

CUMBERLAND TOWNSHIP PLANNING COMMISSION
Meeting Minutes of March 11, 2021
1370 Fairfield Road, Gettysburg, PA 17325

Call to Order: The Meeting was called to order at 7:00 P.M. by Chairman Barry Stone.

Attendees: Chairman Stone, Vice-Chairman Steve Tallman, Members Barbara Underwood, James Henderson (7:15 PM Virtual via computer); and Kenny Caudill; Township Solicitor Sam Wisner; Zoning / Building Code Official Michele Long; KPI Technology Representative Leah Heine; Treasurer Camie Stouck-Phiel

Minutes of the February 11, 2021 Regular Meeting: **Approved on a Caudill, Underwood motion; 4-0 vote.**

Public comments: None

Active Business:

Meadow View Townhomes of Misty Ridge: Meadow View Townhomes submittal for 36 single-family units and one community building located on Misty Ridge Road. The submitted plan is both a Final Land Development Plan, Construction and Lot Consolidation Plan. This plan is for Lots 2,6,7,8 & 9 of the Misty Ridge development proposed to be named Meadow View Townhomes. Following consolidation, the plan will consist of Lot 2 containing 1.044 acres and Lot 2A consisting of 4.6 acres. Engineering comments were reviewed by Heine. Joe McDowell from Martin and Martin Engineers was present to represent Meadow View Townhomes. Heine stated that McDowell had added a lot of information to the sight data table on the first sheet of the plan. Heine will continue to work with McDowell on the couple of missing items on the sight data table. Previously granted waivers from the 2008 Misty Ridge Preliminary Plan were discussed. Wisner suggested that the Commission reaffirm these old waiver requests.

Underwood made a motion to recommend that the Board of Supervisors reaffirm the previous waivers since there were modifications made. Tallman 2nd the motion; Motion Carried 4-0. Henderson abstained from the vote.

A new waiver was also discussed. The waiver request 405.1.A reduces the driveway/access drive width from 12 feet to 10 feet within 10 feet of the street right-of-way line. McDowell added that this would be consistent with the current homes in the Misty Ridge development. It was also discussed that the driveways should be 12 feet on the handicap units. McDowell said that change could be done. **Tallman made a motion to recommend approval by the Board of Supervisors for waiver 507.2.A.2a and waiver 405.1.A adding in addition that handicap identified units will have 12-foot driveways. Caudill 2nd the motion; Motion Carried 5-0.**

Heine stated that she left the County comments on the notes and they should be considered because when the plan was reviewed in January of 2021, she did not have these comments. The comments were not gone over with the Commission and Heine wanted to address that. She went on to state that McDowell responded to all the County comments, and did a good job addressing these comments. There was only one that Heine wanted to call to the Commissions attention and that was the comment about pedestrian connectivity. Wisner suggested to McDowell that perhaps the sidewalk in question be installed once the road was dedicated. That was the only County comment that Heine thought needed addressed. A short discussion about the pavilion followed the County comments. The thought was originally that this pavilion would

be removed. Since then, PICPI has asked that an easement be created, and the pavilion stay. Heine stated that the pavilion in discussion is also in her engineering notes.

The required owner's acknowledgement & certifications that are required are done at the end. McDowell stated that the submission had been made for an approved amended Erosion Control Plan/NPDES permit, and they applied to become a co-applicant. McDowell received a letter from GMA, stating that they want some more details on the plan. McDowell said these items would be addressed. McDowell went on to explain that originally two new water laterals were proposed, when GMA looked at the site, they found an additional water lateral that was not on the original survey. They can now remove a water lateral because of the one that was found. Heine mentioned that a deed of consolidation would need to be approved and recorded prior to and/or in conjunction with the Land Development Plan. McDowell said they are working on this and several other legal documents. Recreation Fees will be required, Wisner stated that they will be \$1,000.00 per dwelling unit, which would total \$36,000.00. Concern was raised about use of facilities. Bonnie Zehler, via zoom, stated that a letter was submitted that the outdoor amenities would be available to everyone in the Misty Ridge Subdivision. The Commission suggested that some sort of facilities use agreement be created, to help with problems that may arise in the future from the shared outdoor amenities. McDowell can re-send the bonding agreement to Heine. Lastly, a Development Agreement will be required, this will be created by Wisner.

General comments were the next discussion. The only comment in this section was about the previous discussed pavilion. After much discussion Wisner recommended that a note be added to the plan, that in the event the pavilion is ever removed or demolished, it will not be replaced. McDowell agreed to add such note to the plan.

Lastly, Stormwater Management comments were addressed. Heine mentioned that additional grading contours will need to be provided behind units 27-31 to clarify how the stormwater is flowing in this one location. Secondly, a retaining wall design will need to be submitted for review. Finally, an Operations and Maintenance Agreement is needed for the stormwater facilities, Heine mentioned that this will likely be complicated because of the many different entities owning many different phases. ***Tallman made a motion to recommend the plan be presented to the Board of Supervisors for approval, provided all the Engineering comments have been addressed. Caudill 2nd the motion; Motion Carried 5-0.***

New Business:

1990 Biglerville Road Property: Alpha One Enterprises, LLC is seeking a Variance from Section 27-503.1, development standards, maximum tract density, of the Cumberland Township Zoning Ordinance, for 3.66 dwelling units per developable acre verses the required 3.5 units per developable acre. Jack Powell was present, via Zoom, to represent the applicant. Powell explained to the Commission that there are two lots that are roughly 3/8 of an acre each that they are combining into a 3/4 acre lot. On this lot is proposed a single over-under duplex unit. In February 2007, the Township approved these two lots plus another lot, but the houses were never built on the two lots in discussion. Alpha One Enterprises, LLC purchased the properties, and had them subdivided. But, when all the non-developable area was taken off, the easements, wet-lands, steep slope area, public right-of-way, they were left with a density that is undevelopable for even single residences on either lot. What they hope to do is combine the two lots together. They would then have a single-family dwelling to the north and Colton Motel to the south, so they feel a duplex property would be a good transition structure between the current two dwellings. They would need a variance to get to 3.66 dwelling units per

acre. Powell went on to explain that part of the issue is that fill material was put on the site previously and off the back of this fill creates a steep slope. This is the only variance that they feel that they need in order to complete the project. Wisner explained to the commission that zoning ordinance provides that variances are heard by the Zoning Hearing Board, but only after review by the Cumberland Township Planning Commission as a sketch plan. Then the general criteria that are to be considered for recommendation by the Cumberland Township Planning Commission and then the ultimate determination by the Zoning Hearing Board are the following criteria: will the literal enforcement of the provisions of the Zoning Ordinance result in unnecessary hardship as that term is defined by law and will the allowance of the variance be contrary to the public interest. There is then a list of the general criteria. Tallman stated that he believes there is a hardship present that they are currently unable to use the property in discussion. He went on to say that he believes that building the duplex in the center of the site will not affect any neighbors. He believes it is better for the community to have an improved property. **Tallman made a motion to recommend moving this to the Zoning Hearing Board. Caudill 2nd the motion; Motion Carried 5-0.**

General:

Response to Casey Reeves Letter

Open Space Discussion: Some of the general concepts were discussed, and it was suggested that after reviewing Wisner's presented document Open Space could be refined at the next meeting. 1. Wisner stated that the definition of Open Space needs to be consistent between the Zoning Ordinance and the Subdivision and Land Development Ordinance, 2. Open Space design standards should be added to the SALDO, and 3. Amend the Zoning Ordinance to better address the relation of Historic Resource and Open Space.

The Zoning / Building Code Officer's Report was acknowledged for February 2021.

There being no further business the Meeting was adjourned at 9:22 P.M. **Approved on a motion by Caudill, 2nd by Tallman. Motion carried 5-0.**

Submitted by: _____ Camie Stouck-Phiel, Treasurer