

**Cumberland Township Board of Supervisors**  
**Conditional Use Hearing for Brandon Keller's application for a poultry operation in the**  
**Agricultural/Residential Zoning District**  
**Barlow Fire Hall**  
**December 14, 2011**

At 7:00; Chairman Waybright called the Conditional Use Hearing to order. Present were all Supervisors, Manager Ben Thomas, Jr., Solicitor Sam Wiser, Zoning Officer Bill Naugle, Assistant Secretary Carol Merryman, Planning Secretary Michele Long, Planning Commission members: Jim Henderson, Carl Athey, Barry Stone, Dennis Hickethier and Steve Tallman. Also present were: Deb Zepp, Court Reporter, to take a transcript of the hearing and approximately 150 residents.

Chairman Waybright turned the hearing over to Solicitor Wiser and testimony was taken from numerous parties until everyone had a chance to testify. Please see the transcript for the record of the entire hearing. Solicitor Wiser stated that the hearing will be continued to December 20, 2011 at 7:00 p.m. at the Township Building for the Supervisors to make a decision on the application.

The hearing was adjourned at 12:23 a.m. December 15, 2011.

**Cumberland Township Board of Supervisors**  
**Continuation of the Brandon Keller Conditional Use Hearing for a poultry operation in the**  
**Agricultural/Residential Zoning District**  
**Cumberland Township Building**  
**December 20, 2011**

At 7:00 p.m. Chairman Waybright turned the meeting over to Solicitor Sam Wiser to reconvene the Conditional Use Hearing for Mr. Keller. Present were all Supervisors, Township Manager Ben Thomas, Jr., Solicitor Sam Wiser, Zoning Officer Bill Naugle and Assistant Secretary Carol Merryman. Also present were: Deb Zepp, Court Reporter, to take a transcript of the hearing and approximately sixty residents.

Solicitor Wiser stated that this hearing is a continuation of the hearing that opened on December 14, 2011 at approximately 7:00 p.m. and recessed on December 15, 2011 at approximately 12:30 a.m. Solicitor Wiser added that all parties concluded their presentations at that hearing and on December 19, 2011, the applicant and Attorney Smith (on behalf of various persons) submitted proposed Findings of Fact and Conclusions of Law as discussed at the hearing. He added that the Board has reviewed those today at 4:30 p.m. in Executive Session for quasi-judicial deliberations and considered the testimony and evidence at that time. Solicitor Wiser turned the hearing back over to Chairman Waybright and there was no further discussion.

**Mrs. Underwood made a motion to deny the application for the following reasons:**

- 1. Applicant failed to demonstrate compliance with the application requirements of Section 1801(7) of the Zoning Ordinance in that the application failed to indicate on the plat plan the size of all the improvements proposed to be erected, or to indicate the material or general construction thereof.**
- 2. Applicant also failed to demonstrate compliance with the specific criteria of Section 401(7)(B) in that the applicant failed to provide with the application or at the hearing a manure management plan.**

**Mr. Shealer seconded the motion to deny Mr. Keller's Conditional Use application and a roll call vote was taken as follows: Mrs. Golden – aye, Mrs. Underwood – aye, Chairman Waybright – aye, Mr. Phiel – aye and Mr. Shealer – aye. The motion carried unanimously.**

Solicitor Wiser stated that a written decision, including Findings of Facts and Conclusions of Law, will be issued within 45 days of the date of this hearing in accordance with the Municipalities Planning Code.

The hearing was adjourned at 7:04 p.m.