

**Cumberland Township Board of Supervisors  
Public Hearings and  
Minutes of the June 25, 2013 Meeting**

At 6:00 p.m., Chair Underwood convened a Conditional Use Hearing for an application from Harvest Investment Group, LLC. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wisner, Zoning Officer Bill Naugle, Police Chief Don Boehs, Engineer Tim Knoebel and Court Reporter Deb Zepp. There were approximately 80 residents present. The application is for a proposed Assisted Living and Memory Care Facility to be located in the southwest quadrant of the intersection of Table Rock Road and Boyd's School Road. The property is located in the Mixed Use (MX) Zoning District. The Board heard testimony until 7:25 p.m. at which time the hearing was closed. Please see the transcript for full details of the hearing.

At 7:30 p.m., Chair Underwood convened a Public Hearing for Zoning Text Amendments proposed by the Township. All that were mentioned above were present and Assistant Secretary Carol Merryman. The proposed amendments are to Chapter 27 of the Code of the Township of Cumberland and include "Essential Services," "Building Size and Spacing" and "Procedure – Notice." The Board heard testimony until 8:20 p.m. at which time the hearing was closed. Please see the transcript for full details of the hearing.

At 8:30 p.m., Chair Underwood convened a public hearing for a Zoning Map Change Request proposed by Rupa Engineer, record owner of parcel 09E12-0082D. The parcel is located southwest of the Oak Lawn Memorial Gardens Cemetery and Lincoln Estates Mobile Home Park. The request is to change the parcel from Residential (R) zoning to Residential Medium High (RMH) zoning. All that were mentioned above were present. The Board heard testimony until 8:40 p.m. at which time the hearing was closed. Please see the transcript for the full details of the hearing.

At 8:41 p.m., Chair Underwood convened a public hearing for a Zoning Map Change Request proposed by James H. Delaney, Jr., for parcel 09E12-0079A. The parcel is known as Oak Lawn Memorial Gardens and is located at the corner of Kinsey Drive and SR0030 (Chambersburg Road). The parcel is zoned Institutional (I) and Mr. Delaney's proposal is to change a 1.3 acre portion (that fronts on Kinsey Drive) to Residential (R) and a 6.5 acre portion (that fronts on Chambersburg Road) to Mixed Use (MX). All that were mentioned above were present. The Board heard testimony until 8:50 p.m. at which time the hearing was closed. Please see the transcript for the full details of the hearing.

The regular meeting was called to order at 8:51 p.m. by Chairperson Underwood. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wisner, Zoning Officer Bill Naugle, Police Chief Don Boehs, Engineer Tim Knoebel and Assistant Secretary Carol Merryman. There were approximately 50 residents present and Beth Kanagy, reporter from the Gettysburg Times. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

**Mr. Ferranto made a motion to approve the Minutes of the May 2 and May 23, 2013 workshop meetings and the May 28, 2013 regular meeting seconded by Mr. Shealer and carried.**

**Mr. Waybright made a motion to pay the bills, in the amount of \$129,495.91 from the General Fund, \$1,599.50 from the Escrow Fund, \$1,862.67 from the Park and Rec Fund, \$963.19 from the State Fund and a \$250,000.00 transfer to the Money Market Account seconded by Mr. Toddes and carried.**

**Engineer/Plans:**

Mr. Knoebel reported that some time was spent reviewing the Keller Poultry Barn Plan at the workshop and their June 19, 2013 report outlines the outstanding engineering review comments. Mr. Knoebel reviewed the comments and updated the Board on the status of each including: waiver approval, seals and signatures, PennDOT Highway Occupancy Permit, bonding established at \$140, 492.90, security agreement and a Stormwater Management Operations and Maintenance agreement that he understands has been executed. He

stated that all of the technical comments have been addressed. Solicitor Wisner stated that the Board is now allowing public comment on the Keller Plan, as stated, and the Board acknowledges that they have received numerous pieces of correspondence from citizens and concerned entities and that correspondence has been available for review. Solicitor Wisner added that the public comment should address the land development plan and the requirements set forth in the Subdivision and Land Development Ordinance.

### **Public Comment on the Keller Poultry Barn Plan:**

Mrs. Jean Stone, 1745 Mummasburg Road, expressed the following concerns:

- No written response from the Board on the May 13 and June 17, 2013 letters as requested prior to action on the plan.
- Emergency Plan lists two emergency water services (Mr. Keller's home and pond) that are not located on the property, as required, and no conformation is included that the owner of the land on which the pond is located has granted permission for access to the pond. Mrs. Stone asked if there any emergency plans that reference a catastrophic loss of the flock.
- Mrs. Stone asked that Mr. Keller be required to submit a copy of the Food and Drug Administration protocol for cleaning of the barns.
- They have received no information on the wastewater and no clarification on the number of times the manure will be cleaned from the barns; two or three times per year.

Ms. Elizabeth Magner, 470 Belmont Road, expressed concerns about the cleaning of the barns and she asked, if this becomes a reality, who does she call if there is a problem and will this be established?

Mr. Barry Stone, 1745 Mummasburg Road, objected to the Emergency Plan because it is simply a call list.

Mr. Everett Ladd, Ridgewood Drive, thanked the Board for their service and spoke about two sites within the Township that have polluted the environment: Westinghouse and the Gettysburg Foundry site. He mentioned again that the area had been zoned Residential (R) and was changed to Agricultural/Residential (A/R) with no protection to the existing residences and quoted the Pennsylvania Constitution, Article 1, Section 27.

Mr. Tom Clowney, 361 Barlow Road, stated that he feels that Mr. Keller has met all Federal, State and Township regulations in regards to building a chicken house and he asked the Board to approve his application, preserve agriculture and the next generation of farmers.

Mr. George Cook, attorney for the applicant, asked the Board to approve the Keller Poultry Barn Plan.

**The Keller Poultry Barn Plan Public Comment period was closed.**

**Mr. Waybright made a motion to approve a waiver for Preliminary Plan submission, Section 303, for the Keller Poultry Barn Plan seconded by Mr. Toddes.** Mr. Ferranto stated that he feels that the citizen's concerns should be addressed by the Board before the plan is approved and he urged the Board to postpone the vote. **The motion carried. Mr. Ferranto voted nay.**

**Mr. Waybright made a motion to conditionally approve the Final Land Development Plan for Brandon Keller's Poultry Barns subject to satisfying the Engineer's comments dated June 19, 2013. The motion was seconded by Mr. Toddes.** Mr. Ferranto stated that he wanted to reiterate his earlier comments. **The motion carried. Mr. Ferranto voted nay.**

**Mr. Waybright made a motion to authorize the Chair to sign the Financial Security Agreement and Stormwater Maintenance and Monitoring Agreement for the Keller Poultry Barns Land Development Plan seconded by Mr. Shealer and carried. Mr. Ferranto voted nay.**

**Public Comment:**

Ms. Cole Hoffen, 355 Table Rock Road, requested an open burning ban on residential properties consisting of less than five acres of land via the enactment of a Burning Ordinance. Ms. Hoffen explained a problem that she had in her neighborhood and the health effects that it had on her. Ms. Hoffen supplied the Board with information regarding the health effects of open burning, state and federal regulations, supplied a model ordinance and asked that the current laws be enforced by the Cumberland Township Police Department.

Mr. Barry Stone, 1745 Mummasburg Road, stated that the Board heard the voice of the citizen's regarding the zoning text amendments and he urged the Board to make the public notice regulations part of an ordinance rather than as a resolution. He stated that he feels that the Township is weakening the regulations, not strengthening them.

Mr. Chris Entenmann, 289 Belmont Road, thanked Mr. Ferranto for trying to help the residents and expressed his disappointment with the changing of the zoning in his area from Residential (R) to Agricultural/Residential (A/R) in 2003 and the subsequent approval of the Keller Poultry Barn Plan.

### **Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of May including; 493 complaints, 165 traffic stops, 112 combined arrests, 9 traffic accidents, 32 targeted enforcements and 10,699 patrol miles. He added that they assisted other agencies six times and they were assisted one time.

### **New Business:**

Mr. Naugle explained that he receives numerous waiver requests for the \$5 million requirement for a Special Event permit and is requesting a blanket waiver request for authorizing administrative review of the insurance coverage. Solicitor Wisner stated that he feels that amount was tailored for the larger events and is onerous for the smaller events. He added that the Board can delegate the authority of approving these waiver requests to an administrative staff member as they deem appropriate. Mr. Ferranto stated that he feels that these waivers need to come to the Board and not be delegated to staff. Mr. Ferranto stated that he would support changing the requirement in the ordinance to \$2 million. Mr. Thomas added that there is a request for a waiver to \$2 million for the Parade of Chrome that needs to be acted upon tonight. **Mr. Shealer made a motion to approve the waiver request to reduce the required insurance from \$5 million to \$2 million for the Parade of Chrome seconded by Mr. Toddes and carried. Mr. Ferranto voted nay.**

**Mr. Shealer also made a motion to continue as is with the Supervisor's review of the insurance requirement and to reconsider in 2014 seconded by Mr. Ferranto and carried.**

### **Active Business:**

Chair Underwood stated that action on the public hearings one through four are on the agenda if the Board so chooses to take action.

**Mr. Waybright made a motion to table action on Hearing No. One for the Harvest Investment Group's Conditional Use application seconded by Mr. Ferranto.** Mr. Waybright explained that the Board needs to come up with a list of conditions and he is not prepared for that tonight. Solicitor Wisner stated that the Board has 45 days to render a decision and can meet in Executive Session regarding the conditions. **The motion carried. Mr. Shealer voted nay.**

Hearing No. Two - Township Proposed Zoning Text Amendments was discussed. Mr. Ferranto stated that he cannot go along with an unlimited size of buildings and he feels that the Township should not change what it currently has regarding Public Notice. He added that he does not have a problem with the Essential Services. Mr. Shealer stated that he also has no problem with the Essential Services and feels that there are other regulations that will still limit the size of the buildings. Mr. Waybright stated that the Township has been

working on these text amendments for two years and he is ready to take action on them. **Mr. Shealer made a motion to adopt Ordinance 150 of 2013 – an Ordinance amending and supplementing the Zoning Ordinance of Cumberland Township of 2003, Chapter 27 of the Code of the Township of Cumberland, by amending various sections of Chapter 27, seconded by Mr. Toddes and carried. Mr. Ferranto voted nay.**

Solicitor Wisner reported that the two other hearings were for proposed changes to the zoning map. Hearing No. Three was for a request from Rupa Engineer to change a parcel from Residential (R) to Residential Medium High (RMH). Mr. Shealer stated that he is ready to take action on this request and explained that he is taking the upcoming Comprehensive Plan update into consideration in making his decision. **Mr. Shealer made a motion to deny the request from Rupa Engineer for a zoning map change seconded by Mr. Ferranto and carried. Mr. Waybright voted nay.**

Hearing No. Four was for a request from James H. Delaney, Jr. to change a parcel from Institutional (I) to Residential (R) and Mixed Use (MX). **Mr. Shealer also made a motion to deny the request for zoning map change for James H. Delaney, Jr., pending the update of the Comprehensive Plan, seconded by Mr. Toddes and carried. Mr. Waybright voted nay.**

**Solicitor:** Nothing further to report.

**Committee Reports and comments from Board Members:**

Mr. Ferranto thanked the Board for the respectful dialog that they are able to have with each other.

**Park and Recreation:** Mr. Toddes asked the Board if the Township would be willing to pay Solicitor Jason Kelso to attend the first meeting of the Gettysburg Area Recreation Authority (GARA) to assist them with the appointment of their officers and their by-laws. **Mr. Ferranto made a motion to pay Solicitor Jason Kelso to attend the first meeting of GARA, to be paid from Park and Rec Fund, seconded by Mr. Waybright and carried.**

**Manager:** Nothing further to report.

The Zoning Officer and Assistant Secretary's report was reviewed.

There being no further business, the meeting was adjourned at 10:02 p.m.

\_\_\_\_\_  
Carol A. Merryman, Asst. Secretary

\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_) Supervisors  
\_\_\_\_\_)  
\_\_\_\_\_)