

CUMBERLAND TOWNSHIP PLANNING COMMISSION
Meeting Minutes of April 13, 2023
1370 Fairfield Road, Gettysburg, PA 17325

Call to Order: The Meeting was called to order at 5:30 P.M. by Chairperson Steve Tallman.

Attendees: Chairperson Tallman, Vice-Chairperson Kenny Caudill, Members Barbara Underwood, Kirby Kiefer, and Theresa Finkenbinder; Solicitor Sam Wisner, Secretary Michele Long, Treasurer/Finance Director Camie Stouck-Phiel, Township Manager David Blocher and KPI Technology Representative Leah Heine.

Minutes of the March 9, 2023 Regular Meeting: **Approved on a Kiefer/Caudill motion; 5-0 vote.**

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

Active Business:

CRE Biglerville Associates:

The plan proposes to divide the existing CRE Biglerville parcel (formerly Schindler Elevator) containing 82.45 acres into two lots within the Industrial District. Lot One is proposed to contain 38.9 acres and will retain the existing improvements, while the residual tract will contain 40.278 acres with no improvements. Lot One will continue to be accessed from Biglerville Road and Boyds School Road, the residual tract would be accessed from Boyds School Road.

The applicant's representative, Colton Zimmerman and the Township Engineer, Leah Heine reviewed the submitted plan. Heine explained to the Commission that the applicant has added a lot of the requests from their prior review. Heine reviewed the seven remaining comments, many have been completed. Wisner asked the applicant if there are deed restrictions that impact the entire site, because this site was a Superfund site. Wisner questioned if there are any restrictions that are mutual to both properties that would impact the ability to use the vacant area as a separate freestanding lot. He questioned if there was a close out order from DEP or EPA?

The applicant has requested a waiver to the requirement of submitting a separate preliminary plan.

Motion of Underwood/Caudill in favor of requesting the waiver of submitting a separate preliminary plan; Approved 5-0.

Underwood made a motion that this plan be approved with the understanding that the property owner must submit satisfactory documentation that the property is clean from EPA. Caudill 2nd the motion; Motion Carried 5-0.

New Business:

The Crossings:

The Preliminary Plan submission proposes the subdivision of an existing 53.696-acre parcel into 154 single family detached residential lots and three open space lots. This plan proposes a 30% cluster overlay design and is located entirely in the Residential Zoning District. The site is bordered on the northeast by Old Mill Road and to the southeast by an intermittent stream and

the Old Mill Overlook development and to the north by Gettysburg Airport. Public water and public sewer are proposed. Wetlands are located onsite and are delineated on the plans. Tony Fruchtl from Penn Terra Engineering was present to represent S & A Homes. The Commission, Applicant's Engineer, and the Township's Engineer discussed the proposed plan. Tallman expressed concerns with the plan meeting the Open Space requirements. Heine provided Fruchtl with a copy of the Open Space ordinance that was adopted in 2021. Wisner also asked the applicant's engineer if the current plan is in compliance with the Airport Hazard Overlay Ordinance. Long mentioned that she has an email from June 2022 that she believes satisfies the Airport Hazard Overlay Ordinance concern. The Commission continued to discuss the Open Space Ordinance. Fruchtl noted the concerns of the Commission and the Township Solicitor. Wisner explained that the Planning Commission hoped to encourage open space to not be in the wetlands, a lot of times this is overgrown and difficult to utilize. The hope was to encourage that some portion of the open space be maintained so that it could be used as playing fields. Tallman further explained that the idea was for the residents that live in the community to have access to these open space areas, he feels that this plan is very "tight" and doesn't offer residents access to these areas. Tallman also questioned if this plan met the 30% requirement for open space. Tallman also mentioned that the submitted plan is a good example of what the Commission was trying to avoid, and the Commission members agreed with his statement. The Commission hopes the plan can be reworked to meet the expectations and requirements of the open space ordinance. The Commission asked Fruchtl about lighting by the street and he explained that there would be lighting at the two main intersections. Heine confirmed with the Commission that they would recommend two lights at the two main intersections; the Commission confirmed this recommendation. Heine also discussed with the applicant's engineer that Township Highway Occupancy Permits will need to be obtained for the proposed connections and utilities on Old Mill Road and for required road widening. Heine explained that this should be discussed with KPI, the Township Road Master and the Township Manager. Heine concluded with the County comments, she explained that they also had a lot of comments about pedestrian and vehicular connectivity and open space. They also had concerns with the crosswalks, trees, and the tree protection note that should be placed on the plan. The Commission raised concerns about future developments in the area and through streets that cut through current established developments.

Kiefer/Finkenbinder tabled the plan; Approved 5-0.

Musket Ridge:

The Preliminary Plan proposes 60 duplexes (120 units) on 37.3 acres and is located between Kinsey Drive and Chambersburg Road. The applicant's engineer, Bob Sharrah, was present to discuss the proposed plan with the Commission. He explained that this plan was first submitted ten plus years ago. When the plan was first submitted, the main access was off Kinsey Drive and wasn't well received. He explained that they have changed the plan to have the main access go through the existing Lincoln Estates, off Route 30, with an emergency connection to Kinsey Drive and a roadway connection to the Shaw Property. Sharrah expressed that he was present to introduce the plan to the Commission and get feedback on the four waiver requests so that they know how to proceed moving forward. Tallman expressed to Sharrah his concerns for school buses about the turnaround and the lack of open space within the proposed plan. Wisner explained to Tallman that this plan is under the old provision and is grandfathered. Tallman would like to see both roads open, Wisner also explained the two road provisions that had been discussed in the past that have been a barrier to development of this property. He explained that the street design section states that "where the proposed subdivision or land development is provided access by a single street the Township may require a boulevard style, meeting the design and construction standards obtained in this chapter." Wisner explained that

the plan cannot meet the boulevard requirement and that the Township doesn't want to plan to access Kinsey Drive because of the poor intersection at Kinsey. The second provision states "that unless otherwise allowed by the Township the site access for all development should be analyzed in conjunction with the traffic study or site access study and recommendations from the Township Traffic Engineer and where recommended shall be provided more than one needs of access." Wisner explained that there may be an interconnection to Route 30, depending on what use goes on the County Property. Wisner feels that at the time we do not have enough information, but this could be a much better access point for the property.

Currently four waivers are being requested from the applicant. The first waiver requests to allow two-foot contour intervals in lieu of one-foot intervals. Heine explained that with this property it was manageable to review the plan with the two-foot contour intervals. Wisner suggested that perhaps further waivers be subject to providing spot elevations as desired by the township.

Motion of Tallman/Kiefer in favor of requesting the waiver of two-foot contour intervals in lieu of one foot intervals; Approved 5-0.

The second waiver request is to not require a 100' tangent between reverse curves.

Motion of Caudill/Kiefer in favor of requesting the waiver to not require a 100' tangent between reverse curves; Approved 5-0.

The third waiver being requested is allowing driveways closer than 25' to an intersection. The Commission discussed this interpretation of the requested waiver. Wisner asked Heine how the interpretation has been applied in the past. Wisner explained that when the Subdivision and Land Development ordinance is updated there will be a provision that says you can not back into an intersection. Heine explained that in the past it has not been applied in this way. Hopefully the new ordinance will help clear up this interpretation for future plans.

Motion of Tallman/Finkenbinder in favor of requesting the waiver allowing driveways closer to 25' to an intersection; Approved 5-0.

The fourth and final waiver, to allow driveways closer than five feet to an inlet. Heine explained that this has been a requirement, mainly for roads that will be taken over by the Township. This road is to remain a private road.

Motion of Kiefer/Underwood in favor of requesting the waiver to allow driveways closer than five feet to an inlet; Approved 5-0.

While the Commission had no further questions from the applicant's engineer, Wisner stated that his final question would be about access. He feels it is important for the engineer to provide some feedback, the Township could require a boulevard style entrance, multiple access points; as recommended by the traffic engineer, these have been hot topics in the past and Wisner feels that is important for Sharrah to provide this feedback to the developer. Underwood agreed with Wisner's final question. Tallman explained that as the plan currently stands, he doesn't feel comfortable recommending the plan to the Board.

Caudill/Kiefer tabled the plan; Approved 5-0.

Public Comments: None

General:

The Zoning / Building Code Officer's Report was acknowledged for March 2023.

Underwood again expressed to the Commission the need for Electric charging regulations. Wisner explained that this is a building code issue. Wisner explained that PMCA would be a good resource for any questions the Commission may have about current and future Electric charging regulations.

There being no further business the meeting was adjourned at 7:26 P.M.

Approved on a Finkenbinder/Kiefer motion; 5-0 vote.

Submitted by: _____ *Camie Stouck-Phiel, Treasurer*