

CUMBERLAND TOWNSHIP PLANNING COMMISSION
Minutes of the February 9, 2012 Regular Meeting

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Vice Chairperson Barry Stone. The meeting was recorded.

ATTENDANCE

Present were Jim Henderson, (*Chair, arrived at 7:25p.m.*), Barry Stone, (*Vice Chair*) Stephen Tallman, Carl Athey, Dennis Hickethier, Ben Thomas, (*Township Manager*), William Naugle (*Township Code Enforcement/Zoning Officer*), Leah Hine (*Township Engineer*), Michele Long (*Planning Commission Secretary*)

APPROVAL OF MINUTES

Approval of the Minutes from the January 12th Planning Commission Meeting. **Mr. Hickethier made a motion to approve the minutes of the January 12th, 2012 Meeting. 2nd by Mr. Tallman.**
Vote: 4-0 Motion carried. Mr. Henderson Absent

PUBLIC COMMENT

Mr. Kauffman from 56 Bittern Drive spoke of Concentrated Animal Operations (CAO) in the AR zoning districts. Mr. Kauffman feels it is inappropriate for these operations to be located in the AR district due to odors and they reduce the value of properties in the AR district. Mr. Kauffman asked the Planning Commission to recommend to the Board of Supervisors that CAO be prohibited in the AR zoning district.

Mr. Stone stated that these comments had a lot of merit and the Commission acknowledged the comments.

Mr. Sam Richardson from 73 Woodhaven Drive spoke of the unfairness that he felt from the previous Zoning Review Committee Meeting. Mr. Richardson did not agree with comments made in regards to Concentrated Animal Operations (CAO) within the Township. Mr. Richardson felt that the statement made in regards to fairness to the farmers was inappropriate and that decisions should be made based on what was best for the Township and what the vast majority of what the residents of the Township felt. Mr. Richardson also felt that these types of operations would lower property values. Mr. Richardson asked that the Commission recommend to the Board of Supervisors that the zoning be changed before the residents are hit with another CAO application.

Mrs. Jean Stone from 1745 Mummasburg Road stated that she agreed with Mr. Richardson and Mr. Kauffman that previously spoke. Mrs. Stone also stated that she also wanted to speak about an agenda item in regards to the Text Changes for the Zoning Ordinance. Mr. Stone stated that this would be taken when that certain agenda item is covered.

Mrs. Elizabeth Magner from Belmont Road also agreed with the previous comments from Mr. Richardson and Mr. Kauffman. Mrs. Magner was extremely disappointed in the previous Zoning Review Committee Meeting.

Mrs. Stone stated that she spoke to Mr. Miller at the Miller farm which is within the Township and that it is not a Concentrated Animal Operation (CAO) and since it is not Cumberland Township does not have any CAO's within the Township.

Mr. Stone deferred the questions to Ben, as to where the CAO request for Amendment is going to go next since it has been recommended denied from the Zoning Review Committee.

Mr. Thomas explained that the Zoning Officer received two proposed text changes from the citizens, one was directed to a newly formed committee which was originally formed to review the text changes that are on the Planning Commission Agenda this evening. This Committee has offered an opinion that will go back to the Board of Supervisors. These two proposed text changes that were received from the Zoning Officer will be on the February Board of Supervisors Meeting Agenda for discussion. At this time they will receive direction from the Solicitor on how to proceed. There is a likelihood that next a public hearing will be scheduled to review those text changes. Mr. Thomas added that prior to this public hearing both the Planning Commission and the Adams County Planning Department will review and give recommendation of any proposed text changes.

Mr. Richardson asked for verification of the text changes that Mr. Thomas was speaking of, if they were relevant to the CAO's in the AR Zoning.

Mr. Thomas stated that first text change is the citizen's request to remove CAO's from the AR Zoning District.

Mr. Hickethier stated that he would like to make a recommendation to the Board of Supervisors on how the Planning Commission felt on the CAO's in the AR zoning district at this meeting. Mr. Hickethier asked if this was appropriate for this meeting.

Mr. Thomas stated this was the discretion of the Planning Commission but felt it was more appropriate to be handled under New Business.

ACTIVE BUSINESS

N/A

NEW BUSINESS

Judy Miller Subdivision

Subdivision of the property located at 130 Park Avenue into two lots. Ms. Hine, Township Engineer, explained the subdivision and reviewed the Engineer's comments.

Chairman Henderson arrived at 7:25 p.m.

Ms. Hine spoke of the setback and sewer issues. Ms. Hine added that at the current time the applicant will need to submit a plan to show how they are going to put in a sewer line to serve this new lot. This plan will need to be approved by the Cumberland Township Sewer Authority. Mr. Athey

asked if a proposed plan had been submitted for what they were forecasting for the utilities (sewer) on this new lot.

**Mr. Tallman made a motion to table this item until further sewer connection plans were received. 2nd by Mr. Athey.
Vote 5-0 Motion Carried**

At this time Mr. Stone rearranged the order of the items on the agenda. Mr. Stone moved the Cumberland Club Investments Zoning Map Change item to the next item of discussion.

NEW BUSINESS

Cumberland Township Zoning Map Amendment(s)

This request is for amending the map for property located at 730 Chambersburg Road from R-Residential to MX-Mixed Use.

Mr. Stone read the request from Mr. Marty Hill, property owner at 730 Chambersburg Road. Mr. Thomas explained that the Board of Supervisors has completed a preliminary review of this request and they asked the Solicitor for his opinion. The Solicitor did spend time reviewing this and has submitted written comments as he compared it to our zoning, the land use and the comprehensive plan. Mr. Thomas continued to explain that the Board has agreed to move forward with this request and it will be heard at a public hearing. This is before the Commission tonight for any comments and recommendations to the Board at the Public Hearing. Mr. Hill was present and explained his reasoning for the request. Mr. Hill asked for the support of the Planning Commission. Mr. Hill noted the Solicitor's strong support for his request and that he is willing to pay for all expenses that the Township will incur.

**Mr. Henderson made a motion to recommend approval of the zoning map change from R to MX of Mr. Hill's property located at 730 Chambersburg Road. 2nd by Mr. Hickethier.
Vote 5-0 Motion Carried.**

Mr. Stone turned the meeting over to Chairman Henderson.

Cumberland Township Zoning Text Amendment(s)

Amending various sections of Chapter 27 of the Cumberland Township Zoning Ordinance.

Mr. Henderson gave a brief explanation of how these proposed Text Amendments were created and reviewed prior to this point. Mr. Hickethier asked what standards were used for their basis. Mr. Henderson stated that some information was based upon other Township's regulations and others from current work that is being completed in wind turbine manufacturers especially with height restrictions. Mr. Thomas noted that the importance of a lot of this involves wind turbines. At the current time since there are no regulations they are allowed to be placed anywhere within the Township. From the direction of Mr. Stone, the Commission decided to give a recommendation for each Section of the proposed Amendments. Mr. Henderson gave a correction for the bottom paragraph on page 4 the next to bottom line should state 'decommissioning to occur within 6 months', not with 6 months. Mr. Thomas gave an additional

correction which is on page 7 Section 21, Chapter 21 Part 6 Number 1, Should state..No Commercial, adding- residential, wholesale, retail...etc.

**Mr. Hickethier made a motion to recommend approval for Sections 1-6 and Sections 23-25 of the Chapter 27 proposed text amendments regarding wind turbines. 2nd by Mr. Tallman
Vote 5-0 Motion Carried**

The Commission reviewed Sections 7-20 of the Chapter 27 proposed text amendments.

**Mr. Stone recommended approval of Sections 7-20 of the Chapter 27 proposed text amendments. 2nd by Mr. Tallman
Vote 5-0 Motion Carried**

The Commission reviewed Section 21 of the Chapter 27 proposed text amendments.

**Mr. Hickethier made a motion to recommend approval of Section 21 of the Chapter 27 proposed text amendments, which includes the above mentioned correction, stated by Mr. Thomas.
2nd by Mr. Athey
Vote 5-0 Motion Carried**

The Commission reviewed Section 22 of the Chapter 27 proposed text amendments.

Mrs. Jean Stone feels the need for all day care centers to be notified of any changes at least 30 days prior to approval.

**Mr. Tallman made a motion to recommend approval for Section 22 of the Chapter 27 proposed text amendments. 2nd by Mr. Stone.
Vote 5-0 Motion Carried**

The Commission reviewed Section 23 of the Chapter 27 proposed text amendments.

**Mr. Hickethier made a motion to recommend approval for Section 23 of the Chapter 27 proposed text amendments. 2nd by Mr. Stone.
Vote 5-0 Motion Carried**

Mr. Stone recused himself from the discussion of Sections 26-29.

The Commission reviewed Section 26 of the Chapter 27 proposed text amendments.

Mr. Hickethier asked what changes were made to what currently exists in the ordinance. Mr. Naugle reviewed the current section of the ordinance in comparison to the proposed changes. Mrs. Stone stated that she currently has an application to amend this section of the ordinance but it has not moved forward at this point. Mrs. Stone explained what her proposed text amendment covered. The Commission conducted open discussion with Mrs. Stone.

**Mr. Athey made a motion to table Section 26 of the Chapter 27 proposed text amendment for further review. 2nd by Mr. Hickethier.
Vote 4-0 Mr. Stone Recused. Motion Carried.**

The Commission reviewed Section 27 of the Chapter 27 proposed text amendments

Mr. Athey made a motion to table Section 27 of the Chapter 27 proposed text amendment for further review. 2nd by Mr. Hickethier. Vote 4-0 Mr. Stone Recused. Motion Carried.

Mr. Stone returned to the Commission.

Sections 28-31 were reviewed by the Commission.

Mr. Hickethier made a motion to recommend approval for Sections 28-31 of the proposed Chapter 27 text amendments. 2nd by Mr. Tallman.

Vote 5-0 Motion Carried.

Mr. Tallman made a motion for a recommendation to the Board of Supervisors to enact a modification to the Zoning Ordinance to remove from Permitted Uses-Agricultural Districts (27-402) the CU classification for "Concentrated Animal Operations" for the A/R district only (not from A) 2nd by Mr. Hickethier.

The Commission had open discussion with the public regarding this motion.

Vote Yea-3 (Tallman, Stone, Hickethier) Nay-2 (Athey, Henderson) Motion Carried

Cumberland Township Subdivision & Land Development Ordinance Text Amendment(s)

Amending and supplementing the Subdivision and Land Development Ordinance to revise the maximum permitted slope for residential access drives and remove a grading criterion when adjacent to a property line.

Mr. Thomas stated that the Section 22-507.2A.2 is to be removed from this proposed amendment due to it still being reviewed by the Township Engineer. The Commission reviewed and discussed the proposed SALDO text amendment with Mr. Naugle.

Mr. Stone made a motion to recommend approval for Section 22-405.1D of the Subdivision & Land Ordinance proposed text amendment. 2nd by Mr. Hickethier.

Vote 5-0 Motion Carried

Mr. Stone made a motion to table Section 22-507.2.A.2 of the proposed Subdivision & Land Ordinance text amendment for further review. 2nd by Mr. Tallman

Vote 5-0 Motion Carried

OTHER BUSINESS

Zoning/Code Officer's Report

Mr. Naugle gave a report for the January, 2012 building/zoning activities within the Township.

Mr. Naugle also stated in regards to the previous conversation that he spoke to Vy Tinh who is the Nutrient Management Technician for the Adams County Conservation District and she informed him that there is

one Concentrated Animal Operation within Cumberland Township. This is located at Artillery Ridge Campground.

Ben Thomas

Brief overview of Township Manager's experience with Growing Greener, Conservation by Design.

Mr. Thomas briefly spoke of his experience and the cost affiliated with Growing Greener Conservation by Design Program. Mr. Thomas didn't feel that the Township currently had the proper time that is going to be needed to be devoted for this review but more importantly thinks it should be visited with the Comprehensive Plan.

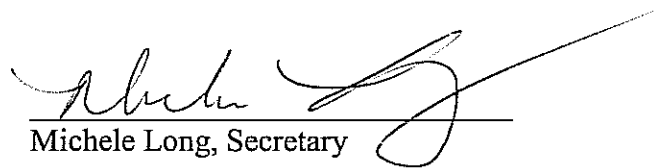
Mr. Tallman made a motion to recommend the Conservation by Design topic as part of the overall Comprehensive Plan update and not discuss it separately. 2nd by Mr. Stone.

Vote 5-0 Motion Carried.

ADJOURN

There being no further business, the meeting was adjourned at 9:23 p.m. by motion of Mr. Hicketier, 2nd by Mr. Stone.

Vote 5-0 Motion carried.


Michele Long, Secretary