

**Minutes of the October 26, 2004 Public Hearing
for Conditional Use for Craig Tuckey**

The hearing was called to order at 7:00 p.m. by Chairman Waybright. Present were Supervisors Shealer, Weikert and Bowling, Henry Heiser, Ron Bower, Flo McLeish, Carol Merryman, Tim Knoebel, Mike Galassi, George Lambert, Deb Zepp - stenographer, Mr. and Mrs. Craig Tuckey, approximately twenty township residents and a reporter from THE GETTYSBURG TIMES. Mr. Gregor was absent. The hearing was tape and stenographically recorded.

Chairman Waybright turned the hearing over to Mr. Heiser.

Mr. Heiser stated that the hearing is regarding an application for Conditional Use approval made by Mr. and Mrs. Craig Tuckey, who wish to replace a single-wide mobile home with a double-wide mobile home on their property located at 170 Chapel Road Ext. Mr. Heiser explained that the Tuckey's property is zoned Mixed Use (MX) and in the MX zone, single-family dwellings are permitted as a Conditional Use. He also explained that expansion, of up to 25 %, is permitted without holding a hearing, but the Tuckeys wish to expand by about 42%.

Mr. Bower presented township exhibits including a copy of the legal notice that was published in THE GETTYSBURG TIMES, a copy of the certified letter that was sent to all adjoining property owners, a copy of the posting that was posted on the property and a list of the adjoining property owners.

Mr. Heiser asked anyone who wished to testify to be sworn in. Mr. Heiser swore in Mr. and Mrs. Tuckey.

Mr. Craig Tuckey, 170 Chapel Road Ext., testified that they have requested a building permit to expand their existing home for themselves and their five children. He verified that he wishes to replace an existing 12x70 mobile home with a 26x76 mobile home. Mr. Tuckey also stated that he is not aware of any opposition from any of his neighbors and the change will be more aesthetically pleasing.

Mr. Heiser asked Mr. Bower if the expansion will deviate from any of the development standards in Section 602. Mr. Bower stated that it will comply with all development standards.

Mr. Weikert asked if the home is a mobile home or a modular home and will it have a single peaked roof. Mr. Tuckey stated that it is a mobile home with no basement and it will have a single peaked roof.

Chairman Waybright asked Mr. and Mrs. Tuckey if they understood that since they are in an MX zoning district that a business could go in beside them. They indicated that they do understand that.

There being no further comments, the hearing was adjourned at 7:15 p.m.

The Supervisors held an Executive Session at 7:17 p.m.

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were Supervisors Shealer, Weikert and Bowling, Henry Heiser, Flo McLeish, Carol Merryman, Ron Bower, Tim Knoebel, Bob Sharrah, John Kresky, Mike Galassi, George Lambert, approximately sixty township residents from the Windbriar Lane area and a reporter from THE GETTYSBURG TIMES. Mr. Gregor was absent. The meeting was tape recorded.

Mr. Weikert made a motion, seconded by Mr. Bowling and carried to approve the Minutes of the October 12 meeting.

Chairman Waybright stated that the Supervisors have proposed several amendments to the Cumberland Township Zoning Ordinance and Zoning Map, a public hearing on the amendments was held on August 17, 2004 and all of the testimony has been reviewed by the Board. The Board's intention to vote on these amendments has been advertised for this evening. **Mr. Weikert made a motion to adopt Ordinance 04-110, as advertised in its entirety, excluding Zoning Map change #2 for the parcel that is located on Windbriar Lane. Mr. Shealer seconded the motion. Mrs. Merryman asked for a roll call vote as follows: Mr. Shealer - Aye, Mr. Weikert - Aye, Mr. Waybright - Aye and Mr. Bowling - Aye. The motion carried.**

Chairman Waybright explained that this will amend the Zoning Ordinance and Zoning Map with the changes listed in Ordinance 04-110, with the exception of the parcel located on Windbriar Lane that will remain to be zoned Residential.

Mr. Weikert made a motion, seconded by Mr. Bowling and carried to approve a request for a 60-day extension for approval of the Gary McCray Land Development Plan.

Mr. John Kresky presented a **Preliminary Plan for Gaynella DeSimone** for a nine-lot subdivision of her property at the end of Twin Lakes Drive. Mr. Knoebel reported that the majority of the plan related comments have been addressed, with the exception of the stormwater comments, and he is waiting for a revision to that. Mr. Knoebel also reported that the plan has been recommended by the Planning Commission. The outstanding issues are letters from Cumberland Township Authority and Gettysburg Municipal Authority stating that the plans are acceptable to them, stormwater management and Sewage Planning Exemption approval from PaDEP. Mr. Shealer asked how the drainage from this development will impact neighboring properties. Mr. Knoebel reported that they are proposing a detention system on their property that will control the run-off back to the pre-development levels and will tie into the existing drain for Twin Lakes and will eventually go into the pond. The responsibility for maintenance of this system will be noted on the plan. Mr. Kresky asked if these comments can be addressed on the Final Plan. Mr. Shealer made a motion, seconded by Mr. Weikert and carried to approve the Preliminary Plan for Gaynella DeSimone, contingent upon the engineer's comments being addressed on the Final Plan.

Mr. Weikert made a motion, seconded by Mr. Shealer and carried to approve the Sewage Planning Exemption for Gaynella DeSimone.

Mr. Weikert made a motion, seconded by Mr. Shealer and carried to approve the PennDOT Project Completion Report for the Old Mill and Belmont Road projects.

Mr. Weikert made a motion, seconded by Mr. Shealer and carried to exonerate J.P. Harris for per capita tax in the amount of \$401.50

Ms. McLeish asked the Board to start thinking about appointments for a Traffic Committee needed for the Act 209 Study. She stated that the committee will consist of seven people and will be guided by the engineers preparing the study. The committee will be determining which roads and/or intersections need

future improvements. Mr. Galassi and Mr. Diephaus volunteered to serve on the committee and Superintendent Latschar offered, if appropriate, to supply a representative for the committee.

Mr. Bowling stated that he examined the culverts that are being replaced by the Road Department on Willoughby Run Road and he feels there is nothing wrong with them, and that replacing them is a waste of money.

The bills were paid. Expenditures for this meeting totaled \$27,503.24 from the General Fund.

There being no further business, the meeting was adjourned at 8:25 p.m. by motion of Mr. Shealer, seconded by Mr. Weikert and carried.

Carol A. Merryman, Asst. Secretary

_____)
_____)
_____) Supervisors
_____)
_____)