all residents within the Township to have the option to attend a hearing and to gather all of the information just like everyone else has gotten.

Mrs. Stone is concerned that nowhere in the Township Ordinance does it give any standards for CAO's. She would like to know what the conditions are that can be applied to these operations. She also added that if there are no standards in the ordinance any conditions would have to be voluntary.

Mr. Hickethier made a motion that Item #1, the request for Section 27-402 to be modified to permit "concentrated animal operations" in "A" districts only, instead of "A" and "AR" districts as presently written should be recommended for approval to the Board of Supervisors. 2nd by Mr. Tallman.

Vote: Yea-2 (Tallman & Hickethier) Nay-2 (Henderson & Athey) (Stone Recused)

Motion did not pass

Mr. Henderson gave his reasoning for his not voting in favor.

Mr. Henderson stated that Item #2 was previously tabled in the meeting so no vote was needed.

Mr. Tallman made a motion to recommend approval of Item #3 which states, the request to amend Section 27-401.7.B Conditional Use to add a separate category for "AR" Districts increasing the minimum acres for housing of animals (swine, cattle, sheep, goats, horses, fowl) from 25 acres to 100 acres; and increasing the minimum setback distance from 200 feet to 1,000 feet, to the Board of Supervisors. 2nd by Mr. Hickethier

Vote: Yea-3 (Tallman, Hickethier & Henderson) Nay-1 (Athey) (Stone Recused)

Motion carried

Mr. Stone returned to the Commission Table.

OTHER BUSINESS

Zoning/Code Officer's Report

Mr. Naugle gave a report for the February, 2012 building/zoning activities within the Township.

ADJOURN

There being no further business, the meeting was adjourned at 9:15 p.m. by motion of Mr. Tallman, 2nd by Mr. Stone.

Vote Yea-5 Nay-0

Motion carried.

Michele Long, Secretary