

PLANNING AND ZONING COMMISSION
JULY 6, 2009

The regular monthly meeting of the Cornwall Borough Planning and Zoning Commission was held on Monday, July 6, 2009 at the Cornwall Borough Hall. In attendance were:

Commission Members

Raymond Fratini Robert Simmermon Joe Lescisko Jim Williams Jeff Snyder

Borough Officials

Jeff Steckbeck Steve Dellinger Councilman Koehler & Vranesic

Public

List Attached

1. Mr. Fratini called the meeting to order at 7:30 P.M.

2. **Iron Valley Estates – Lot 2**

The replacement trees have been planted – but in the wrong location.

A motion was made by Mr. Fratini, seconded by Mr. Lescisko and unanimously approved to instruct Mr. Dellinger to inform Mr. Byler that the trees must be moved to the previously agreed upon location.

3. **Steven & Bonnie Wenger – Minor Plan (Rexmont)**

Revised minor subdivision/lot annexation plan and supporting documentation was received on June 1st. Review letter was issued on 6/29/09 [see attached letter; a list of “issues for discussion” is also attached].

A motion was made by Mr. Snyder, seconded by Mr. Simmermon and unanimously approved to grant the following five (5) Waivers to provisions of the Subdivision and Land Development Ordinance:

A. Section 402 C.4. - which requires that all features located within two hundred (200) feet of the subject tract be identified on the Plan. The

justification provided for the granting of the waiver is the fact that critical features around the subdivided lots have been shown on the Plan.

- B. Section 506 F.3. - which requires that access strips of a minimum width of fifty (50) feet must be provided to connect a the flag lot to a public or private street. An access strip of approximately forty-one (41) feet is proposed, which will be of sufficient width to allow construction of a future driveway to the farm parcel to which the access strip will be annexed.
- C. Section 511 B. - which requires that sidewalks be installed in any subdivision and land development. The justification provided for the granting of the waiver is the lack of sidewalks currently in the area.
- D. Section 511 C. - which requires that curbs be installed along all existing streets in and abutting both subdivisions and land developments. The justification provided for the granting of the waiver is the lack of curbing currently in the area.
- E. Section 515 I. - which requires that street trees be provided for each subdivision or land development. The justification provided is that the retention of existing trees on the lot precludes the need for the planting of street trees.

And to recommend approval of the plan to Borough Council with the following conditions:

1. Section 506 F. - Approval of the lot created by the access strip as a flag lot. According to of the Subdivision and Land Development Ordinance, flag lots require approval by Borough Council.
 2. Section 403 E.1. - The completion of all required signatures and seals on the Plan prior to Final Plan recording.
 3. Section 403 E.2.a – Receipt of decision from DEP re: requirement for Plan revision module.
 4. Section 403 E.2.f. and Section 601 – Receipt of Erosion and Sediment Control Plan approval.
 5. Sections 403 E.2.i.; 507 B.2.h. and 609 – Provision of an acceptable completed improvement guarantee agreement (Integrity Bond) in the amount of \$13,850.00 (\$12,600.00 if the waiver of street trees is granted).
 6. Section 518 - Payment of Recreation Fee for the new lot being created (Lot No. 1).
4. **Bollard-Sheridan Subdivision Plan (Granite Street Townhouses)**
The review time for this plan has been extended until August 15, 2009.
5. **There has been no change in status since the May 2009 meeting for the following lots/projects:**
- **Iron Valley Estates – Lot 20**
 - **Iron Valley Estates – Lot 21**
 - **Iron Valley Estates – Lot 52**
 - **Miners Crossing –Overall Development**

- **Miners Crossing –As-Built Plans for Individual Lots**
- **Miners Crossing – Lot 59**
- **Miners Crossing – Lot 66**
- **Miners Crossing – Lot 72**
- **Miners Crossing – Lot 74**
- **Krissinger Property (Stoner Subdivision)**

6. Cornwall Municipal Authority – New Building

Preliminary/Final Land Development Plans (dated 6/5/09) were received for the construction of an office building (1521 SqFt) and garage (1485 SqFt) on 1.3 acre tract for Cornwall Municipal Authority along side the Cornwall Community Fire Company located at 44 Rexmont Road. Comments were received from County Planning (6/22/09) and the Borough Engineer – Mr. Steckbeck (6/26 & 7/7/09). The Authority’s consultant, M&H, have requested twelve (12) Waivers, which the Borough Engineer has no objection. They are as follows:

1. *Section 402 – the applicant is requesting a waiver of the Preliminary Plan process and to proceed directly to a Preliminary/Final Plan. Motion made by Mr. Fratini, seconded by Mr. Snyder and approved unanimously.*
2. *Section 405 – Applicant shall submit a feasibility report concerning the availability of public sewer and public water. Motion made by Mr. Snyder, seconded by Mr. Fratini and approved unanimously.*
3. *Section 507.D.5.A – The applicant is requesting to be allowed to use 50% of the disturbed area instead of 50% of the Pre-Development peak flows. Motion made by Mr. Fratini, seconded by Mr. Lescisko and approved unanimously.*
4. *Section 507.E.3.A – The applicant is requesting to be allowed to use 50% of the existing impervious cover on the site instead of all areas in a good grass cover. Motion made by Mr. Lescisko, seconded by Mr. Fratini and approved unanimously.*
5. *Section 507.F.5.B – The applicant is requesting to be allowed a minimum top width of 5 feet instead of 8 feet. Motion made by Mr. Snyder and seconded by Mr. Simmermon and unanimously approved.*
6. *Section 507.F.5.D – The applicant is requesting to allow the storm water detention facility to have interior side slopes to be greater than 5:1 without a fence. The 100 year water surface is a max. of 2.51’ of depth. A motion was made by Mr. Fratini, seconded by Mr. Lescisko and approved unanimously.*
7. *Section 507.G.7 – The applicant is requesting to allow a minimum pipe size of 12” instead of a5” because of inadequate cover over a a5” pipe. Motion made by Mr. Fratini, seconded by Mr. William and approved unanimously.*
8. *Section 507.I.4.J – The applicant is requesting to not require an underdrain within the basin. The applicant notes there is good perc rate and the invert of an underdrain would make the outlet pipe too low in the roadside swale. Motion made by Mr. Snyder, seconded by Mr. Simmermon and approved unanimously.*

9. Section 507.I.4.K – *The applicant is requesting to allow the basin drawdown in less than 36 hours. The applicant notes there is a good perc rate that doesn't allow this to be met even with a ½" orifice. Over 16' of water would be required to meet the 36-hour minimum drawdown.* Motion made by Mr. Fratini, seconded by Mr. Lescisko and approved unanimously.
10. Section 511.B.2 – *Sidewalks shall be installed on both sides of all streets in residential and nonresidential subdivisions and land developments as herein specified. Sidewalks shall be located, if possible, with the street right-of-way line.* Motion made by Mr. Snyder, seconded by Mr. Simmermon and approved unanimously.
11. Section 511.C – *Curbs shall be required along existing streets and in land developments.* Motion made by Mr. Snyder, seconded by Mr. Simmermon and approved unanimously.
12. Section 515.D – *Screening abutting a residential district.* Motion made by Mr. Fratini, second by Mr. Lescisko and approved unanimously.

The Authority also requested a Waiver (7/2/09) of Financial Security. A motion was made by Mr. Fratini, seconded by Mr. Snyder and approved unanimously to recommend this Waiver to Borough Council. A motion was made by Mr. Fratini, seconded by Mr. Lescisko and approved unanimously to recommend to Borough Council to grant Conditional Approval of the LDP with the understanding that the:

- Planning Module Exemption needs to be submitted and approved by the DEP
- E & S Plan needs approval by Lebanon County Conservation District
- Original Signatures and Seals needs to be completed

7. Allen Place Phase 2

Mr. Hurst requests a reduction of his Letter of Credit. A letter was received from Borough Engineer – Mr. Steckbeck (7/6/09) – recommending a reduction from \$1,977,754.35 to \$1,204,545.10. A motion was made by Mr. Lescisko and seconded by Mr. Williams and unanimously approved to recommend to Borough Council.

8. Verizon Cell Tower

Verizon has filed for a conditional use hearing. Borough Manager Danz is on vacation this week and has not yet distributed the application. Jeff has talked to Steve as well as Solicitor Sam Weiss and Zoning Officer Julie Cheyney. Once the application has been distributed and reviewed, the three of them will coordinate the next steps for scheduling the hearing. About 8 months ago, County Planning had indicated that they might be interested in conducting this hearing with Council similar to the way they conduct the Special Exception hearings with the ZHB, however the county had laid off two of the four zoning officers earlier this year and County Planning might not now be able to handle the work. Jeff will provide an update at the next Commission meeting. The Planning Commission will be asked by Council to review the application and offer a recommendation to Council.

9. Rt. 72 & Rt. 419 Intersection

The County MPO recently informed the Borough and West Cornwall Township that due to traffic accident incidents in 2008, the intersection has now been elevated to the list of the 25 most dangerous intersections in the county. This qualifies the intersection improvement project for a new pot of federal funding. The Borough road committee, West Cornwall road committee, ELA Group (project traffic engineer) and Steckbeck recently met and discussed the project schedule and budget. The budget is set at \$1.5 million construction and \$300,000 for design, permits and rights-of-way for a total of \$1.8 million project cost. Under the new funding program, there would be a split of 80% federal money and 20% local money, so the Cornwall/West Cornwall partnership would need \$360,000 for the local share. \$250,000 has already been obtained from developers, so another \$110,000 will be needed in the next 18 months. This will be targeted to all new developers in either municipality. The project has advanced from the 12 year program to the county's 4 year T.I.P. list. It is anticipated that design and permitting will start this year, rights-of-way acquisition will occur late next year, and bidding will occur in 2011. Tom Kotay of the county MPO team will be attending the Borough Council meeting on July 13th to ask Council to approve a Resolution which formalizes the Borough's participation in the project and asks the County MPO and PennDOT to put this project into the 4 year T.I.P. for approval for the federal funding.

10. H & K Plan – The Preserve at Historic Cornwall Village

Mr. Vranesic gave the following presentation:

Gentlemen, thank you for inviting me to speak tonight and update you on the progress the Ad Hoc Committee has made in regards to selecting special services to assist the Borough in addressing the proposed H&K Development.

As many of you know and have participated in, the H&K development group has held a number of meetings to discuss and field questions and concerns in regards to their proposed plan.

At the June Borough Council meeting and since then there have been many concerns from residents and us in regards to the project's impact on the borough and as you know, there is still a lot of information yet to be gathered. However, the Ad Hoc Committee feels strongly that we have built a team that will assist the Borough in making sure that everyone is protected.

After receiving numerous proposals from over 10 different consultants, the Ad Hoc Committee is recommending the following be hired:

Legal counsel - Josele Cleary from the law office of Morgan, Hallgren, Crosswell & Kane located in Lancaster, PA.

Traffic engineer – Chris May from the firm of Herbert, Rowland & Grubic, Inc. located in Lancaster, PA

Fiscal consultant – Robert Kriebel from the Urban Research & Development Corporation in Bethlehem, PA

All three consultants have shown the Ad Hoc Committee that they have no current or future conflicts of interest with the H&K Group and are the most experienced in handling a project of this size.

Let me make this absolutely clear: The action of hiring these consultants is by no means an outright endorsement of this project by Council, but rather it clearly says to the public that we are taking seriously their concerns and looking to protect their best interests.

The role that the P&Z Commission will play is extremely vital. As I see it, it will be your task to effectively communicate to the public, first and foremost, what a landowner's rights are. Specifically, what the H&K Group's rights are with respects to the way their land is currently zoned, what they could use it for under the "By-right Plan" and in contrast, what the benefits and drawbacks are to the "Proposed Plan."

The people of Cornwall must realize that this development is not something we can simply just say no to and stop. Instead, it is the P&Z Commission's job in conjunction with the Council and its experts to lay forth the best plan which

protects the borough's residents and efficiently utilizes our land use under the current comprehensive plan.

That being said, there is still a lot of work yet to be done and we are at the infant stages. The Ad Hoc Committee will continue to meet as a point of contact for the Council's consultants. We will gather information from outside sources to address concerns as they arise. Outside sources could include, but are not limited to the Lebanon MPO, Lebanon Chamber of Commerce and Economic Development Corporation, the Cornwall-Lebanon School District, Cornwall Water Authority and various community groups.

I personally, will not allow this project to fall into the trap of burdensome, costly taxpayer litigation like that of other projects in neighboring municipalities, nor will anything remain hidden from the public until the last minute like that of proposed projects in neighboring school districts.

At the end of the day, no one with any real proof or facts will be able to say that Cornwall Borough did not keep the public's best interest at the forefront and in the light of day.

The proposals that we received will be made available to the public along with a record of how many times the Ad Hoc Committee met and who was in attendance. I will also be asking that Joe Lecisko provide the P&Z Commission and Council with written recorded minutes from our meetings.

With that, I will entertain any questions you or the public may have. A motion was made by Mr. Fratini and seconded by Mr. Simmermon and unanimously approved to recommend to Borough Council the hiring of these consultants.

Mr. Callahan spoke for H & K and said that they should have their Fiscal Impact Study completed by July 14th and that a meeting is being planned with PENNDOT, that HRG should attend and that H & K was the only Bidder for the Open Pit Water & Land immediately surrounding the open pit. H & K will be posting on their web site – www.HKGroup.com – the results of all the studies and provide a link to the Borough's web site, www.cornwall-pa.com.

Mr. Steckbeck provided two large charts which show a potential project timeline leading to the Borough Council making a formal decision on H&K's requested zoning changes sometime before the end of the year; and showing the month-by-month series of steps and tasks to be performed in order to get to the point of making the formal decision. Steckbeck indicated that once the special consultants have been hired, it will be up to them to advise the Borough on the schedule and the tasks, thus the charts which Steckbeck provided are subject to change.

11. Regional Planning Task Force Meeting

County Planning had the 4th meeting on the Regional Planning Concept. At the August 3rd meeting, the committee will see a draft RFP that contains the spec's on hiring a consultant to complete the project. These spec's will be drawn up by the

Municipal Managers. The committee will also see a draft agreement between the Municipalities which delineates how cost for the project will be portioned out [based on municipal population(s)] and how cost will be shared if a municipality dropped out before the project is finished. At this time there are no contractual commitments by any municipality for the work being done. When the final RFP is drawn up, a resolution will need to be passed by Council to Bid, if they so desire.

12. Upcoming Commission Meeting

- Monday, August 3rd Planning & Zoning regular meeting @ 7:30 p.m., Borough Hall.

13. Adjourned 9:20 p.m.

Respectfully submitted,

Joseph L. Lescisko
Secretary

www.cornwall-pa.com

cc: Borough Council & Solicitor
Jeff Steckbeck, Borough Engineer
County Planning Department
Steven Dellinger, Hanover Engineering