



## **BOROUGH OF CORNWALL**

**36 Burd Coleman Road**

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### **PLANNING AND ZONING COMMISSION NOVEMBER 2, 2009**

The regular monthly meeting of the Cornwall Borough Planning and Zoning Commission was held on Monday, November 2, 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 Lazorcik Councilman Vranesic

#### **Public**

List Attached

1. Mr. Fratini called the meeting to order at 7:30 P.M.
2. **H&K Plan – The Preserve at Historic Cornwall Village**
  - Mr. Vranesic reviewed the Ad-Hoc Minutes from the October 13<sup>th</sup> and 22<sup>nd</sup> meetings. The following updates were provided.
  - Chris May (HRG) talked about not needing a full Traffic Study in order to send the proposed ordinance to County Planning to evaluate. The Ad-Hoc Committee should receive the completed Traffic Study by TPD after Thanksgiving. Mr. Callahan indicated that the proposed alignment of the “Ironmaster Road Bypass” around Burd Coleman doesn’t appear financially feasible at this time due to the property owners asking for an exorbitant price for the land. H&K is willing to acquire the land at a reasonable price and will continue to work with the owner to attempt to acquire the right-of-way. In the interim, H&K has identified a viable and much more affordable alternative alignment that is currently being evaluated.

- Mr. Vranesic updated the P & Z Commission on the proposed “Coordinated Mixed Use Overlay” amendment to the zoning ordinance, prepared by Josele Cleary. The current version of the draft ordinance amendment is a result of several months of discussion and three rounds of revisions to the proposed amendment originally submitted by H&K. The changes in the current version reflect revisions made by the Ad-Hoc Committee in response to the documented comments received from borough residents at more than 20 meetings held since March as well as to the written comments submitted by residents since the project was announced. The revisions are intended to better protect Borough residents. A copy of the amendment was recently submitted to the Lebanon County Planning Department for its “unofficial review.”

A motion was made by Mr. Snyder, seconded by Mr. Williams and unanimously approved to recommend to Borough Council to move the proposed Coordinated Mix Use Overlay ordinance amendment out of Ad-Hoc Committee to the full P & Z Commission and County Planning Department for full review only and comment by both agencies. [NOTE: P & Z does not recommend approval or disapproval of the ordinance at this time.] **At the December 7<sup>th</sup> P & Z meeting the public should present their comments/questions about the proposed ordinance.** The draft of the latest version of the proposed ordinance amendment will be posted on the H&K website ([www.HKGroup.com](http://www.HKGroup.com)) – with a link from the Borough’s website ([www.cornwall-pa.com](http://www.cornwall-pa.com)).

- Mr. Vranesic updated the P & Z commission on the results of his meeting with Mr. Alekna, the Borough’s Fiscal Consultant (URDC) and representatives from H&K. There was agreement among the parties that some of the data and assumptions used to prepare the Fiscal Impact Study (FIS) six months ago needs to be updated and/or supplemented. New information will be available after the upcoming budget meeting. In addition, Stan Alekna has obtained Colonel Frank Ryan’s agreement to perform an independent analysis of the EIT income projections. Mr. Callahan distributed copies of a map that categorized the proposed development streets as either public or private. The FIS assumed that all streets were public. If the Borough agrees that some or all of the development streets should remain private, then additional revisions to the FIS will need to be made to reflect annual cost savings to the borough’s budget resulting from elimination of a portion of road maintenance costs. Mr. Vranesic has indicated that the next Ad Hoc meeting will be devoted entirely to this very matter and the goal will be clear and simple; to have an agreement by all parties on the numbers, backed up by an official vote from all of the Ad Hoc committee members, that will be studied and analyzed and will give the clearest picture possible to the Borough, H&K and the people of Cornwall as to what the fiscal impact of this development will be.

### 3. Laverty - 274 Rexamont Rd

- Mr. Steckbeck explained that the Laverty property on Rexamont Road across the street from Boyer café was recently enlarged through purchase of a lot addition from Gerald Musser. The Laverty's have added significant new paving and parking for their recreational vehicles and also widened their driveway. They installed a stormwater infiltration bed to control runoff. The bed is located in the shoulder area of the road ROW which is a part of their deed. (This is one of the "old Cornwall" lots where the property line is located in the center of the street, and the roadway ROW is an easement benefiting the borough.) At the conclusion of constructing the stormwater infiltration bed, the Laverty's instructed their excavator to place large rocks on top of the bed to prevent cars from parking there. The rocks are in the road ROW. This is a violation of Note 14 of the original subdivision plan which created Mussers lot. Note 14 prohibits the placement of any item in an easement which will prevent the intended use of the easement. The restrictions of this Note 14 were also a part of the language of the deed from Musser to Laverty. The transaction recently took place and Steckbeck is awaiting a copy of the recorded deed. Upon receipt, he will make a copy, highlight the easement restriction, and mail it to Laverty with a cover letter which informs them that they are violating that restriction and requesting them to remove the rocks from the borough's road ROW.

### 4. Bollard-Sheridan Subdivision Plan (Granite Street Townhouses)

- A revised Plan was submitted for review on September 8<sup>th</sup>. HEA review comments were discussed at the October 5<sup>th</sup> Planning and Zoning Commission meeting. Revised plans based on the discussion at the meeting were received for review on 10/27. [The review time for this plan has been extended to December 31, 2009.]

Mr. Dellinger distributed comments on the non-stormwater aspects of Hanover Engineering's review of the revised plans. **[See HEA letter dated 11/02/09]**. The review of stormwater and the construction cost estimate should be completed in the near future. Several waiver requests were discussed and supported by the Commission. However, the request to make no improvements to the existing portion of Granite Street between Boyd Street and Quartz Street resulted in the Commission indicating that widening of the cartway to a minimum of 18 feet would be required. (The cartway in front of the existing dwelling on Granite Street is 18 feet wide, but it reduces down to as little as 14 feet wide in front of the Bollard property.)

In response to a question from a Shirk Street resident regarding the possibility of constructing sidewalks along Shirk and Granite Streets, it was recommended that the neighbors be surveyed and, if there is

support of the idea, a petition be prepared and presented to Borough Council requesting a study of such a project.

5. **Cornwall Manor - The Woods - 537 Sassafras Drive**

- A sun room and open deck addition at 537 Sassafras Drive was reviewed and approved under the new “plan deviation” guidelines [See HEA letter dated 10/19/09].

6. **Dedication of Granite Street**

- Sheridan Corporation was notified that the Borough will not accept Granite Street for dedication this year [See HEA letter dated 10/09/09].

7. **Miners Crossing - Lot 66**

- Landmark submitted a design for proposed revisions to the driveway to comply with the slope requirements of the Borough’s Subdivision and Land Development Ordinance. HEA reviewed the proposed design and provided comments to the Borough Solicitor prior to the October 12<sup>th</sup> Borough Council meeting [See HEA letter dated 10/12/09]. A Deposition related to the lawsuit is scheduled for mid-December.

8. **There has been no change in status since the June 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 72
- Miners Crossing - Lot 74
- Krissinger Property (Stoner Subdivision)

9. **Verizon Cell Tower**

- A letter was received from McNees Wallace & Nurick (10/26/09) requesting a waiver of the Land Development Plan for the proposed Cell Tower at 201 Iron Valley Drive.
- Attorney Jonathan Andrews from McNees gave a presentation to the Commission which included a letter from Lebanon County Planning Department (attached) in which former Director Earl Meyer had written that it is the County’s policy that under the county ordinance and in compliance with a state Supreme Court decision, that cell towers are

exempt from the requirement for processing a land development plan unless a new lot is created. Mr. Andrews informed the Commission that no new lot is being created for the Verizon cell tower on the IV Golf Course. Verizon is leasing the land from IVGC. He then requested that the Borough formally vote to follow the same policy established by Lebanon County Planning Department. Steckbeck and Dellinger indicated their concurrence with such an exemption.

- A motion was made by Mr. Lescisko, seconded by Mr. Snyder and unanimously approved to recommend to Borough Council the waiver of the LDP.

#### **10.166 Tice Lane**

- Christine Nelson who resides at this address in Fairview Estates submitted a letter along with some surveying information (attached) which shows that drainage swales on her property and in the road ROW have become partially blocked with a build up of silt over the 17 year time frame since they were constructed by developer Roger Grimes. She has requested that the Borough perform the work necessary to remove the silt and reconstruct the swales to the original grades called for on the approved subdivision plans. Based on the recommendations from the Engineer, as confirmed by the Solicitor, the road superintendent Tom Smith is sending Mrs. Nelson a letter (attached) informing her that the borough will perform the corrective maintenance work on the swale located in the borough ROW, but that it is the private property owner's responsibility to perform the work on swales which are on private property. This decision is consistent with the borough ordinances and the provisions of the approved subdivision plans.

#### **11. Cornwall Manor – The Woods Phase III**

- Mr. Weidman, representing Cornwall Manor, presented an update on the Manor's "Woods" project. Phase 1 is completed and Phase 2 is under construction. The Manor is now in the process of scrapping the 53 proposed residential units in Phase 3 and changing the scope of the project to include 60-68 apartments with parking, community center, and a new health center. The Manor is presently interviewing architects, site engineers and construction companies on the project.

After discussion, and with the concurrence of Mr. Dellinger and Mr. Steckbeck, the Commission agreed that it is consistent with the SLDO that the Manor could file a Revised Preliminary Plan / Final Plan for the changes to the already approved Preliminary Plan for this Phase of the Woods.

Mr. Weidman then explained the anticipated traffic to be generated by the new conceptual development. He indicated that a detailed Traffic

Impact Study had been submitted and approved for the Woods back in 2003 timeframe when the Preliminary Plan was approved. He requested that the Commission agree that the Manor could submit new traffic generation figures for the revised project scope, and asked that if those figures were the same or less than traffic generation as predicted for this Phase in the original TIS, that the Manor then be exempt for the need to submit an entirely new TIS. After discussion, and with the concurrence of Mr. Dellinger, the Commission indicated that Mr. Weidman's request is consistent with the provisions of the SLDO and they agree with his request.

## **12. Upcoming Commission Meeting**

- Tuesday, November 10<sup>th</sup> Ad Hoc Committee on H&K at 7:00 p.m., Borough Hall.
- Tuesday, November 24<sup>th</sup> Ad Hoc Committee on H&K at 7:00 p.m., Borough Hall.
- Monday, December 7<sup>th</sup> Planning & Zoning regular meeting @ 7:30 p.m., Borough Hall.

**13.Adjourned 10:00 p.m.**

Respectfully submitted,

Joseph L. Lescisko  
Secretary  
[www.cornwall-pa.com](http://www.cornwall-pa.com)

cc: Borough Council & Solicitor  
Jeff Steckbeck, Borough Engineer  
County Planning Department  
Steven Dellinger, Alternate Borough Engineer  
Josele Cleary, Special Counsel