

MINUTES OF THE CORNWALL BOROUGH COUNCIL MEETING
HELD ON MONDAY, AUGUST 9, 2021, AT 6:30 P.M.
IN THE CORNWALL BOROUGH GARAGE

Council President John Karinch called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT

Council President John Karinch, Council Vice President Ron Ricard, Marie Tribioli, Al Brandt, Thomas Burton, Bruce Conrad and Mayor Mark Thomas

ABSENT

Steve Tribioli

ALSO PRESENT

Borough Manager Cody Rhoads, Highway Superintendent Tom Smith, Borough Engineer Steve Dellinger and Cornwall Borough Police Chief Brett Hopkins

PUBLIC

Meeting attendance sheet is attached hereto.

PUBLIC COMMENT – WATER & SEWER

No comments.

WATER & SEWER BUSINESS

REPORTS

Ron Ricard had questions about the financial reports and how it relates to the budget. Cody Rhoads explained how the office keeps track of that.

Marie Tribioli made the motion, seconded by Ron Ricard, to approve the director's water and sewer reports. Motion passed.

PUBLIC COMMENT

Harvey Turner, Ephrata, was in attendance to discuss purchasing the Alden Mansion and turning it into a bed and breakfast or café. He would also like to put a few townhouses on the property. John Karinch stated that this would be best served going before the planning and zoning commission and asked Mr. Rhoads to schedule a meeting.

APPROVAL OF MINUTES

Al Brandt made the motion, seconded by Bruce Conrad, to approve the minutes of the July 12, 2021 council meeting. Motion passed.

REPORTS

Ron Ricard made the motion, seconded by Al Brandt, to approve the reports. Motion passed.

OLD BUSINESS
FIRE COMPANY

The new truck should be delivered within the week. The old truck has been sold to a company in Ohio. Mr. Ricard asked how much the old truck sold for. Mr. Conrad thought it was \$50,000. There was discussion as to whether that money was going towards the purchase price of the truck and the possibility of starting a fundraising committee.

OAK STREET AND FINCH ALLEY

Solicitor Cleary informed the borough that there are some additional steps needed before abandoning the alley. Each homeowner needs to receive a letter and give written permission for the borough to proceed.

CEDAR STREET AIRBNB

The owners did not get approval from the zoning hearing board to operate. The owner indicated that they were not going to proceed with an appeal and would like to find a long-term renter.

Mr. Karinch stated the planning and zoning commission recommended that no changes be made to the zoning ordinance to allow short-term rentals. Ron Ricard made the motion, seconded by Marie Tribioli, to accept planning and zoning's recommendation.

Al Brandt made the motion, seconded by Bruce Conrad, to accept Solicitor Cleary's recommendations to update the zoning ordinance. Motion passed.

REMOTE PARTICIPATION

Ron Ricard made a motion, seconded by Bruce Conrad, to approve Resolution 2021-1 that allows members of council to participate remotely if necessary. Motion passed.

There was a discussion about adding audio equipment to the garage to enhance the meetings.

NEW BUSINESS

541 HEMLOCK LANE – OLDS EXEMPTION

Wallace Vitez, owner of 541 Hemlock, was seeking relief from the requirement for the designation of a replacement area for an on-lot disposal area. This is currently a vacant lot. Mr. Karinch explained that there is room for a disposal system, but there is not room for an additional system if the original system fails.

Mr. Vitez plans to sell the lot once he gets the exemption and stated that Matthew and Hockley already has designed a system for the site. Mr. Dellinger stated that the county SEO has reviewed the proposed system and is okay with it. There was discussion as to whether a new owner would put the proposed system in or would be able to put something else in. Mr. Dellinger stated that the county SEO would have to approve anything before being put in.

Bruce Conrad made the motion to approve the waiver, seconded by John Karinch. Ron Ricard, Tom Burton, Marie Tribioli and Al Brandt voted against.

Mr. Vitez pointed out that there are certain criteria in the ordinance that he needs to meet for the exemption and, as it was pointed out by our solicitor, he meets them. After further discussion, Ron Ricard and Marie Tribioli voted in the affirmative. Motion to grant the exemption passed 4-2.

SPRING HILL ACRES ZONING ISSUES

Cathy Jackson, 310 Spring Hill Lane, was in attendance to discuss zoning violations at 308 Spring Hill Lane. She stated the owner of 308 Spring Hill is running a commercial business from the property and it is affecting her quality of life. Ms. Jackson provided council with pictures.

Kim Spang, zoning officer, reviewed the issues at the property and the steps that the owner is going to take to come into compliance.

Ms. Jackson continued to review some of the issues which include large trailers, trucks and employees parking at the residence during the day. She lamented that there has been less wildlife since the trees were taken down at 308.

Al Brandt stated that he asked the owner of 308 if he could view the property and the owner agreed. Mr. Brandt stated that the property today does not look like it does in the pictures that were provided. He feels that the property is much improved.

Nate Walmer, 308 Spring Hill Lane, provided copies of all the permits that he received from the county and the borough. Mr. Walmer stated that all the equipment the neighbor has issues with is registered in his name and not in the name of his business. He also uses the equipment for personal use on his property. Mr. Walmer had issues with the neighbor constantly photographing him on his property. He has helped the same neighbor construct a woodshed that they did not get a permit for by allowing them to access his driveway. He also stated that the neighbor has a trailer in front of the house line, which is a zoning violation, and constructed a second driveway without authorization.

Mr. Walmer stated that he has been working to resolve some of the issues. He removed the downed trees and debris to get them off the property. He stated that he does not keep materials for his business at his property. Some of the items that have been identified are personal belongings. Many of the trees he took down were dead and had been neglected over the years, leading to safety concerns. Mr. Walmer understands his neighbor wanting peace but does not feel like she is giving it.

Mr. Karinch stated that he viewed the property from 310 last week and agreed with Mr. Brandt that the property looked much better today.

Bruce Conrad asked Mr. Walmer if he told the planning commission that he would be using the property for a commercial purpose. Mr. Walmer did not recall saying that. Mr. Walmer confirmed he does not have another place of business.

Mark Thomas stated that he has equipment on his property that he uses on a weekly basis, and he is allowed to do so. Marie Tribioli stated that the difference is that he is not running a business.

She felt that if you purchase a house in SHA, you want to live in a residential forest neighborhood and not one with businesses.

A Spring Hill Acres resident stated that when she moved in a few years ago they had to take down 40 dead trees.

Stan Alekna, Aspen Lane, reviewed the section of the ordinance relating to home occupation in a residential forest neighborhood. He felt that in no way did the business at 308 comply with any of the items listed in the ordinance. Mr. Alekna stated that he has exchanged 13 emails with Mr. Rhoads related to zoning issues at 308, the first one being 15 months ago. He felt that it was way too long to give someone to comply. Mr. Alekna stated that over time the violations have been getting worse and doubted that they will be corrected under what is being proposed. He felt this was the most egregious zoning violation to date. Mr. Alekna stated that he believes the borough should terminate county planning as the zoning officer and contract with another entity.

Mr. Brandt stated that when there was an HOA, there was a list of rules and regulations distributed. At that time, people wanted to selectively choose who got letters. Mr. Brandt said they can not selectively choose who to enforce the ordinances against, it must be done uniformly.

Mr. Karinch stated that county planning should create a list that Mr. Walmer needs to come into compliance with within 60 days. Mr. Conrad thinks the planning and zoning commission should review this at the October meeting and make a recommendation to council.

Irene Van Tassel, 303 Spring Hill Lane, shared her thoughts on the current situation since she is a close neighbor.

Mr. Karinch asked Mr. Rhoads to visit the property to take pictures as a benchmark for future reference.

305 SPRING HILL LANE – SECOND DRIVEWAY

The resident put in a second driveway without a permit. Council referred him to submit the necessary permits and attend the planning and zoning commission meeting.

STORMWATER EXEMPTIONS – 70 VALLEY VIEW, 2254 QUENTIN, 211 REXMONT

Mr. Dellinger reviewed the projects. 70 Valley View is constructing an inground pool and patio area. It met all the requirements and was recommended by planning and zoning. Al Brandt made the motion, seconded by Bruce Conrad, to grant a stormwater exemption. Motion passed.

2254 Quentin is constructing a garage. The project meets all the requirements and was recommended by planning and zoning. Al Brandt made the motion, seconded by Bruce Conrad, to grant a stormwater exemption. Motion passed.

211 Rexmont, which is Tony's Mining Company, is constructing a patio. The project meets all the requirements and was recommended by planning and zoning. Bruce Conrad made the motion, seconded by Al Brandt, to grant a stormwater exemption. Motion passed.

PRL X-RAY BUILDING – ADDITIONAL WAIVER, CONDITIONAL APPROVAL

Mr. Dellinger stated that during review it was discovered that the applicant needed to apply for an additional waiver from showing all existing features within 200 feet. Al Brandt made the motion, seconded by Bruce Conrad, to approve the waiver and grant conditional approval to the project. Motion passed.

300 IRON VALLEY – CONDITIONAL APPROVAL FOR STORMWATER PLAN

Mr. Dellinger reviewed the project which is a detached garage and extension to the driveway. A stormwater plan was necessary due to the size of the project. There will be two stormwater facilities added to the property to address the additional stormwater. Bruce Conrad made the motion, seconded by Al Brandt, to grant conditional approval for the stormwater plan. Motion passed.

RAILS TO TRAILS CROSSING

Mr. Karinch stated that there was another incident where a pedestrian was struck. He asked council what they thought about contacting PennDOT to install crossing signals. There was further discussion about the types of signals used elsewhere and what might work at this crossing.

WATER AND SEWER GARAGE

Mr. Karinch stated that the water and sewer department needs more storage and would like to construct a garage on the property. Ron Ricard made the motion, seconded by Marie Tribioli, to have Mr. Dellinger explore the possibility.

ADJOURNMENT

With no further business to conduct, Marie Tribioli made the motion, seconded by Ron Ricard, to adjourn the meeting at 8:35 p.m. Motion passed.

Cody Rhoads
Secretary