

## PLANNING AND ZONING COMMISSION

**March 4, 2008**

The regular monthly meeting of the Cornwall Borough Planning and Zoning Commission was held on Monday, March 4, 2008 at the Sacred Heart Parish Center. In attendance were:

### Commission Members

Raymond Fratini          Robert Simmermon          Joe Lescisko Jim Williams

### Borough Officials

Jeff Steckbeck      Steve Dellinger

### Public

List Attached

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

2. **Ordinance Amendments – Public Meeting**

It is the intent of the Borough to amend and readopt both the existing Zoning Ordinance and the existing Subdivision and Land Development Ordinance. A Public Meeting was conducted to present the proposed Zoning Ordinance and Subdivision and Land Development Ordinance for public comment. Mr. Dellinger from Hanover Engineering provided a handout and charts for the public that explained what changes were made in the Zoning Ordinance and the Subdivision and Land Development Ordinance. The most significant changes were in the Zoning Ordinance, where more detailed provisions have been proposed related to architectural compatibility in the Historic Overlay Districts and the Historic Overlay Buffer Areas. The existing Historic Overlay District in Anthracite is

proposed to be deleted, while the Historic Overlay Buffer Areas are proposed to be mapped on the Zoning Map. Some of the other proposed zoning ordinance changes included (1) new/revised definitions, (2) reducing the minimum lot size for municipal uses in the RLD and RMD Zoning Districts, (3) clarifying the minimum lot area for flag lots, (4) new regulations for accessory structures in the front yard areas of large lots, (5) restrictions on the number of driveways serving single family detached and two-family dwellings, (6) provisions related to the placement of fences and (7) other editorial/typographical changes. Proposed changes to the Subdivision and Land Development Ordinance included (1) revised definitions, (2) additional plan approval procedures, (3) revised provisions related to the dedication of recreation land and/or payment of fees in lieu of dedication, (4) clarifications/modifications to street and sidewalk construction standards and (5) other editorial/typographical changes.

Following the public comment on the proposed ordinances, Special Counsel Paula Leicht read a proposed Resolution recommending adoption of the proposed ordinances by Borough Council. A motion was made by Mr. Fratini and 2<sup>nd</sup> by Mr. Williams and carried unanimously adopting the Resolution as read.

### **3. Iron Valley Estates – Lot 2**

An inspection of the final grading and seeding on the lot was conducted by HEA personnel on 2/15/08 [See attached Inspection Report]. It has been requested that the property owner/builder provide a written request/justification for relief from the requirement for the planting of all of the 28 replacement trees – for further discussion by the Borough [See letter dated 2/29/08].

### **4. Iron Valley Estates – Lot 20**

No inspections have been requested since August. It is our understanding that the remaining replacement trees will be planted in the spring. As a result of a recent neighbor complaint, HEA personnel visited the site on 2/26/08 [See attached Inspection Report]. 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.

### **5. Iron Valley Estates – Lot 21**

Correspondence has been sent to the property owner concerning the remaining information needed for submission to the Borough so that all remaining financial security

can be released [See letter dated 2/29/08]. An acceptable as-built plan has not yet been finalized.

**6. Iron Valley Estates – Lot 27**

The developer contacted HEA on 2/05/08. He will follow up with the property owner and provide a schedule (in writing) for planting of the replacement trees.

**7. Status of Gerald Musser Lots**

A “final” inspection of Lot No. 49 was conducted on 2/15/08 [See attached Inspection Report]. Based on this inspection, HEA cannot recommend the release of all remaining financial security for this lot. [See letter dated 2/29/08]. Steckbeck Engineering & Surveying is preparing the required as-built plans for Lot Nos. 36, 39 and 46, with completion scheduled in the next several weeks.

**8. Jesse Horst (former Scheib Subdivision)**

HEA contacted Jesse Horst by telephone on 2/04/08. The only remaining item to complete is the raising of the emergency spillway elevation, which will occur as soon as the weather conditions permit.

**9. 113 Pine Street – Bamberger**

At the Commission’s request, Jeff inspected the stormwater drainage at the Bamberger’s residence to determine if their neighbor at 115 was violating any borough ordinance or any requirement of the approved subdivision plan. Jeff found that the subdivision plan for Toytown was recorded in 1957 and consisted of only one drawing. The plan showed no contours, drainage swales, inlets, drain pipes, storm sewers. The plan did not contain any notes which would regulate stormwater drainage. From his inspection, Jeff observed that there are no storm drains or inlets in the neighborhood. The majority of houses have gutters and downspouts which discharge into splash blocks at grade and the water runs into the yards and flows down hill. The house at 115 Pine is uphill from 113 Pine, and the natural path of water is from 115 into the yard of 113. It is Jeff’s opinion that 115 Pine is not violating any borough ordinance nor the recorded plan, and that there is nothing the borough can do to force 115 to alter it’s drain water. The Bambergers have expended time to install yard drains to collect uphill water and divert it out to the street. In Jeff’s opinion, that is the correct solution for the Bambergers to correct his

problem. Otherwise, it is a private matter between the two property owners which the Borough has no standing nor obligation to referee nor mediate.

#### **10. Calvania LDP**

Construction work has started. Glenn Kresge is the excavator. He has contacted Steckbeck for two inspections of the infiltration system and storm pipes. Jeff performed the inspections and found all work to be in compliance with the plan and approved Kresge to backfill.

#### **11. Proposed Subdivision & Land Development Fee Schedules**

Mr. Steckbeck provided the Commission with a proposed revised fee schedule (2/18/08 e-mail). Jeff informed the Commission that the current fee schedule has been in place for many years. The proposed increases are in alignment with the fees being charged by County Planning and in other nearby municipalities, except for North Cornwall Township which recently increased their fees to a level which would be 3 to 5 times as high as the county's or Cornwall's. After discussion, a motion was made by Mr. Lescisko and 2<sup>nd</sup> by Mr. Simmermon and unanimously approved to recommend to Borough Council adoption of these revised fees for subdivision and land development reviews.

#### **12. H & K Update**

Jeff reported that there is no new information regarding the H&K crusher, nor for any of their land holdings. Steckbeck will do an as-built plan update sometime in the spring to determine new limits of disturbance and to document any changes in locations of crushing equipment.

#### **13. 2201 Cornwall Road**

A letter was received from Julie Cheyney at County Planning (2/5/08) regarding property along Cornwall Road across from Hostetters's that prospective buyers would like to establish a home based dog-grooming business. Mrs. Cheyney says that after review of the existing septic system – which is even substandard for the existing family dwelling, the system would need to be enlarged to accommodate the dog grooming business, which Mr. Sheetz says the property is not large enough for a larger on-lot system.

#### **14. Cell Tower – Iron Valley**

The Borough solicitor – Mr. Weiss, Jr. received a letter from McNees Wallace & Nurick (2/18/08) regarding a cell tower proposed to be constructed by Verizon Wireless in Iron Valley between Lots 41 & 42 and Hole 18 of the golf course. It appears the issue in question is whether or not the required setback area around the tower can encroach on an existing Met-Ed 150' right of way. The tower will require a Conditional Use approval from Borough Council.

#### **15. County Planning, Final Plans**

A memo was received from County Planning (2/13/08) that states that County Planning and record of deeds now have the Landex System and no longer need Mylars.

#### **16. Camp Shand**

Previously approved land development plans were received by the Borough, with a copy of the letter of credit. Jeff informed the Commission that both the Commission and Council have already approved the plan and it can now be signed by all borough officials and then recorded.

#### **17. Bollard – Sheridan Subdivision Plan (Granite Street – Townhouses)**

A time extension until July 15, 2008 was granted. Ms. Bollard has done no additional work. She is waiting until the new zoning provisions are adopted, She will then move forward with filing of a plan.

#### **18. Open Pit Question**

A question was raised by someone in the audience about who owns the water at the open pit and if there were any plans for its use? Mr. Lescisko explained that the water is owned by Elizabethtown Water Authority and is used by them to replace any water taken from the Susquehanna. The gentleman mentioned that it would be a great place to raise trout.

#### **19. Upcoming Commission Meeting**

- Monday, April 7<sup>th</sup> regular meeting @ 7:30 p.m. Borough Hall.

**20. Adjourned 8:50 p.m.**

## **NOT DISCUSSED BUT WERE PART OF HEA STATUS REPORT**

### **21. Miners Crossing – Overall Development**

No response has been received to date regarding the letter sent to Sheridan Corporation regarding the sheds on Lot No. 74 that were noted “to be removed” on the approved Plan

### **22. Miners Crossing – Lot 66**

The issue of the excessive slope of the driveway remains unresolved.

### **23. Miners Crossing – Lot 68**

HEA met with a representative of Landmark Homes on 11/20/07 to discuss minor adjustments needed to the swale. The planting of six (6) white pines is also required. No follow-up inspection has been requested to date.

### **24. Miners Crossing – Lot 73**

Driveway paving and final grading/seeding remain.

### **25. Cornwall Manor - The Woods**

Construction continues in Phases 1 and 2.

### **26. Iron Valley Estates – Lot 28**

An inspection of the final grading/seeding is all that remains prior to release of the remaining financial security for this lot.

**27. Iron Valley Estates – Lot 52**

No inspections have been requested to date.

Respectfully submitted,

Joseph L. Lescisko

Secretary

[www.cornwall-pa.com](http://www.cornwall-pa.com)

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