

**Cumberland Township Board of Supervisors**  
**June 7, 2012**  
**Public Hearing for Text Amendment to Section 27-2001 of the**  
**Cumberland Township Code of Ordinances**

Chairperson Underwood called the public hearing to order at 7:00 p.m. Present were all Supervisors, Solicitor Sam Wisner, Manager Ben Thomas, Jr., Zoning Officer Bill Naugle, Police Chief Don Boehs, Assistant Secretary Carol Merryman and Engineer Tim Knoebel. Visitors present were: Bob Sharrah, Kim Patrono, Jody Dickey and several residents. The hearing was for a proposal to amend and supplement the Zoning Ordinance of Cumberland Township of 2003, Chapter 27 of the Township of Cumberland Code of Ordinances, by amending Section 1701, Subsection 2B(4) to change the building area or gross floor area to permit an increase of 35% from the existing building or gross floor area of the entire building, whichever is less. Please see transcript for the entire record of the hearing. The hearing concluded at 7:15 p.m.

**Cumberland Township Board of Supervisors**  
**June 7, 2012 Workshop Minutes**

Chairperson Underwood called the regular workshop meeting to order at 7:20 p.m. Present were all Supervisors; Solicitor Sam Wisner, Manager Ben Thomas, Jr., Zoning Officer Bill Naugle, Police Chief Don Boehs, Assistant Secretary Carol Merryman and Engineer Tim Knoebel. Visitors present were: Speros Marinos, Marty Hill, Jim Piet, Bob Sharrah, Kim Patrono, Jody Dickey, Rich Kitner, Mr. and Mrs. Stanley Wolf, Mr. and Mrs. Phil Wolf, Dale Molina, John Horner, Bill Leonard, Steve Tallman, Stan Clark, Jim Paddock, Andrea Theisson, Jenna Stinson from The Gettysburg Times and Tim Prudente from The Evening Sun. The meeting was recorded.

Chairperson Underwood reported that a public hearing was held immediately prior to the regular meeting for a citizen's text amendment request to Chapter 27, Section 1701 sub-section 2B(4) and the Board has three options; defer the discussion to another meeting, adopt the amendment of 35%, as requested, or amend the ordinance to 50% (as other neighboring communities have done) rather than 35%. This amendment, if granted, will increase the amount that a non-conforming use is allowed to expand in building or floor area. Solicitor Wisner stated that a change to 50% would be a substantial change and would require re-advertising. Solicitor Wisner also stated that the body of the amendment, as presented, is legally sufficient, but he would like to add the standard Repealer, Savings and Separability clauses. **Mr. Shealer made a motion to approve the amendment to the Zoning Ordinance, Chapter 27 of the Township of Cumberland Code of Ordinances, by adopting Ordinance No. 142 of 2012, amending Section 1701, Subsection 2B(4) to change the building area or gross floor area to permit an increase of 35% from the existing building or gross floor area of the entire building, whichever is less, as requested, with the addition of the clauses as stated by Solicitor Wisner seconded by Mr. Todd and carried.**

**Public Comment:**

Mr. Speros Marinos, 912 Baltimore Pike, stated that comments were made in the newspaper that businesses are behind the Parade of Chrome, and those businesses are located in Gettysburg Borough, but the motorcycles are detrimental to his business and he hopes that the Township is getting tax revenue from the event.

**Manager:**

Mr. Thomas stated that tonight the Supervisors will be receiving information from staff and public comment regarding petitions and a proposed developer's agreement. The first petition was received from a group of citizens who are requesting that the Supervisors consider closing Bream Hill Road that is located just west of the Township Building. The second petition was received from another group of citizens who are requesting

that the Supervisors consider leaving Bream Hill Road open. The Woodhaven Developer's Agreement proposes closing a portion of Herr's Ridge Road between Fairplay Road and Paddock Drive. Mr. Thomas presented a Power Point presentation that included the following information:

- ❖ The road's length is 1,267 linear feet (.24 mile) and it has a cartway width of between 17' and 20'
- ❖ PennDOT reports a crash history of one reportable crash in the last five years that involved a small truck striking a deer
- ❖ Traffic study was performed, at no cost, by PennDOT Local Technical Assistance Program (LTAP) with assistance by Tom Shealer and Ben Thomas, Jr. results as follows: the west section 616 ADT @ 39 MPH and the east section 17 ADT @ 34 MPH
- ❖ Recommended traffic study that could impose turning restrictions from intersections in accordance with PennDOT Publication 212
- ❖ Gettysburg Area School District buses will not proceed on a no-outlet road and any students would have to walk to a through road intersection
- ❖ Township would be responsible for traffic study regarding turning movements and the intersections with Fairfield Road

Mr. Thomas also presented options for the Supervisors including leaving the road open, initiating a traffic study to restrict specific turning movements, authorize the Solicitor to draft appropriate legal documents necessary to close Bream Hill Road. Consider closing a portion of Herr's Ridge Road between Fairplay Road and Paddock Drive and that would require most vehicles now using Bream Hill Road to travel Fairfield Road and Fairplay Road (an additional 3/10 mile.)

Mr. Thomas recommended that Bream Hill Road would remain open and to budget funds in 2013 to have traffic engineering study to review all turning movements to and from the intersections of Bream Hill Road and Fairfield Road for possible restricted turning movements and proper signage. To consider the Woodhaven Developer's Agreement that would close a short portion of Herr's Ridge Road between Fairplay Road and Paddock Drive. This would direct Herr's Ridge Road traffic to Fairplay Road and greatly reduce the amount of traffic using Bream Hill Road as a collector. And, to budget funds (if permitted, utilizing Transportation Impact Fee funds) in 2013 to engineer and improve the intersection of Fairfield and Fairplay Roads to create a true 90 degree intersection with ample turning radii.

Solicitor Wisner explained the process for closing a road including; adopting an ordinance which would be advertised, notifying all of the adjacent landowners and holding a public hearing. Mr. Wisner stated that the preferred method of vacating a road is by agreement with all adjacent property owners. He added that when a road is vacated, the property on each side of the centerline of the roadway becomes the property of the adjacent property owners on either side.

Public comment was taken on the status of Bream Hill Road.

Mr. Stanley Wolf, 714 Black Horse Tavern Road, asked that the road remain open because of the history of the road and he asked Andrea Theisson to read her recent Letter to the Editor.

Andrea Theisson, 965 Black Horse Tavern Road, read her Letter to the Editor which stated her reasons for wanting Bream Hill Road to remain open. She added that she is also representing Sue and Al Barnes who own several small businesses on Herr's Ridge Road.

Joyce Hartley, 1330 Herr's Ridge Road, stated that she submitted the petition to keep Bream Hill Road open and she read a letter which included her reasons for submitting the petition.

Bob Signor, 525 Herr's Ridge Road, stated that he uses Bream Hill Road and wants the road to remain open.

Carl Keller, 535 Knoxlyn-Orrtanna Road, stated that he uses the road for access to the land that he farms.

Phil Wolf, 275 Willoughby Run Road, also uses the road for access to land that he farms.

Martin Hill, 4175 Hanover Pike, Manchester, MD, stated that the Woodhaven Agreement does not make any adjustments to the grades of Herr's Ridge Road except for one minor adjustment for sight distance and the Township is not giving any money to the developer as was stated earlier.

Speros Marinos, 912 Baltimore Pike, spoke on the history of Bream Hill Road and asked that the roadbeds not be disturbed.

Bill Leonard, 825 Black Horse Tavern Road, explained his reason for wanting Bream Hill Road to be closed for safety. He added that there are many close calls that are not reported.

Jim Paddock, 1777 Fairfield Road, also stated that his reason for wanting the road closed was for safety reasons.

John Horner, 20 Horner Road, stated that he feels that the road should remain open for historic reasons.

Rich Kitner, 796 Black Horse Tavern Road, stated that he lives across from Bream Hill Road and he has seen many accidents, but none attributed to Bream Hill Road and feels that the road should remain open.

Carol Hagerman, 730 Herr's Ridge Road, commutes on Bream Hill Road and wants it to stay open.

Steve Tallman, 29 Bittern Drive, feels that making a left hand turn at the intersection with Bream Hill Road and Fairfield Road is dangerous.

Jim Paddock suggested that as much traffic as possible be directed down Fairplay Road.

Mr. Thomas explained the proposed agreement with Woodhaven Developers for improvements to Herr's Ridge Road that has been in the works since February 2005. He stated that it was contemplated with the relocation of Fairplay Road that the area between the new Fairplay Road and old Fairplay Road (Paddock Drive) would be abandoned and traffic directed down Fairplay Road. Mr. Thomas added that the improvements to Herr's Ridge Road were conditions of the approval of Cumberland Village, Phase I and Phase II and consisted of the developer completely rebuilding Herr's Ridge Road from Fairplay Road to Old Mill Road including a new sub-base. He added that a developer is not subject to Prevailing Wage rates like the Township is, so the developer can do the work much cheaper. Mr. Thomas read portions of the proposed agreement and explained that the Traffic Impact Fee for each lot is \$2,210.00 and the developer would pay a pro-rated fee for his lots in exchange for the improvements to Herr's Ridge Road. Woodhaven Developers would still owe \$1,400.00 per lot so no taxpayer money would go for the improvements.

Martin K.P. Hill, developer, reported that the Township Engineer and Traffic Engineer highly influenced the design of the build-out of the corridor due to the large amount of development proposed for this area. He added that they have taken on the re-building of the entire road although they are not required to because they do not own property fronting on the entire length of the road. He also clarified that there are no homes being built between Fairplay Road and Paddock Drive, that it will be open space. The reasons for keeping Paddock Drive open was discussed and questions/comments were taken from the public regarding the proposed closing of a portion of Herr's Ridge Road. Mr. Paddock made some suggestions for options other than closing this portion of Herr's Ridge Road. Mr. Thomas reported that he believes it was the intent of the Township engineers to look at a safety aspect creating a collector road reducing the amount of traffic that comes out to the oblique intersections of Bream Hill and Fairfield Roads. He added that Paddock Drive can be used by the residents of Red Oak Lane to access Rt. 116 and all of this was done for current and future safety reasons.

**Solicitor: No report.**

**Committee Reports:**

**Planning/Zoning** – No report.

**Public Safety** – No report.

**Finance Committee** – No report.

**Park and Rec** – Mr. Toddes reported that he will be part of the study group for the Gettysburg Rec Park Master Plan and they will be meeting next week.

**Personnel** – No report.

**CTA** – Mr. Shealer reported that they are close to awarding the contract for the pumping stations.

**COG** – The next meeting is in two weeks.

**ACTPO** – The next meeting is next week. Mr. Ferranto reported that he attended the public meeting and there is a website that the residents can go to find out what is going on. He encouraged the public to attend all of these meetings so they are aware of what is going on

**150<sup>th</sup> Commemoration** – Mr. Ferranto reported that the committee will begin meeting monthly and the Executive Committee will be meeting weekly and he hopes to have the activities posted on the Township's website. He also reported that on Thursday, June 14, 2012 at 7:00 p.m. there will a ceremony to properly dispose of tattered/damaged American flags at the American Legion Post in Biglerville.

**Economic Development** – No report.

**CT411** – No report.

Mr. Thomas reported that the Board has a continuation of a Conditional Use hearing on June 13, 2012, a workshop meeting on June 21, 2012 and regular meeting on June 26, 2012. He added that, based on the preparation for all of these hearings, the staff is not prepared for the scheduled June 20, 2012 public hearing for the Township's proposed Text Amendments and asked the Board to postpone the hearing to another date. The Board agreed to postpone the June 20, 2012 public hearing.

The meeting was adjourned at 9:18 p.m. for an Executive Session with no report to follow.

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Carol A. Merryman, Asst. Secretary

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