



BOROUGH OF CORNWALL

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PLANNING AND ZONING COMMISSION

APRIL 5, 2010

The regular monthly meeting of the Cornwall Borough Planning and Zoning Commission was held on Monday, April 5, 2010 at the Borough Hall. In attendance were:

Commission Members

Raymond Fratini Jeff Snyder Joe Lescisko Jim Williams
Robert Simmermon

Borough Officials

Jeff Steckbeck Councilman Lazorick Councilman Thomas Councilman Vranesic

Public

List Attached

1. Mr. Snyder called the meeting to order at 7:30 P.M.
2. **H&K Plan – The Preserve at Historic Cornwall Village**
 - Mr. Vranesic presented the Revised Fiscal Impact Study [3/9/10 attached] prepared by H&K Consultant (Glackin, Thomas, Panzak) which shows a positive fiscal impact in all but one of the phases.
 - Chris May reviewed with the commission his review letter on the Traffic Impact Study (TIS) [3/8/10 1st submission attached] which the Ad Hoc Committee agreed to. The following points were agreed to by H&K and Ad Hoc committee:
 - (1) Rte. 322 access and turning lanes will be done in Phase I
 - (2) Iron Master Road Extension will be built in Phase 2. H&K will upgrade existing Iron Master Road to 24-ft. wide cartway with 2-ft. wide shoulder where practical with all necessary drainage
 - (3) No improvement to Rte. 419 and Cornwall Rd/Burd Coleman Rd
 - (4) No improvement to Rte. 419 and Boyd Street

- (5) Coordinate with COLT (County of Lebanon Transit Authority) to extended Rte. 9 to serve the development
 - (6) The Big Hill connection to Iron Valley Drive and Boyd Street will be made in Phase 4
 - (7) Left turn lanes will be constructed on the proposed Boyd Street Bypass and commercial portion of the development. An additional left turn lane will be constructed on the Boyd Street Bypass approach at the intersection of the Bypass and Iron Master Road extension
 - (8) The Phase 3 access road onto Rexmont Road will be a limited vehicular access with a control gate for emergency access only
 - (9) Connection from Big Hill will be onto the northern section of Iron Valley Drive which will exit onto Rexmont Road (Brickrow)
 - (10) Rte. 72 and Spring Hill Lane does not warrant a traffic light at this time.
 - (11) A Revised Phasing Plan combining parts of 1 & 2
- Chris also commented on Penn Dot's review of the Traffic Impact Study (TIS) which is not quite final and there are some items that H&K must address. Penn Dot's comments were text changes to the report. It was commented by Mr. Callahan and agreed to by P&Z members that the Traffic Impact Study does not need to be completed prior to the vote on the zoning change. It is customary that these studies only have to be completed prior to the approval of the land development plan.
 - Mr. Vranesic then reviewed with the commission the proposed 46 point proposed condition paper which H&K and the Ad Hoc Committee agreed to. The following questions were raised by the Commission:
 - (1) Has the Authority decided where the Water Storage tank will be built? Mr. Steckbeck responded, "From my meeting with the Authority and hearing their discussion of this matter and the project in general, they have indicated that this water tank location issue will be decided by the Authority and not by H&K nor Council, but that will only happen after Gannett Fleming has performed hydraulic modeling and review of the land development plan. The CCC and SHAHA and H&K have each requested the Authority to require the tank to be on the western end of the H&K site near the Game Lands. Based on my analysis of the site and my past experiences with other water systems, I am fairly confident that Gannett will find that that the Game Lands location is acceptable.."
 - (2) Point #19 - Can H & K work with NAVTEQ, Teleatlas, Google and other entities to remove Iron Valley Drive as a public road? This will be addressed at the Borough Council meeting.

PUBLIC COMMENT:

- Tom Sheridan expressed concern about how much disclosure H&K will provide to prospective buyers who will maintain their own private roads through the Home Owner Association with enforcing speed limits,

maintenance cost or that the police cannot enforce the trespassing laws on private roads. The Ad Hoc Committee felt Pt. #33 addresses this issue. Paul Callahan said these private roads could be gated.

The proposed revised condition paper will be posted on both the Borough's website and H&K's website [www.HKGroup.com]

- Lebanon county Planning Department provided their comments [4/1/10] that stated they are supportive of the proposed zoning amendments. This letter is on file at the borough office and will be provided for review at the Public Hearing.
- Mr. Vranesic then stated that two new taxes would have to be implemented Local Services Tax (\$52/yr per employee) and Admission Tax of 5% in order for the \$2.1 million of positive fiscal impact to the borough and CLSD to be realized.
- Mr. Fratini then called for a vote on the following:
 - A motion was made by Mr. Lescisko, seconded by Mr. Fratini and unanimously approved that the Planning and Zoning Commission does hereby recommend that Borough Council enact the proposed ordinance to amend the Zoning Ordinance to establish the Coordinated Mixed Use Overlay District and to provide regulations for a Coordinated Mixed Use Overlay development district; and Council should assign lands to such overlay district on the Official Zoning Map to encompass the 568 acres of land depicted on the H&K proposed project map; and should make other changes to the text of the Zoning Ordinance; and further the Planning and Zoning Commission does hereby determine that the proposed amendment to the Zoning Ordinance, taken in its entirety, is consistent with the Cornwall Borough Comprehensive Plan; and further does hereby recommend that Council conduct a Public Hearing for public comment on this matter on Tuesday, April 27.
 - A motion was made by Mr. Williams, seconded by Mr. Simmermon and unanimously approved to accept the proposed conditions paper as developed by the ad-hoc committee which will be presented to the Borough by H&K and that the Planning and Zoning Commission does hereby forward the 46-point list of conditions to Borough Council with our recommendation to accept and approve them.
 - A motion was made by Mr. Snyder, seconded by Mr. Williams and unanimously approved to accept Chris May's Traffic Report [3/8/10] and to forward to Borough Council.
 - A motion was made by Mr. Snyder, seconded by Mr. Simmermon and unanimously approved to accept the Revised Fiscal Impact Report [3/9/10] and agrees that the Proposed New Taxes (LST \$52/year/employee and Admissions Tax-5%) should be enacted after the Zoning Amendment is approved by Borough Council; and further, that the Planning and Zoning Commission does hereby recommend that Council accepts the Fiscal Impact Report and that Council moves forward

with adoption of the new taxes if Council approves the proposed zoning amendments .

- If Borough Council decides to hold a public hearing on April 27th, it will only be for comments regarding the Proposed Zoning Amendments, not on the H&K plan. If Council approves the zoning change, then a second Public Hearing will be held on H&K actual land development plan when it gets filed in the future.
- By having H&K agree to and sign this 46-point condition paper they agree that if they do not follow these conditions the project can not proceed.

3. **Ed Scheib Concerns**

- Mr. Lescisko will send a copy of tonight's meeting notes to Julie Cheney – Borough Zoning and Code Enforcement Officer, along with the October 2009 meeting minutes paragraph # 11, requesting that she research the zoning ordinance to determine if Mr. Scheib's complaints about cars being parked along North Cornwall Rd/Weber Lot is a continuous and ongoing violation of the zoning ordinance. The Commission requested that the Borough engineer contact Ms. Cheney and fully explain Mr. Scheib's complaint and show her the particular sections which Mr. Scheib believes are being violated. The Commission also advised Mr. Scheib that he should file a formal complaint with the zoning officer pursuant to the procedures set forth in Article 29 of the zoning ordinance which establishes that the zoning officer is the enforcement official for this matter.

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

The developer's consultant is working on addressing the conditions of Final Plan approval.

5. **Dedication of Granite Street**

An As-Built Plan of the street was received and reviewed [see attached HEA letter dated April 2, 2010].

6. **There has been no change in status since the last meeting for the following lots/projects:**

- Miners Crossing – Lot 66
- Iron Valley Estates – Lot 52
- Miners Crossing – As-Built Plans for Individual Lots
- Krissinger Property (Culvert Street)

7. **PRL Industries – 64**

- Michael Saxiner of MLSaxinger and Associates presented the revised land development plan for the 50 x 70 foot building expansion of one of PRL's existing buildings. Mr. Steckbeck presented his final review letter [4/5/10]. It was reported that the revised plan complies with the pertinent comments of the Lebanon County Planning Department [3/15/10] and from Steckbeck's first review letter [3/16/10]. Council had previously approved eight (8)

waivers which are listed on the cover sheet of the plan. Steckbeck reported that he believes the plan complies with all the requirements of the borough ordinances and warrants approval.

- The Commission questioned the location and protective measures employed for the existing overflow tunnel of the open pit. Saxinger showed the Commission the location of the tunnel in relation to the building expansion; and he cited the notes added to the drawings. The tunnel is very old, and detailed plans are not available. For that reason, notes on the plan state that the contractor is required to perform careful and cautious exploratory excavations to locate the tunnel prior to the bulk excavation for the building footer.
- After discussion, it was agreed by the Commission that neither a Developer Agreement nor financial security are warranted for this project.
- A motion was made by Mr. Lescisko, seconded by Mr. Snyder and unanimously approved to recommend to Borough Council approval of PRL's Preliminary/Final Land Development plan.

8. **Grace's Restaurant**

- Surveyor Mike Kotay of Diehm & Sons gave a presentation of the Anthony Landis conditional use application. Mr. Landis was also present and explained the business operation he proposes at this site. Mr. Kotay showed the plan and then indicated that it is the applicant's belief that the proposal meets all 16 conditions listed in Article 2603 of the Zoning Ordinance. After discussion, the Commission agreed that the proposed project would be an improvement over the existing run-down structures on the property; that the project would not have a negative nor detrimental impact to other borough neighborhoods; that the property is in such zoning district and is appropriate for the proposed use. The Commission's only real concern is the volume and speed of traffic on Route 72 impacting the ability of the applicant and employees and patrons to have safe ingress and egress to the site. The applicant stated that they will be applying to PennDOT for a highway occupancy permit and that PennDOT's regulations are set up to provide for safety. If the PennDOT permitting officer issues a permit, he will require improvements to assure safe ingress and egress. The Commission agreed with this argument.
- A motion was made by Mr. Simmermon and seconded by Mr. Snyder and unanimously approved to accept the proposed use of the property as a Used Auto Sale & Repair business and recommends to Borough Council to accept the application for a Conditional Use Hearing; and that if Council is inclined to grant approval it should do so with a condition that the applicant must obtain a PennDOT Highway Occupancy Permit for the driveway entry to the site.

9. **Regional Planning**

- County Planning had their 7th meeting on the Regional Planning Concept. The members received the following:
 - (1) Proposal from R. Scot Feeman, Esq. to be the Solicitor for the Regional Plan Group at a cost of \$500.00 [2/3/10].
 - (2) Draft Request For Proposals (RFP) to be send to planning consultants.
 - (3) Draft Inter-governmental Agreement that creates a cost share for each of the five (5) municipalities. Cornwall's share would be 13% - based on population numbers from 2000 Census Report.
- When Mr. Lescisko receives the Final Draft of Inter-Governmental Agreement, RFP and a sample resolution adopting the agreements, these will be forwarded to P&Z members for discussion at the May meeting.

10. **Boyd Street - Logging**

- The public expressed concern that someone was logging out at the Boyd Street/322 area. Mr. Steckbeck advised that if logging is being done, there must be a forestry plan filed pursuant to zoning ordinance Article 2219, Section F and a permit must then be obtained per Article 2219 Section G. Approval of the plan must be obtained by Council and a permit issued by the Zoning Officer. The Commission asked Mr. Steckbeck to contact zoning officer Julie Cheyney to find out if she issued a timbering permit as required by the ordinance.

11. **Upcoming Commission Meeting**

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

12. **Adjourned 9:45 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, Alternate Borough Engineer
Josele Cleary, Special Counsel