

PLANNING AND ZONING COMMISSION
June 2, 2008

The regular monthly meeting of the Cornwall Borough Planning and Zoning Commission was held on Monday, June 2, 2008 at the Borough Hall. In attendance were:

Commission Members

Raymond Fratini Robert Simmermon Joe Lescisko Jeff Snyder

Borough Officials

Councilmen Lazorcik and Koehler Jeff Steckbeck Steve Dellinger

Public

List Attached

1. Mr. Fratini called the meeting to order at 7:30 P.M.
2. **Ordinance Amendments**
The P&Z Public Meeting on the proposed zoning and subdivision/land development ordinances was conducted as part of the 5/05/08 meeting. The Borough Council Public Hearing is scheduled for June 9th at 6:30 PM (at Borough Hall).
3. **Wolf/Braxton Subdivision Plan**
Revised plans were received for review by HEA on 5/01/08. HEA comment letter was issued on 5/29/08. Revised plans were received on 5/30/08; HEA review letter was issued on 5/30/08 (see letters dated 5/29/08 and 5/30/08).

A motion was made by Mr. Fratini, 2nd by Mr. Simmermon and carried unanimously to approve the waiver request regarding identifying all features located within 200' of the subject tract. A request was received from Steckbeck Engineering and accepted by the Commission to grant a 90-day time extension to the current expiration date.

4. IVE LOTS 36, 39, 46 & 49

Per Hanover Engineering letter (/5/21/08) all remaining financial security for Lots 36, 39 & 46 can be released. The Borough is still holding security funds on Lot 49 until the grass comes in on the hill.

5. Miners Crossing – Dedication of Granite Street

Letter to Landmark Homes was sent on 5/30/08 (see attached). The letter identifies several items related to the overall development (i.e., as-built plan of street, legal descriptions, remaining street trees, etc.). Remaining items pertaining to individual lots were also detailed in the letter.

The revised grading plans for several individual lots in Miners Crossing included the requirement for as-built plans (which was assumed would occur as part of the as-built plan for Granite Street):

- Lot 64 (Letter to LCPD dated July 19, 2006)
- Lot 65 (Letter to Steve Sherk dated September 26, 2006)
- Lot 66 (Letter to LCPD dated September 1, 2006)
- Lot 68 (Letter to Steve Sherk dated June 15, 2007)
- Lots 69 and 70 (Letter to Scott Burkholder dated July 30, 2007)
- Lot 73 (Letter to Scott Burkholder dated August 22, 2007)

6. Miners Crossing – Lots 67 and 72

Dwellings currently under construction. Switching of the driveways was reviewed and approved by Ray Fratini prior to the Building permits being issued by the LCPD. Jeff Steckbeck met with Mr. Fratini to review the changes with him. Since there were no stormwater changes, and since no more impervious cover was added to either lot, the plans were not sent to Hanover for review as Ray believed the changes were very minor and did not warrant engineering review.

7. IVE – Lot 2

In the HEA letter to the property owners dated 02/29/08, it was requested that a written request be provided to the Borough, including justification, for the proposed reduction in the number of replacement trees that need to be planted (28 were required on the approved Plan). As of early May, the property owners were talking with their builder and a neighbor regarding the location of the replacement trees. No request has been received to date by the Borough.

8. IVE – Lot 20

HEA personnel visited the site on 2/26/08. Some remedial work is required on the sumps/barrier dikes for the driveway infiltration pits. A copy of the Inspection Report has been forwarded to the builder. HEA was contacted by the property owners' engineer on 4/08/08 regarding some options for additional stabilization of the driveway swale. No further contact has occurred since that date.

9. IVE – Lot 21

In the HEA letter to the property owners dated 02/29/08, it was requested that confirmation be provided that the facilities proposed by Great Valley Consultants were constructed as shown in their design drawings dated April 19, 2007, so that HEA can recommend that the Borough release the remaining financial security held for this lot.

10. IVE – Lot 27

The developer contacted HEA on 2/05/08. At that time, he indicated that he would follow up with the property owner and provide a schedule (in writing) for planting of the replacement trees. No further contact has occurred/correspondence been received since that date.

11. IVE – Lot 28

An inspection of the final grading/seeding is all that remains prior to release of the remaining financial security for this lot. No inspection has been requested to date.

12. IVE – Lot 52

Construction of the dwelling continues. No inspections have been requested to date.

13. Miners Crossing – Lot 68

As of the last inspection (November 2007) six (6) white pines (screen trees) need to be planted between the driveway and the property line shared with Lot Nos. 66 and 67. Minor adjustments need to be made to the swale (between the trees at the lower end of the driveway).

14. Miners Crossing – Lot 73

Dwelling is currently under construction; driveway paving and final grading/seeding remain to be completed.

15. Miners Crossing – Lot 74

Two (2) existing sheds located on Lot No. 74 were to be removed as part of the Plan. The one near/on the property line with Lot No. 63 has been removed, but the other one is still there. A letter regarding this issue was sent to Sheridan Corporation on November 19, 2007, with no response received to date.

16. Cornwall Manor - The Woods

Construction continues in Phases 1 and 2. No “plan deviation” requests have been submitted for review since last November.

17. Bollard-Sheridan Subdivision Plan (Granite Street Townhouses)

The developer is proceeding with the preparation of revised plans, for – submission after the adoption of the Zoning Ordinance.

18. IVE Lot 66

Mr. Cook and his attorney Mr. Engler approached the Commission regarding Mr. Cook's driveway slope that exceeds the 15% maximum. They presented Planning and Zoning Commission minutes from August 6, 2007 meeting and Hanover Engineering's Lot 66 project report dated July 30, 2007. Mr. Engler requested that if possible he would like to see some of the bond money held back because of the driveway issue.

Discussion on this topic centered around the location of the house at a higher elevation than shown on the approved plan, which resulted in the excessive driveway slope. While inspections were requested for other facilities on the lot (roof infiltration pits, sidewalk) no inspection was ever requested for the driveway. Some of the financial security for the overall Miners Crossing development, along with the individual lot improvements, is still in place.

Jeff informed the Commission that there are two approved designs for this lot: the original recorded subdivision plan showed a smaller house located at the minimum front yard setback. After Landmark purchased the lot, they retained Steckbeck to do a revised lot design which showed a larger house which was moved back, up the hill a significant distance. Both designs provided for driveway slopes which comply with the 15% ordinance limitation. Landmark has not constructed the driveway in accordance with either of the approved designs. Steckbeck's office, nor the borough office, nor Hanover were ever informed by Landmark nor Cook that the driveway construction was going to be changed to deviate from the approved plan. Upon questions posed by Commission members, Steckbeck stated emphatically that neither the borough nor Hanover nor Steckbeck are responsible for the current situation and none of these entities have any responsibility nor liability for this situation. It is Steckbeck's opinion that this is a buyer/seller dispute and regardless of which of those parties made the decision to raise the elevation of the driveway and cause the steep slope, the driveway is in violation of the ordinance and must be corrected by the buyer/seller – not by the borough. Additionally, it is not the borough nor Steckbeck nor Hanover's responsibility to identify the solution to correct the violation – to the contrary none of these parties should give any direction to Landmark or Cook, otherwise they then may be accepting some of the liability if the corrective work results in any injuries or damages. At this point in time, the duty of the borough and its agents is to inform Landmark of the violation and to instruct them to correct the violation and to inform them that until such time that the violation is correct, no additional financial security will be released. Steckbeck indicated that has been the borough's standard operating procedure in the past for all the other subdivision projects in the borough, and there is no reason to deviate from that procedure now. To do so would be unwise.

A motion was made by Mr. Fratini, 2nd by Mr. Simmermon and unanimously approved to have Hanover Engineering send a letter to Landmark requesting “as-built” plans for Lot 66 before July’s meeting, and to remind them that the violation must be corrected and that no more financial security will be released until such time that it is corrected.

19. Zinns Mill Road Land

Mr. Scholl would like to request land along Zinns Mill Road between Quentin Road and Cornwall Road be re-zoned R-1. He is getting request for additional housing. The north side would involve 25 acres and the south side 18 acres. All the land is in Cornwall Borough. Without figuring storm water requirements, raw number’s based on 3 units/acres would be around 126 SFL. It was mentioned that this area has both water & sewer. The houses would be both stick built and modular; however, some of the drawbacks are the intersection at Zinns Mill Road and Quentin Road, the condition of Zinns Mill Road and run-off issues.

The Commission instructed Mr. Scholl to submit a sketch plan of his ideas.

20. Store Lane Development

Jeff reported that a four page review letter was sent to the borough and Matthew and Hockley on May 27th. The letter contained the Commission’s comments from their review at the May meeting. Mr. Matthew called Jeff to inform him that he recognizes that the lot sizes do not meet the ordinance and that they will be making significant changes to the plan, possibly converting from townhouses to garden apartments. The new plan might be filed prior to the next Commission meeting.

21. Greish Subdivision

Jeff reported that Matthew & Hockley has submitted revised plans showing compliance with all prior County and Steckbeck comments. The only remaining issue is approval of the shared sewer lateral by the Cornwall Authority. The Authority meets on June 20th and will likely issue their approval at that time. Thus, the Greish plan will be ready for Commission approval action at its July meeting.

22. Route 419 & Route 72 Intersection

Both Cornwall and West Cornwall have adopted Resolutions forming a partnership with each other and the Lebanon County MPO to proceed with the design, permitting and right-of-way acquisition for the intersection improvement project. Lou Hurst has expressed an interest in Alden Place joining as a 4th partner and paying additional money for the largest, most comprehensive intersection improvement project. The next step is to convene a meeting amongst all partners at the county offices. Jeff will keep the Commission informed of the progress.

23. Wenger Street & Rexmont Road Site Distance

At the request of residents in the area of this intersection, Council has instructed Steckbeck and Chief Harris to investigate the sight distance and traffic safety at this intersection. Both Jeff and Bruce met there last week and have determined

that hedges along the road are too high, are blocking sight, and must be cut down to a height of less than 24" and maintained that low. Notice will be sent to the property owner, and if he doesn't cut the bushes and keep them low enough, then the borough has the right under its ordinance to have the hedges permanently removed.

24. Bluebird – Sidewalk

Karl Karinch informed Jeff last week that he will begin the sidewalk work in the first week of June.

25. Horst (Former Scheib Subdivision)

Council approved the issuance of the permit for a second driveway. It was issued to Mr. Hlavacek in mid-May. The permit is good for one year. Jeff will perform inspections to assure that the driveway meets ordinance requirements for slope and sight distance.

26. Alden Villa Barn

Nest Architecture provided a sketch of the exterior of the building and what the proposed sign will look like.

27. IVE – Lot 19

Mr. Sheridan asked if we heard anything about 3 homes going in on Lot 19. The Commission is not aware of this.

28. Recorder of Deeds

A letter was received from Lebanon County Recorder of Deeds office (5/19/08) that outlines requirements when submitting subdivision/land development plans.

29. Upcoming Commission Meeting

- Monday, July 7th regular meeting @ 7:30 p.m. Borough Hall.

30. Adjourned 9:15 p.m.

Respectfully submitted,

Joseph L. Lescisko
Secretary

www.cornwall-pa.com

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