

CUMBERLAND TOWNSHIP PLANNING COMMISSION
Minutes of the June 8, 2017 Regular Meeting

CALL TO ORDER

The meeting was called to order at 7:01 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, Ben Thomas (*Township Manager*), Sam Wiser, (*Township Attorney*), Leah Heine, (*Township Engineer*), Michele Long (*Planning Commission Secretary*).

APPROVAL OF MINUTES

Approval of the Minutes from the May 13th, 2017 Planning Commission Meeting.

Mr. Stone made a motion to approve the minutes from the May 13th, 2017 Meeting.

2nd by Mr. Hickethier.

Vote: Yea - 5 Nay – 0

Motion Carried

PUBLIC COMMENT

Karey Burkholder, 127 Battalion Lane; spoke of the Country Meadows application needing a special exception instead of a conditional use. Ms. Burkholder handed out the definition of an assisted living facility. Ms. Burkholder stated that this is a retirement community and retirement communities are not included in the definition of assisted living facilities.

Steven Lewis, 25 Skyline Court; does not think assisted living facilities should be in residential zones. Specific to the Country Meadows application he feels there are limited road structures, not enough water or water pressure for this type of facility.

Pam Hayes, 11 Cannon Ridge; asked the Commission to think about why this type of development is able to come into the residential district and that traffic will be bad.

Jeanne Theroff, 10 Regiment Drive; does not feel this fits into a residential neighborhood, too much traffic, large parking lot, and the employees driving through Cannon Ridge Development.

James O'Brien, 20 Brigadier Court, does not feel this facility fits into the residential community and it will create a lot of traffic.

ACTIVE BUSINESS

Cumberland Crossing Sewage Facilities Planning Module

Recommendation

Sewage Planning Module for the final subdivision plan proposing a planned community consisting of 43 single-family lots on 40.6 acres, located at the intersection of Mason Dixon Road and Swetland Road.

Ms. Leah Heine, Township Engineer, spoke to the Commission regarding the Planning Module adding that a majority of the comments had been addressed from the last meeting. Ms. Heine stated that Mt. Joy Township

has responded that they do not want to see the plan until it is almost completed and ready for the signatures. Ms. Heine also added that the flow is up to where it needs to be. Ms. Heine reviewed the Component 4A from the planning module with the Commission, which will need to be signed by the Chair once it is recommended to the Board.

Mr. Hickethier made a motion to recommend the Sewage Planning Module to the Board of Supervisor based upon the engineering comments being addressed.

2nd by Mr. Tallman.

Vote: Yea - 5 Nay – 0

Motion Carried

NEW BUSINESS

Country Meadows Conditional Use Application

Applicant is seeking a conditional use for an assisted living facility in the residential cluster overlay zone as required per Section 27-502.1 of the Cumberland Township Zoning Ordinance.

Charlie Courtney, with McNees, Wallace, and Nurick representing Country Meadows first spoke that the Zoning Ordinance does state that assisted living facilities are permitted by conditional use in the R cluster overlay district. Mr. Courtney added that the Zoning Officer also gave a determination that this is permitted by conditional use. Mr. Courtney gave a small overview of the plan and what will be offered as care at this facility. Mr. Courtney also reviewed the definition of assisted living facilities from the Township Ordinance along with the definitions of nursing home and retirement communities. Mr. Courtney introduced Michael Leader, owner of Country Meadows, who gave a small overview of what he has already completed to prepare for this facility to come into the Township. Mr. Leader explained the difference between an assisted living facility and a skilled full time care facility such as a nursing home. Mr. Leader stated that most of his assisted living facilities are located in residential zoning districts, mostly with conditional uses or special exceptions. Mr. Leader added that this will be constructed in phases which could happen anywhere from 5 years to 15 years. Mr. Hickethier questioned the memory support unit and asked Mr. Leader to explain what will happen in that wing. Mr. Leader stated that this wing is for residents with dementia and/or Alzheimer's disease but it is not a mental health wing. Mr. Leader further stated that this wing is for people in early stages of these diseases. It has programs that are tailored to people with memory loss and it is a secure environment with a staff member, relative or friend. Mr. Hickethier asked for a definition of intermittent care if they are in a secure unit. Mr. Leader stated that the secure unit provides the environment not the care, there is not someone with those people on a minute by minute basis. Mr. Hickethier asked Mr. Wisner for a definition of intermittent care, Mr. Wisner stated that there is not a definition in the Township Zoning Ordinance however the Zoning Officer has determined that the use as described in the application does comply with the definition of assisted facility in our Zoning Ordinance. Ms. Burkholder, read the definition of intermittent care from the Federal Law under Medicare. Mr. Courtney added that definitions are to be the common and ordinary

meaning from the dictionary. Mr. Courtney explained memory care and how it varies upon individual and that when they need the full time care they are then moved to a full time care facility. Mr. Bob Sharrah, with Sharrah Design Group representing the applicant, reviewed Section 27-1603 from the Zoning Ordinance, the conditions that need to be addressed for assisted living facilities. Mr. Sharrah showed the Commission how each condition is met on the visual plans which were on display. Mr. Wisner reviewed the conditions to be met by the applicant in the R cluster overlay district within Section 27-506 of the Zoning Ordinance. Mr. Sharrah stated that he felt the plan demonstrated compliance of these conditions which were reviewed. Mr. Sharrah also felt they met all conditions in Section 27-1603 regarding assisted living facilities. Mr. Wisner also reviewed the generally applicable criteria of the zoning ordinance with Mr. Sharrah. Mr. Sharrah stated that he met all of the requirements.

The Commission discussed building height and buffering requirements. Mr. Sharrah stated they are almost doubling the required amount of trees for buffering. Mr. Sharrah added that with the land development plan they will have a landscape plan which will give a better idea of what trees and how many will be placed.

Mr. Stone made a motion to recommend approval of the conditional use based upon the applicant to provide more specific detail on lighting, screening, noise and the solicitor to provide a legal review on the special exception/conditional use requirement, along with the building height to remain at 35 feet as a maximum height and to maintain the existing natural buffer.

2nd by Mr. Caudill.

Vote: Yea-5 Nay-0

Motion Carried

NEW BUSINESS

Request from Board of Supervisors

“Mr. Paddock made a motion to have the Township Planning Commission review the setbacks, buffering requirements and use of cottages as buffering elements on any assisted living facility plans in the residential district” Seconded by Mr. Shealer and carried.

Mr. Thomas reviewed an action plan for the Commission to follow in order to get more information to Mr. Paddock for his recommendations that were received at a public hearing.

Mr. Henderson agreed with Mr. Thomas’s action plan. The item will reappear on the Commission’s August 10th meeting agenda.

Mr. Hickethier made a motion to adopt the action plan that Mr. Thomas reviewed.

2nd by Mr. Stone.

Vote: Yea-5 Nay-0

Motion Carried

OTHER BUSINESS

Zoning/Code Officer's Report

Mr. Thomas reviewed the May building/zoning activity with the commission for Mr. Naugle who was absent.

ADJOURN

There being no further business, the meeting was adjourned at 8:40 p.m. by motion of Mr. Tallman seconded by Mr. Stone. Motion carried.

Michele Long, Secretary