

# CUMBERLAND TOWNSHIP PLANNING COMMISSION

## Minutes of the March 9, 2017 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, Sam Wiser, (*Township Attorney*), Leah Heine (*Township Engineer*), and Bill Naugle (*Zoning Officer*).

### APPROVAL OF MINUTES

Approval of the Minutes from the January 12<sup>th</sup>, 2017 Planning Commission Meeting and the January 19<sup>th</sup> Joint Workshop with the Board of Supervisors.

**Mr. Hickethier made a motion to approve the minutes from the January 12<sup>th</sup> Meeting and the January 19<sup>th</sup> Workshop. 2<sup>nd</sup> by Mr. Tallman.**

**Vote: Yea - 5 Nay - 0**

**Motion Carried**

### PUBLIC COMMENT

None

### ACTIVE BUSINESS

None

### NEW BUSINESS

#### **Balas & Andrew Lot Additions**

Subdivision plan proposing a lot reconfiguration between adjacent parcels owned by James & Barbara Balas and Clarence & Yvonne Andrew to establish a more regular lot structure for both parcels.

Ms. Heine, Township Engineer, explained the plan to the Commission. Ms. Heine asked if anyone was present to represent the applicant, which there was not. Ms. Heine stated that this addition plan is being done to reconfigure lot lines to make more 'square' lots along with resolving the current nonconformance with the zoning on these lots. There is only one current existing home on one lot. Mr. Tallman questioned the existing dwelling being already in the current lot lines. Ms. Heine stated that the existing dwelling will be nonconforming either way being located in the setback. Mr. Tallman questioned making the nonconformance worse instead of better with this plan. Ms. Heine stated she would have to discuss this with the applicant. Ms. Heine reviewed the comments with the Commission.

**Mr. Tallman made a motion to table the plan to gather more information needed and have the items shown on the plan required by our Township before approval.**

**2<sup>nd</sup> by Mr. Stone.**

**Vote: Yea-5 Nay-0**

**Motion Carried.**

## **NEW BUSINESS**

### **Musket Ridge**

Proposal of 122 dwelling units in 61 buildings, with one office building and some associated off-street parking for that office building located on the east side of Kinsey Drive.

Ms. Heine, Township Engineer, gave the history of the plan being it was last seen by the Commission in July, 2015 which the plan was then tabled. Ms. Heine explained the plan in more depth due to Mr. Caudill not being a current member in July, 2015. Ms. Heine stated that Mr. Sharrah, engineer for the applicant, has made a number of changes to this plan since it was last seen which address the comments from a year and a half ago. Ms. Heine also stated that the traffic engineer has reviewed the plan in July, 2016. Ms. Heine explained that the layout is still the same as before. Ms. Heine added that the main reason for looking at the plan tonight was to get the opinion of the Commission regarding traffic and access issues which were brought to their attention from the traffic engineer. Ms. Heine showed the Commission the accessibility issues on the plan with only having one entrance for this development. She also asked for their opinion on using low volume road standards in this application. The Commission had open discussion with Mr. Sharrah and Ms. Heine. Mr. Stone asked if anyone has contacted emergency services and Mr. Sharrah stated he would give them a copy for review and comment. After a lot of discussion Mr. Wiser suggested that Tim, Leah, Mr. Sharrah and Jody Evans the traffic engineer should sit down and come up with a recommendation for the Township engineer to use the low volume road. Mr. Sharrah added that he would get more information regarding the water capacity from York Water Company especially regarding water for fire hydrants. The Commission discussed three waiver requests with Ms. Heine. Mr. Hickethier was not in agreement with the request for a waiver from sidewalks in the development. Mr. Sharrah explained that his biggest issue is the collector street and why there is a requirement for that. Ms. Heine concluded with that she understands the Commission wants the following to be addressed: sidewalks on both sides; they would like more research on the 33 foot wide access, using that instead of the one by the well if at all feasible; that open space is open space not ag land; to take the stub that comes off to end at Shaw, take that out and end at those houses; and that they are in agreement with the contour interval being two feet except for the few select areas where it will be shown as one foot.

**No action was taken**

### **Round Top RV, LLC**

Recommendation

The applicant is appealing the Zoning Officer's decision that a land development plan is required in order to upgrade and repair the applicant's wastewater treatment plant. The applicant states that the upgrade and repairs done to their wastewater treatment plan does not constitute "land development" and does not require a land development plan submission. The property is located at 180 Knight Road; Gettysburg PA 17325.

Mr. Greg Adleman, legal counsel representing Round Top RV LLC. Mr. Adleman and Stephen Morse, project engineer, explained the project and what the upgrades to the existing treatment plant were going to be. Mr. Morse stated that this is a very minor upgrade. Mr. Adleman objected that with this minor plan a land development plan is not needed per the Township Ordinance. Mr. Adleman added that there are no buildings, there is no allocation of land, there's no subdivisions, there is nothing changing on the property, the use isn't changing, there are no new streets or infrastructure for the development, there is no new occupants so he feels this does not require a land development plan. Mr. Adleman said this is just a permit which is what we have submitted to the Township and they have a permit from Department of Environmental Protection (DEP) in order to do these improvements. Mr. Adleman explained that they are under time constraints with DEP which the deadlines have already passed so they are in violation of the consent to put these improvements in. Mr. Adleman continued to state that this delay is also creating a health and safety issue since the failing equipment is now discharging directly into a stream which is violation of the clean streams law. Mr. Adleman asked what land development was going to prove with this plan since they are only repairing the nuts and bolts of the system. Mr. Adleman feels that this is an unneeded expense for the applicant and there are no regulations that apply to this project in the Township Ordinance. Mr. Adleman stated that he spoke to Mr. Wisner, Township Attorney regarding other properties in the Township which are also upgrading their systems these are much more intense than this project, one was a complete overhaul of their system. Mr. Adleman stated that this request is as minimal as it gets with no building. Mr. Naugle explained to the Commission his determination and the reasoning for it. Mr. Naugle said that the definition of land development and the definition of improvement within Chapter 22 of the ordinance are the reasons he feels the need for a land development plan. Mr. Tallman asked if this could be waived. Mr. Wisner stated that the Board could waive the submission of a land development plan or pair it down that the submission is nominal. The Commission discussed the request amongst themselves. Mr. Naugle did bring up that this site is in a designated flood plain which requires a submission of a plot plan. Along with that plot plan submission there is a list of criteria that needs to be met which is generally covered on a land development plan. Mr. Stone asked if they could do a conceptual sketch plan with flood plain overlay. Mr. Wisner stated that there could be a very basic plan submitted with the main concerns addressed such as the financial security and the flood plain items which requires a plot plan anyway. Mr. Henderson stated that since there is no plan to increase the number of hook ups to the current system and they are running above the needed capacity at this time he did not feel the need for a full blown land development plan but Mr. Henderson does feel a minor plan will need to be submitted. Mr. Wisner explained to the Commission they will need to state what the Township would like to see on the plan, asking Ms. Heine, Township Engineer, to jump in at any time. Mr. Wisner added they mainly need to show process profiles and what is already been shown to DEP in plan form. Mr. Morse added that they would need to look at the flood plain issue. Mr. Wisner stated a financial security agreement will need to be completed along with an operations and maintenance agreement which will address the maintenance protocols for

the facility if the Township would ever have to take the plant over and how they plan to operate the plant.

**Mr. Tallman made a recommendation to the Zoning Hearing Board that a simplified land development plan be submitted which includes a site profile as shown by the applicant this evening with conveyance profiles and equipment as was also shown this evening, addressing site disturbance and grading, along with addressing the floodplain requirements, also addressing financial security requirements and the operations & maintenance requirements.**

**2<sup>nd</sup> by Mr. Stone.**

**Vote: Yea-5 Nay-0**

**Motion Carried.**

## **OTHER BUSINESS**

### **Zoning/Code Officer's Report**

Mr. Naugle reviewed the March building/zoning activity with the Commission.

Mr. Stone gave information on Act 209. Mr. Stone explained the Traffic Impact Fee Committee has been appointed by the Board of Supervisors. The committee has been working on a land use assumptions report (LUAR) with the help of the Adams County Planning Office. There will be a public hearing on April 13<sup>th</sup>, 2017 at 6p.m. regarding the assumptions report. Mr. Stone gave the Commission members handouts regarding what will be discussed.

## **ADJOURN**

**There being no further business, the meeting was adjourned at 9:11 p.m. by motion of Mr. Caudill seconded by Mr. Hickethier.  
Motion carried.**

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Michele Long, Secretary