

CUMBERLAND TOWNSHIP PLANNING COMMISSION

Minutes of the March 14, 2013 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*) Carl Athey, Dennis Hickethier, Sam Wiser (*Township Solicitor*) Ben Thomas (*Township Manager*), William Naugle (*Township Code Enforcement/Zoning Officer*), Michele Long (*Planning Commission Secretary*), Leah Heine (*Township Engineer*).

APPROVAL OF MINUTES

Approval of the minutes from the February 14th Planning Commission Meeting. **Mr. Hickethier made a motion to approve the minutes from the February 14th, 2013 Meeting. 2nd by Mr. Athey.**

Vote: Yea-4 Nay-0 (Tallman Absent)

Motion Carried

PUBLIC COMMENT

N/A

ACTIVE BUSINESS

Ely Farmer's Market

Construction of a new 2,400 SF Farmers Market building and 12 parking spaces on 4.7 acres along Fairfield Road and Willoughby Run Road.

This plan was placed on the agenda as an item just for discussion. Township Engineer, Leah Heine, stated that Mr. Scott Schildt from Martin & Martin, the Engineer for the applicant, needed clarification as to what they required for the driveway and the buffer. Mr. Schildt stated that the ordinance clearly states how the buffer is calculated but it does not state where the buffer starts. Ms. Heine stated that the Ordinance says that the buffer is along the district boundary but the issue is that this property extends very far back and the property is mostly forested. The issue is, will the buffer extend all the way to the back of the property where there is already existing woods and the applicant will be using just a small piece up in the front of the parcel? Mr. Athey asked how the Township Engineer thought it should be. Ms. Heine stated they observed it at the right-of-way line from the road back to a point that she indicated to Mr. Athey. Ms. Heine added that she got the impression that the Commission did not like the current location of the driveway and that affects their placement of buffer trees. The Commission had discussion with the Engineer and the applicant to try and keep the driveway, create the buffer and also stay in compliance with the Ordinance. Mr. Wiser, Township Solicitor, suggested that being this is a zoning provision a request should be submitted to the Zoning Officer for a determination as to whether or not the driveway can be considered part of the buffer and whether or not a buffer is required for the entire length of the tract or whether or not the existing trees that are towards the rear of the property are sufficient as one of the alternative buffers as mentioned in the ordinance.

**Mr. Athey made a motion to table the plan to receive a determination from the Zoning Officer regarding the buffer. 2nd by Mr. Hickethier. Vote: Yea-4 Nay-0 (Tallman Absent)
Motion Carried**

ACTIVE BUSINESS

Keller Poultry Barns

Construction of two poultry barns, two roofed waste storage areas, a packing room, a gravel/paved access drive and a bio-retention basin on a 50 acre lot in the A/R zoning district located on Mummasburg Road.

Mr. Stone recused himself from the Commission

Leah Heine, Township Engineer, reviewed KPI comments with the Commission; she also stated that the plan was reviewed as a final plan.

Mr. Athey questioned why the Commission did not have all of the items they needed to be able to move on with this plan or why they were hearing it if it was not complete.

Ms. Heine felt the need to review the plan at this meeting as the applicant had addressed a significant amount of previous comments that needed to be addressed.

Sam did state that recreation fees would not be required due to the property not meeting the minimum acreage.

Dave Keener with Team Ag, the engineer for the applicant stated that the Water Feasibility Study was in the process of being completed. Mr. Keener added that he would add a note to the plan regarding waste water and wetlands, he would add to that no wetlands were observed on the site.

Barry Stone, 1745 Mummasburg Road, asked if they were required to do a water resource impact study or a water resource impact study determination. Mr. Wisner stated that the report needs to be completed first and then that determines if the study needs to be completed. Mr. Keener stated the Geologist will be completing the study and then given to KPI to determine adequacy. Ms. Heine added that if it is something that KPI is not comfortable with they have Geologist and Water Geologist that can review it.

Peggy Keating-Butler, questioned the drilling of wells and the neighbors being notified so they can see the impact on their wells. She is hoping that the Water Feasibility Study is very in-depth. Ms. Butler also encouraged the Commission to deny the waiver of the Preliminary Plan.

Sandy Dixon, 705 Herrs Ridge Road, questioned an emergency plan if an infectious disease would attack all of the birds and how that would be cleaned without any wastewater.

Eugene Breahm, spoke of his well being drilled again if Keller would drain his current well.

Jean Stone, 1745 Mummasburg Road, questioned Leah on the site triangle being adequate at the driveway. Leah stated that normally site triangles are done with equilateral triangles whereas in this case they only went 10 ft. back from the road center line and the reason they did that was to help keep the most buffering possible. Jean was also concerned about driveway site distance. Leah stated that Mummasburg Road is a State Highway and Penn Dot will make the decision on site distance due to it being on a state road.

Mr. Wisner also verified the law states that there can be conditional approval on a plan without having other governmental approvals, aka...Penn Dot Permit.

Mrs. Stone questioned the bathroom needs of the workers at the poultry farm. She also questioned the parcel of property that the house is on and the parcel of property that the poultry barns will be on being on two separate deeds and if they were going to be combined. Mr. Wisner stated that it is not a requirement from our Ordinance that the deeds need to be consolidated. Mr. Wisner also stated that the bathroom needs were not a requirement on the land development plan and were fully discussed at the conditional use hearing.

Peggy Keating Butler questioned the applicant as to why at the conditional use hearing there was to be no wastewater and when the application for the land development plan was submitted it now says there will be sewage and septic. Mr. Keller stated there will not be any wastewater and it was a mistake made on the land development plan application. Mr. Wisner stated that the land development plan application given to the Township needs to be amended by the applicant.

Barry Stone asked that KPI take another look at the site distance triangle due to him being a Building Inspector for another Township and given the slope of the road and the speed on it. Mr. Stone also asked the Commission to take a good look at the preliminary plan waiver request.

Everett Ladd, 215 Ridgewood Drive, read from the PA State Constitution.

Elizabeth Magner, Belmont Road, requested the name of the company that performed the wetland studies. Mr. Keener gave her the information. Ms. Magner was also concerned if anyone came onto her property to inspect wetlands, if the lights were going to ruin her night sky and if the delivery trucks would be washed down when they leave the property.

Mr. Athey made a motion to table the plan to address all outstanding comments and receive Adams County comments. 2nd by Mr. Hicketier.

Vote Yea-3 Nay-0 (Stone Recused)(Tallman Absent)

Motion Carried

(Mr. Stone returned to the Commission)

OTHER BUSINESS

Zoning/Code Officer's Report

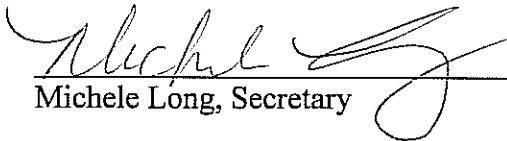
Mr. Naugle gave a report for the January, 2013 building/zoning activities within the Township.

ADJOURN

There being no further business, the meeting was adjourned at 8:35 p.m. by motion of Mr. Stone seconded by Mr. Hickethier.

Vote Yea-4 Nay-0 (Tallman Absent)

Motion carried.


Michele Long, Secretary