

CUMBERLAND TOWNSHIP PLANNING COMMISSION
Minutes of the May 12, 2016 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*) and Sam Wiser, (*Township Attorney*)

APPROVAL OF MINUTES

Approval of the Minutes from the April 14th, 2016 Planning Commission Meeting.

Mr. Tallman made a motion to approve the minutes from the April 14th, 2016 Meeting. 2nd by Mr. Hickethier.

Vote: Yea - 5 Nay – 0

Motion Carried

PUBLIC COMMENT

N/A

ACTIVE BUSINESS

Timeless Towns of the America's

Land Development Plan to replace the existing wastewater treatment facility with a new facility to be installed on a slab above grade, located on Emmitsburg Road.

Ms. Leah Heine, Township Engineer, reviewed the engineering comments with the Commission. Mr. Wiser stated that his office has transmitted a developer's agreement to the developer just this week. Mr. Wiser reviewed Section 22-412 with the Commission, Mr. Wiser added that this section which was not in the engineering comments will also need to be met before final approval. Mr. Wiser informed the Commission that they could move this plan along with this being a condition before final approval.

The Commission reviewed the request from the applicant asking for a waiver to submit an Erosion and Sedimentation Control Plan

Mr. Stone recommended the waiver request to not submit the complete erosion and sediment control plan and receive an adequacy letter.

2nd by Mr. Tallman

Vote: Yea: 5 Nay:0

Motion Carried

Mr. Henderson asked the applicant's engineer, Mr. Heerbrandt, if he was aware of Section 22-412. Mr. Heerbrandt stated that he read the email received from Mr. Wiser and he doesn't feel it is necessary and would defer that to the attorney's representing the applicant. Mr. Wiser explained to Mr. Heerbrandt the reasoning as to why he felt the need for

Section 22-412 to apply to this property which was to make sure the other properties that are served by this waste water treatment plant (WWTP) are continued to be served if the main property is sold by Timeless Towns. Mr. Wisner stated that the two main issues with this plan are the developer's letter and the need to satisfy Section 22-412 which is ensuring the other properties continue to be served by this WWTP if the main property is sold by Timeless Towns. Mr. Heerbrandt assured the Commission there is an agreement with those properties but he has no knowledge of it at this time.

Mr. Hickethier made a motion to recommend this plan to the Board of Supervisors based on the engineering comments, the completion of the developers agreement and that Section 22-412 of the ordinance is satisfied which ensures that the neighboring properties will be served by this waste water at all times.

2nd by Mr. Tallman

Vote: Yea 5 Nay: 0

Motion carried

NEW BUSINESS

Keystone Service Systems, Inc Appeal/Variance Request

Keystone Service Systems, Inc. is appealing the Zoning Officer's decision that Section 27-603 of the Cumberland Township Zoning Ordinance requires central water and sewer facilities to construct and develop a single commercial-residential building on one lot in the Mixed-Use (MX) zoning district, or, in the alternative, is seeking a variance from that requirement. The property is located at 960 Barlow-Greenmount Road; Gettysburg PA 17325; Parcel Number 09E16-0038---000. The said property being more fully identified by deed recorded in Deed Book 6037 page 0138 in the Office of Recorder of Deeds of Adams County, Pennsylvania.

PUBLIC COMMENT

Nita Gross, 938 Barlow Greenmount Road; submitted a letter in opposition to the facility, letter attached.

Mr. Wisner informed the Planning Commission as to what their role is in this variance recommendation. Mr. Wisner explained what the applicant, Keystone Services, is asking for and the 5 items of criteria that the applicant needs to meet for this hardship to be approved. Mr. Wisner explained to the Commission that if this is approved by the Zoning Hearing Board the Commission will still review the land development plans at future meeting.

Doug Gross; 938 Barlow Greenmount Road; submitted a letter in opposition to the facility, letter attached.

Sharon Martin, 980 Barlow Greenmount Road; spoke of the Adams Co. comments and how large the building is going to be on the property and the extra people that will be using the water/sewer facilities.

Brian Fitzgerald; 914 Barlow Greenmount Road; spoke of many reasons why the variance should be denied, including this facility not helping the tax base for the Township.

The Commission took a few minutes to review the plans along with having open discussion. Mr. Wisner advised the Commission to first handle the appeal part of the application in which the applicant is asking to appeal the zoning officer's decision regarding this plan needing central water and sewer facilities. Mr. Wisner continued to explain why the zoning officer made his decision this way and read parts of the Ordinance to support his decision. Mr. Henderson asked for the Commission's opinions. The Commission was in agreement with recommending denial for the applicant's request to appeal the zoning officer's decision. Mr. Henderson explained that the Commission did not have to make a recommendation to the Zoning Hearing Board if they did not feel they had enough information to do so. Mr. Wisner read details from a previous case similar to this one for a variance. Mr. Wisner stated that he was not sure they were able to make a decision regarding the 5 hardships being the applicant was not present to ask questions. Mr. Henderson added that he was wanting to ask the applicant what exactly the use of the facility was going to be, what it was going to do, what purpose it would serve and how will the neighborhood be protected. Mr. Henderson reviewed the Adams County Planning comments with the Commission. The Commission, as a whole, were not pleased that the applicant has now created a hardship by removing what was there and now creating something that could have been avoided. Mrs. Martin stated that the applicants should have come to the Township to find out what was going to be needed before they started working on the property. Mr. Gross added that if it was him purchasing the property he would have looked at expanding the existing dwelling, having a functioning onsite sewer and water facility and try to fight that battle instead of removing everything from the property without asking for any requirements.

Mr. Caudill made a motion to recommend denial to the Zoning Hearing Board of the variance request due to the applicant creating their own hardship, and they feel they have created the hardship by destroying the existing non-conforming use and in doing so they have created this hardship.

2nd by Mr. Stone.

Vote: Yea-5 Nay-0

Motion carried

Mr. Hickethier made a motion that they reject the applicants appeal to the Zoning Officer's decision.

2nd by Mr. Stone

Vote: Yea-5 Nay-0

Motion carried

OTHER BUSINESS

Zoning/Code Officer's Report

Mr. Naugle reviewed the April building/zoning activity with the commission.

ADJOURN

There being no further business, the meeting was adjourned at 8:30 p.m. by motion of Mr. Tallman seconded by Mr. Caudill. Motion carried.

Michele Long, Secretary