

**CUMBERLAND TOWNSHIP PLANNING COMMISSION**  
**Minutes of the September 12, 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*) Stephen Tallman, Kenny Caudill, Dennis Hickethier, Leah Heine (*Township Engineer*), Sam Wisner, (*Township Attorney*), Michele Long (*Planning Commission Secretary*).

**APPROVAL OF MINUTES**

Approval of the Minutes from the July 11th Planning Commission Meeting.

**Mr. Hickethier made a motion to approve the minutes from the July 11th, 2013 Meeting. 2<sup>nd</sup> by Mr. Caudill.**

**Vote: Yea-4 Nay-0 (Stone Absent)**

**Motion Carried**

**PUBLIC COMMENT**

N/A

**ACTIVE BUSINESS**

**Misty Ridge Recreational Lot**

Subdivision of a 1.225 acre lot with a 40'x60' pavilion to be constructed.

Mr. Henderson reviewed the memo the Commission received from the Township Attorney regarding the extension of Palace Drive. The memo verified the status of the 50' right of way as depicted on the plan. The memo concluded that the approved and recorded Phase 1 Final Plan for Misty Ridge does not depict the extension of Palace Drive as a public street through the church property.

Mr. Sharrah, representing Misty Ridge, stated they are in agreement with the memo written by the Township Attorney and they would add the notes to the plan that were recommended on that memo. Memo is attached to the minutes.

Ms. Leah Heine reviewed the comments from their letter dated July 10, 2013 with the Commission.

Mr. Tallman asked about the 50' right of way and how emergency services will be able to access that area.

Mr. Henderson stated the barrier is only a chain between 2 posts.

Mr. Wisner added that his first bullet point on his written memo stated that this area should be maintained by the property owner in good condition and remain passable by emergency vehicles.

Ms. Heine asked Mr. Sharrah to add a note to the plan that no glare from the lighting will shine on any residential properties.

Mr. Sharrah agreed.

**Mr. Tallman made a motion to recommend approval based on the engineer comments being addressed before recording. 2<sup>nd</sup> by Mr. Hickethier.**

**Vote: Yea-4 Nay-0 (Stone Absent)**

**Motion Carried**

## **NEW BUSINESS**

### **Gettysburg Area School District Stadium Renovations**

Preliminary/Final land development plan for stadium renovations and improvements, located on the Districts Middle School Campus.

**(Please note this item is for information only not full review)**

Brian Bingeman, with Turf, Track and Court, representing the applicant, gave an informal review of the project. Mr. Bingeman explained that they will be improving multiple items at the stadium, seating, concessions, fields, track, restrooms, parking, walkways, etc. Mr. Bingeman stated the fields will be synthetic. The Commission discussed the plan with the applicant's engineer. Mr. Bingeman plans to be on the Planning Commission agenda next month for formal review. Mr. Wisner questioned a new score board and warned the engineer to be aware of the zoning with proposed score boards in accordance with the sign ordinance.

## **NEW BUSINESS**

### **Agricultural Security Area Request**

Proposal for an addition of 50.74 acres to the agricultural security area located at 1714 Mummasburg Road.

Jean Stone, 1745 Mummasburg Road, read her letter addressed to the Commission dated August 5, 2013. Mrs. Stone also reiterated the discussion regarding this item from the Planning Commission meeting dated August 16, 2012. Mrs. Stone is concerned that the conditions which were approved at the Cumberland Township Conditional Use hearing for the Keller Poultry Farm can be overridden by being granted into the Agriculture Security Area (ASA) and that the rights guaranteed by the Right to Farm Act related to the nuisance actions during the first year of the poultry operation can be overridden by ASA. Mr. Wisner stated that he stood by his statements given at that 2012 meeting, in which the ASA designation does not override the Township's conditions set from the Conditional Use decision nor does it change the citizen's right to take action regarding nuisances during the first year of agricultural operation. Mrs. Stone spoke of two additional issues she would like taken into consideration; the first being the agricultural security law itself in Section 9-11 which is limitations on local regulations and the second and most important is the Cumberland Township Zoning Ordinance, Section 27-402, permitted uses in Agricultural districts.

Mr. Wisner explained to Mrs. Stone the ag preservation program versus the ag security area program.

Mr. Wisner stated that the Commission has 5 criteria to review for approving an ASA and accessory uses is not one of those items.

Mrs. Stone asked for the ASA to be clearly defined,

Mr. Wisner reiterated that the Commission has only 5 criteria to review to approve or deny the ASA and if they do not approve based on meeting those 5 criteria then they are opening themselves up to an appeal.

Jim Paddock gave the information on the comprehensive plan committee and where they stand.

Mr. Henderson reviewed the 5 criteria the commission needs to consider in recommending an ASA application.

**Mr. Hickethier made a motion to recommend approval of the Agricultural Security area due to the item meeting the 5 criteria. 2<sup>nd</sup> by Mr. Caudill.  
Vote: Yea-2 Nay-2 (Tallman & Hickethier Opposed) (Stone Absent)  
Motion did not carry.**

**Mr. Tallman made a motion to table the item to the October meeting for review of Adams County comments.  
2<sup>nd</sup> by Mr. Hickethier  
Vote: Yea-4 Nay-0 (Stone Absent)  
Motion Carried**

## **NEW BUSINESS**

### **Agricultural Security Area IV Review**

A seven year review of the current properties in the Agricultural Security Area IV to determine if the properties are still in accordance with the ordinance.

The Commission discussed the material given and reviewed the map.

**Mr. Tallman made a motion to table the item to wait for any modification requests that may be submitted and for a written explanation why there is a property crossed off on the map. 2<sup>nd</sup> by Mr. Hickethier .  
Vote: Yea-4 Nay-0 (Stone Absent)  
Motion Carried.**

## **ADJOURN**

**There being no further business, the meeting was adjourned at 8:35 p.m. by motion of Mr. Tallman seconded by Mr. Hickethier .  
Vote Yea-4 Nay-0 (Stone Absent)  
Motion carried.**

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Michele Long, Secretary