

**CUMBERLAND TOWNSHIP PLANNING COMMISSION**  
**Meeting Minutes of September 8, 2022**  
**1370 Fairfield Road, Gettysburg, PA 17325**

Call to Order: The Meeting was called to order at 7:00 P.M. by Vice-Chairman Steve Tallman.

Attendees: Vice-Chairman Steve Tallman, Members Barbara Underwood, Kenny Caudill, Theresa Finkenbinder and Kirby Kiefer; Solicitor Sam Wisner, Zoning / Building Code Official Michele Long, KPI Technology Representative Leah Heine; Finance Director/Treasurer Camie Stouck-Phiel; and approximately 50 citizens.

Mr. Tallman welcomed Dr. Kirby Kiefer to the Commission.

Mr. Tallman appointed Solicitor Sam Wisner as temporary Chairperson for the purpose of reorganizing to elect a Chairperson.

Mr. Wisner asked for nominations for Chairperson of the Planning Commission. Mr. Caudill nominated Steve Tallman for Chairperson. No other nominations were given.

**Motion Carried 5-0 vote.**

Mrs. Underwood made a motion to elect Mr. Caudill as Vice-Chairperson, no other nominations were given. **Motion Carried 5-0 vote.**

Minutes of the August 11, 2022 Regular Meeting: **Approved on a Underwood/Finkenbinder motion; 4-0 vote.** (Dr. Kiefer is a new member and wasn't present for the August 11, 2022 meeting).

Public comments: Public comments were deferred and were welcome following presentation of agenda items.

**ACTIVE BUSINESS:**

**Willoughby Storage:**

Land Development Plan requesting construction of 44,500 square feet of self-storage units located on Willoughby Run Road. The submitted Final Land Development Plan is for a self-storage facility located in the MX District. A Conditional Use Hearing was held on October 6, 2021, where the self-storage facility use for this property was approved. The plan proposes to create 7 new self-service storage facility buildings on a 3.687-acre tract. This tract has recently contained several mobile homes which fronted on Fairfield Road and Willoughby Run Road. The proposed storage units will be accessed via a new entrance from Willoughby Run Road. The site is not proposed to have public water and sewer. One new stormwater basin and five infiltration beds and associated inlets and piping are proposed to control stormwater on the site.

Heine explained that the plan has gone through the process of getting zoning hearing approvals for the steep slope disturbances. The Commission must now look at the final plan and make a recommendation based on those comments.

Heine discussed the only Zoning Ordinance Comment. She explained that a note should be placed on sheet one to document the Zoning Hearing Board decision from the hearing held on August 29, 2022 concerning steep slopes. Wisner noted that after this plan was submitted there has been an amendment to the buffer requirements. The current plan shows a solid wood fence buffer, which was required at the time the plan was submitted. The Cumberland Township Planning Commission and the Board of Supervisors reviewed the amendment to the buffer

requirements. The Planning Commission and Board of Supervisors desired a modification in the Zoning Ordinance language that will allow a vegetative buffer that meets certain criteria. The six-foot solid wood fence was viewed as too harsh a buffer and not what was intended as part of the zoning ordinance. Wisner asked Mr. Sharrah if the new buffer requirement could be incorporated in the plan in review. Mr. Sharrah stated that they will look at the new language and see if they can incorporate that instead of the six-foot solid fence.

Heine discussed the Subdivision Ordinance comments with the Commission. Waiver (303) was requested asking the submission of a separate Preliminary Plan. Heine explained that for this project where no phasing will take place, there isn't the need for a separate Preliminary Plan submission. The Commission asked to review all the comments before making a motion for the requested waiver. Heine continued that the owner's acknowledgment and certifications are required to be executed. Also, a note should be added that "A Township Road Occupancy Permit will be required prior to receipt of the Building Permit." Recreation fees will be required for the project. Bonding of related improvements will also be required. The Solicitor will require a Developer's Agreement for the project. This agreement will need to be executed and recorded.

The two remaining Stormwater Management Comments were lastly discussed. An Operations and Maintenance Agreement for the Stormwater Management Facilities will be required to be executed and recorded with the final plan. KPI would like to see an additional protection at the outfall of the basin prior to it entering the swale along the road.

***Caudill/Finkenbinder recommended the request be granted to waive the requirement to submit a separate Preliminary Plan; Approved 5-0***

***Finkenbinder/Underwood recommended approval of the plan by the Board of Supervisors based on the Engineering comments being satisfied and the further recommendation that the applicant meet the new vegetative buffer requirements; Approved 5-0***

#### **The Residence at Willoughby Run:**

Preliminary/Final plan proposing 8 apartment buildings containing a total of 112 dwelling units on 14.5 acres, located on the corner of Country Club Lane and Chambersburg Road. KPI's August 10, 2022 comments were again reviewed with the applicant's engineer, Bob Sharrah, applicant's attorney, the applicant and the Township's Engineer, Leah Heine. Chairman Tallman asked Heine to review the issues from the last meeting that were put on hold. The Commission would like to review the responses to the issues from the last meeting. Sharrah explained that on the latest plan, in response to the August meeting, some items are highlighted. These items are the new sidewalk that was requested that makes a loop, the sidewalk along Rt. 30, the connection from Rt. 30 to the existing sidewalk, additionally, the fence around the basin. Wisner asked Sharrah if the new adopted vegetative Zoning perversion is something that is proposed to be implemented on the plan. Sharrah said it would certainly be considered.

Heine continued reviewing the outstanding comments from the August 10, 2022 engineering comments. The April 5, 2022 Adams County comments were again reviewed. The waiver request to waive the requirement to submit a separate preliminary plan was discussed and the motion was delayed until all the Engineering comments were again reviewed. The applicant presented an acknowledgement email from Gettysburg Municipal Authority. Comments are still outstanding from the Fire Company. Cumberland Township Authority engineering comments were sent September 8, 2022 and still needed to be reviewed by the applicant. Sewage Facilities Planning or Exemption approval is required. Heine asked Sharrah to update the

Commission on the status of the Highway Occupancy Permit (HOP). Sharrah explained that a HOP was submitted for the driveway on Chambersburg Road and the improvements at Country Club Lane. Sharrah has received comments from PennDOT, Sharrah explained that one of the comments ask that the Township sign an application (945A), which they have yet to see. He explained that a full re-submission can not be made for a second cycle of review comments. Tallman asked what was being asked of PennDOT. Sharrah explained that Rt. 30 would get a dedicated left turn lane and there are improvements at the intersection related to width and stop signs. Similarly, a Highway Occupancy Permit will be required for the township road access. Proposed improvements are under review with the Township. Construction access will be reviewed in conjunction with review of the proposed improvements to Country Club Lane. Recreation fees and financial security will be required. A Development Agreement will be required. KPI is also asking that photo documentation be done of Country Club Lane prior to construction. A note should be added to the plan. This is usually done before the pre-construction meeting. Tallman asked if a sidewalk easement along Rt. 30 could be added to the plan. Finally, the four Stormwater Management Comments were again reviewed. The first two comments address finalizing some numbers of flow coming through the property from offsite. This is to ensure there is no flooding of the new buildings on the site. The new plan shows fencing around the basin since the basin may hold more than four to four and a half feet of water. Finally, the standard Operation and Maintenance agreement for the stormwater management facilities will need to be approved by the Solicitor. Tallman mentioned that an email was received by the National Park Service providing an update on the O & M Agreement between the Trone Family Trust and the NPS. The letter states that they are still waiting to hear from the applicant a response to their draft agreement dated August 26, 2022. There is currently no agreement currently regarding the operation and maintenance of the stormwater infrastructure on NPS property. The applicant's attorney commented that the proposed NPS agreement was sent to the Township solicitor September 7, 2022. The applicant's attorney stated that they have a right to discharge onto that property. Wisner asked if the NPS has acknowledged the right of the applicant to discharge through the existing pipes. He also mentioned that the second question would address Cumberland Township's Stormwater Ordinance that states that the Township has a right to remedy an issue with Stormwater drainage if it so desires. The Ordinance goes on to state that the Township would have a right to lien the property.

Public Comments: Tallman mentioned letters in opposition were received from the American Battlefield Trust; 223 were from residents; 528 were from frequent visitors to the region and 2,272 were from concerned Battlefield supporters. Separately the Commission has received five additional letters from Township residents. The following citizens also voiced their opposition to the proposed plan: Leon Reed (205 Old Mill Road); Dr. Stephen Mock (110 Woodhaven Drive); Stephen Pannier (71 Hunters Trail); John Deboom (140 Red Oak Lane); Jim Bilello (not a resident); Dr. John Bilello (85 and 95 Country Club Lane); Laura Mares (120 Country Club Lane); R.E. Stolzenburg (170 Tiffany Lane); Terry Castonguay (51 Battalion Lane); Sandy Tuskan (45 Tiffany Lane); Barb Zimmerman, (210 Old Mill Road); Michele Jewell (11 Country Club Lane); Peter Carmichael (198 Tiffany Lane); Lisa and Matt Bird (145 Old Mill Road); Eileen Hanson (165 Old Mill Road); Scott Hall (Half Owner of the Gettysburg West Apartments); Victor Lombardi (156 Woodhaven Drive).

Wisner explained that local municipalities are only able to exercise the power given to them by the Commonwealth. Cumberland Township has been given limited power, one of those powers is the ability to review plans that come before the Planning Commission and the Board of Supervisors in accordance with those adopted ordinances. The Township is not able to refuse to review a plan, they are required to review that plan in good faith in accordance with the ordinances that are in place at the time. There is a lot of thought that goes into coming up with the zoning ordinance, that occurs every decade or so. This is the time for public involvement.

The role of the Planning Commission is to look at the ordinances and ask the technical questions to determine whether the plan meets the technical criteria and then make a recommendation to the Board of Supervisors.

***Underwood/Finkenbinder made a motion to deny the request be granted to waive the requirement to submit a separate Preliminary Plan; Approved 5-0***

***Motion of Caudill/Finkenbinder to relay to the Board of Supervisors that although this project has met all the technical aspects of our zoning and land development requirements, and therefore is eligible for technical approval, the Commission strongly feels that it has not met the spirit of the zoning. The commission also feels that it hasn't met the safety and health of the community. The commission feels that this plan does not cohesively fit with the community that has been well established there, they also feel that it doesn't fit cohesively with the National Military Park that surrounds the borders to the south, west and north of the project. An approval should be conditioned upon meeting the outstanding items from the August 10, 2022 KPI review; final Fire Company review that would need to be addressed as part of the preliminary plan and ultimately demonstrated on a final plan, address any outstanding comments from the Cumberland Township Authority that should also be included in the final plan, receive the sewage planning module from DEP (Department of Environmental Protection) that is still pending, ultimate approval from PennDOT of whatever the traffic improvements are, inclusion of the sidewalk easement from the driveway access of the spa down to the Willoughby Run property boundary, also a strong recommendation from the Commission that the applicant meet the new vegetative requirement, even though this requirement wasn't in place when the plan was submitted, and finally the O&M (Operations and Maintenance) agreement from the National Park Service needs to be resolved. Tallman added that he feels that this plan doesn't meet the needs and spirit of the comprehensive plan in the long term. Approved 5-0 vote.***

#### NEW BUSINESS:

##### **Zoning Map Amendment Request:**

Applicant, Tina Wagner is seeking a zoning map amendment to rezone the property located at 1086 Biglerville Road from Institutional (INS) to Mixed Use (MX). This property being more fully identified as parcel number 09F12-0028. Two additional properties adjacent to this subject property are also requesting the same zoning map change from Institutional (INS) to Mixed Use (MX). These properties are identified as 1076 Biglerville Road; parcel number 09F12-0029 and 1064 Biglerville Road; parcel number 09F12-0030.

Adam Boyer representing the applicant stated that the applicant is requesting a rezoning of her property from the current Institutional Zoning District to a Mixed Use Zoning District. Boyer stated that the request is being made because the house located at 1086 Biglerville Road, that Ms. Wagner owns, was built for the purpose of being a single-family residence. Subsequent to it being built it was acquired by the Memorial Baptist Church who used it for their church office. During the years it was used as the church office the property was rezoned to Institutional to reflect what was in fact the use at that time. In 2022 Ms. Wagner purchased the property and would like to use it as a single-family residence. Boyer goes on to explain that the reason for the multiple properties involved, the applicant and the other two properties to the south, is because of the concern that if just one of the properties requested the rezoning, it could be considered spot zoning. He further explained to the commission that the Mixed Use Zoning District was being requested because that District is currently in close proximity to the applicant's property. Boyer did mention that there is a fourth house in this strip of houses that is

currently zoned Open Space and is within the Park Boundary and is not part of this current request.

***Motion of Tallman/Kiefer recommending approval of the zoning map amendment to the Board of Supervisors; Approved 5-0 vote.***

General:

The Zoning / Building Code Officer's Report was acknowledged for August 2022.

Underwood would like Ms. Long to again invite Mr. Mark Guise, manager of the Gettysburg Municipal Water Authority, to the next Planning Commission meeting. Mrs. Underwood stated that this request is not relative to any project that they have, the request is for information for the Commission. The Commission has some technical questions regarding the system.

***Motion of Underwood/Kiefer reinviting Gettysburg Municipal Authority manager, Mark Guise, to the next Planning Commission meeting; Approved 5-0 vote.***

There being no further business the meeting was adjourned at 9:32 P.M.

***Approved on an Underwood/Kiefer motion; 5-0 vote.***

Submitted by: \_\_\_\_\_ Camie Stouck-Phiel, Treasurer