

**CUMBERLAND TOWNSHIP PLANNING COMMISSION**  
**Minutes of the May 14, 2015 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 Chair*) Stephen Tallman, Dennis Hickethier, Kenny Caudill, Bill Naugle (*Zoning Officer*), Michele Long (*Planning Commission Secretary*), Leah Heine (*Township Engineer*), Sam Wiser, (*Township Attorney*).

**APPROVAL OF MINUTES**

Approval of the Minutes from the April 9th, 2015 Planning Commission Meeting.

**Mr. Caudill made a motion to approve the minutes from the April 9<sup>th</sup>, 2015 Meeting. 2<sup>nd</sup> by Mr. Tallman .**

**Vote: Yea - 5 Nay - 0**

**Motion Carried**

**PUBLIC COMMENT**

N/A

**ACTIVE BUSINESS**

N/A

**NEW BUSINESS**

**Gettysburg Battlefield Resorts Sewage Planning Module**

Planning Module to install a wastewater treatment facility

Ms. Leah Heine, Township Engineer, explained to the Commission that this is a Component 3 along with a component 4A sewage planning module. Ms. Heine explained that a component 3A is a module that is for a brand new treatment plant not a replacement or a small-flow. Mr. John Shambaugh, engineer representing the applicant, explained his reasoning for needing the sewage planning module, adding that the current treatment facility is failing at the Battlefield Resorts Campground. Mr. Shambaugh stated that there are numerous comments that need to be addressed from the Township Engineer and he was just asking the Commission if they had any questions and hoped to have most of the comments addressed in time for the next months meeting. Mr. Wiser asked Mr. Shambaugh if there was any contact from this applicant with the neighbor Timeless Towns, who has a sewage planning module application submitted also, in hopes to team up and save on costs to group together. Mr. Shambaugh stated that he was not aware of Timeless Towns trying to get a new facility but the applicant would probably be willing to talk to them. Mr. Shambaugh added that his client would like this done as soon as possible and he wasn't sure how fast Timeless Towns were planning on getting finished. Mr. Henderson recommended that the applicant speak with Timeless Towns before the next Planning Commission meeting. Mr. Wiser also told the applicant that a land development plan is required at the same time the sewage planning module is submitted. Mr. Shambaugh stated that they are just replacing the tanks. Mr. Wiser explained that being that it will be a new system with new tanks at different locations a land development plan is required.

**Mr. Tallman made a motion to table the sewage planning module until most of the engineering comments are addressed.**

**2<sup>nd</sup> by Mr. Stone.**

**Vote: Yea - 5 Nay - 0**

**Motion Carried**

## **NEW BUSINESS**

### **Lincoln Development Company**

Seeking a conditional use for a self-service storage facility in the Mixed Use (MX) zoning district as required per Section 27-602 of the Cumberland Township Zoning Ordinance. The property is located at 1320 Chambersburg Road; parcel number 09E12-0080---000.

Mr. Bernie Yannetti, attorney representing the applicant, explained the reasoning for needing the conditional use. Mr. Yannetti stated that the plan submitted to the Township is compliant and in accordance with all Township regulations. Mr. Yannetti asked for recommendation to the Board of Supervisors. The Commission discussed the plan with Mr. Yannetti. Mr. Yannetti added that there will not be 24 hour access, there will be security lighting but not lighting for 24 hour access. Mr. Wisner read to the Planning Commission the rules and duties of their role with conditional use applications. Mr. Henderson was concerned with the amount of traffic per day. Mr. Yannetti stated that most of the units will be used by residents of Lincoln Estates and there are not that many trips made to a storage shed per day. Mr. Henderson was also concerned with allowing an additional use on a property that the lot size is already non-conforming. Mr. Stone was concerned with the need for additional buffering on all sides of the lot.

**Mr. Caudill made a motion to recommend approval of the conditional use to the Board of Supervisors.**

**2<sup>nd</sup> by Mr. Tallman.**

**Vote: Yea - 5 Nay - 0**

**Motion Carried**

## **NEW BUSINESS**

### **Leonardo & Kathleen Marinelli**

Seeking a conditional use for a self-service storage facility in the Mixed Use (MX) zoning district as required per Section 27-602 of the Cumberland Township Zoning Ordinance. The property is located at 1101 Biglerville Road; parcel number 09F12-0038---000.

Mr. Bernie Yannetti, attorney representing that applicant, explained the plan the Commission adding that the plan meets all of the conditional use requirements. Mr. Yannetti stated that the three lots shown on the plan would be consolidated if the conditional use is approved. The Commission discussed the plan with Mr. Yannetti. Mr. Wisner stated that they are proposing pervious paving to meet the requirements. Mr. Yannetti added that all the zoning requirements have been met per the Ordinance. Mr. Henderson asked about the fencing and if there would be traffic there both day and night. Mr. Yannetti agreed there could be traffic day or night at this location. Mr. Tallman asked about lighting and how it would affect the neighbors. Mr. Yannetti stated there would be ample lighting for security purposes. Mr. Tallman added that there doesn't seem

any buffering to block the lighting from cars into the neighboring property owners housing. Mr. Henderson asked for a lighting plan and buffering to be shown on the plan. Mr. Henderson also asked for fencing to be placed around the property. Mr. Wisner stated that a buffer is not shown on the plan probably due to all of the surrounding properties being located in the Mixed Use zoning district, the ordinance does not require it since there is no district change. Mr. Wisner suggested that the applicant add some buffering and fencing to be a good neighbor. The Commission also asked for a plan to show how the buildings were going to be designed and laid out adding how the traffic is going to flow.

**Mr. Hickethier made a motion to table the plan until the June meeting to bring a plan to show more detail.**

**2<sup>nd</sup> by Mr. Stone.**

**Vote: Yea - 5 Nay – 0**

**Motion Carried**

**Mr. Stone recused himself from the table and any comment.**

## **NEW BUSINESS**

### **Brandon Keller**

Seeking a special exception from the Zoning Hearing Board to construct a fenced in pasture area to permit chickens access to the outside. Due to the Board of Supervisor's amending the zoning ordinance to not allow concentrated animal operations in the agricultural-residential (AR) zoning district, after Mr. Keller's previous approval, this now requires special exception approval. The property is located at 1714 Mummasburg Road; parcel number 09E11-0068--000

The Commission took public comment from the following:

Jean Stone; 1745 Mummasburg Road; Mrs. Stone read and submitted a letter regarding all of the previous violations and problems that Mr. Keller has not taken care of properly up to this point within his conditional use application.

Sandy Dixon; 705 Herr's Ridge Road; Mrs. Dixon had health concerns and spoke of bird flu.

Elizabeth Magner; 470 Belmont Road; Mrs. Magner was concerned with the setback from the fencing to her property. Mrs. Magner is requesting the property to be measured to show how far the fence will be from her property from someone not associated with Mr. Keller or his representatives. Mrs. Magner was also concerned with flies, the need for more buffering, the glare from the chicken barns in her front windows, the odors, and pollution in the ground.

Evertt Ladd; 215 Ridgewood Drive; Mr. Ladd was concerned with the odors and ground pollution with the chickens being outside. Mr. Ladd also stated that the violations that have already been performed should not give him the right to move forward with his plan.

Mr. Henderson spoke to the applicant and his representatives regarding the pollutions that are going to be put into the ground with placing the chickens outside. Mr. Henderson stated that they should have seen the nutrient management plan before it was approved. Mr. Tallman spoke of the well sites in the area being polluted. Mr. Tallman and Mr. Henderson added that they feel the Township is being under minded by the applicant. Mr. Wisner asked how the nutrients are going to be managed and how the pollutants will be kept from contaminating the lakes and streams. Mr. Matt Hood, engineer with Team Ag representing the applicant, explained the plan to the Commission and what type of fencing there will be. Mr. Hood also explained the regulations on the ability of letting the chickens out of the barns. Mr. Hood stated that on average 1% of the birds are outside at one time. Mr. Hood answered Mr. Wisner by stating that they are controlling the pollution by adding compost filter socks which helps with the runoff of the pollutants on the ground as they will flow into these filter socks. Mr. Hood stated that the nutrient management plan has been approved by the Conservation District. Mrs. Stone, added that the nutrient plan is not in accordance with the special exception plan. There has been an updated nutrient management plan submitted without approval showing the adjusted pastures. Mr. Wisner stated that neither the Township nor the supervisors have any ability to approve or disapprove the nutrient management plan. If the conservation district deemed the nutrient management plan approved there is nothing the Township can do to alter that approval being that is a State approval. Mr. Wisner reiterated that the conditions are still in place from the conditional use hearing. Mr. Wisner explained why this plan is going to the Zoning Hearing Board and why a special exception is required. Mr. Wisner gave the Commission the specific criteria for this special exception along with general criteria.

**Mr. Tallman made a recommendation to the Zoning Hearing Board for disapproval based on this being an expansion of the use and changes made from the prior conditional use agreement adding that it is detrimental to the public health of adjacent property owners due to the increase of the contamination flowing to the streams, the odors and the reduced value of the adjacent property owners property values.**

**2<sup>nd</sup> by Mr. Caudill**

**Vote: Yay: 4 Nay: 0 (Stone Recused)**

**Motion Carried**

Mr. Stone returned to the Commission

## **OTHER BUSINESS**

### **Zoning/Code Officer's Report**

Mr. Naugle reviewed the April, 2015 building/zoning activities within the Township. Mr. Naugle also gave an update on the progress at Misty Ridge.

## **ADJOURN**

**There being no further business, the meeting was adjourned at 9:30 p.m. by motion of Mr. Hickethier seconded by Mr. Tallman. Motion carried.**

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Michele Long, Secretary