

**CUMBERLAND TOWNSHIP PLANNING COMMISSION**  
**Minutes of the August 16, 2012 Regular Meeting**

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Chair Jim Henderson.  
The meeting was recorded.

**ATTENDANCE**

Present were Jim Henderson, (*Chair*) Barry Stone, (*Vice Chair*) Stephen Tallman, Carl Athey, Dennis Hickethier, William Naugle (*Township Code Enforcement/Zoning Officer*), Sam Wiser (*Township Solicitor*), Leah Heine, (*Township Engineer*), Michele Long (*Secretary*).

Mr Henderson welcomed Mr. Wiser, Township Solicitor, to the meeting.

**APPROVAL OF MINUTES**

Approval of the Minutes from the July 12<sup>th</sup> Planning Commission Meeting.

**Mr. Stone made a motion to approve the minutes of the July 12<sup>th</sup>, 2012 Meeting. 2<sup>nd</sup> by Mr. Hickethier.**

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

**Motion carried.**

**PUBLIC COMMENT**

N/A

**ACTIVE BUSINESS**

**M&L Properties/Confederate Woods Animal Hospital**

Request for a 1-lot subdivision located on Confederate Drive.

Mr. Bob Sharrah, representing the project owner, gave an explanation of the plan and the steps they have taken so far to try and gain approval. Mr. Sharrah stated that he has the text amendment for the zoning ordinance approved; the acquirement of title for a small piece of property needed has been awarded from the judge; the special exception has been granted from the Zoning Hearing Board. Mr. Sharrah stated that he still needs the vacation for the Township roadway and approval of the land development plan. Mr. Sharrah explained what was still needed for the road vacation. Mr. Wiser asked Mr. Sharrah if the plan will show the portion that is being vacated as a lot addition to the other parcel. Mr. Sharrah stated that he hoped with the vacation, instead of going through a subdivision plan also each portion was be vacated one to McKee, one to M&L Properties. Mr. Wiser stated that the Township can only legally vacate to the center line to the adjacent property owner. Mr. Sharrah stated that he would complete a lot addition as needed.

Ms. Heine, Township Engineer, asked the Commission if they still wanted to review the comments at the current time or wait until more items have been completed with the plan.

The Commission agreed to wait until further work has been completed.

**Mr. Athey made a motion to table the project to resolve current issues. 2<sup>nd</sup> by Mr. Tallman.**

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

**Motion Carried**

## **ACTIVE BUSINESS**

### **HACC Parking Lot Expansion**

Harrisburg Area Community College is seeking a recommendation for the expansion of a parking lot that is within floodplain areas.

Mr. Jim Snyder with Snyder, Secary & Associates, the engineer for the project, stated he has addressed the engineer's comments and submitted revised plans. Mr. Snyder stated he was in agreement with the current KPI Engineering comments that were submitted August 15th.

Ms. Heine, Township Engineer, reviewed the comments for the plan.

The Commission discussed the plan with Ms. Heine and Mr. Snyder.

**Mr. Tallman made a motion to accept the following waivers to the SALDO:**

- 1. The requirement to submit a preliminary plan.**
- 2. The requirement to complete a total tract boundary survey.**
- 3. The requirement to show contour lines for the entire property.**

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

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

**Motion Carried**

**Mr. Athey made a motion to accept the B1 Buffer as an alternative to the D2 Buffer. 2<sup>nd</sup> by Mr. Tallman.**

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

**Motion Carried**

**Mr. Stone made a motion to recommend approval of the plan based upon approval of the Township Engineer comments.**

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

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

**Motion Carried**

## **NEW BUSINESS**

### **Wagner Ag Security Area Application**

Shirley Wagner's proposal to be added to the agricultural security area. Property located at 1714 Mummasburg Road.

Mr. Thomas, Township Manager, read the synopsis/fact sheet that was presented to the Commissioners regarding ag security areas (ASA's) and applications.

Mr. Mark Clowney, Ag Specialist from Adams County, gave his background with ASA's and stated that he was present for any questions that needed to be answered.

Mr. Henderson stated that the Commission had received numerous letters from citizens in regards to this application.

Mr. Wisner, Township Solicitor, stated that he wanted to address two items regarding the letters submitted. Mr. Wisner informed the Commission that some letters stated that the Township postpone taking any action but if the Township does not take action within the required timelines that Ben reviewed the application will be deemed approved. Mr. Wisner also explained that the letters he reviewed spoke of a specific agricultural use and how that would impact the local community but the ag security law as it is applied does not allow the Planning Commission or the Board of Supervisors to consider a specific use, it has to consider agricultural uses in general. Mr. Wisner asked the Commission to keep this in mind for tonight's proposal.

The Commission reviewed the application amongst themselves.

Mr. Hicketier asked Mr. Wisner to review his memo of the five criteria that he submitted to the Commission.

Mr. Wisner reviewed each of the five items that are required to evaluate an ASA application to determine if this application meets the requirements for approval.

Mrs. Jean Stone, 1745 Mummasburg Road, wanted to know what the Township gives up by putting a property in the ASA. Mr. Wisner stated that all land development and zoning requirements still apply to the property. The ASA helps the applicant with agricultural activity; the Township cannot prohibit normal agricultural activity for properties that are located within the ASA for example, noise and smells from normal agricultural activity.

Mrs. Stone questioned, if Mr. Keller's property was put in the ASA would that override the conditions that were put on the conditional use for the poultry barns. Mr. Wisner stated that it would not negate the conditions that were placed by the Board of Supervisors for the conditional use application.

Mrs. Stone also questioned nuisances and as she understands new agricultural operations for nuisances there is a one year period where neighbors can complain about new operations. Mrs. Stone wanted to know if this property was placed in the ASA would that override that one year period for neighbors' complaints and if it would she would not like the application to be approved until that period is over. Mr. Wisner stated that this was within the Right to Farm Law which is separate from ASA and this would not take away the neighbors rights to voice their opinions within that first year.

**Mr. Hickethier made a motion to recommend approval for the ASA Proposal based upon the criteria received from the Township Solicitor.**

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

**Vote: Yea-4 (Athey, Tallman, Henderson, Hickethier) Nay-1 (Stone)**

**Motion Carried**

**OTHER BUSINESS**

**Zoning/Code Officer's Report**

Mr. Naugle gave a report for the July, 2012 building/zoning activities within the Township.

**ADJOURN**

**There being no further business, the meeting was adjourned at 8:30 p.m. by motion of Mr. Stone, 2<sup>nd</sup> by Mr. Hickethier.**

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

**Motion carried.**

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Michele Long, Secretary